

Washington State Register

July 3, 2002

OLYMPIA, WASHINGTON

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 2002 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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

John G. Schultz
Chair, Statute Law Committee

Dennis W. Cooper
Code Reviser

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Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2001-2002
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

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

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 1.12.040 and 34.05.353.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

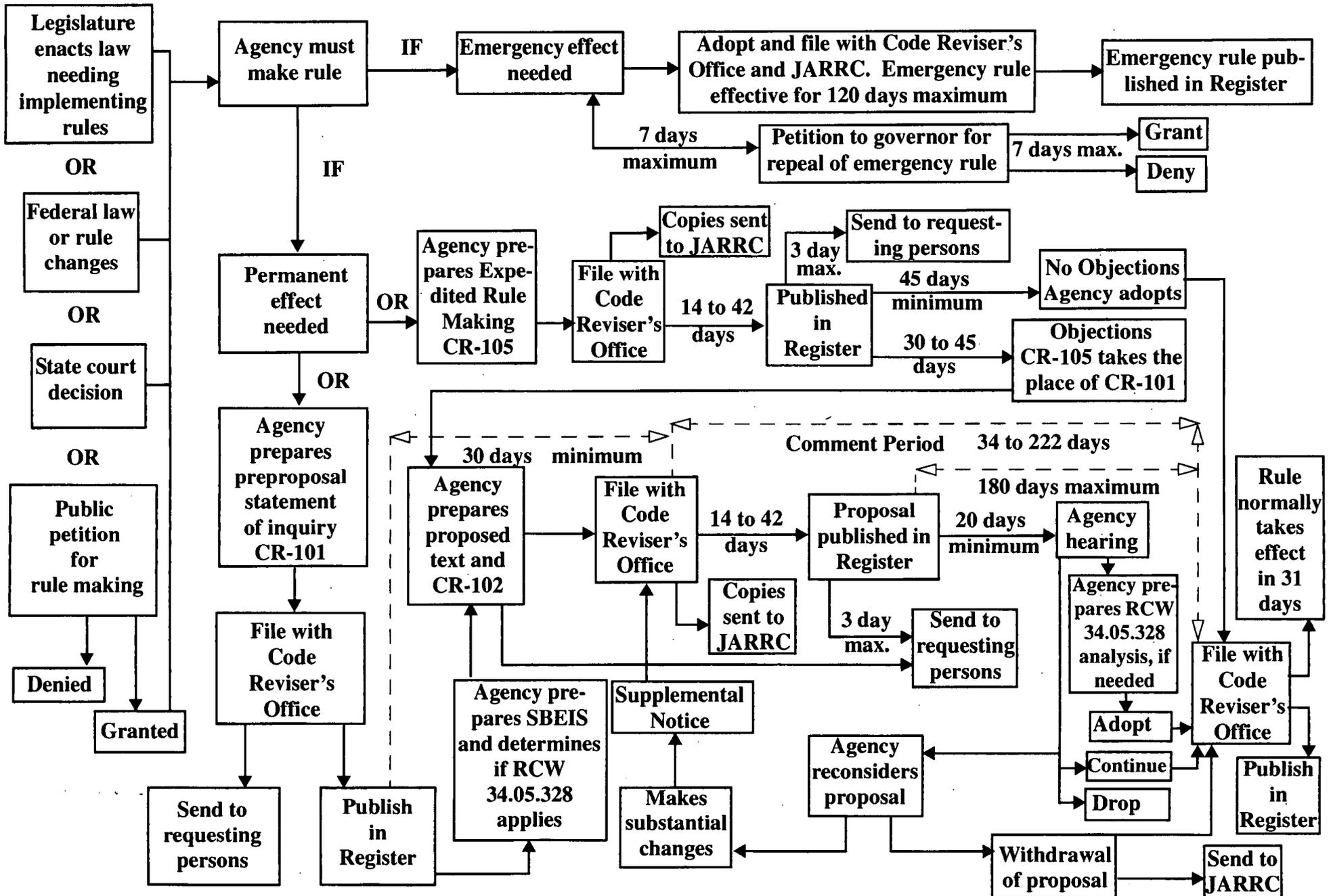
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-13-012**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed June 7, 2002, 10:37 a.m.]

Subject of Possible Rule Making: Chapter 308-63 WAC, Wreckers, to include but not limited to WAC 308-63-090.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 46.55 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as a result of emergency rule making, WSR 02-13-005.

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 by mail Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, Vehicle Services, Mailstop 48001, P.O. Box 2957, Olympia, WA 98507-2957, or by phone (360) 902-3718, fax (360) 664-0831, TTY (360) 664-8885, e-mail kvasquez@dol.wa.gov.

June 6, 2002

D. McCurley, Administrator
Title and Registration Services

WSR 02-13-024**PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION**

[Filed June 10, 2002, 3:55 p.m.]

Subject of Possible Rule Making: WAC 260-70-500 Definitions applicable to chapter 260-70 WAC, 260-70-640 Permitted medication, 260-70-650 Furosemide (Lasix), and 260-70-700 Penalties relating to permitted medication.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Possible amendment to rules affected by a possible amendment relating to the bleeder rule, WAC 260-70-660.

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; and horse racing industry.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Gary Christenson, Interim Executive Secretary, Washington Horse Racing Commission, 6326

Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461.

June 7, 2002

Gary L. Christenson
Interim Executive Secretary

WSR 02-13-042**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)**

[Filed June 12, 2002, 4:03 p.m.]

Subject of Possible Rule Making: The Division of Child Support (DCS) plans to adopt revisions to chapter 388-14A WAC to comply with legislation from the 2002 legislative session, namely SSB 5369 and SHB 2346, affecting WAC 388-14A-3100, 388-14A-3102, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3370 and 388-14A-3810, and other related sections, and adopting new rules where necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, and 74.20A.310; chapter 302, Laws of 2002; chapter 199, Laws of 2002.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2002 legislative session, the statutes regarding support establishment and paternity establishment were amended and the Division of Child Support must change procedures accordingly.

Process for Developing New Rule: DCS engages in modified collaborative rule making. Those persons wishing to participate in developing the new rules are encouraged to contact Nancy Koptur at the DSHS Division of Child Support headquarters as soon as possible. DCS will post information regarding this rule development project and others on its website, which can be found at www.wa.gov/dshs/dcs, or on the DSHS Economic Services Administration's Regulatory Improvement website, which can be found at <http://www-app2.wa.gov/dshs/esa/extpolicy/blue.asp>. DSHS/DCS encourages the public to take part in developing the rules. At a later date, DSHS will file proposed rules with the Office of the Code Reviser with a notice of proposed rule making, and will send a copy to everyone currently on the mailing list and to anyone else who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Nancy Koptur, DCS Rules Coordinator, Division of Child Support, P.O. Box 9162, Mailstop 45860, Olympia, WA 98507-9162, phone (360) 664-5065 or 1-800-457-6202, fax (360) 664-5209, e-mail nkoptur@dshs.wa.gov, TTY/TDD (360) 664-5011.

June 11, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-13-057**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH**

[Filed June 14, 2002, 10:30 a.m.]

Subject of Possible Rule Making: Establish registration/renewal requirements for humane societies and animal control agencies (entities), amend the current record-keeping rule, define emergency and household pet, govern the purchase and use of drugs for the authorized limited services, and rules to ensure that entities are in compliance.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 157, Laws of 2002, RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement 2002 legislation. The legislature recognized the need for access to veterinary care for low-income households. The legislature resolved the problem by allowing animal control agencies and humane societies (entities) to provide limited veterinary services. The limited veterinary services are: Electronic identification, surgical sterilization, vaccination, and emergency care. The legislature determined that these entities could provide these limited services only when regulated by the Washington State Veterinary Board of Governors and the Department of Health.

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

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Kelley, Program Manager, Veterinary Board of Governors, P.O. Box 47868, Olympia, WA 98504-7868, (360) 236-4876, karen.kelley@doh.wa.gov. A rule workshop will be held at the following veterinary board meeting on September 26, 2002, in Yakima, Washington.

June 13, 2002
Karen Kelley
Program Manager

WSR 02-13-070**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed June 14, 2002, 3:30 p.m.]

Subject of Possible Rule Making: The Department of Social and Health Services (DSHS) will amend WAC 388-406-0015 to correct inconsistencies with federal regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC is inconsistent with federal regulations. The department must amend

this rule to be consistent with federal regulations for expedited food stamps.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) publishes federal regulations for the food stamp program in the Federal Register. DSHS incorporates these regulations and exercises state options by adopting administrative rules for food assistance benefits in Washington state.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. After the rules are drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making. A copy of the draft will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carole McRae, Program Manager, Division of Assistance programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-4570, phone (360) 413-3074, fax (360) 413-3493, e-mail mcraeca@dshs.wa.gov.

June 13, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-13-079**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**(Board of Registration for Professional
Engineers and Land Surveyors)

[Filed June 17, 2002, 11:07 a.m.]

Subject of Possible Rule Making: Amend chapter 196-09 WAC, including a change to the chapter title, and repeal WAC 196-24-041 Brief adjudicative proceedings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.43.035.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The title for chapter 196-09 WAC will be reworded to better define the scope of the chapter. The brief adjudicative procedure (BAP) process is being more clearly described and the number of situations for which a person can appeal to the board using the BAP process is being expanded. The current rule for BAP, WAC 196-24-041, will be repealed and the new rule language put into chapter 196-09 WAC. In addition, the 2002 legislature passed SHB 2512 titled Uniform regulation of business and professions, some parts of which, will be clarified by rule. These clarifying rules will also be placed in chapter 196-09 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: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rick Notestine, Project Director, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2551, phone (360) 664-1578, e-mail rnotestine@dor.wa.gov. Draft language of any rule changes will be distributed to the board's mailing list.

June 11, 2002

George A. Twiss, Executive Director
Board of Registration for Professional
Engineers and Land Surveyors

WSR 02-13-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed June 17, 2002, 1:41 p.m.]

Subject of Possible Rule Making: WAC 458-20-185
Tax on tobacco products.

Statutes Authorizing the Agency to Adopt Rules on this
Subject: RCW 82.32.300.

Reasons Why Rules on this Subject may be Needed and
What They Might Accomplish: Chapter 82.26 RCW imposes
a tax on the sale, use, consumption, handling, or distribution
of tobacco products in Washington. WAC 458-20-185 pro-
vides information about the tax-reporting responsibilities of
distributors and subjobbers of tobacco products under this
chapter. The rule explains the record-keeping and filing
requirements. It also provides a sample certificate for pur-
pose of claiming a credit to tax paid on products destroyed or
returned to the manufacturer.

The department is considering a revision to this rule to
incorporate chapter 325, Laws of 2002, which amended
chapter 82.26 RCW, Tax on tobacco products, by adding def-
initions, adding a new class of tobacco distributor, and
explaining the obligations applicable to the new class of
tobacco distributor. (The department has adopted an emer-
gency rule to incorporate these changes while this rule mak-
ing is being conducted for a revision to the permanent rule.)
The department is also considering an updating and restruc-
turing of the rule to present the information in a more useful
manner.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: None.

Process for Developing New Rule: Modified negotiated
rule making.

Interested parties can participate in the decision to adopt
the new rule and formulation of the proposed rule before pub-
lication. Written comments may be submitted by mail, fax,
or at the public meeting. Oral comments will be accepted at
the public meeting. A preliminary draft of possible rule
changes will be available via the Department of Revenue's
website at www.dor.wa.gov after August 1, 2002. Written
comments on and/or requests for copies of the preliminary
draft may be directed to Anne Solwick, Legislation and Pol-
icy, P.O. Box 47467, Olympia, WA 98504-7467, phone

(360) 570-6129, fax (360) 664-0693, e-mail annes@dor.wa.gov.

Location and Date of Public Meeting: Capital Plaza
Building, 4th Floor Large Conference Room, 1025 Union
Avenue S.E., Olympia, WA 98501, on Thursday, September
5, 2002, at 9:30 a.m.

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

June 17, 2002

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

WSR 02-13-110

PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed June 19, 2002, 8:24 a.m.]

Subject of Possible Rule Making: License fee increase
per I-601.

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: Licensing fees need to be
adjusted to reflect cost of regulating charitable/nonprofits,
commercial establishments, and individuals.

Other Federal and State Agencies that Regulate this Sub-
ject and the Process Coordinating the Rule with These Agen-
cies: 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 pub-
lication by contacting Rick Day, Deputy Director, P.O. Box
42400, Olympia, WA 98504-2400, (360) 486-3446; Ed
Fleisher, Deputy Director, P.O. Box 42400, Olympia, WA
98504-2400, (360) 486-3449; or Susan Arland, Rules Coor-
dinator, P.O. Box 42400, Olympia, WA 98504-2400, (360)
486-3466.

Meeting Dates and Locations: At the Shilo Inn, 707
Ocean Shores Boulevard N.W., Ocean Shores, WA 98569,
(360) 289-4600, on August 8 and 9, 2002; at the WestCoast
Grand Hotel at the Park, 303 West North River Drive, Spo-
kane, WA 99202, (509) 326-8000, on October 11 and 12,
2002; and at the DoubleTree Guest Suites Southcenter, 16500
Southcenter Parkway, Seattle, WA 98199, (206) 575-8220,
on November 14 and 15, 2002.

June 18, 2002

Susan Arland
Rules Coordinator

WSR 02-13-113**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed June 19, 2002, 8:48 a.m.]

Subject of Possible Rule Making: Creation of a procedure to uniformly and fairly assess penalties for violations of the fertilizer law (chapter 15.54 RCW) and the rules adopted under it.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 15.54 RCW, the Fertilizer Regulation Act and chapter 34.05 RCW, the Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 15.54.474 states that every person who fails to comply with the chapter or rules adopted under it may be subject to a civil penalty in an amount not to exceed \$7,500 per violation. The development of rules are necessary to ensure that penalties are assessed uniformly and fairly.

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

Process for Developing New Rule: An ad hoc committee of the fertilizer advisory committee and other interested parties will aid in the development of the new rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ted Maxwell, Program Manager, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, fax (360) 902-2093, e-mail tmaxwell@agr.wa.gov.

June 19, 2002

Bob Arrington
Assistant Director**WSR 02-13-114****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 19, 2002, 8:58 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, Occupational health standards hearing conservation, Part K and chapter 296-305 WAC, Safety standards for fire fighters. In addition, several reference changes throughout all the chapters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rewrite is intended to make this rule easy to read and understand, and be able to comply with. The requirements from chapter 296-62 WAC, Occupational health standards hearing conservation, Part K, will be renumbered into chapter 296-817 WAC. There is no increase in the requirements. We have also identified several reference changes that will need to be updated with this rule making, in chapter 296-305 WAC.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cindy Ireland, Project Manager, Department of Labor and Industries, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5529.

June 19, 2002

Gary Moore
Director**WSR 02-13-116****PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 19, 2002, 8:59 a.m.]

Subject of Possible Rule Making: Chapter 296-62 WAC, General occupational health standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, [49.17].040, and [49.17].050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Labor and Industries is proposing to clarify requirements relating to permit-require confined spaces. We propose to rewrite and reorganize the rule for clarity, while eliminating unnecessary requirements, outdated terminology, and incorporate requirements to be at-least-as-effective-as OSHA.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carol Stevenson, Department of Labor and Industries, WISHA Services Division, P.O. Box 44635, Olympia, WA 98504-4635, phone (360) 902-4778, fax (360) 902-5529.

June 19, 2002

Gary Moore
Director

WSR 02-13-117

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 19, 2002, 9:00 a.m.]

Subject of Possible Rule Making: Chapter 296-17 WAC, General reporting rules, classifications, audit and recordkeeping, rates and rating system for Washington workers' compensation insurance, this filing modifies the workers' compensation premium rates, expected loss tables, experience rating plan, and retrospective rating rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.16.035, 51.04.020(1), and 51.18.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Labor and industries is required by law to establish and maintain a workers' compensation classification plan and set premium rates in accordance with recognized principles of insurance. By law the plan is to recognize the hazardous nature of each industry and assign insurance rates respective with the hazard of each industry, and to adjust these rates annually or more frequently if needed to ensure solvency of the insurance trust funds. Labor and industries is also required by law to offer optional rating plans to employers as a further incentive to encourage workplace safety and accident prevention. The plan is periodically updated to reflect changes in premium size ranges and other factors.

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

Process for Developing New Rule: Labor and industries bases its insurance rates for each industry on the loss and reporting information supplied by employers. Industries whose employers have had an improved loss record from the previous evaluation period will, as a general rule, experience a reduction in rates while industries whose employers experienced an increase in losses will generally see their insurance rates increase. Labor and industries will work with the Workers' Compensation Advisory Committee and Retrospective Rating Advisory Committee on all changes to the premium and group insurance rates.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Labor and industries has tentatively scheduled four formal public hearings. Hearings are to be held at the Spokane labor and industries office on October 28, at 10 a.m., Everett labor and industries office on October 29, at 10 a.m., Tukwila labor and industries office on October 30, at 10 a.m., and the Tumwater labor and industries central office building on November 1, at 10 a.m. Inquiries can be directed to Ken Woehl of the classification services section at (360) 902-4775.

June 19, 2002

Gary Moore
Director

WSR 02-13-127

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed June 19, 2002, 10:46 a.m.]

Subject of Possible Rule Making: Chapter 236-70 WAC, Guiding state agencies in using private investment in energy conservation measures and services for state-owned facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.19.680(4).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule guides state agencies in using private investment in energy conservation measures and services for state-owned facilities.

The purpose of this rule making is to improve the grammatical clarity and readability of existing rules. There will be no substantive policy change.

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 review for grammatical clarity.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments on grammatical clarity may be submitted no later than July 31, 2002, in writing to Karen Purtee, General Administration, P.O. Box 41012, Olympia, WA 98504-1012, phone (360) 902-7194, e-mail Kpurtee@ga.wa.gov, fax (360) 586-9186.

June 18, 2002

Karen Purtee
Management Analyst

WSR 02-13-128

PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed June 19, 2002, 10:46 a.m.]

Subject of Possible Rule Making: Curb cuts for public works projects, unrelated to a specific building. (Curb cuts in state building codes are directly related to the building being built.)

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 35.68.076 Curb ramps for physically handicapped—Model standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Curb cuts in state building codes are directly related to the building being built, this WAC relates to curb cuts that are designed for public right of ways. This rule is being reviewed for clarity and consistency with statutory intent under the Governor's Executive Order 97-02.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Building Code Council established the curb

cut (ramps) related to buildings and the parking or public right of way relating to that building. Two members of the committee reviewing this WAC for GA are on or work for the state Building Code Council.

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. The State Facilities Access Committee (SFAAC) (sixteen people with disabilities) will assist in the revision along with the Access Committee (a subcommittee of the Governor's Committee on Disability Issues (GCDE)). The revision will be taken to a quarterly meeting of the GCDE for their input (sixty people with disabilities attend this meeting), then it will go the Developers Council and finally the State Building Council.

Comments may be submitted no later than August 16, 2002, in writing to Carol Maher, General Administration, P.O. Box 41012, Olympia, WA 98504-1012, phone (360) 902-7210, e-mail cmaher@ga.wa.gov, fax (360) 586-9186.

June 14, 2002

Carol A. Maher
Barrier-Free Facilities
Program Manager

WSR 02-13-139

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed June 19, 2002, 11:54 a.m.]

Subject of Possible Rule Making: Legislation changes to the Professional Boxing, Martial Arts, and Wrestling Act, chapter 67.08 RCW, allowing a chiropractor to now be a licensed official at boxing, kickboxing, or martial arts events. Updates to chapters 36-12, 36-13, and 36-14 WAC regulating boxing, wrestling and martial arts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.08.017 and 67.08.105.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To set new licensing fees for the chiropractor license and to set new fees to be paid by the promoter to the chiropractor. To amend, repeal or retain current rules, which may no longer be needed or need further written clarification as per the governor's directive on state rules review.

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

Process for Developing New Rule: Industry request.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Randy Renfrow, Professional Athletics Section, P.O. Box 9026, Olympia, WA 98507-9026, phone (360) 664-6644, fax (360) 570-4956.

June 18, 2002
Randy Renfrow
Licensing Manager

WSR 02-11-143

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed May 22, 2002, 10:23 a.m.]

Original Notice.

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

Title of Rule: Chapter 388-825 WAC, Division of developmental disabilities service rules; chapter 388-830 WAC, Division of developmental disabilities program option rules; chapter 388-835 WAC, ICF/MR program and reimbursement system; chapter 388-850 WAC, County plan for developmental disabilities; and chapter 388-853 WAC, Cost of care of mentally deficient persons residing in state institutions.

Department of Social and Health Services, Health and Rehabilitation Services corrected obsolete and incorrect WAC and RCW cross-references in chapters 388-825, 388-830, 388-835, 388-850, and 388-853 WAC.

Proposed Amendment to WAC #	Contains Cross-Reference to Old or Incorrect DSHS-DDD WAC or RCW #	Or Cross-Reference to Other Old DSHS or Other Agency WAC #	Corrected WAC or RCW Cross-References
388-825-020		388-97-235	388-71-0700 (3) through (5)
388-825-025	275-27-020		388-825-020
388-825-030	275-27-026	WAC 392-171-376 through 392-171-451	388-825-030; WAC 392-171-114 through 392-172-150
388-825-035	275-27-026		388-825-030
388-825-045	275-27-060, 275-27-230		388-825-050, 388-825-055
388-825-050	275-27-230		388-825-055
388-825-055	RCW 71A.116.010		RCW 71A.16.010
388-825-100	275-27-030, 275-27-060, 275-27-230, 275-27-500 (5)(f)		388-825-100, 388-825-050, 388-825-100, 388-825-120 (5)(f)
388-825-120	275-27-030, 275-825-060, 275-825-230	Chapter 388-08 WAC	388-825-100, 388-825-050, 388-825-100, Chapter 388-02 WAC
388-825-205	275-27-026, 275-27-220 and 275-27-223		388-825-035, 388-825-030
388-825-210	388-15-880, 388-15-890, 275-27-800, 275-27-810, 275-27-820		388-15-202, 388-15-203, 388-825-170, 388-825-180, 388-825-190
388-825-234	275-27-190		388-825-210
388-825-248	WAC 275-27-180 through 275-27-212; WAC 275-27-220 through 275-27-223		WAC 388-825-200 through 388-825-242; WAC 388-825-252 through 388-825-256
388-825-250	275-27-230, 275-27-223		388-825-055, 388-825-030
388-825-252	275-27-222; WAC 388-15-880 through 388-15-890		388-825-252; WAC 388-15-202 through 388-15-203
388-825-270	388-76-030		388-15-202
388-825-278	WAC 388-15-19650 through 388-15-19680		388-15-196
388-830-015	275-27-030		388-825-030
388-830-020	275-27-030		388-825-030
388-830-025	275-27-400, 275-27-500		388-825-100, 388-825-120
388-830-035	RCW 72.33.125 (obsolete statute)		WAC 388-825-050
388-835-0110	388-835-054		388-835-0055
388-835-0180	388-835-124		388-835-0185
388-835-0265	388-835-0332, 388-385-0885		388-835-0335, 388-835-0885
388-835-0395	388-835-0645		388-835-0380
388-835-0575	388-835-865		388-835-0865

Proposed Amendment to WAC #	Contains Cross-Reference to Old or Incorrect DSHS-DDD WAC or RCW #	Or Cross-Reference to Other Old DSHS or Other Agency WAC #	Corrected WAC or RCW Cross-References
388-835-0745	388-835-0960		388-835-0955
388-835-0755	388-835-0960		388-835-0955
Chapter 388-850 WAC (caption only)	"Mental Health, Developmental disabilities"		County plan for Developmental Disabilities
388-850-015	275-25-010(5)		388-850-010(5)
388-850-025	275-25-020(10) 275-25-020		388-850-020(10), 388-850-020
388-850-050	275-55-170		388-865-0515
388-853-010	Chapter 72.33 RCW (obsolete statute)		Chapter 72.01 RCW
388-853-030	Chapter 275-38 WAC		Chapter 388-835 WAC
388-853-035	388-29-125		Chapter 388-835 WAC
388-853-080		Chapter 388-08 WAC	Chapter 388-02 WAC

Purpose: The proposed amendments make corrections to obsolete or incorrect WAC and RCW cross-references without changing the effect of the rules; therefore a preproposal statement of inquiry was not filed per RCW 34.05.310(4).

Statutory Authority for Adoption: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, and RCW 72.01.090.

Statute Being Implemented: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, and RCW 72.01.090.

Summary: The proposed amendments only make corrections to obsolete or incorrect WAC and RCW cross-references without changing the effect of the rules; therefore a preproposal statement of inquiry was not filed per RCW 34.05.310(4).

Reasons Supporting Proposal: These rules have been rewritten to correct erroneous WAC references and do not change their effect.

Name of Agency Personnel Responsible for Drafting: Jeannie T. Gorski, P.O. Box 45310, Olympia, WA 98504-45310 [98504-5310], (360) 902-7562; **Implementation and Enforcement:** Chris Coleman, P.O. Box 45310, Olympia, WA 98504-45310 [98504-5310], (360) 902-8478.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This action is intended to correct erroneous cross-references. The anticipated effect is to direct the reader to the correct reference.

Proposal Changes the Following Existing Rules: The proposed amendments make corrections to obsolete or incorrect WAC and RCW cross-references without changing the effect of the rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Since the proposed amendments do not "make significant amendments to a policy or regulatory program" (see RCW 34.05.328 (5)(c)(iii)), the Division of Developmental Disabilities has determined that the proposed rules are not "significant" as defined by the legislature. These rules have been rewritten to correct erroneous WAC and RCW references and do not change their effect. Therefore, under RCW 34.05.328 (5)(b)(iv), these proposed chapters are exempt from needing a cost-benefit analysis.

RCW 34.05.328 does not apply to this rule adoption. The Division of Developmental Disabilities has determined that the proposed amendments do not make significant amendments to a policy or regulatory program as defined in RCW 34.05.328 (5)(c)(iii).

Hearing Location: Office Building 2 Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98504, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not earlier than July 24, 2002.

May 15, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-23-021, filed 11/9/99, effective 12/10/99)

WAC 388-825-020 Definitions. "Abandonment" means action or inaction by a person or entity with a duty to care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

"Adolescent" means a DDD eligible child age thirteen through seventeen years.

"Attendant care" means provision of physical and/or behavioral support to protect the safety and well being of a client.

"Best interest" includes, but is not limited to, client-centered benefits to:

- (1) Prevent regression or loss of skills already acquired;
- (2) Achieve or maintain economic self-support;
- (3) Achieve or maintain self-sufficiency;
- (4) Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- (5) Preserve or reunite families; and
- (6) Provide the least-restrictive setting that will meet the person's medical and personal needs.

"Client or person" means a person the division determines under RCW 71A.16.040 and WAC 388-825-030 eligible for division-funded services.

"Community support services" means one or more of the services listed in RCW 71A.12.040 including, but not limited to the following services: Architectural, case management, early childhood intervention, employment, counseling, family support, respite care, information and referral, health services and equipment, therapy services, and residential support.

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

"Director" means the director of the division of developmental disabilities.

"Division or DDD" means the division of developmental disabilities of the department of social and health services.

"Emergency" means a sudden, unexpected occurrence demanding immediate action.

"Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

"Family" means individuals, of any age, living together in the same household and related by blood, marriage, adoption or as a result of sharing legal custody of a minor child.

"Family resources coordinator" means the person who is:

- (1) Recognized by the IDEA Part C lead agency; and
- (2) Responsible for:
 - (a) Providing family resources coordination;
 - (b) Coordinating services across agencies; and
 - (c) Serving as a single contact to help families receiving assistance and services for their eligible children who are under three years of age.

"ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

"ICF/MR Eligible" for admission to an ICF/MR means a person is determined by DDD as needing active treatment as defined in CFR 483.440. Active treatment requires:

- (1) Twenty-four hour supervision; and
- (2) Continuous training and physical assistance in order to function on a daily basis due to deficits in the following areas: Toilet training, personal hygiene, dental hygiene, self-feeding, bathing, dressing, grooming, and communication.

"Individual" means a person applying for services from the division.

"Individual alternative living" means provision of community-based individualized client training, assistance and/or ongoing support to enable a client to live as independently as possible with minimal services.

"Individual supportive living service" (also known as companion home) means provision of twenty-four hour residential support in a nonlicensed home for one adult person with developmental disabilities.

"Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

"Medicaid personal care" is the provision of medically necessary personal care tasks as defined in chapter 388-15 WAC.

"Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

"Nursing facility eligible" means a person is assessed by DDD as meeting the requirements for admission to a licensed nursing home as defined in WAC ((388-97-235)) 388-71-0700(3) through (5). The person must require twenty-four hour care provided by or under the supervision of a licensed nurse.

"Other resources" means resources that may be available to the client, including but not limited to:

- (1) Private insurance;
- (2) Medicaid;
- (3) Indian health care;
- (4) Public school services through the office of the superintendent of public instruction; and
- (5) Services through the department of health.

"Part C" means early intervention for children from birth through thirty-five months of age as defined in the Individuals with Disabilities Education Act (IDEA), Part C and 34 CFR, Part 303 and Washington's federally approved grant.

"Residential habilitation center" or **"RHC"** means a state-operated facility certified to provide ICF/MR and/or nursing facility level of care for persons with developmental disabilities.

"RHC capacity" means the maximum number of eligible persons that can reside in a residential habilitation center without exceeding its 1997 legislated budgeted capacity.

"Residential programs" means provision of support for persons in community living situations. Residential programs include DDD certified community residential services and support, both facility-based such as, licensed group homes, and non-facility based, i.e., supportive living, intensive tenant support, and state-operated living alternatives (SOLA). Other residential programs include individual alter-

native living, intensive individual supportive living services, adult family homes, adult residential care services, nursing homes, and children's foster homes.

"**Respite care**" means temporary residential services provided to a person and/or the person's family on an emergency or planned basis.

"**Secretary**" means the secretary of the department of social and health services or the secretary's designee.

"**Vacancy**" means an opening at a RHC, which when filled, would not require the RHC to exceed its 1997 biannually budgeted capacity, minus:

- (1) Twenty-six beds designated for respite care use; and
- (2) Any downsizing related to negotiations with the Department of Justice regarding community placements.

"**Vulnerable adult**" means a person who has a developmental disability as defined under RCW 71A.10.020.

AMENDATORY SECTION (Amending WSR 98-20-044 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-025 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC ((275-27-020(9))) **388-825-020** provided an:

(a) Assessment of the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not adversely effect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

(3) Exemption requests are not subject to appeal.

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

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

AMENDATORY SECTION (Amending Order 3319 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-030 Eligibility for services. (1) A developmental disability is a condition which meets all of the following:

(a) A condition defined as mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition as described under WAC ((275-27-026)) **388-825-030**;

(b) Originates before the individual reaches eighteen years of age;

(c) Is expected to continue indefinitely; and

(d) Results in a substantial handicap.

(2) Mental retardation is a condition resulting in significantly subaverage general intellectual functioning as evidenced by:

(a) A diagnosis of mental retardation documented by a licensed psychologist or certified school psychologist; and

(b) A substantial handicap when the individual has an intelligence quotient score of more than two standard deviations

below the mean using the Stanford-Binet, Wechsler, or Leiter International Performance Scale; and

(c) An intelligence quotient score which is not:

(i) Expected to improve with treatment, instruction, or skill acquisition above the established level; or

(ii) Attributable to mental illness or other psychiatric condition; and

(d) Meeting the requirements of developmental disability under subsection (1)(b) and (c) of this section.

(3) Cerebral palsy is a condition evidenced by:

(a) A diagnosis of cerebral palsy by a licensed physician; and

(b) A substantial handicap when, after forty-eight months of age:

(i) An individual needs direct physical assistance in two or more of the following activities:

(A) Eating;

(B) Dressing;

(C) Bathing;

(D) Toileting; or

(E) Mobility; or

(ii) An individual meets the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(4) Epilepsy is a condition evidenced by:

(a) A diagnosis of epilepsy by a board-eligible neurologist, including documentation the condition is chronic; and

(b) The presence of partially controlled or uncontrolled seizures; and

(c) A substantial handicap when the individual:

(i)(A) Requires the presence of another individual to monitor the individual's medication, and is certified by a physician to be at risk of serious brain damage/trauma without direct physical assistance from another individual; or

(B) In the case of individuals eighteen years of age or older only, requires the presence of another individual to monitor the individual's medication, and is unable to monitor the individual's own medication resulting in risk of medication toxicity or serious dosage side effects threatening the individual's life; or

(ii) Meets the requirements under subsection (6)(b) of this section; and

(d) Meeting the requirements under subsection (1)(b) and (c) of this section.

(5) Autism is a condition evidenced by:

(a) A specific diagnosis, by a board-eligible psychiatrist or licensed clinical psychologist, of autistic disorder, a particular diagnostic subgroup of the general diagnostic category pervasive developmental disorders; and

(b) A substantial handicap shown by:

(i) The presence of significant deficits of social and communication skills and marked restriction of activities of daily living, as determined by one or more of the following persons with at least one year's experience working with autistic individuals:

(A) Licensed psychologists;

(B) Psychiatrists;

(C) Social workers;

(D) Certified communication disorder specialists;

- (E) Registered occupational therapists;
- (F) Case managers;
- (G) Certificated educators; and
- (H) Others; or
- (ii) Meeting the requirements under subsection (6)(b) of this section; and
- (c) Meeting the requirements under subsection (1)(b) and (c) of this section.
- (6) Another neurological or other condition closely related to mental retardation, or requiring treatment similar to that required for individuals with mental retardation is a condition evidenced by:
 - (a)(i) Impairment of the central nervous system as diagnosed by a licensed physician; and
 - (ii) A substantial handicap when, after forty-eight months of age, an individual needs direct physical assistance with two or more of the following activities:
 - (A) Eating;
 - (B) Dressing;
 - (C) Bathing;
 - (D) Toileting; or
 - (E) Mobility; and
 - (iii) An intelligence quotient score of at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; and
 - (iv) Meeting the requirements under subsection (1)(b) and (c) of this section; or
 - (b) A condition evidenced by:
 - (i) An intelligence quotient score at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; or
 - (ii) If the individual's intelligence score is higher than one and one-half standard deviations below the mean, then current or previous eligibility for participation in special education, under WAC ((392-171-376)) 392-172-114 through ((392-171-451)) 392-172-150, shall be demonstrated. Such participation shall not currently or at eighteen years of age be solely due to one or more of the following:
 - (A) Psychiatric impairment;
 - (B) Serious emotional/behavioral disturbance; or
 - (C) Orthopedic impairment; and
 - (iii) A substantial handicap when a standard score of more than two standard deviations below the mean in each of four domains of the adaptive behavior section of the Inventory for Client and Agency Planning (ICAP) is obtained, the domains identified as:
 - (A) Motor skills;
 - (B) Social and communication skills;
 - (C) Personal living skills;
 - (D) Community living skills; and
 - (iv) The ICAP is administered at least every twenty-four months; and
 - (v) Is not attributable to mental illness, personality and behavioral disorders, or other psychiatric conditions; and
 - (vi) Meets the requirements under subsection (1)(b) and (c) of this section; or
 - (c) A child under six years of age at risk of developmental disability, as measured by developmental assessment tools

and administered by qualified professionals, showing a substantial handicap as evidenced by one of the following:

(i) A delay of at least twenty-five percent of the chronological age in one or more developmental areas between birth and twenty-four months of age; or

(ii) A delay of at least twenty-five percent of the chronological age in two or more developmental areas between twenty-five and forty-eight months of age; or

(iii) A delay of at least twenty-five percent of the chronological age in three or more developmental areas between forty-nine and seventy-two months of age; and

(iv) Such eligibility shall be subject to review at any time, but at least at thirty-six months of age and at least seventy-two months of age;

(v) Developmental areas as described in subsection (6)(c) of this section are:

(A) Fine or gross motor skills;

(B) Self-help skills;

(C) Expressive and receptive communication skills, including American sign language skills;

(D) Social skills; and

(E) Cognitive, academic, or problem-solving skills.

(vi) Qualified professionals, as described in subsection (6)(c) of this section, include, but are not limited to, the following professionals with at least one year's experience and training in the field of child development and preferably in the area of developmental disabilities:

(A) Licensed physicians;

(B) Licensed psychologists;

(C) Certified communication disorder specialists;

(D) Registered occupational therapists;

(E) Licensed physical therapists;

(F) Case managers;

(G) Registered public health nurses; and

(H) Educators.

(vii) Any standardized developmental assessment tool may be used if the tool:

(I) Is reasonably reliable and valid by professional standards; and

(II) Demonstrates the information required to make a determination of the developmental delay; or

(d) A child under six years of age having a diagnosis of Down Syndrome.

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

AMENDATORY SECTION (Amending Order 2767 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-035 Determination of eligibility. (1)

The department shall determine an individual eligible for services upon application if the individual meets developmental disability criteria as defined under WAC ((275-27-026)) 388-825-030.

(2) The department may require appropriate documents substantiating the presence of a developmental disability.

(3) When the department uses or requires the Wechsler Intelligence Test for the purposes of this chapter, the department may consider any standardized Wechsler Intelligence

Test as a valid measure of intelligence, assuming a full scale score can be obtained.

(4) If, in the opinion of the testing psychologist, an individual is not able to complete all of the subtests necessary to achieve a full scale score on the Wechsler, the department shall make a professional judgment about the person's intellectual functioning, based upon the information available.

(5) When an applicant has a significant hearing impairment, the department may use or require the Leiter International Performance Scale to determine the individual's intelligence quotient for the purposes of WAC ((275-27-026)) 388-825-030.

(6) When an applicant has a significant vision impairment, the department may use or require the Wechsler verbal intelligence quotient score as the intelligence quotient score for the purposes of WAC ((275-27-026)) 388-825-030.

(7) When an Inventory for Client and Agency Planning (ICAP) is required by the department to demonstrate a substantial handicap, the department shall provide or arrange for the administration of the ICAP.

(8) The department shall determine an applicant's eligibility for services within ten working days of receipt of the completed application and supporting documents.

(9) Any documentation the department requires shall be subject to departmental review. The department may also review client eligibility at any time.

(10) The secretary or designee may authorize eligibility under subsection (1) of this section under the following conditions:

(a) To register a child under eighteen years of age who is eligible for medically intensive home care services, under the department's Title XIX Model 50 waiver program; or

(b) To eliminate the department's requirement for documentation of disability prior to eighteen years of age when:

(i) The applicant is otherwise eligible under WAC ((275-27-026)) 388-825-030; and

(ii) The department and applicant are unable to obtain any documentation of disability originating prior to eighteen years of age; and

(iii) The department has determined the applicant's condition occurred prior to eighteen years of age.

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

AMENDATORY SECTION (Amending WSR 98-20-044 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-045 Determination for necessary services. (1) Within sixty days from the date of the division's decision that a person is eligible for division funded services, the appropriate division field services office shall evaluate the person's needs to determine which services, if any, are necessary to serve the client's best interest. DDD shall explain to the person/family their available service options. In addition, DDD shall do what is reasonable to:

(a) Provide choice of service options within available funding that assists people to remain in their homes and communities;

(b) Plan and develop community support services that take into consideration the unique needs of the individual and family.

(2) After the evaluation is completed, and if appropriate, the division will develop an individual service plan pursuant to WAC ((275-27-060)) 388-825-050.

(3) Determination of necessary services is not a guarantee of service authorization or delivery. Service authorization and delivery of services are pursuant to WAC ((275-27-230)) 388-825-055.

(4) The department will develop an outreach program to ensure that eligible persons are aware of all of the services provided by DDD, including community support services and residential habilitation centers.

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

AMENDATORY SECTION (Amending Order 3230 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-050 Individual service plan. (1) The division may develop a written individual service plan (ISP) or other planning documents for each person determined eligible for division and department services within ninety days of the eligibility date. Interim services may be provided if necessary.

(2) An ISP shall be based on an assessment of a person's needs and will specify the services adjudged to be in the best interests of the person and meet the person's habilitation needs. The ISP shall be in the form and manner specified by the director.

(3) A person, the parent if a person is seventeen years of age or younger, or the person's guardian, or an advocate, or the service provider may request review or modification of the service plan at any time based on changed circumstances.

(4) The department's implementation of specific provisions of the plan shall require the development, review, and may require significant modifications of the ISP and shall include, to the maximum extent possible:

(a) Appropriate division staff;

(b) The person;

(c) The person's parent or guardian;

(d) Advocate; and

(e) Representatives of the agency or facility which is, or will be, primarily responsible for the implementation of specific provisions of the plan.

(5) An ISP shall be a planning document, and shall not be an authorization for services. An ISP shall not guarantee the authorization or delivery of services. The authorization of such services is described under WAC ((275-27-230)) 388-825-055.

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

AMENDATORY SECTION (Amending WSR 98-20-044 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-055 Authorization of services. (1) The division's field services section shall be responsible for

authorizing services agreed to by the person/family including, but not limited to:

- (a) Placement to and from residential habilitation centers;
 - (b) Community residential services;
 - (c) Family support services; and
 - (d) Nonresidential programs.
- (2) The division's authorization of services shall be based on the availability of services and funding.
- (3) The division will include the following persons when determining authorized services:

- (a) The person;
- (b) The person's parent or guardian and may include:
 - (i) The person's advocate; or
 - (ii) Other responsible parties.
- (4) Per RCW (~~(71A.16.010)~~) 71A.16.010 the division shall offer adults the choice of admittance to a residential habilitation center if all of the following conditions exist:

- (a) An RHC vacancy is available;
- (b) Funding, specifically designated for this purpose in the state operating budget, is available for alternative community support services;
- (c) The person or their family is requesting residential services;
- (d) The person meets ICF/MR or nursing facility eligibility for the available RHC vacancy;
- (e) The person is the most in need of residential services as determined by DDD after reviewing all persons determined eligible for ICF/MR or nursing facility level of care. DDD will make this selection based on the following criteria:
 - (i) The person is age eighteen or older;
 - (ii) The person's/family's health and safety is in jeopardy due to the lack of necessary residential support and supervision:

(A) Priority is given to eligible persons/families currently without necessary residential supports;

(B) Other eligible persons will be considered based on their risk of losing residential supports due to unstable or deteriorating circumstances.

(f) The person's alternative DDD funded community support services would cost seventy percent or more of the average RHC rate, assuming a minimum household size of three persons.

(5) If RHC capacity is not being used for permanent residents, the division will make these vacancies available for respite care or any other services the department determines are needed and allowable within the rules governing the use of federal funds.

(a) Admission of a child or adolescent to an RHC for respite care requires the written approval of the division director or designee.

(b) Respite care exceeding thirty days in a calendar year is subject to subsection (6) of this section.

(6) The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee if the admission is not a choice provided under subsection (4) of this section.

(a) Children twelve years of age and younger shall not be admitted to an RHC.

(b) Admission of an adolescent to an RHC can only occur if:

(i) DDD determines that foster placement services cannot meet the emergency needs of the child/family; and

(ii) A voluntary placement plan is in place with DDD with the goal of community placement or family reunification; and

(iii) Progress towards placement planning is reported to the division director at least every ninety days.

(7) The division shall authorize county-funded services only when the:

- (a) Service is included in a department contract; and
- (b) Person is at least twenty-one years of age and graduated from school during their twenty-first year; or
- (c) Person is twenty-two years of age or older; or
- (d) Person is two years of age or younger and eligible for early intervention services.

(8) The department shall require a person to participate in defraying the cost of services provided when mandated by state or federal regulation or statute.

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

AMENDATORY SECTION (Amending WSR 97-13-051 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-100 Notification. (1) The department shall notify the client or applicant, the parent when the client or applicant is a minor, and the guardian when the client or applicant is an adult, of the following decisions:

(a) Denial or termination of eligibility set forth in WAC (~~(275-27-030)~~) 388-825-100;

(b) Development or modification of the individual service plan set forth in WAC (~~(275-27-060)~~) 388-825-050;

(c) Authorization, denial, reduction, or termination of services set forth in WAC (~~(275-27-230)~~) 388-825-100; and

(d) Admission or readmission to, or discharge from, a residential habilitation center.

(2) The notice shall set forth appeal rights pursuant to WAC (~~(275-27-500)~~) 388-825-120 and a statement that the client's case manager can be contacted for an explanation of the reasons for the action.

(3)(a) The department shall provide notice of a denial or partial authorization of a family support services request and a statement of reason for denial or partial authorization, or reduction to the person or persons described in subsection (1) of this section. The department shall send such notice no later than five working days before the end of the month previous to the month for which service was requested;

(b) The department shall make available an administrative review of a decision to deny or partially authorize services upon receipt of a written request by a person or persons described in subsection (1) of this section to the administrator of the region in which the client is living. The regional office must receive a request for administrative review by the last working day of the month;

(c) The client shall state in the written request why the client or client's family believes their service priority designation is not correct;

(d) Upon receipt of request for administrative review, the regional administrator or designee shall review the request and the client file; and

(e) The department shall send the results of the administrative review to the client and/or family within the first five working days of the service month for which the client is being denied or receiving a partial authorization for services.

(4) The department shall provide at least thirty days' advance notice of action to terminate a client's eligibility, terminate or reduce a client's service, or discharge a client from a residential habilitation center to the community. Transfer or removal of a client from a service set forth in WAC ((275-27-500-(5)(f))) 388-825-120 (5)(f) is governed by that section, and reduction of family support funding during the service authorization period is covered by subsection (3)(a) of this section.

(5) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible field services regional office in person and/or by telephone.

(6) The division shall ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

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

AMENDATORY SECTION (Amending Order 3230 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-120 Adjudicative proceeding. (1) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an adjudicative proceeding to contest the following department actions:

(a) Denial or termination of eligibility set forth in WAC ((275-27-030)) 388-825-100;

(b) Development or modification of the individual service plan set forth in WAC ((275-27-060)) 388-825-050;

(c) Authorization, denial, reduction, or termination of services set forth in WAC ((275-27-230)) 388-825-100;

(d) Admission or readmission to, or discharge from, a residential habilitation center;

(e) A claim the client, former client, or applicant owes an overpayment debt;

(f) A decision of the secretary under RCW 71A.10.060 or 71A.10.070;

(g) A decision to change a client's placement from one category of residential services to a different category of residential services.

(2) Adjudicative proceedings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter, and by chapter ((388-08)) 388-02 WAC. If any provision in this chapter conflicts with chapter ((388-08)) 388-02 WAC, the provision in this chapter shall govern.

(3) The applicant's application for an adjudicative proceeding shall be in writing and filed with the DSHS office of

appeals within twenty-eight days of receipt of the decision the appellant wishes to contest.

(4) The department shall not implement the following actions while an adjudicative proceeding is pending:

(a) Termination of eligibility;

(b) Reduction or termination of service, except when the action to reduce or terminate the service is based on the availability of funding and/or service; or

(c) Removal or transfer of a client from a service, except when a condition in subsection (5)(f) of this section is present.

(5) The department shall implement the following actions while an adjudicative proceeding is pending:

(a) Denial of eligibility;

(b) Development or modification of an individual service plan;

(c) Denial of service;

(d) Reduction or termination of service when the action to reduce or terminate the service is based on the availability of funding or service;

(e) After notification of an administrative law judge's (or review judge) ruling that the appellant has caused an unreasonable delay in the proceedings; or

(f) Removal or transfer of a client from a service when:

(i) An immediate threat to the client's life or health is present;

(ii) The client's service provider is no longer able to provide services due to:

(A) Termination of the provider's contract;

(B) Decertification of the provider;

(C) Nonrenewal of provider's contract;

(D) Revocation of provider's license; or

(E) Emergency license suspension.

(iii) The client, the parent when the client is a minor, or the guardian when the client is an adult, approves the decision.

(6) When the appellant files an application to contest a decision to return a resident of a state residential school to the community, the procedures specified in RCW 71A.10.050(2) shall govern the proceeding. These procedures include:

(a) A placement decision shall not be implemented during any period during which an appeal can be taken or while an appeal is pending and undecided unless the:

(i) Client's or the client's representative gives written consent; or

(ii) Administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.

(b) The burden of proof is on the department; and

(c) The burden of proof is whether the specific placement proposed by the department is in the best interests of the resident.

(7) The initial order shall be made within sixty days of the department's receipt of the application for an adjudicative proceeding. When a party files a petition for administrative review, the review order shall be made within sixty days of the department's receipt of the petition. The decision-rendering time is extended by as many days as the proceeding is continued on motion by, or with the assent of, the appellant.

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

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-205 Who is eligible to participate in the family support opportunity program? (1) All individuals living with their families determined to be developmentally disabled according to WAC ((~~275-27-026~~) 388-825-035) are eligible to participate in the program if their family requires assistance in meeting their needs. However, the program will fund or provide support services only as funding is available.

(2) Persons currently receiving services under WAC ((~~275-27-220 and 275-27-223~~) 388-825-030), Family support services, may volunteer to participate in the program.

(3) Families will receive program services based on the date of application.

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

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-210 What basic services can my family receive from the family support opportunity program? A number of basic services are available. Some services have their own eligibility requirements. Specific services are:

(1) **Case management services:** Your family will benefit from case management services. The family and the case manager will develop a family support plan which includes needs assessment, referral, service coordination, service authorization, case monitoring and coordination for community guide services.

(2) **Community guide services:** Once your case manager assesses your family situation, you will be offered access to the services of a community guide. The community guide will assist your family in using the natural and informal community supports relevant to the age of your family member with developmental disabilities and the specific needs of your family. Community guide services will support your family and help develop connections to your community.

(3) **Short-term intervention services:** Your family may be eligible for up to eleven hundred dollars in short-term intervention funding if necessary services are not otherwise available. This funding is not intended to cover basic subsistence such as food or shelter costs. Short-term intervention funding is available only for those specialized costs directly related to and resulting from your child's disability.

(4) **Personal care services:** Medicaid personal care can provide your family with long-term in-home personal assistance. (See WAC ((~~388-15-880 and 388-15-890~~) 388-15-202 and 388-15-203.) In home personal assistance may be available through Medicaid personal care or through a state-funded alternative.

(5) **Community alternatives program (CAP) waiver:** If eligible, your family may participate in the CAP waiver program. The CAP waiver gives eligible clients the opportunity

to participate in the federal Medicaid program and DDD the opportunity to obtain federal funds for community based services. (See WAC ((~~275-27-800, 275-27-810 and 275-27-820~~) 388-825-170, 388-825-180 and 388-825-190.)

(6) **Early intervention services:** These services are for your children (from birth through thirty-five months old) and include early childhood programs, birth through two public school programs, children with special health care needs programs, and Part C services (IDEA).

(7) **Emergency services:** Your family can request emergency funds to be used to respond to a single incident, situation or short term crisis such as care giver hospitalization, absence, or incapacity. Your request must be made through your case manager and include an explanation of how you plan to resolve the emergency situation. Your request will be reviewed by the regional administrator or designee. If approved, you will receive emergency services for a limited time period, not to exceed two months.

(8) **Serious need services:** Your family may request serious need funds to take care of needs not met by other basic services, including short-term intervention services, personal care services or use of a community guide. Serious need funds are short or long-term funds used to provide additional support to allow the individual with disabilities to continue living at home.

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

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-234 How can my family qualify for serious need funds? Your family may qualify for serious need funds if the following conditions are met:

(1) The basic program services outlined in WAC ((~~275-27-190~~) 388-825-210) (community guide, personal care services, short-term intervention services, etc.) are currently being used by your family or they have been exhausted;

(2) You and your case manager have examined other resources like the medically intensive home care program; private insurance, local mental health programs and programs available through the public schools and have found them either unavailable, inappropriate or insufficient for your needs; and

(3) The support is crucial for the child or adult with developmental disabilities to continue living in your home.

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

AMENDATORY SECTION (Amending WSR 99-04-071 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-248 Who is covered under these rules? These sections (WAC ((~~275-27-180 through 275-27-242~~) 388-825-200 through 388-825-242) apply to persons enrolled in family support after June 1996. Those enrolled before June 1996 are covered under WAC ((~~275-27-220 through 275-27-223~~) 388-825-252 through 288-825-256).

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

AMENDATORY SECTION (Amending Order 3394 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-250 Continuity of family support services. (1) It is the policy of the department to recognize the dependence of individuals currently receiving family support services at a given level of services, and to avoid disruption of those services at that given level when possible.

(2) In order for the department to maximize the continuity of service while remaining within appropriated funds for family support services, when appropriated funds for family support services do not permit serving new applicants or increasing services to current recipients without reducing services to existing clients, the department may deny requests for new or increased services based on the lack of funds pursuant to WAC ((275-27-230)) 388-825-055.

(3) These requests may be denied even if the service need levels, as described in WAC ((275-27-223)) 388-825-030, of new applicants or current recipients are of a higher priority than those currently receiving services.

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

AMENDATORY SECTION (Amending WSR 97-13-051 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-252 Family support services. (1) The purpose of the family support program is to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, the following services:

(a) Respite care, including the use of community activities which provide respite;

(b) Attendant care;

(c) Nursing services provided by a registered nurse or licensed practical nurse, that cannot be provided by an unlicensed caregiver, including but not limited to, ventilation, catheterization, insulin injections, etc., when not covered by another resource;

(d) Therapeutic services, provided these therapeutic services are not covered by another resource such as medicaid, private insurance, public schools, or child development services funding, including:

(i) Physical therapy;

(ii) Occupational therapy;

(iii) Behavior management therapy; and

(iv) Communication therapy; or

(v) Counseling for the client relating to a disability.

(3) Up to nine hundred dollars of the service need level amount in WAC ((275-27-222)) 388-825-252 may be used during a one year period for flexible use as follows. The requested service must be necessary as a result of the disability of the client.

(a) Training and supports including parenting classes and disability related support groups;

(b) Specialized equipment and supplies including the purchase, rental, loan or refurbishment of specialized equipment or adaptive equipment not covered by another resource including Medicaid. Mobility devices such as walkers and wheelchairs are included, as well as communication devices and medical supplies such as diapers for those more than three years of age;

(c) Environmental modification including home repairs for damages, and modifications to the home needed because of the disability of the client;

(d) Medical/dental services not covered by any other resource. This may include the payment of insurance premiums and deductibles and is limited to the premiums and deductibles of the client;

(e) Special formulas or specially prepared foods needed because of the disability of the client;

(f) Parent/family counseling dealing with a diagnosis, grief and loss issues, genetic counseling and behavior management;

(g) Specialized clothing adapted for a physical disability, excessive wear clothing, or specialized footwear;

(h) Specialized utility costs including extraordinary supplemental utility costs related to the client's disability or medical condition;

(i) Transportation costs for gas or tickets (ferry fare, transit cost) for a client to get to essential services and appointments, if another resource is not available;

(j) Other services approved by the DDD regional administrator or designee that will replace or reduce ongoing departmental expenditures and will reduce the risk of out-of-home placement. Exemption requests under this section are not subject to appeal.

(4) Recommendations will be made to the regional administrator by a review committee. The regional administrator will approve or disapprove the request and will communicate reasons for denial to the committee.

(5) Payment for services specified in subsection (3), except (3)(a) and (h), shall cover only the portion of cost attributable to the client.

(6) Requests must be received by DDD no later than midway through the service authorization period unless circumstances exist justifying an emergency.

(7) A plan shall be developed jointly by the family and the department for each service authorization period. The department may choose whether to contract directly with the vendor, to authorize purchase by another agency, or may reimburse the parent of the client.

(8) Emergency Services. Emergency funds may be requested for use in response to a single incident or situation or short term crisis such as care giver hospitalization, absence, or incapacity. The request shall include anticipated resolution of the situation. Funds shall be provided for a limited period not to exceed two months. All requests are to be reviewed and approved or denied by the regional administrator or designee.

(9) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

(10) If the client becomes eligible and begins to receive Medicaid Personal Care services as defined in WAC ((~~388-15-880 through 388-15-890~~) 388-15-202 through 388-15-203, the family support funding will be reduced at the beginning of the next month of service. The family will receive notice of the reconfiguration of services at least five working days before the beginning of the month.

(11) If requested family support services are not authorized, such actions shall be deemed a denial of services.

(12) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

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

AMENDATORY SECTION (Amending WSR 99-23-021, filed 11/9/99, effective 12/10/99)

WAC 388-825-270 Are there exceptions to the licensing requirement? Relatives of a specified degree are exempt from the licensing requirement and may provide out-of-home respite in their home. Relatives of specified degree include parents, grandparents, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, first cousin, niece or nephew (WAC ((~~388-76-030~~) 388-15-202).

In addition, RCW 70.128.010 defines adult family home as "more than one, not more than six unrelated adults." If the person requiring out-of-home respite or attendant care is an adult, care may be provided in the nonrelative provider's home without an adult family home license when:

(1) Care is provided for no more than one unrelated person at a time; and

(2) The person or his/her legal guardian signs a statement saying they have seen the home where care will be provided and think it is an appropriate place for the care of the adult. If the person does not have a legal guardian, the parent or other relative with whom the person resides may sign a statement.

AMENDATORY SECTION (Amending WSR 99-23-021, filed 11/9/99, effective 12/10/99)

WAC 388-825-278 Are there any educational requirements for individual providers? Training is mandated only for Medicaid personal care providers of adults (WAC ((~~388-15-19650 through 388-15-19680~~) 388-15-196). DSHS retains the authority to require training of any provider.

AMENDATORY SECTION (Amending Order 2066 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-830-015 Determination of eligibility. An individual shall be eligible for services under an alternative plan, provided that the division has determined the individual has a disability as defined in WAC ((~~275-27-030~~) 388-825-030 and the individual is receiving current services from the department.

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

AMENDATORY SECTION (Amending Order 2066 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-830-020 Notification to potential applicants. (1) Field services shall, prior to March 15, 1984, contact by mail all individuals determined to have a disability as defined in WAC ((~~275-27-030~~) 388-825-030, along with the guardians and agencies entitled to custody of such disabled individuals and parents of disabled individuals who are minors. Thereafter, the aforementioned persons shall be advised once in each calendar year.

(2) Potential applicants shall be informed of the process by which they may develop an alternative plan for services.

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

AMENDATORY SECTION (Amending Order 2066 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-830-025 Application for services. (1) In the case of a minor individual, an application can be made by the parent or parents, the guardian or limited guardian, or by the person or agency legally entitled to custody.

(2) In the case of an adult, an application can be made by the individual, by the guardian or limited guardian, or by the person or agency legally entitled to custody.

(3) Application will be made on the forms supplied by the department and the applicant will state the following:

- (a) The outline of services proposed;
- (b) Service providers for each service;
- (c) Tasks necessary to the delivery of each service and the person/organization responsible for each task;
- (d) All costs of services currently provided for the individual;
- (e) The cost of each service component proposed in the alternative plan;

(f) Information explaining why the alternative plan is a less dependent program than the current program; and

(g) Information explaining why the alternative plan is appropriate under the goals and objectives of the individual program plan.

(4) Applicants must be notified within ninety days after the alternative plan has been received by the department of the secretary's approval or denial of the plan.

(5) The notification of the department's decision is subject to appeal rights pursuant to WAC ((~~275-27-400 and 275-27-500~~) 388-825-100 and 388-825-120).

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

AMENDATORY SECTION (Amending Order 2066 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-830-035 Implementation of necessary services. (1) Plans meeting all the criteria specified in ((~~RCW 72.33.125(5)~~) WAC 388-825-050 shall be implemented as

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soon as reasonable, but not later than one hundred twenty days after the completion of the determination process.

(2) Approval and reasonableness may be reviewed for a new determination if the plan has not been implemented within one hundred twenty days.

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

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0110 Is DSHS required to give written notice when it intends to transfer an individual? (1) WAC ((388-835-054)) 388-835-0055 requires that DSHS give the resident and their guardian, next of kin, or responsible party thirty days notice, in writing, of it's intent to transfer the resident.

(2) If there is a serious and immediate threat to the resident's health or safety, DSHS is not required to give the resident and their guardian, next of kin, or responsible party thirty days notice of it's intent to transfer the resident.

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

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0180 What if an ICF/MR contract is terminated? (1) Before a contract is terminated, the provider must give DSHS one hundred and eighty days written notice of the termination.

(2) When a contract is terminated, the provider must submit final reports to DSHS according to the requirements of WAC ((388-835-124)) 388-835-0185.

(3) When notified of a contract termination, DSHS must determine, by preliminary or final settlement calculations, the amount of any overpayments made to the provider, including overpayments disputed by the provider. If preliminary or final settlements are not available for any periods before the termination date of the contract, DSHS must use available relevant information to make a reasonable estimate of any overpayments or underpayments.

(4) The provider must file a properly completed final cost report (see the requirements in WAC 388-835-0225, 388-835-0230, and 388-835-0235). This report may be audited by DSHS. A final settlement must be determined within ninety days after the audit process is completed (including any administrative review of the audit requested by the provider) or within twelve months of the termination of the contract if an audit is not performed.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0265 Can providers file amendments if a DSHS field audit has been scheduled? (1) A provider may file amendments after receiving a notice of a field audit only when reimbursement rates need to be adjusted because

significant errors or omissions were made when they were calculated.

(2) Errors of omissions are considered "significant" if they result in a net difference of two cents or more per resident day or one thousand dollars or more in reported costs, whichever is higher, in any cost area.

(3) Only the pages requiring changes and the certification required by WAC ((388-835-0332)) 388-835-0335 must be filed with the amendment.

(4) Any adjustments to reimbursement rates resulting from an amended report will be made according to WAC ((388-835-0885)) 388-835-0885.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0395 How must a facility maintain resident property records? (1) A facility must maintain a current, written record for each resident that includes written receipts for all personal property entrusted to the facility by the resident.

(2) All property records must be available to the resident or designated resident representative (see WAC ((388-835-0645)) 388-835-0380).

(3) A facility must issue or obtain written receipts when taking possession or disposing of a resident's personal property. The facility must retain copies and/or originals of these receipts.

(4) A facility must maintain all resident property records so they are available to auditors and in a manner that facilitates the audit process.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0575 What requirements apply to calculating ICF/MR reimbursement rates? (1) Medicaid program reimbursement rates established according to this chapter apply only to facilities holding appropriate state licenses and certified to provide ICF/MR services according to state and federal laws and regulations.

(2) All rates must be reasonable and adequate to meet the costs incurred by economically and efficiently operated facilities providing ICF/MR services according to state and federal laws and regulations.

(3) For private facilities:

(a) Final payments must be the lower of the facility's prospective rate or allowable costs.

(b) Prospective rates must be determined according to WAC 388-835-0845, 388-835-0850, 388-835-0860, ((388-835-865)) 388-835-0865, 388-835-0870, 388-835-0875, and 388-835-0880.

(c) Final payments must be determined according to WAC 388-835-0880.

(4) For state facilities:

(a) Final payments must be the facility's allowable costs.

(b) Interim rates must be calculated using the most recent annual reported costs (see WAC 388-835-0845) divided by the total resident days during the reporting period. These

costs may be adjusted to incorporate federal, state, or department changes in program standards or services.

(c) Final payments must be determined according to WAC 388-835-0880.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0745 What recourse does a provider have if DSHS rejects their proposed preliminary settlement? A provider has thirty days after receiving a preliminary settlement report to contest it (see WAC 388-835-0950 and ~~((388-835-0960))~~ 388-835-0955). After thirty days, if the preliminary settlement report has not been contested, it cannot be reviewed.

AMENDATORY SECTION (Amending WSR 01-10-013, filed 4/20/01, effective 5/21/01)

WAC 388-835-0755 Can a provider disagree with a final settlement report? A provider has thirty days after receiving a final settlement report to contest it (see WAC 388-835-0950 and ~~((388-835-0960))~~ 388-835-0955). After thirty days, if the final settlement report has not been contested, it cannot be reviewed.

Chapter 388-850 WAC

COUNTY PLAN FOR (~~MENTAL HEALTH~~) DEVELOPMENTAL DISABILITIES

AMENDATORY SECTION (Amending Order 3230 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-850-015 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC ~~((275-25-010(5)))~~ 388-850-010(5) provided an:

(a) Assessment of the exemption request ensures granting the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not adversely affect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

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

AMENDATORY SECTION (Amending Order 3230 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-850-025 Program operation—General provisions. (1) The provisions of this section shall apply to all programs operated under authority of the acts.

(2) The county and all contractors and subcontractors must comply with all applicable law or rule governing the department's approval of payment of funds for the programs.

Verification may be in the manner and to the extent requested by the secretary.

(3) State funds shall not be paid to a county for costs of services provided by the county or other person or organization who or which was not licensed, certified, and approved as required by law or by rule whether or not the plan was approved by the secretary.

(4) The secretary may impose such reasonable fiscal and program reporting requirements as the secretary deems necessary for effective program management.

(5) Funding.

(a) The department and county shall negotiate and execute a contract before the department provides reimbursement for services under contract, except as provided under WAC ~~((275-25-020(10)))~~ 388-850-020(10).

(b) Payments to counties shall be made on the basis of vouchers submitted to the department for costs incurred under the contract. The department shall specify the form and content of the vouchers.

(c) The secretary may make advance payments to counties, where such payments would facilitate sound program management. The secretary shall withhold advance payments from counties failing to meet the requirements of WAC ~~((275-25-020))~~ 388-850-020 until such requirements are met. Any county failing to meet the requirements of WAC ~~((275-25-020))~~ 388-850-020 after advance payments have been made shall repay said advance payment within thirty days of notice by the department that the county is not in compliance.

(d) If the department receives evidence a county or subcontractor performing under the contract is:

(i) Not in compliance with applicable state law or rule; or

(ii) Not in substantial compliance with the contract; or

(iii) Unable or unwilling to provide such records or data as the secretary may require, then the secretary may withhold all or part of subsequent monthly disbursement to the county until such time as satisfactory evidence of corrective action is forthcoming. Such withholding or denial of funds shall be subject to appeal under the Administrative Procedure Act (chapter 34.05 RCW).

(6) **Subcontracting.** A county may subcontract for the performance of any of the services specified in the contract. The county's subcontracts shall include:

(a) A precise and definitive work statement including a description of the services provided;

(b) The subcontractor's specific agreement to abide by the acts and the rules;

(c) Specific authority for the secretary and the state auditor to inspect all records and other material the secretary deems pertinent to the subcontract; and agreements by the subcontractor that such records will be made available for inspection;

(d) Specific authority for the secretary to make periodic inspection of the subcontractor's program or premises in order to evaluate performance under the contract between the department and the county; and

(e) Specific agreement by the subcontractor to provide such program and fiscal data as the secretary may require.

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(7) **Records: Maintenance.** Client records shall be maintained for every client for whom services are provided and shall document:

- (a) Client demographic data;
- (b) Diagnosis or problem statement;
- (c) Treatment or service plan; and
- (d) Treatment or services provided including medications prescribed.

(8) **Liability.**

(a) The promulgation of these rules or anything contained in these rules shall not be construed as affecting the relative status or civil rights or liabilities between:

- (i) The county and community agency; or
- (ii) Any other person, partnership, corporation, association, or other organization performing services under a contract or required herein and their employees, persons receiving services, or the public.

(b) The use or implied use herein of the word "duty" or "responsibility" or both shall not import or imply liability other than provided for by the statutes or general laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform on the part of an applicant, or a board established under the acts, or an agency, or said agency's employees, or persons performing services on said agency's behalf.

(c) Failure to comply with any compulsory rules shall be cause for the department to refuse to provide the county and community agency funds under the contract.

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

AMENDATORY SECTION (Amending Order 1142 [99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-850-050 Client rights—Notification of client. (1) All agencies providing services under the act shall post a statement of client rights. Such statement shall inform the client of the client's right to:

- (a) Be treated with dignity;
- (b) Be protected from invasion of privacy;
- (c) Have information about him/her treated confidentially;
- (d) Actively participate in the development or modification of his/her treatment program;
- (e) Be provided treatment in accordance with accepted quality-of-care standards and which is responsive to his/her best interests and particular needs;
- (f) Review his/her treatment records with the therapist at least bimonthly: Provided, That information confidential to other individuals shall not be reviewed by the client;
- (g) Be fully informed regarding fees to be charged and methods for payment.

(2) Clients shall be informed of their rights pursuant to WAC ((275-55-170)) 388-865-0515 upon admission to inpatient service.

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

AMENDATORY SECTION (Amending Order 1270 [99-19-104], filed 8/22/00, effective 8/22/00)

WAC 388-853-010 Authority. The following rules regarding costs of care of mentally/physically deficient persons are hereby adopted under the authority of chapter ((72-33)) 72.01 RCW.

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

AMENDATORY SECTION (Amending Order 2144 [99-19-104], filed 8/22/00, effective 8/22/00)

WAC 388-853-030 Schedule of per capita cost. Resident charges will be established in accordance with the methodology promulgated under chapter ((275-38)) 388-835 WAC.

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

AMENDATORY SECTION (Amending Order 1270 [99-19-104], filed 8/22/00, effective 8/22/00)

WAC 388-853-035 Exempt income. Residents whose total resources are insufficient to pay the actual cost of care shall be entitled to a monthly exemption from income in the amount of (((\$25)) twenty-five dollars or such amount as specified in chapter 388-835 WAC ((388-29-125)).

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

AMENDATORY SECTION (Amending Order 3083 [99-19-104], filed 8/22/00, effective 8/22/00)

WAC 388-853-080 Notice and finding of responsibility—Appeal procedure. (1) When the department determines that the estate of a resident of a state residential habilitation center is able to pay all or a portion of the monthly charges for care, support, and treatment, the department shall serve a notice and finding of responsibility (NFR) on the:

- (a) Guardian of the resident's estate; or
- (b) If a guardian has not been appointed, resident's spouse or parent or other person acting in a representative capacity and in possession of the resident's property, and the superintendent of the state school.

(2) When a resident is an adult and is not under a legal disability, the department shall personally serve the NFR on the resident.

(3) The NFR shall state the amount which the department determines the resident's estate is able to pay per month. The amount shall not exceed the monthly charges fixed under RCW 43.20B.420.

(4) The resident's or guardian's responsibility for payment to the department shall commence twenty-eight days after service of the NFR.

(5) The right to an adjudicative proceeding contesting the NFR is contained in RCW 43.20B.430.

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding showing proof of receipt with the Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

- (A) A specific statement of the issues and law involved;
(B) The grounds for contesting the department decision;

and

(C) A copy of the NFR being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.430, this chapter, and chapter ((388-08)) 388-02 WAC. If any provision in this chapter conflicts with chapter ((388-08)) 388-02 WAC, the provision in this chapter governs.

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

WSR 02-12-055

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed May 30, 2002, 8:56 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-09-027.

Title of Rule: Chapter 480-120 WAC, Telephone companies. The subject of these rules is telecommunications. Chapter 480-120 WAC is the commission's primary chapter for rules concerning telecommunications. This proposed chapter reflects revisions to the existing chapter after consideration of new, [no other information supplied by agency.]

Purpose: The purpose of the proposed rules is to update current rules, codify current procedures and best-practice options, use clear language, organize the chapter by subject area, and match the rule requirements to the legislature's substantive requirements, consistent with the Governor's Executive Order 97-02.

Other Identifying Information: Docket UT-990146, Telecommunications operations rules. This is the third CR-102 proposal in this docket. The first covered general rules and was adopted at WSR 01-15-022. The second concerned customer information rules and was filed on April 3, 2002, at WSR 02-08-081, the commission will hold a joint adoption hearing on the rules under WSR 02-08-081 and the rules filed with this CR-102.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 80.36.080, 80.36.090, 80.36.100, 80.36.300, 80.36.320, 80.36.390, 80.36.400, 80.36.410, 80.36.500, 80.36.510, 80.36.520, 80.36.524, 80.36.555, 80.36.560, and 80.36.610.

Statute Being Implemented: Chapter 80.36 RCW, Telecommunications; Title 80 RCW, Public utilities.

Summary: The proposed rules cover nine topic areas: (1) General rules including definitions; (2) establishing service and credit; (3) payments and disputes; (4) discontinuing and restoring service; (5) posting and publication notice; (6) telecommunications services; (7) financial records and

reporting; (8) safety and standards rules; and (9) adoption by reference. See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Robert Shirley, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1292; **Implementation and Enforcement:** Carole J. Washburn, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, (360) 664-1174.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules concern telecommunications service generally. The purpose is to revise existing rules consistent with statutory changes and policy goals expressed in statute. Additionally, an effort has been made to increase clarity and to that effect they are reordered to group like-topic subjects together.

The anticipated effect is to alter practices of companies that affect customers in an effort to insure that practices are consistent with law and in the public interest.

Proposal Changes the Following Existing Rules: The proposal would change practices as they relate to establishing service and credit; payments and disputes; discontinuing and restoring service; posting and publication notice; telecommunications services; financial records and reporting; safety and standards rules; and adoption by reference. In addition, definitions are added, changed, and deleted.

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

Small Business Economic Impact Statement

1. Introduction: In 1999, the Washington Utilities and Transportation Commission (commission) initiated a review of the rules in chapter 480-120 WAC regarding telecommunications companies. The commission initiated this review in Docket No. UT-990146 pursuant to Executive Order 97-02, which requires agencies to review existing rules for readability and content with attention being paid to clarity, intent, statutory authority, need, effectiveness, efficiency, coordination, cost, and fairness. The commission also undertook this review to ensure that its rules reflect and support an open, competitive industry structure, because both state and federal legal barriers to telecommunications competition were removed in the mid-1990s. The commission also conducted a general revision of the rules to analyze whether they provided the results that they were originally intended to achieve and whether the rules are consistent with laws and with appropriate and lawful policies. New rules were added to ensure clear communication of policies, processes, and procedures or to provide complete information important to regulated companies and the customers they serve.

Over the last three years, the commission has circulated multiple rounds of draft rules and held many workshops with stakeholders to discuss draft rule language, receive comments, and explore options. The commission's regulation of the telecommunications industry is economic regulation, and at every stage of the process, the economic impact of poten-

tial rule changes was an integral part of the commission's analysis. In addition, the commission on two occasions asked stakeholders to provide information on the economic impact of potential rule provisions for use in preparing a small business economic impact statement (SBEIS). An SBEIS is intended to evaluate any disproportionate impacts of the rule making on small businesses.

2. Regulatory Fairness Act Requirements: Administrative rules implemented by state agencies can have a disproportionate impact on small businesses, compared to large business, simply because of the size of those businesses. This disproportionate impact may affect competition, innovation, employment, economic growth, and threaten the very existence of some small businesses. Thus, the Regulatory Fairness Act, chapter 19.85 RCW, was enacted with the intent of reducing any disproportionate impact of state administrative rules on small businesses.

The Regulatory Fairness Act requires agencies to prepare an SBEIS if the proposed rule will impose "more than minor costs on businesses in an industry." An agency must then compare the costs of compliance with the proposed rule for large and small businesses within an industry, and then consider how to mitigate any disproportionate impact on small businesses. A business is categorized as "small" under the Regulatory Fairness Act if the business employs fifty or fewer employees.

3. Background: Pursuant to chapter 19.85 RCW, staff determined that it was necessary to prepare an SBEIS for revisions to the rules in Docket No. UT-990146, as the proposed rules may impose more than minor costs on telecommunications companies operating in Washington state. However, almost all telecommunications companies operating in Washington state are not "small" businesses as defined by the Regulatory Fairness Act. Under the telecommunications laws, specifically RCW 80.04.350, a telecommunications company is considered to be "small" if it serves fewer than 2% of the state's access lines, i.e., fewer than about 80,000 access lines. Even a small telecommunications company typically has more than the fifty employees that define a "small business" under the Regulatory Fairness Act.

Because the commission engages in economic regulation of the telecommunications industry, the economic impact of its regulation is integrated directly into its decision process. The statutory objective of the agency is to ensure that telecommunications companies offer service at prices and terms that are fair, just, reasonable, and sufficient. These terms, taken together, have come to mean that the commission must provide regulated companies with a reasonable opportunity to earn a fair profit on their business. Rates for regulated services are based on costs and reasonable profit, so requirements that increase costs for the regulated company can ultimately lead to increased rates by that company. The ultimate impact of changes in regulations therefore falls on the customers of the regulated company more than on the regulated company itself.

Few telecommunications companies are small businesses, and the commission's regulations primarily take the form of economic regulation. As a result of these two factors, the principal impact of commission regulations on small business is indirect, through the rates that small businesses

pay to large telecommunications companies. Small businesses are generally not affected directly by the commission's regulations. Rather, as customers of the telecommunications companies, small businesses are affected if the commission's rules cause a telecommunications company to change its rates, offer different services, or change the quality of its services.

Because of this large indirect effect on small businesses as customers of regulated telecommunications companies, traditional mitigation approaches to minimize disproportionate impact on small businesses are frequently not meaningful.

4. Study Procedure: The commission considered the economic impact of potential changes to the telecommunications industry rules as an integral part of its review of the rules themselves. In each round of written and oral comments by stakeholders, economic factors were central to the public interest considerations being argued.

In addition, the commission specifically solicited input on economic impacts at two points during the rule review process. The commission circulated an SBEIS questionnaire in March 2001 on draft rules to require customer credits for service quality performance problems. The commission received responses from Qwest, Verizon, and WCI Cable, none of whom are small businesses. WCI Cable said the rules would have no economic impact. Verizon said that the draft rules would cause it to incur expenses of \$3.7 million to hire, train, and equip additional staff to improve service performance and cause it to incur lower revenues of \$4.5 million per year in the form of service quality credits. Qwest said the draft rule would result in lower revenues of \$1.5 million due to service quality credits. Qwest was unable to quantify the cost of some components of the draft rules and identified minor tariff revision and customer notification costs.

The commission modified the service performance rules in response to concerns raised by Verizon, Qwest, and other stakeholders. The proposed rules still require customer credits when customers receive inadequate service, but the standards better match the operating practices of the regulated companies. Even at the cost levels identified by Qwest and Verizon, however, the increased expenses and reduced revenues are well under 1% of the companies' revenues.

The commission issued a second SBEIS questionnaire in August 2001 soliciting input on the economic impact of all the rules being revised in chapter 480-120 WAC. The commission used an interactive survey form on its web site to make it easier for companies to submit cost data. Paper copies were accepted as well. The interactive SBEIS web site accepted submissions from August 24, 2001, through November 7, 2001, and again from February 14, 2002, through March 7, 2001 [2002]. The commission received a single response from a company that provides specialized E-911 services. The respondent said that the rules, as revised, would have no economic impact on its business.

It may be that companies did not respond either because they were not small businesses or because, under the cost-based methods used by the commission to set prices, any impact of the rules would not ultimately be borne by the company itself.

This SBEIS is based primarily on the commission's knowledge of the telecommunications industry and the pol-

icy-oriented comments of stakeholders in various workshops and written filings.

5. Conclusion: As the section-by-section analysis below shows, the economic impact of the proposed rule revisions is generally not significant for telecommunications companies in general or for small business telecommunications companies in particular. The proposed revisions make the telecommunications rules clearer and more consistent, which makes it easier for companies to comply with the rules. Outdated and monopoly-oriented provisions are eliminated or modernized. Some rules will result in additional costs for companies, but these are not significant.

Section-by-Section Analysis of
Economic Impact of Proposed Revisions
Chapter 480-120 WAC - Telecommunications Operations

PART I. GENERAL RULES	
480-120-011 Application of rules.	No substantive change. No economic impact.
480-120-015 Exemptions from rules in chapter 480-120 WAC.	No substantive change. No economic impact.
480-120-016 Additional requirements.	No substantive change. No economic impact.
480-120-017 Severability.	No substantive change. No economic impact.
480-120-019 Telecommunications performance requirements—Enforcement.	The proposed change eliminates vague standards that could create uncertainty about compliance for regulated companies. This may reduce legal costs for regulated companies, and the benefit would be relatively more for small businesses.
480-120-021 Definitions.	Any substantive effect of a change in definition is analyzed with the substantive rule itself.
480-120-026 Tariffs and price lists.	No change.
480-120-028 Registration.	No change.
480-120-061 Refusing service.	The rule clarifies the circumstances in which a telecommunications company is required to provide service. The clarification reduces compliance costs. Since compliance costs are a disproportionate burden on small businesses, the changes to this rule will benefit small businesses more than other businesses.

PART II. ESTABLISHING SERVICE AND CREDIT	
480-120-102 Service offered.	No substantive change. No economic impact.
480-120-103 Local calling areas.	No substantive change. No economic impact.
480-120-104 Application for service.	The changes provide more specific requirements for filing applications for new service. The specific requirements are consistent with existing installation practices of most telecommunications companies, so there will be no economic impact. However, some telecommunications companies may be providing slower service than the proposed rule would allow. These companies may incur additional costs to improve their service delivery ability. Small telephone companies are as quick, or quicker, at installing new service. Therefore, the cost impact of this rule change, if any, will disproportionately fall on any large businesses that have relatively slow installation performance.
480-120-105 Availability of information to consumers.	The proposed change requires companies to mail new customers information about the services they have ordered. Most companies already do this, and for those companies there will be no impact from the requirement. For a company that is not mailing information to new customers, the proposed rule will cause them to incur the cost of printing and mailing the information. These costs may be offset if the information causes customers to make fewer customer service calls, fail to understand and comply with a company's service terms, or request a free copy of the company's tariff or price list.

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	<p>Any such costs will probably be disproportionately large if the company is a small business, because printing and postage can be purchased more economically in large quantities.</p> <p>The commission was unable to identify any mitigation measures that would preserve customer protections. However, the commission eliminated some information elements that were included in earlier drafts, because companies said these would be more costly to include.</p>
<p>480-120-107 Company performance standards for installation or activation of access lines.</p>	<p>Subsection (1)(a) eliminates an uncertainty about whether companies could use above-standard performance in one exchange to offset below-standard in another exchange. The uncertainty is eliminated to the advantage of the regulated companies. This would reduce compliance costs, particularly for large companies that have a mix of rural and urban exchanges.</p> <p>Subsection (1)(b) is not a substantive change.</p> <p>Subsection (1)(c) is a new requirement to complete all access line orders within one hundred eight days. Companies rarely take longer than one hundred eight days to complete an order, but this requirement could increase costs for a company that would otherwise take longer.</p> <p>Subsection (2) clarifies the method of counting violations. It is not a substantive change.</p> <p>Subsection (3) provides for exceptions. It is not a substantive change.</p> <p>Subsection (4) exempts competitive local exchange companies, who are currently subject to the rule. This miti-</p>

	<p>gation reduces compliance costs for both small and large competitive companies.</p>
<p>480-120-108 Installation and activation credits.</p>	<p>This rule requires companies to offer credits to customers when service is not installed by the promised date. It exempts any service that is subject to effective competition. It provides two methods that a company can use to calculate the credit.</p> <p>The rule will impose economic costs on any company that does not install service on time. This will be in the form of either reduced revenues, due to application of the credits, or increased expenses to meet commitments.</p> <p>The indirect impact on small businesses, as telephone customers, is to lower costs. Fewer order commitments will be missed, and in those cases where a commitment is missed the customer will receive a credit on its telephone bill.</p> <p>Small telecommunications companies generally have better service performance than large telecommunications companies. Thus, the economic cost, if any, of compliance will be less for small business.</p>
<p>480-120-109 Missed appointment credits.</p>	<p>This rule requires companies to offer credits to customers when the company does not keep an installation or repair appointment.</p> <p>The rule will impose economic costs on any company that does not keep appointments. This will be in the form of either reduced revenues, due to application of the credits, or increased expenses to employ enough technicians to keep appointments.</p> <p>The indirect impact on small businesses, as telephone cus-</p>

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	<p>tomers, is to lower costs. Fewer appointments will be missed, and in those cases where an appointment is missed the customer will receive a credit on its telephone bill.</p> <p>Small telecommunications companies generally have better service performance than large telecommunications companies. Thus, the economic cost, if any, of compliance will be less for small business.</p>
<p>480-120-112 Company performance for orders for nonbasic services.</p>	<p>This rule requires companies to complete orders for nonbasic services within one hundred eighty days.</p> <p>Companies rarely take longer than one hundred eighty days to complete an order, but this requirement could increase costs for a company that would otherwise take longer.</p> <p>The indirect impact on small businesses, as telephone customers, is to lower costs. Nonbasic services include business access lines beyond two lines and data services typically used by small business. More timely installation of these services would allow businesses to have telecommunications services necessary for their operation. Small telecommunications companies generally have better service performance than large telecommunications companies. Thus, the economic cost, if any, of compliance will be less for small business telecommunications companies.</p>
<p>480-120-122a Establishment of establishing credit—Residential services.</p>	<p>The proposed changes clarify requirements for companies to require deposits and manage their risk of uncollectible accounts. Doing so reduces compliance costs, particularly for small business telecommunications companies.</p>

	<p>The proposed rule says companies cannot use credit reports as the basis to require deposits for basic local service. The existing rule also has this prohibition, so there is no economic impact.</p> <p>The proposed rule clarifies that companies cannot use a customer's long-distance payment history as a basis for requiring a deposit for basic local service. This clarification could result in increased costs or lower revenues for some companies, if they are requiring deposits based on long-distance charges.</p> <p>The overall economic effect of the proposed changes is negligible.</p>
<p>480-120-122b Establishment of establishing credit—Residential services.</p>	<p>The proposed changes clarify requirements for companies to require deposits and manage their risk of uncollectible accounts. Doing so reduces compliance costs, particularly for small business telecommunications companies.</p> <p>The proposed rule says companies cannot use credit reports as the basis to require deposits for basic local service. The existing rule also has this prohibition, so there is no economic impact.</p> <p>The proposed rule clarifies that companies cannot use a customer's long-distance payment history as a basis for requiring a deposit for basic local service. This clarification could result in increased costs or lower revenues for some companies, if they are requiring deposits based on long-distance charges.</p> <p>The overall economic impact of the proposed changes is negligible.</p>
<p>480-120-123 Establishment of establishing credit—Business services.</p>	<p>No substantive change. No economic impact.</p>

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480-120-124 Guarantee in lieu of deposit.	No substantive change. No economic impact.
480-120-125 Deposit or security—Telecommunications resellers.	No substantive change. No economic impact.
480-120-127 Protection of customer prepayments.	No substantive change. No economic impact.
480-120-128 Deposit administration.	The proposed changes clarify requirements without making substantive changes. The type of treasury bill used in calculating the interest rate on deposits is changed, due to a change by the federal government in the types of bills issued. The method of calculation is unchanged, and companies' deposit interest expenses are expected to have virtually no change.
480-120-132 Business offices.	No substantive change. No economic impact.
480-120-133 Response time for calls to business office or repair center.	The proposed rule would establish standards for how long a company could keep a customer on hold during a customer service or repair call. The new standards are more specific than the existing standard, which applies to repair calls but not customer service calls. The proposed standards are consistent with answer time standards used by the industry itself. As a result, there is no economic impact from the proposed rule. Small business telecommunications companies often do not use automated call handling systems. The commission included an alternative performance standard in subsection (3) to accommodate these companies.
480-120-145 Extending service.	No substantive change. No economic impact.

480-120-146 Changing service providers from one local exchange company to another.	The proposed rule clarifies responsibilities when a customer changes from one local telephone company to another local telephone company. To comply with this rule, a company must communicate with another company during the transition of a customer's service. This could result in minor costs to disconnect service. Since any cost would be based on the number of disconnection orders, there is no disproportionate impact on small business.
480-120-147 Changes in local exchange and intrastate toll services.	There is no substantive change to the existing requirements for verification of customer orders before changing local or long-distance providers. Subsection (7) provides an exception when a company is changing customers' service as a result of a corporate merger, acquisition, or transfer of customer base. Companies currently must seek a waiver of the rule in these circumstances. Incorporating the exception into rule means that companies will no longer incur costs to file a waiver petition and will not have to wait for the commission to review and approve the petition. By eliminating a filing requirement, the cost savings resulting from subsection (7) will disproportionately benefit small business telecommunications companies. This is because costs of regulatory filings are higher, on a per-revenue or per-customer basis, for small business.

PART III. PAYMENTS AND DISPUTES	
480-120-161 Form of bills.	No substantive change. No economic impact.
480-120-162 Cash and urgent payments.	No substantive change. No economic impact.
480-120-163 Refunding for overcharge.	No substantive change. No economic impact.
480-120-164 Prorata credits.	<p>The proposed rule requires companies to provide credits if a service is unavailable for more than twenty-four hours. Most companies already provide credits in this circumstance. Those that do not will incur costs to modify their billing or accounting systems to track the credits and will incur reduced revenues by the amount of the credits.</p> <p>Small business telephone companies generally have better service performance* than large business telephone companies, so they would pay fewer credits on a per-customer or per-revenue basis. However, if a small business has to modify its systems to track the credits, the costs of these modifications would be higher on a per-customer or per-revenue basis.</p> <p>The commission did not identify any mitigation provisions that would still protect customers, including small business customers, from having to pay for service not received.</p>
480-120-165 Complaints and disputes.	No substantive change. No economic impact.
480-120-166 Customer complaints.	The proposed rule incorporates existing practices and policies into rule. There is no substantive change in the requirements and no economic impact.

480-120-167 Company responsibility.	<p>The proposed rule clarifies responsibility when an informal complaint involves more than one company. The economic impact is to reduce costs, but by a negligible amount.</p> <p>Since costs would be incurred on a per-customer basis, the effect on small business is proportionate to the effect on large business.</p>
PART IV. DISCONTINUING AND RESTORING SERVICE	
480-120-171 Discontinuing service—Customer requested.	No substantive change. No economic impact.
480-120-172 Discontinuing service—Company initiated.	No substantive change. No economic impact.
480-120-173 Restoring service after discontinuation.	No substantive change. No economic impact.
480-120-174 Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility.	The proposed rule requires a company to restore local service if the customer enrolls in a low-income assistance program. There is no economic impact on the regulated companies, because the program benefits cover the costs of providing service.
PART V. POSTING AND PUBLICATION NOTICE	
480-120-193 Posting of tariffs for public inspection and review.	No substantive change. No economic impact.
480-120-194 Publication of proposed tariff changes to increase charges or restrict access to services.	No substantive change. No economic impact.
480-120-195 Notice of tariff changes other than increases in recurring charges and restrictions in access to services.	No substantive change. No economic impact.
480-120-196 Customer notice requirements—Competitively classified telecommunications companies or services.	No substantive change. No economic impact.
480-120-197 Adjudicative proceedings where public testimony will be taken.	No substantive change. No economic impact.

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480-120-198 Notice verification and assistance.	No substantive change. No economic impact.
480-120-199 Other customer notice.	No substantive change. No economic impact.
PART VI. CUSTOMER INFORMATION	
480-120-201 Telephone solicitation.	No substantive change. No economic impact.
480-120-202 Using a customer's call detail information.	No substantive change from the existing rule, which also requires opt-in approval for use of call detail information. No economic impact.
480-120-203 Using private account information in the provision of services.	No substantive change. No economic impact.
480-120-204 Using private account information during an inbound call.	No substantive change. No economic impact.
480-120-205 Using private account information for marketing related services.	The current rule allows companies to use private account information to market related services without informing the customer or securing the customer's approval. The proposed rule allows a customer to opt out of this use. The economic impact of this rule, in the form of either additional expenses or reduced revenues, is discussed below at WAC 480-120-207 and 480-120-208.
480-120-206 Using private account information for marketing unrelated services.	This proposed rule allows companies to use an "opt-out" approach before using customers' private account information to market unrelated services. The existing rule requires affirmative, "opt-in" approval. The change reduces expenses and increases revenues for regulated companies. Companies will incur lower expenses to secure approval for use of customer information. Companies will increase revenues due to the increased marketing capabilities through use of private information.

	The economic impacts of this change are similar for large and small businesses.
480-120-207 Notice when use of private account information is permitted unless a customer directs otherwise ("opt-out").	This rule establishes the notice provisions when opt-out approval is used. To use customers' private information, the company must print and mail a notice to customers explaining the use and giving the customer a chance to say no. Printing and postage costs are higher, on a per-customer basis, for a small business. There is no overall increase in costs as a result of this rule, because the company is not required to use customers' private account information to market other services. A company would incur these costs only if it expects that the use would reduce other marketing expenses and/or increase revenues by enough to offset the notice costs.
480-120-208 Mechanisms for opting out of use, disclosure, and access to private customer account information.	The proposed rule [rule] requires a company, if it chooses to use customers' private account information for marketing, to establish mechanisms by which customers can say no. A company would incur costs to process incoming telephone calls, written notices, and web site transactions. There is no overall increase in costs as a result of this rule, because the company is not required to use customers' private account information to market other services. A company would incur these costs only if it expects that the use would reduce other marketing expenses and/or increase revenues by enough to offset the notice costs.

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<p>480-120-209 Notice when explicit ("opt-in") approval is required.</p>	<p>The proposed rule clarifies and increases the disclosures that a company must make when seeking explicit approval to use a customer's private account information. There is no increase in costs as a result of this rule, because the existing rule requires a notice when a company seeks opt-in approval. Moreover, a company is not required to incur any costs, since it is not required to use customer private account information for marketing.</p>
<p>480-120-211 Confirming change in approval status.</p>	<p>The proposed rule requires a company to give written confirmation of a customer's change in privacy status. A company would incur costs to print and mail the confirmation notice. There is no overall increase in costs as a result of this rule, because the company is not required to use customers' private account information for marketing.</p>
<p>480-120-212 Duration of customer approval or disapproval.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-213 Safeguards required for using private account information.</p>	<p>The proposed revision requires companies to file a copy of a document that they are already required to produce. The additional cost of filing the document, as part of an existing annual report filing, is negligible. There is no economic impact on small business telecommunications companies, if they are exempt from this filing requirement by RCW 80.04.530.</p>
<p>480-120-214 Disclosing customer proprietary network information.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-215 Using privacy listings for telephone solicitation.</p>	<p>No substantive change. No economic impact.</p>

<p>480-120-216 Using subscriber list information for purposes other than directory publishing.</p>	<p>The proposed rule requires companies to remove customers, upon request, from subscriber lists sold to telemarketers. There is no requirement to notify customers of this provision. The rule reflects existing practice within the telecommunications industry. There is no economic impact.</p>
<p>PART VII. TELECOMMUNICATIONS SERVICES</p>	
<p>480-120-251 Directory service.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-252 Intercept services.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-253 Automatic dialing-announcing device (ADAD).</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-254 Information delivery services.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-255 Caller identification service.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-256 Emergency services.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-261 Operator services.</p>	<p>No substantive change. No economic impact.</p>
<p>480-120-262 Operator service providers (OSPs).</p>	<p>The proposed rule increases the amount of information that customers receive when they make operator-assisted calls. The rule establishes benchmark rates for operator-assisted calls. The current rule applies only to calls from pay phones and hotels using the presubscribed operator service. The proposed rule expands the scope to include calls made using any operator service provider. Operator service providers that do not already provide presubscribed services will incur additional expenses if they do not currently give customers the ability to obtain a rate quote. If they already have rate quote ability, there will be no additional costs as a result of the expanded scope.</p>

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	<p>For operator service providers whose charges are below the benchmark, the proposed rule does not change existing disclosure requirements. There is no economic impact for these companies.</p> <p>For operator service providers whose charges are above the benchmark, the proposed rule requires a rate quote on each call. These companies may incur one-time costs to reprogram operator assistance platforms to deliver the rate quote on all above-benchmark calls. Additional expense may be incurred due to the time spent delivering the rate quote. The companies also may experience reduced revenues, because customers may hang up when they hear what the rates are.</p> <p>The proposed rule likely does not directly affect small businesses, because operator service providers typically require more than fifty employees. However, the proposed rule indirectly affects small businesses that own, manage, or operate pay telephones, convenience stores, and motels. These businesses sometimes receive commissions from operator service providers that are based on operator service revenues generated at their location. If customers choose not to complete calls after they hear the rates, revenues to the site owners will be reduced.</p> <p>The commission did not identify any mitigation provisions for small businesses. Requiring disclosure was the less burdensome method of protecting consumers, compared to direct regulation of operator service provider rates.</p>
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	The rule implements a statute, RCW 80.36.520, that applies to all operator service providers regardless of size.
480-120-263 Pay phone service providers (PSPs).	No substantive change. No economic impact.
480-120-264 Prepaid calling services.	No substantive change. No economic impact.
PART VIII. FINANCIAL RECORDS AND REPORTING RULES	
480-120-301 Accounting requirements for competitively classified companies.	No substantive change. No economic impact.
480-120-302 Accounting requirements for companies not competitively classified as competitive.	<p>The proposed rule updates and streamlines accounting requirements. The economic impact of the changes, while a benefit to companies, is negligible.</p> <p>The rule provides for reduced accounting requirements for small businesses.</p>
480-120-303 Reporting requirements for competitively classified companies.	No substantive change. No economic impact.
480-120-304 Reporting requirements for companies not competitively classified as competitive.	<p>No substantive change. No economic impact.</p> <p>The rule provides streamlined filing requirements for small businesses.</p>
480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases.	<p>The proposed rule simplifies and reduces the filing requirements for a small telecommunications company (including small businesses) that seek to increase rates.</p> <p>The revisions reduce expenses for companies seeking to justify an increase in regulated rates.</p> <p>The benefits are disproportionately felt by small businesses, since accounting and legal services are higher for them on a per-revenue or per-customer basis.</p>
480-120-311 Access charge and universal service reporting.	The proposed rule simplifies and reduces filing requirements for companies that collect access charges.

	The benefits are disproportionately felt by small businesses, since accounting and legal services are higher for them on a per-revenue or per-customer basis.
480-120-312 Universal service cost recovery authorization.	No substantive change. No economic impact.
480-120-313 Terminating access charges.	No substantive change. No economic impact.
480-120-321 Expenditures for political or legislative activities.	No substantive change. No economic impact.
480-120-322 Retaining and preservation of preserving records and reports.	No substantive change. No economic impact.
480-120-323 Washington Exchange Carrier Association (WECA).	No substantive change. No economic impact.
PART IX. SAFETY AND STANDARDS RULES	
480-120-401 Network performance standards.	The proposed changes clarify existing performance standards and make them more specific. This reduces uncertainty and compliance costs. Expenses could increase for a company whose performance was not in violation of the existing, vague rule, if the same performance level does not comply with the more specific standards. The commission is not aware of any companies in this situation.
480-120-402 Safety.	No substantive change. No economic impact.
480-120-411 Network maintenance.	No substantive change. No economic impact.
480-120-412 Major outages.	No substantive change. No economic impact.
480-120-413 Collocation.	No substantive change. No economic impact.
480-120-414 Emergency operation.	No substantive change. No economic impact.
480-120-436 Responsibility for drop facilities and support structure.	The proposed rule reflects current practice. No substantive change. No economic impact.

480-120-437 Responsibility for maintenance and repair of facilities and support structures.	The proposed rule reflects current practice. No substantive change. No economic impact.
480-120-438 Trouble report standard.	No substantive change. No economic impact.
480-120-439 Service quality performance reports.	The proposed changes eliminate outdated reporting requirements and add reporting requirements consistent with the commission's performance standards. Local exchange companies are expected to incur some initial costs to establish systems to track and report the statistics in the report. The cost of the periodic report filing itself is negligible. Reporting costs are generally a disproportionate expense for small businesses, but the rule exempts small telecommunications companies from the reporting requirements. With this mitigation, there is no disproportionate impact on small business.
480-120-440 Service interruptions and impairments, excluding major outages.	The proposed rule would change the standard for restoration of interruptions of basic service from two working days, which is an average of sixty hours, to forty-eight hours. Most companies restore basic service interruptions in less than forty-eight hours, but some companies may incur additional expenses to hire employees or contracts to meet the shorter restoration interval. The proposed rule would change the standard for restoration of nonbasic services from two working days to seventy-two hours. Some companies may have slightly lower expenses because they will be able to comply with the rule with fewer repair technicians.

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	<p>The proposed rule provides additional exceptions to the service restoration intervals. These exceptions represent situations when a company would have difficulty meeting the forty-eight hour or seventy-two hour standard. Including the additional exceptions lowers costs for regulated companies.</p> <p>The increased expenses and reduced expenses resulting from the proposed rule changes do not have a disproportionate impact on small business, because the costs are generally incurred in proportion to the number of customers served.</p>
480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies.	<p>The proposed rule changes clarify responsibilities for maintaining E-911 information. Some companies may incur additional costs to comply with the requirement to offer a method for customers and other telecommunications companies to submit data base changes electronically. Any additional costs would be minor and could be recovered through the rates charged for E-911 service.</p>
480-120-451 Local exchange carrier contact number for use by public safety answering points (PSAPs).	<p>This proposed rule requires companies to maintain a contact number for use by county E-911 systems. The cost of a contact number is negligible, so there is no economic impact from the proposed rule.</p>
480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base— When permitted.	<p>No substantive change. No economic impact.</p>
PART X. ADOPTION BY REFERENCE	
480-120-999 Adoption by reference.	<p>No substantive change. No economic impact.</p>

REPEALED	
480-120-121 Responsibility for delinquent accounts.	
480-120-131 Reports of accidents.	
480-120-151 Telecommunications carriers' use of customer proprietary network information (CPNI).	
480-120-152 Notice and approval required for use of customer proprietary network information (CPNI).	
480-120-153 Safeguards required for use of customer proprietary network information (CPNI).	
480-120-154 Definitions.	

A copy of the statement may be obtained by writing to Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150. The small business economic impact statement addresses this proposal and the remaining rules that will be filed under a subsequent proposal.

RCW 34.05.328 does not apply to this rule adoption. The commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules as referenced in RCW 34.05.328(5).

Hearing Location: Washington Utilities and Transportation Commission, Headquarters, Room 206, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on July 26, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mary DeYoung by Friday, July 19, 2002, TDD (360) 586-8203, or (360) 664-1133.

Submit Written Comments to: Secretary, Docket No. UT-990146, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, fax (360) 586-1150, by June 27, 2002.

Date of Intended Adoption: July 26, 2002.

May 30, 2002
Carole J. Washburn
Secretary

PART I. GENERAL RULES

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-480, filed 7/11/01, effective 8/11/01)

WAC 480-120-011 Application of rules. (1) The rules in this chapter apply to any company that is subject to the jurisdiction of the commission as to rates and services under

~~((RCW 80.04.010))~~ the provisions of RCW 80.01.040 and chapters 80.04 and 80.36 RCW.

(2) The ~~((effective))~~ tariffs ~~((provisions))~~ and price lists filed by companies ~~((shall))~~ must conform to these rules. ~~((The commission's acceptance of a tariff that conflicts with these rules does not constitute a waiver of these rules.))~~ If the commission accepts a tariff or price list that conflicts with these rules, the acceptance does not constitute a waiver of these rules unless the commission specifically approves the variation consistent with WAC 480-120-015 (Exemptions from rules in chapter 480-120 WAC). Tariffs or price lists that conflict with these rules without approval are superseded by these rules ~~((unless the commission authorizes the deviation in writing)).~~

(3) Any affected person may ask the commission to review the interpretation of these rules by a company or customer by posing an informal complaint under WAC 480-09-150(;) (Informal complaints), or by filing a formal complaint under WAC 480-09-420(;) (Pleading and briefs—Application for authority—Protests).

(4) No deviation from these rules is permitted without written authorization by the commission. Violations will be subject to ~~((penalty provisions of chapter 80.04 RCW))~~ penalties as provided by law.

AMENDATORY SECTION (Amending Docket No. UT-990146, General Order No. R-480, filed 7/11/01, effective 8/11/01)

WAC 480-120-015 Exemptions from rules in chapter 480-120 WAC. (1) The commission may grant an exemption from the provisions of any rule in this chapter, if consistent with the public interest, the purposes underlying regulation and applicable statutes.

(2) To request a rule exemption, a person must file with the commission a written request identifying the rule for which an exemption is sought, giving a full explanation of the reason for requesting the exemption.

(3) The commission will assign the request a docket number, if it does not arise in an existing docket, and will schedule the request for consideration at one of its regularly scheduled open meetings or, if appropriate under chapter 34.05 RCW, in an adjudication. The commission will notify the person requesting the exemption, and other interested persons, of the date of the hearing or open meeting when the commission will consider the request.

(4) In determining whether to grant the request, the commission may consider whether application of the rule would impose undue hardship on the requesting person, of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule would be contrary to the purposes of the rule.

(5) The commission will enter an order granting or denying the request, or setting it for hearing, pursuant to chapter 480-09 WAC.

NEW SECTION

WAC 480-120-017 Severability. If any provision of this chapter or its application to any person or circumstance is

held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-120-019 Telecommunications performance requirements—Enforcement. The commission may enforce the performance requirements set forth in this chapter by imposing administrative penalties under RCW 80.04.405, 80.04.380, or other appropriate penalty statutes. These performance requirements are not intended to establish civil duties owed to any individual or class for any other purpose.

AMENDATORY SECTION (Amending Order R-452, Docket No. UT-970301, filed 12/29/98, effective 1/29/99)

WAC 480-120-021 ~~((Glossary.))~~ Definitions. ~~((Access line—a circuit between a subscriber's point of demarcation and a serving switching center. Access code—sequence of numbers that, when dialed, connect the caller to the provider of operator telecommunication services associated with that sequence.~~

~~Aggregator—is referenced in these rules as a call aggregator, defined below.~~

~~Alternate operator services company—is referenced in these rules as an operator service provider (OSP), defined below.~~

~~Applicant—any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.~~

~~Automatic dialing announcing device—any automatic terminal equipment which incorporates the following features:~~

- ~~(1)(a) Storage capability of numbers to be called; or~~
- ~~(b) A random or sequential number generator that produces numbers to be called; and~~
- ~~(c) An ability to dial a call; and~~
- ~~(2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.~~

~~Automatic location identification/data management system (ALI/DMS)—ALI/DMS is a feature that forwards to the public safety answering point (PSAP) a caller's telephone number, the name and service address associated with the telephone number, and supplementary information as defined in the DMS for automatic display at the PSAP. The DMS is a combination of manual procedures and computer programs used to create, store, manipulate, and update data required to provide selective routing, ALI, emergency service numbers, and other information associated with the calling party's telephone number.~~

~~Billing agent—a person such as a clearing house which facilitates billing and collection between a carrier and an entity such as a local exchange company which presents the bill to and collects from the consumer.~~

~~Base rate area or primary rate area—the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.~~

Call aggregator—any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including but not limited to hotels, motels, hospitals, campuses, and pay phones (see also pay phone service provider).

Centrex—a telecommunications service providing a subscriber with direct inward dialing to telephone extensions and direct outward dialing from them.

Central office—a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission (agency)—in a context meaning a state agency, the Washington utilities and transportation commission.

Commission (financial)—in a context referring to compensation for telecommunications services, a payment from an AOS company to an aggregator based on the dollar volume of business, usually expressed as a percentage of tariffed message toll charges.

Competitive telecommunications company—a telecommunications company which is classified as such by the commission pursuant to RCW 80.36.320.

Competitive telecommunications service—a service which is classified as such by the commission pursuant to RCW 80.36.330.

Consumer—user not classified as a subscriber.

Customer premises equipment (CPE)—telecommunications terminal equipment, including inside wire, located at a subscriber's premises on the subscriber's side of the standard network interface/point of demarcation (excluding pay telephones provided by the serving local exchange company).

Emergency calling—the ability to access emergency services by dialing 911, or dialing a local number to police and/or fire where 911 is not available, without the use of a coin or the entering of charge codes. Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) shall be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone.

Exchange—a unit established by a telecommunications company for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices together with the associated plant used in furnishing communication service to the general public within that area.

Exchange area—the specific area served by, or purported to be served by an exchange.

Farmer line—outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telecommunications company for switching service. (Connection is usually made at the base rate area boundary.)

Farmer station—a telephone instrument installed and in use on a farmer line.

Foreign-exchange service—a communications exchange service that uses a private line to connect a subscriber's local central office with a distant central office in a community outside the subscriber's local calling area.

Interexchange telecommunications company—a telecommunications company, or division thereof, that does not provide basic local service.

Interoffice facilities—facilities connecting two or more telephone switching centers.

Local coin call—a connection from a pay phone within the local calling area of not less than fifteen minutes.

Location surcharge—a flat, per call charge assessed by an operator service provider (OSP) on behalf of a call aggregator/pay phone service provider in addition to message toll charges, local call charges, and operator service charges. A location surcharge is remitted, in whole or in part, to the call aggregator/pay phone service provider.

Operator service charge—a charge, in addition to the message toll charge or local call charge, assessed for use of a calling card, a credit card, or for automated or live operator service in completing a call.

Operator service provider (OSP)—any corporation, company, partnership, or person providing a connection to intrastate or interstate long distance or to local services from locations of call aggregators. The term "operator services" in this rule means any intrastate telecommunications service provided to a call aggregator location that includes as a component any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an intrastate telephone call through a method other than: Automatic completion with billing to the telephone from which the call originated; or completion through an access code used by the consumer with billing to an account previously established by the consumer with the carrier.

Outside plant—the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

Pay phone or pay telephone—any telephone made available to the public on either a fee per call basis, independent of any other commercial transaction, for the purpose of making telephone calls, whether the telephone is coin operated or is activated by calling collect or using a calling card.

Pay phone access line, public access line, pay telephone access line, pay station service, pay phone service (PAL)—is referenced in these rules as an access line, see above.

Pay phone services—provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

Pay phone service provider (PSP)—any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

Presubscribed provider of operator services—the provider of operator services to which the consumer is connected when a call is placed without dialing an access code.

Person—unless the context indicates otherwise, any natural person or an entity such as a corporation, partnership, municipal corporation, agency, or association.

Private branch exchange (PBX)—customer premises equipment installed on the subscriber's premises that func-

tions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

Private line—a dedicated, nonswitched telecommunications channel provided between two or more points.

Public safety answering point (PSAP)—an answering location for enhanced 911 (E-911) calls originating in a given area. PSAPs are designated as a primary or secondary. Primary PSAPs receive E-911 calls directly from the public; secondary PSAPs receive E-911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

Reverse search of ALI/DMS data base—a query of the automatic location identification (ALI/DMS) data base initiated at the public safety answering point (PSAP) to obtain electronically the ALI data associated with a known telephone number for purposes of handling an emergency call when the searched telephone line is not connected to the PSAP.

Special circuit—an access line specially conditioned to give it characteristics suitable for handling special or unique services.

Standard network interface (SNI)—the point of interconnection between telecommunications company communications facilities and terminal equipment, protective apparatus, or wiring at a subscriber's premises. The network interface or demarcation point is located on the subscriber's side of the telecommunications company's protector, or the equivalent thereof in cases where a protector is not employed.

Station—a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

Subscriber—any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

Toll station—a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

Trunk—a single or multichannel telecommunications medium between two or more switching entities which may include a PBX.

Utility—any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the state of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.) The definitions in this section apply throughout the chapter except where there is an alternative definition in a specific section, or where the context clearly requires otherwise.

"Access charge" means a rate charged by a local exchange carrier to an interexchange carrier for the origination, transport, or termination of a call to or from a customer of the local exchange carrier. Such origination, transport, and termination may be accomplished either through switched access service or through special or dedicated access service.

"Access line" means a circuit providing exchange service between a customer's standard network interface and a serving switching center.

"Affiliate" means an entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another entity.

"Ancillary services" means all local service features excluding basic service.

"Applicant" means any person applying to a telecommunications company for new service or reconnection of discontinued service.

"Average busy hour" means a time-consistent hour of the day during which a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"Basic service" means service that includes the following:

- Single-party service;
- Voice grade access to the public switched network;
- Support for local use;
- Dual tone multifrequency signaling (touch-tone);
- Access to emergency services (E911);
- Access to operator services;
- Access to interexchange services;
- Access to directory assistance; and
- Toll limitation services.

"Business" means a for profit or not-for-profit organization, including, but not limited to, corporations, partnerships, sole proprietorships, limited liability companies, government agencies, and other entities or associations.

"Business days" means days of the week excluding Saturdays, Sundays, and official state holidays.

"Business office" means an office or service center provided and maintained by a company.

"Business service" means service other than residential service.

"Busy season" means an annual, recurring, and reasonably predictable three-month period of the year when a switch or trunk carries the most traffic. This definition is applied on an individual switch and an individual trunk basis.

"Call aggregator" means any corporation, company, partnership, or person, who, in the ordinary course of its operations, makes telephones available to the public or to users of its premises for telephone calls using a provider of operator services, including, but not limited to, hotels, motels, hospitals, campuses, and pay phones (see also pay phone service providers).

"Call detail" means:

(a) Any information that identifies or reveals for any specific call, the name of the caller, the name of any person called, the location from which a call was made, the area code, prefix, any part of the telephone number of any participant, the time of day of the call, the duration of a call, or the cost of a call;

(b) The aggregation of information in (a) of this subsection up to the level where a specific individual is associated with information on calls made to a given area code, prefix, or complete telephone number, whether that information is

expressed through amount spent, number of calls, or number of minutes used and whether that information is expressed in monthly, less-than-monthly or greater-than-monthly units;

(c) The aggregation of the information in (a) of this subsection up to the level where a specific individual is associated with general calling patterns (e.g., peak, off-peak, week-ends) or amounts spent expressed on a less-than-per-month basis;

(d) The number of calls that are answered or unanswered and information related to them that provides information by time of the day, day of the week, or by week or weeks up to, but not including, by month.

Call detail does not include information other than (a), (b) and (c) of this subsection compiled on a monthly basis. For example, it does not include the monthly amount spent on long distance calls or the monthly amount spent on ancillary services. It does include, for example, the monthly amount spent calling area code XXX, and the number of unanswered calls between the hours of 8:00 a.m. and 5:00 p.m. and the number of unanswered calls on Tuesdays.

"Category of service" means local, data services such as digital subscriber line service, interexchange, or CMRS. Information about a customer's intraLATA and interLATA primary interexchange carrier freeze status is part of the local category.

"Central office" means a company facility that houses the switching and trunking equipment serving a defined area.

"Centrex" means a telecommunications service providing a customer with direct inward dialing to telephone extensions and direct outward dialing from them.

"Class A company" means a local exchange company with two percent or more of the access lines within the state of Washington.

"Class B company" means a local exchange company with less than two percent of the access lines within the state of Washington.

"Commercial mobile radio service (CMRS)" means any mobile (wireless) telecommunications service that is provided for profit that makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

"Commission (agency)" in a context meaning a state agency, means the Washington utilities and transportation commission.

"Company" means any telecommunications company as defined in RCW 80.04.010.

"Competitively classified company" means a company that is classified as competitive by the commission pursuant to RCW 80.36.320.

"Customer" means a person to which the company is currently providing service.

"Customer premises equipment (CPE)" is equipment located on the customer side of the SNI (other than a carrier) and used to originate, route, or terminate telecommunications.

"Customer proprietary network information (CPNI)" means (a) information that relates to the quantity, technical configuration, type, destination, location, and

amount of use of a telecommunications service, including call detail, and that is made available to the company by the customer solely by virtue of the customer-company relationship, which includes information obtained by the company for the provision of the telecommunication service; and (b) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a company; except that CPNI does not include subscriber list information.

"Discontinue; discontinuation; discontinued" means the termination of service to a customer.

"Drop facilities" means company-supplied wire and pedestals placed between a premises and the company distribution plant at the applicant's property line.

"Due date" means the date an action is required to be completed by rule or, when permitted, the date chosen by a company and provided to a customer as the date to complete an action.

"Emergency response facility" means fire stations, hospitals, police stations, and state and municipal government emergency operations centers.

"Exchange" means a geographic area established by a company for telecommunications service within that area.

"Extended area service (EAS)" means telephone service extending beyond a customer's exchange, for which the customer may pay an additional flat-rate amount per month.

"Facility or facilities" means lines, conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by a telecommunications company to facilitate the provision of telecommunications service.

"Force majeure" means natural disasters, including fire, flood, earthquake, windstorm, avalanche, mudslide, and other similar events; acts of war or civil unrest when an emergency has been declared by appropriate governmental officials; acts of civil or military authority; embargoes; epidemics; terrorist acts; riots; insurrections; explosions; and nuclear accidents.

"Held orders" means orders for exchange access lines for which the company does not provide service by the due date.

"Interexchange" means telephone calls, traffic, facilities or other items that originate in one exchange and terminate in another.

"Interexchange company" means a company, or division thereof, that provides long distance (toll) service.

"Interoffice facilities" means facilities connecting two or more telephone switching centers.

"InterLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications originating in one LATA and terminating outside of the originating LATA.

"IntraLATA" is a term used to describe services, revenues, functions, etc., that relate to telecommunications that originate and terminate within the same LATA.

"Local access and transport area (LATA)" means a local access transport area as defined by the commission in conformance with applicable federal law.

"Local calling area" means the area where a person can place a call without incurring long-distance (toll) charges.

"Local exchange company (LEC)" means a company providing local exchange telecommunications service.

"Major outages" means a service failure lasting for thirty or more minutes that causes the disruption of local exchange or toll services to more than one thousand subscribers; total loss of service to a public safety answering point or emergency response agency; intercompany trunks or toll trunks not meeting service requirements for four hours or more and affecting service; or an intermodal link blockage (no dial tone) in excess of five percent for more than one hour in any switch or remote switch.

"Order date" means the date when an applicant requests service unless a company identifies specific actions a customer must take in order to be in compliance with tariffs, price lists, or commission rules. Except as provided in WAC 480-120-061 and 480-120-104, when specific actions are required of the applicant, the order date becomes the date the actions are completed by the applicant if the company has not already installed or activated service.

When an applicant requests service that requires customer-ordered special equipment, for purposes of calculating compliance with the one hundred eighty-day requirement of WAC 480-120-112 (Company performance for orders for nonbasic service) the order date is the application date unless the applicant fails to provide the support structure or perform other requirements of the tariff or price list. In the event the applicant fails to provide the support structure or perform the other requirements of the tariff or price list, a new order date is established as the date when the applicant does provide the support structure or perform the other requirements of the tariff or price list.

"Pay phone" or "pay telephone" means any telephone made available to the public on a fee-per-call basis independent of any other commercial transaction. A pay phone or pay telephone includes telephones that are coin-operated or are activated by calling collect or using a calling card.

"Pay phone services" means provision of pay phone equipment to the public for placement of local exchange, interexchange, or operator service calls.

"Pay phone service provider (PSP)" means any corporation, company, partnership, or person who owns or operates and makes pay phones available to the public.

"Payment agency" means a physical location established by a local exchange company, either on its own premises or through a subcontractor, for the purpose of receiving cash and urgent payments from customers.

"Person" means an individual, or an organization such as a firm, partnership, corporation, municipal corporation, agency, association or other entity.

"Private account information" means customer proprietary network information that is associated with an identifiable individual.

"Proprietary" means owned by a particular person.

"Provision" means supplying telecommunications service to a customer.

"Public access line (PAL)" means an access line equipped with features to detect coins, permit the use of calling cards, and such other features as may be used to provision a pay phone.

"Public safety answering point (PSAP)" means an answering location for enhanced 911 (E911) calls originating in a given area. PSAPs are designated as primary or secondary. Primary PSAPs receive E911 calls directly from the public; secondary PSAPs receive E911 calls only on a transfer or relay basis from the primary PSAP. Secondary PSAPs generally serve as centralized answering locations for a particular type of emergency call.

"Residential service" means basic service to a household.

"Restricted basic service" means either the ability to receive incoming calls, make outgoing calls, or both through voice grade access to the public switched network, including E911 access, but not including other services that are a part of basic service.

"Results of operations" means a fiscal year financial statement concerning regulated operations that include revenues, expenses, taxes, net operating income, and rate base. The rate of return is also included as part of the results of operations. The rate of return is the percentage of net operating income to the rate base.

"Service interruption" means a loss of or impairment of service that is not due to, and is not, a major outage.

"Service provider" means any business that offers a product or service to a customer, the charge for which appears on the customer's telephone bill.

"Special circuit" means an access line specially conditioned to give it characteristics suitable for handling special or unique services.

"Standard network interface (SNI)" means the protector that generally marks the point of interconnection between company communications facilities and customer's terminal equipment, protective apparatus, or wiring at a customer's premises. The network interface or demarcation point is located on the customer's side of the company's protector, or the equivalent thereof in cases where a protector is not employed.

"Station" means a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

"Subscriber list information (SLI)" means any information:

(a) Identifying the listed names of subscribers of a company and those subscribers' telephone numbers, addresses, or primary advertising classifications (as such classifications are assigned when service is established), or any combination of listed names, numbers, addresses, or classifications; and

(b) That the company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

"Support structure" means the trench, pole, or conduit used to provide a path for placement of drop facilities.

"Telecommunications-related products and services" means:

(a) The offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used; or

(b) Services offered over common carrier transmission facilities which employ computer processing applications that act on the format, content, code, protocol, or similar aspects of the subscriber's transmitted information, provide the subscriber additional, different, or restructured information, or involve subscriber interaction with stored information; or

(c) Equipment employed on the premises of a person to originate, route, or terminate telecommunications.

"Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users to be effectively available directly to the public, regardless of the facilities used.

"Telemarketing" means contacting a person by telephone in an attempt to sell one or more products or services.

"Toll restriction" or "toll restricted" means a service that prevents the use of a local access line to initiate a long distance call using a presubscribed interexchange company.

"Traffic" means telecommunications activity on a telecommunications network, normally used in connection with measurements of capacity of various parts of the network.

"Trouble report" means a report of service affecting network problems reported by customers, and does not include problems on the customer's side of the SNI.

"Trunk" means, in a telecommunications network, a path connecting two switching systems used to establish end-to-end connection. In some circumstances, both of its terminations may be in the same switching system.

AMENDATORY SECTION (Amending Order R-422, Docket No. UT-940049, filed 9/22/94, effective 10/23/94)

WAC 480-120-061 ((Refusal of)) Refusing service.

~~((1) The telecommunications company may refuse to connect with or render service to an applicant for service when such service will adversely affect the service to other existing customers, or where the applicant has not complied with state, county, or municipal codes and/or regulations concerning the rendition of such service.~~

~~(2) A telecommunications company may refuse to serve an applicant for service or a subscriber if, in its judgment, the installation is considered hazardous or of such nature that satisfactory service cannot be given.~~

~~(3) A telecommunications company shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights of way, easements, and permits.~~

~~(4) A telecommunications company may deny service to an applicant or subscriber because of an overdue, unpaid prior obligation to the same telecommunications company for the same class of service at the same or different location until the obligation is paid or arrangements satisfactory to the telecommunications company are made. Provided, That an~~

~~overdue or unpaid obligation to an information provider shall not be grounds for denial of service. A nontelecommunications company applicant for service shall only on an initial occurrence be entitled as a matter of right to arrange to pay an overdue, unpaid prior obligation over not less than six monthly billing periods. Any amount owed to a local exchange company or an interexchange carrier at the time a customer's local service is disconnected for nonpayment is considered a prior obligation. Any amount owed to an interexchange carrier at the time the telecommunications company toll restricts a customer's service for nonpayment is considered a prior obligation. If an applicant or subscriber defaults on a payment agreement such default shall constitute grounds for discontinuance or toll restriction of service under the provisions of WAC 480-120-081. A telecommunications company may offer a payment agreement at any time if deemed to be appropriate by the company.~~

~~(5) A telecommunications company may deny service to an applicant or subscriber for service at an address where a former subscriber is known to reside and has an overdue, unpaid prior obligation to the same telecommunications company for the same class of telecommunications service at that address until the obligation is paid or satisfactory arrangements are made.~~

~~(6) A telecommunications company may deny service until any proper deposit is paid in full, or in part, or an alternative service option as defined in WAC 480-120-056 has been selected by the applicant or subscriber.~~

~~(7) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who fails to provide accurate and verifiable information necessary to establish the identity of the applicant or subscriber until verifiable information is provided. Telecommunications companies must provide a means for applicants or subscribers to provide identification. At a minimum business offices and payment agencies required under WAC 480-120-510 must provide this service at no charge to the applicant or subscriber.~~

~~(8) A telecommunications company may deny installation or continuation of service to any applicant or subscriber who is shown to have obtained or retained service from the company by fraudulent means, including but not limited to false statements of credit references or employment; false statement of premises address; use of an alias or false name with intent to deceive; rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more of said persons, or any other similar fraudulent devices.~~

~~(9) A local exchange company shall deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from a local exchange company shall state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public.) (1) A company may refuse to connect with, or provide service to, an applicant, when service will adversely affect the service to other existing customers, the installation is considered hazardous, or the applicant has not complied with~~

state, county, or municipal codes concerning the provision of telecommunications service. Examples of state, county, or municipal codes concerning the provision of telecommunications service are the state building code and local electrical codes.

(2) A local exchange telecommunications company is not required to connect with or render service to an applicant unless all necessary rights of way, easements, and permits have been secured. The company is responsible for securing all public rights of way, easements, and permits, including rights of way on every highway as defined in RCW 36.75-.010(11) or created under RCW 36.75.070 or 36.75.080. The applicant is responsible for securing all rights of way or easements on private property including private roads or driveways as defined in RCW 36.75.010(10). A private road or driveway is one that has been ascertained by the company not to be public.

(3) A company may deny installation of, or continued service to, an applicant or customer when the company is unable to substantiate the identity of the individual requesting or receiving service.

(a) Companies must allow the applicant or customer to substantiate identity with one piece of identification chosen from a list, provided by the company, of at least five sources of identification. The list must include a current driver's license or other picture identification.

(b) Company-listed business offices and payment agencies, required under WAC 480-120-132 and 480-120-162, must provide a means for applicants to provide identification at no charge to the applicant.

(4) A company may deny installation of, or continued service to, an applicant or customer when the applicant or customer has received service from the company by deception, including, but not limited to, false statements of credit references or employment, false statement of premises address, use of an alias or false name with intent to deceive, or rotation of service among roommates or persons living together for the purpose of avoiding the debts of one or more persons.

(5) A company may deny telecommunications service to an applicant or customer who owes an overdue, unpaid prior obligation to the company for the same class of service at the same or different location until the obligation is paid or satisfactory arrangements are made.

(6) A company may deny telecommunications services at an address where a former customer is known to reside with an overdue, unpaid prior obligation to the same company for the same class of service at that address until the obligation is paid or satisfactory arrangements are made when there is evidence that the person requesting service lived at the address while the overdue, unpaid prior obligations were incurred and helped incur the obligations. However, a company may not deny service if a former customer with an overdue, unpaid prior obligation has vacated the address.

(7) Applicants, excluding telecommunications companies as defined in RCW 80.04.010, are entitled to, and a company must allow, a one-time option to pay a prior obligation over not less than a six-month period. A "prior obligation" means an amount owed to a local exchange company or an

interexchange company for regulated services at the time the company physically toll-restricts, interrupts, or discontinues service for nonpayment. The company must restore service upon payment of the first installment if an applicant is entitled to the payment arrangement provided for in this section and, if applicable, the first half of a deposit is paid as provided for in WAC 480-120-122. The company can discontinue service or institute toll restriction without notice required by WAC 480-120-172, at a location where an applicant or customer defaults on a payment agreement.

(8) A company may not withhold or refuse to release a telephone number to a customer who is transferring service to another telecommunications company.

(9) A telecommunications company must deny service to a nonregistered telecommunications company that intends to use the service requested to provide telecommunications for hire, sale, or resale to the general public within the state of Washington. Any telecommunications company requesting service from another telecommunications company must state in writing whether the service is intended to be used for intrastate telecommunications for hire, sale, or resale to the general public. If the service is intended for hire, sale, or resale on an intrastate basis, the company must certify in writing, in the same manner as required by RCW 9A.72.085, that it is properly registered with the commission to provide the service.

PART II. ESTABLISHING SERVICE AND CREDIT

NEW SECTION

WAC 480-120-102 Service offered. (1) Classes of service. Each local exchange company (LEC) must file with the commission, as part of its tariff or price list, a description of the classes and types of service available to customers. LECs must record for each access line whether local exchange service is residential or business.

(2) Types of service. LECs must offer, at a minimum, flat-rate local exchange service. In addition, companies may offer service alternatives, such as measured service.

(3) Grade of service. Local exchange service offered by companies must be only one-party service.

NEW SECTION

WAC 480-120-103 Application for service. (1) When contacted by an applicant, a company must:

(a) Accept and process applications when an applicant for service for a particular location has met all tariff or price list requirements and applicable commission rules;

(b) Inform an applicant of the specific date when service will be provided or state that an estimated due date will be provided within seven business days as required by subsection (2) of this section; and

(c) Maintain a record in writing, or in electronic format, of each application for service, including requests for a change of service.

(2) If the company does not provide the applicant with a due date for installation or activation at the time of application as required in subsection (1)(b) of this section, the com-

pany must state the reason for the delay. Within seven business days of the date of the application, the company must provide the applicant with an estimated due date for installation or activation. The credit requirements of WAC 480-120-107, and the standards imposed by WAC 480-120-105 and 480-120-112 are not altered by this subsection.

(3) When the company informs the customer that installation of new service orders requires on-premises access by the company, the company must offer the time of day for installation within a four-hour period.

(4) When the application for service requires a service extension as defined in WAC 480-120-071, the requirement of subsection (1)(b) of this section does not apply and, for the purpose of determining when an extension must be completed, the order date is the application date or six weeks prior to the date the customer makes the required initial payment, whichever is later.

When a service extension is required, the company must inform the customer within six weeks of a request for service that it will construct the extension and also request payment from the customer according to WAC 480-120-071, or inform the customer in writing that it will request an exemption from the commission pursuant to WAC 480-120-071(7).

In the event a company informs the customer it will request an exemption, the company must submit the request to the commission within four weeks of informing the customer of its decision. A copy of the exemption request must be mailed to the customer not later than the date the request is filed.

NEW SECTION

WAC 480-120-104 Information to consumers.

(1) Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive), each company must provide an applicant for initial service with a confirming notice or welcome letter, either in writing or with permission of the customer, electronically. The confirming notice or welcome letter must be provided to the applicant or customer no later than ten business days after installation of service and must provide, at a minimum:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, mailing address, repair number, electronic address if applicable, and business office hours, that the customer can contact if they have questions;

(b) Confirmation of the services being provided to the customer by the company, and the rate for each service. If the service is provided under a banded rate schedule, the current rate, including the minimum and maximum at which the customer's rate may be shifted;

(c) If the application is for local exchange service, the local exchange company (LEC) must include the name of the customer's presubscribed interLATA and intraLATA carriers, if applicable; and

(d) If the application is for local exchange service, the LEC must either provide information required in WAC 480-120-251 (6)(a) through (f) or must inform the customer that additional information pertaining to local exchange service

may be found in the consumer information guide of the local telephone directory as required in WAC 480-120-251.

(2) Except for services provided under contract pursuant to WAC 480-80-241 (Filing contracts for services classified as competitive), each company must provide each customer a confirming notice, either in writing or, with permission of the customer, electronically, within ten business days of initiating a change in service which results in the addition of a service, a change from one rate schedule to another, or a change in terms or conditions of an existing service. The confirming notice must provide at a minimum, the following information in clear and conspicuous language:

(a) Contact information for the appropriate business office, including a toll-free telephone number, a TTY number, and business office hours, that customers can contact if they have questions; and

(b) The changes in the service(s) and the material effects of the change(s), including, if applicable, the rate for each service.

(3) When a LEC is acting as an executing carrier under WAC 480-120-147, it must make the following information available upon request:

(a) The name of the intraLATA and interLATA interexchange company to which the customer's account is currently subscribed; and

(b) A minimum of six months' account history, when available, including the date of the changes and the name of the interexchange company.

(4) When an applicant or customer contacts the LEC to select or change an interexchange company, the LEC must notify the carrier of the customer's selection or recommend that the customer contact the chosen interexchange company to confirm that an account has been or is being established by the interexchange carrier for the applicant.

NEW SECTION

WAC 480-120-105 Company performance standards for installation or activation of access lines.

(1) Except as provided in subsection (2) of this section, when an application is made consistent with WAC 480-120-103 (Application for service), the following standards for installation or activation of service apply:

(a) The local exchange company (LEC) must complete, within five business days after the order date, or by a later date requested by a customer, ninety percent of all orders of up to the initial five access lines received during each month;

(b) The LEC must complete ninety-nine percent of all orders of up to the initial five access lines received during each calendar quarter within ninety days after the order date; and

(c) The LEC must complete one hundred percent of all orders for access lines within one hundred eighty days after the order date.

(2) For purposes of determining the amount of penalties that shall apply if a LEC fails to complete the percent of orders required by subsection (1)(a), (b), and (c) of this section, each order that the LEC fails to complete in excess of the highest number of uncompleted orders that would not have triggered a violation shall be a separate violation. For

example, using the ninety-nine percent completion rate under subsection (1)(b) of this section, if the LEC received one hundred orders in a quarter, and it completed only ninety-four of those orders, it would be deemed to have committed five separate violations, because it completed five less than required by the section. Violations of subsection (1)(a), (b), and (c) of this section will be determined separately, and each order is subject to all three parts.

(3) The timelines set forth in subsection (1) of this section do not apply when customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015. These orders will be excluded from both the numerator and denominator in calculating the percentage of orders completed.

(4) Unless the commission orders otherwise, this section does not apply to LECs that are competitively classified under RCW 80.36.320 and do not offer local exchange service by tariff.

NEW SECTION

WAC 480-120-107 Installation and activation credits. All local exchange companies (LECs) must include in tariffs installation and activation credits that conform with this section. This section does not apply to services offered by price list.

(1) LECs must provide a credit to customers ordering a first residential line, first two business lines, or both, if the service is not installed and activated by the due date established at the time of the order, except that a LEC is not required to provide a credit if the due date given by the company is the same day as the order is received and service is installed or activated on that day or the following day. A LEC must establish the due date as the date requested by the customer but is not required to establish a due date that is fewer than seven business days after the order date.

(2) The credit amount in the tariff must be either:

(a) An amount equal to the nonrecurring charge for installation and a pro rata amount of the recurring charge for each day of delay; or

(b) A fifty-dollar credit and an additional fifty-dollar credit after each thirty-day period in which the installation is delayed.

(3) Service credits are not required when a later installation or activation is permitted under WAC 480-120-071 (Extending service) when construction requirements delay installation or activation, or when the LEC is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control. To avoid providing a credit when construction is required for installation or activation, a LEC must have contacted, as soon as practicable, the appropriate authorities to request applicable utility locations services and permits.

(4) LECs may include in tariffs additional service quality guarantee credits, and additional interim services, such as voice mail, that might aid a customer without service.

NEW SECTION

WAC 480-120-108 Missed appointment credits. All local exchange companies (LECs) must include in tariffs or price lists appointment credits that conform with this section. For purposes of this section, an appointment means a commitment that requires the customer or the customer's representative to be present when the LEC installs, changes, disconnects, repairs, or otherwise affects the customer's service.

(1) LECs must credit customers not less than fifty dollars when the LEC fails to keep an appointment and does not notify the customer at least twenty-four hours in advance of the broken appointment.

The LEC keeps the appointment when the necessary work in advance of dispatch has been completed and the technician arrives within four hours of the earliest time at which the customer was required to be present, even if the technician cannot complete the order until a later date.

(2) When a LEC notifies the customer at least twenty-four hours prior to the scheduled appointment that a new appointment is necessary and a new appointment is made, the order date, installation or activation requirements and credit requirements of WAC 480-120-107, and the timelines set out in that section are not affected by the LEC's action to change the appointment. A company-initiated changed appointment date is not a change to the order date for purposes of determining compliance with WAC 480-120-105 and 480-120-112.

(3) A LEC is not required to pay a missed appointment credit when it is unable to meet its obligations due to force majeure, work stoppages directly affecting provision of service in the state of Washington, or other events beyond the LEC's control.

(4) LECs may include in tariffs or price lists additional service quality guarantee credits, and additional interim services, such as voice mail, that might aid a customer without service.

NEW SECTION

WAC 480-120-112 Company performance for orders for nonbasic services. (1) Except as provided in subsection (2) of this section, the local exchange company (LEC) must complete orders for all nonbasic services within one hundred eighty days of the order date or by a later date requested by a customer.

(2) The timeline set forth in subsection (1) of this section does not apply when a later installation or activation is permitted under WAC 480-120-071 (Extending service), or when the commission has granted an exemption from the requirement for installation or activation of a particular order under WAC 480-120-015.

(3) Unless the commission orders otherwise, this section does not apply to LECs that are competitively classified under RCW 80.36.320 and do not offer local exchange service by tariff.

PROPOSED

NEW SECTION

WAC 480-120-122 Establishing credit—Residential services. (1) This section applies only to the provision of residential services. A local exchange company (LEC) may require an applicant or customer of residential basic service to pay a local service deposit only in accordance with (a) through (e) of this subsection. For a LEC that offers basic service as part of any bundled package of services, the requirements of this subsection apply only to its lowest-priced, flat-rated residential basic service offering.

(a) If the applicant or customer has received two or more delinquency notices for basic service during the last twelve month period with that company or another company;

(b) If the applicant or customer has had basic service discontinued by any telecommunications company;

(c) If the applicant or customer has an unpaid, overdue basic service balance owing to any telecommunications company;

(d) If the applicant's or customer's service is being restored following a discontinuation for nonpayment or acquiring service through deceptive means under WAC 480-120-172; or

(e) If the applicant or customer has been disconnected for taking service under deceptive means as described in WAC 480-120-172.

(2) A LEC may, if provided for in its tariff or price list, require an applicant or customer of ancillary services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for ancillary services.

(3) An interexchange company may, if provided for in its tariff or price list, require an applicant or customer of interexchange services to demonstrate satisfactory credit by reasonable means or pay a deposit consistent with subsections (4) and (5) of this section.

The company must inform applicants that local service cannot be withheld pending payment of a deposit for interexchange services.

(4) When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(5) When an applicant or customer is required to pay a basic service deposit or an interexchange deposit, but is unable to pay the entire amount in advance of connection or continuation of service, the following will apply:

(a) The customer may pay fifty percent of the requested deposit amount before installation or continuation of service, with the remaining amount payable in equal amounts over the following two months; or

(b) Where technology permits, the applicant or customer must be allowed the option of accepting toll-restricted basic service in lieu of payment of the deposit. A company must

not charge for toll restriction when it is used as an alternative to a deposit.

A company must remove toll restriction unless the customer requests to retain it when a customer makes full payment of the requested interexchange carrier deposit or pays fifty percent of the requested deposit and enters into payment arrangements as provided for in (a) of this subsection.

(6) A company may require an applicant or customer to pay a deposit equal to two months' charges for ancillary service before providing or continuing ancillary services.

(7) A company may require an applicant or customer to pay a deposit if it finds that service was provided initially without a deposit based on incorrect information and the customer otherwise would have been required to pay a deposit.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice to the customer listing the reason(s) for the request, the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (8) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery, if the notice is delivered in person to the customer.

(8)(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay unbilled toll charges or pay a new or additional deposit amount when the customer's toll charges exceed thirty dollars, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll-restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined above in this subsection, the company may require payment before the close of the next business day following delivery of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The company must give the customer the option to pay one of the following:

(i) All outstanding toll charges specified in the notice; or

(ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or

(iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

(c) When an applicant does not have a customary utilization amount from a previous service, the company may request that the applicant estimate the greatest monthly toll amount the applicant expects to use. If the company asks for an estimate, it must explain that if the customer's toll charges exceed the amounts in (a) of this subsection, the company may toll restrict or require a deposit as permitted in this subsection.

NEW SECTION

WAC 480-120-123 Establishing credit—Business services. (1) As set forth in this section, a company may require a business applicant or customer to demonstrate satisfactory credit by reasonable means appropriate under the circumstances. The criteria used by the company must be contained in a tariff or price list.

(2) **Amount of deposit.** When a company requests a deposit from an applicant or customer, the amount of the deposit may not exceed two months' customary use for an applicant or customer with previous verifiable service of the same class, or two months' estimated use for an applicant or customer without previous verifiable service. Customary use is calculated using charges for the previous three months' service.

(3) **Deposit payment.** Companies may withhold regulated services until the deposit amount associated with regulated services is paid in full.

(4) Deposit requirement notice.

(a) When a company requests a new deposit or a larger deposit amount after service has been established, the company must provide a written notice of the reasons for the request in writing to the customer, state the date the deposit must be paid, and the actions the company may take if the deposit is not paid.

(b) Except for circumstances described in subsection (5) of this section, the deposit or additional deposit amount may not be due and payable before 5:00 p.m. of the sixth business day after notice of the deposit requirement is mailed or 5:00 p.m. of the second business day following delivery if the notice is delivered in person to the customer.

(5) Deposit request for high toll.

(a) A company authorized by the commission to collect deposits or advanced payments may require a customer to pay a new or additional deposit amount to advanced toll charges when the customer's toll charges exceed the amount currently held as an interexchange deposit, or exceed customary use over the previous six months by twenty dollars or by twenty percent, whichever is greater. A company may toll restrict a customer's services if the customer is unable pay the toll or deposit amount.

(b) When a customer has exceeded the toll levels outlined in (a) of this subsection, the company may require payment before the close of the next business day following receipt of either written or oral notice to the customer indicating that failure to pay one of the following may result in toll restriction of the customer's service. The customer must be given the option to pay one of the following:

- (i) All outstanding toll charges specified in the notice;
- (ii) All toll charges accrued to the time of payment providing the customer was notified the customer would be liable for all unbilled toll charges that accrued between the time of the notice and time of the payment; or
- (iii) Payment of a new or additional deposit in light of the customer's actual use based upon two months' customary use.

NEW SECTION**WAC 480-120-124 Guarantee in lieu of deposit.**

When a residential applicant or customer cannot establish credit or cannot pay a deposit or deposit extended payments, the applicant or customer may furnish a guarantor who will secure payment of bills for service requested in a specified amount not to exceed the amount of required deposit. The company may require that the guarantor:

- (1) Reside in the state of Washington;
- (2) Currently have service with the company requesting the deposit; and
- (3) Have an established satisfactory payment history for each class of service being guaranteed.

NEW SECTION

WAC 480-120-125 Deposit or security—Telecommunications resellers. A telecommunications company may be required to pay a reasonable deposit to another telecommunications company if it is unable to demonstrate satisfactory credit.

NEW SECTION**WAC 480-120-128 Deposit administration.** (1)

Transfer of deposit. A company must transfer a customer's deposit, less any outstanding balance, from the account at one service address to another service address, when a customer moves to a new address, is required to pay a deposit, and continues to receive service from that company.

(2) **Interest on deposits.** Interest will be compounded annually. Interest on deposits must:

- (a) Accrue at a rate based upon a simple average of the effective interest rate for new issues of twenty-six-week treasury bills, computed from December 1 of each year continuing through November 30 of the following year;
- (b) Earn that interest rate during January 1 through December 31 of the subsequent year; and
- (c) Be computed from the time of deposit to the time of refund or total application of the deposit.

(3) **Refunding deposits for residential services.** Companies must refund deposits, plus accrued interest, less any outstanding balance, to a customer when:

- (a) A customer terminates service or services for which a deposit is being held.

A company is not required to refund an amount held on deposit when a customer requests a discontinuation of service or services but requests to establish similar service with a company for which the current deposit holder also provides billing and collection service. The new provider must have authority with the commission to collect deposits; or

(b) The customer has paid for service for twelve consecutive months in a prompt and satisfactory manner as evidenced by the following:

- (i) The company has not issued a discontinuation notice against the customer's account for nonpayment during the last twelve months; and
- (ii) The company has sent no more than two delinquency notices to the customer in the last twelve months.

(c) A company may apply a deposit refund to a customer's account or, upon customer request, must provide the refund in the form of a check issued and mailed to the customer no longer than fifteen days after satisfactory payment history is established or service is terminated.

NEW SECTION

WAC 480-120-132 Business offices. Each company must provide business offices or customer service centers that are accessible by telephone or in person. A business office or customer service center that serves more than one exchange must provide toll-free calling from each exchange to the office. Each business office or customer service center must be staffed by qualified personnel who can provide information relating to all services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and generally act as representatives of the company.

NEW SECTION

WAC 480-120-133 Response time for calls to business office or repair center. (1) Calls placed to a company's business or repair center must be answered either by a live representative or an automated call answering system.

(2) Companies that use an automated answering system must comply with the following requirements:

(a) The average time until the automated system answers a call, measured on a weekly basis, must not exceed thirty seconds; and

(b) The automated system must provide a caller with an option to speak to a live representative within the first thirty seconds of the recorded message.

(i) A company may provide the live representative option by directing the caller to take an affirmative action (e.g., select an entry on the telephone) or by default (e.g., be transferred when the caller does not select an option on the telephone).

(ii) The recorded message must clearly describe the method a caller must use to reach a live representative.

(c) The average time until a live representative answers a call, measured on a weekly basis, must not exceed sixty seconds from the time a caller selects the appropriate option to speak to a live representative.

(3) Companies that do not use an automated answering system must answer at least ninety-nine percent of call attempts, measured on a weekly basis, within thirty seconds.

NEW SECTION

WAC 480-120-146 Changing service providers from one local exchange company to another. When a customer changes service providers from one local exchange company (LEC) to another, the LEC providing existing service to the customer must not discontinue service until it receives confirmation of activation of new service from the new service provider, unless the customer specifically requests that service be discontinued before the new service provider confirms that the new service has been activated.

NEW SECTION

WAC 480-120-147 Changes in local exchange and intrastate toll services. (1) **Verification of orders.** A local exchange or intrastate toll carrier that requests on behalf of a customer that the customer's carrier be changed, and that seeks to provide retail services to the customer (submitting carrier), may not submit a change-order for local exchange or intrastate toll service until the order is confirmed in accordance with one of the procedures in (a) through (c) of this subsection:

(a) The company has obtained the customer's written or electronic authorization to submit the order (letter of agency). The letter of agency must be a separate electronic form, located on a separate screen or web page, or a separate written document (or easily separable document) containing only the authorizing language described in (a)(i) through (vi) of this subsection, having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency, whether written or electronic, must be signed and dated by the customer of the telephone line(s) requesting the preferred carrier change. The letter of agency shall not be combined on the same document or on the same screen or web page with inducements of any kind; however, it may be combined with checks that contain only the required letter of agency language as prescribed in (a)(i) through (vi) of this subsection, and the necessary information to make the check a negotiable instrument. The check may not contain any promotional language or material. It must contain, in easily readable, boldface type on the front of the check, a notice that the customer is authorizing a preferred carrier change by signing the check. Letter-of-agency language must be placed near the signature line on the back of the check. Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the customer. If any portion of a letter of agency is translated into another language, then all portions must be translated into that language, as well as any promotional materials, oral descriptions or instructions provided with the letter of agency. The letter of agency must confirm the following information from the customer:

(i) The customer billing name, billing telephone number and billing address and each telephone number to be covered by the change order;

(ii) The decision to change;

(iii) The customer's understanding of the change fee;

(iv) That the customer designates (name of carrier) to act as the customer's agent for the preferred carrier change;

(v) That the customer understands that only one telecommunications carrier may be designated as the customer's interstate preferred carrier; that only one telecommunications carrier may be designated as the customer's intraLATA preferred carrier; and that only one telecommunications carrier may be designated as the customer's local exchange provider, for any one telephone number. The letter of agency must contain a separate statement regarding the customer's choice for each preferred carrier, although a separate letter of agency for each choice is not necessary; and

(vi) Letters of agency may not suggest or require that a customer take some action in order to retain the current preferred carrier.

(b) The submitting carrier has obtained the customer's authorization, as described in (a) of this subsection, electronically, by use of an automated, electronic telephone menu system. This authorization must be placed from the telephone number(s) for which the preferred carrier is to be changed and must confirm the information required in (a)(i) through (vi) of this subsection.

Telecommunications companies electing to confirm sales electronically must establish one or more toll free telephone numbers exclusively for that purpose.

Calls to the number(s) must connect a customer to a voice response unit, or similar device, that records the required information regarding the change, including automatically recording the originating automatic number identification (ANI).

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., the customer's date of birth). The independent third party must not be owned, managed, controlled or directed by the carrier or the carrier's marketing agent; and must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent. The content of the verification must include clear and unambiguous confirmation that the customer has authorized a preferred carrier change.

(2) Where a telecommunications carrier is selling more than one type of telecommunications service (e.g., local exchange, intraLATA-intrastate toll, interLATA-interstate toll, and international toll), that carrier must obtain separate authorization, and separate verification, from the customer for each service sold, although the authorizations may be made within the same solicitation.

(3) The documentation regarding a customer's authorization for a preferred carrier change must be retained by the submitting carrier, at a minimum, for two years to serve as verification of the customer's authorization to change his or her telecommunications company. The documentation must be made available to the customer and to the commission upon request. Documentation includes, but is not limited to, entire third-party-verification conversations and, for written verifications, the entire verification document.

(4) Implementing order changes. An executing carrier may not verify directly with the customer the submission of a change in a customer's selection of a provider received from a submitting carrier. The executing carrier must comply promptly, without any unreasonable delay, with a requested change that is complete and received from a submitting carrier. An executing carrier is any telecommunications carrier that affects a request that a customer's carrier be changed.

This section does not prohibit any company from investigating and responding to any customer-initiated inquiry or complaint.

(5) Preferred carrier freezes. A preferred carrier freeze prevents a change in a customer's preferred carrier selection unless the customer gives the carrier from whom the freeze was requested express consent. Express consent means direct, written, electronic, or oral direction by the customer. All local exchange companies (LECs) must offer preferred carrier freezes. Such freezes must be offered on a non-discriminatory basis to all customers. Offers or solicitations for such freezes must clearly distinguish among telecommunications services subject to a freeze (e.g., local exchange, intraLATA-intrastate toll, interLATA-interstate toll and international toll). The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested. Separate authorizations may be contained within a single document.

(a) All LECs must notify all customers of the availability of a preferred carrier freeze, no later than the customer's first telephone bill, and once per year must notify all local exchange service customers of such availability on an individual customer basis (e.g., bill insert, bill message, or direct mailing).

(b) All carrier-provided solicitation and other materials regarding freezes must include an explanation, in clear and neutral language, of what a preferred carrier freeze is, and what services may be subject to a freeze; a description of the specific procedures to lift a preferred carrier freeze; an explanation that the customer will be unable to make a change in carrier selection unless he or she lifts the freeze; and an explanation of any charges incurred for implementing or lifting a preferred carrier freeze.

(c) No local exchange carrier may implement a preferred carrier freeze unless the customer's request to impose a freeze has first been confirmed in accordance with the procedures outlined for confirming a change in preferred carrier, as described in subsections (1) and (2) of this section.

(d) All LECs must offer customers, at a minimum, the following procedures for lifting a preferred carrier freeze:

(i) A customer's written or electronic authorization stating the customer's intent to lift the freeze;

(ii) A customer's oral authorization to lift the freeze. This option must include a mechanism that allows a submitting carrier to conduct a three-way conference call with the executing carrier and the customer in order to lift the freeze. When engaged in oral authorization to lift a freeze, the executing carrier must confirm appropriate verification data (e.g., the customer's date of birth), and the customer's intent to lift the freeze.

(e) A LEC may not change a customer's preferred carrier if the customer has a freeze in place, unless the customer has lifted the freeze in accordance with this subsection.

(6) Remedies. In addition to any other penalties provided by law, a submitting carrier that requests a change in a customer's carrier without proper verification as described in this rule shall receive no payment for service provided as a result of the unauthorized change and shall promptly refund any amounts collected as a result of the unauthorized change. The customer may be charged, after receipt of the refund, for such service at a rate no greater than what would have been charged by its authorized telecommunications company, and

any such payment shall be remitted to the customer's authorized telecommunications company.

(7) **Exceptions.** Companies transferring customers as a result of a merger, purchase of the company, or purchase of a specific customer base are exempt from subsections (1) through (6) of this section if the companies comply with the following conditions and procedures:

(a) The acquiring company must provide a notice to each affected customer at least thirty days before the date of transfer. Such notice must include the following information:

(i) The date on which the acquiring company will become the customer's new provider;

(ii) The rates, terms, and conditions of the service(s) to be provided upon transfer, and the means by which the acquiring company will notify the customer of any change(s) to those rates, terms, and conditions;

(iii) That the acquiring company will be responsible for any carrier change charges associated with the transfer;

(iv) The customer's right to select a different company to provide the service(s);

(v) That the customer will be transferred even if the customer has selected a "freeze" on his/her carrier choices, unless the customer chooses another carrier before the transfer date;

(vi) That, if the customer has a "freeze" on carrier choices, the freeze will be lifted at the time of transfer and the customer must "refreeze" carrier choices;

(vii) How the customer may make a complaint prior to or during the transfer; and

(viii) The toll-free customer service telephone number of the acquiring carrier.

(b) The acquiring company must provide a notice to the commission at least thirty days before the date of the transfer. Such notice must include the following information:

(i) The names of the parties to the transaction;

(ii) The types of services affected;

(iii) The date of the transfer; and

(iv) That the company has provided advance notice to affected customers, including a copy of such notice.

(c) If after filing notice with the commission any material changes develop, the acquiring company must file written notice of those changes with the commission no more than ten days after the transfer date announced in the prior notice. The commission may, at that time, require the company to provide additional notice to affected customers regarding such changes.

NEW SECTION

WAC 480-120-148 Canceling registration. A company canceling its registration as a telecommunications company must notify the commission in writing and, as applicable, comply with the requirements of WAC 480-120-083 (Cessation of telecommunications services). It remains subject to commission jurisdiction with respect to its provision of telecommunications service during the time it was registered, and it must file an annual report and pay regulatory fees for the period during which it was registered.

PART III. PAYMENTS AND DISPUTES

NEW SECTION

WAC 480-120-161 Form of bills. (1) **Bill frequency.** Companies must offer customers, at a minimum, the opportunity to receive billings on a monthly interval, unless subsection (11) of this section applies.

(2) **Length of time for payment of a bill.** Bill due dates must reflect a date which at a minimum allows a customer fifteen days from the date of mailing for payment.

(a) Upon showing of good cause, a customer may request and the company must allow the customer to pay by a date that is not the normally designated payment date on their bill. Good cause may include, but not be limited to, adjustment of the billing cycle to parallel receipt of income.

(i) A company may not assess late payment fees for the period between the regularly scheduled due date and the customer-chosen due date so long as the customer makes payment in full by the customer-chosen due date.

(ii) A company may refuse to establish a preferred payment date that would extend the payment date beyond the next normally scheduled payment or due date.

(b) If a company is delayed in billing a customer, the company must offer arrangements that are equal to the length of time the bill is delayed beyond the regularly scheduled billing interval (e.g., if the bill includes two months delayed charges, the customer must be allowed to pay the charges over two months).

Companies may not charge a customer late payment fees on the delayed charges during the extended payment period.

(3) **Form of bill.** With the consent of the customer, a company may provide regular billings in electronic form if the bill meets all the requirements of this rule. The company must maintain a record of the customer's request, and the customer may change from electronic to printed billing upon request.

(4) **Bill organization.** Telephone bills must be clearly organized, and must comply with the following requirements:

(a) Bills may only include charges for services that have been requested by and provided to the customer or other individuals authorized to request such services on behalf of the customer;

(b) The name of the service provider associated with each charge must be clearly and conspicuously identified on the telephone bill;

(c) Where charges for two or more carriers appear on the same telephone bill, the charges must be separated by service provider; and

(d) The telephone bill must clearly and conspicuously identify any change in service provider, including identification of charges from any new service provider.

For purposes of this subsection, "new service provider" means a service provider that did not bill the subscriber for service during the service provider's last billing cycle. This definition shall include only providers that have continuing relationships with the subscriber that will result in periodic

charges on the subscriber's bill, unless the service is subsequently canceled.

For purposes of this subsection, "clearly and conspicuously" means notice that would be apparent to the reasonable customer.

(5) **Descriptions of billed charges.** Charges contained on telephone bills must be accompanied by a brief, clear, nonmisleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately determine that the services for which they are billed correspond to those that they have requested and received, and that the charges shown for those services conform to their understanding of the price charged.

Bills must identify and set out separately any access or other charges imposed by order of or at the direction of the Federal Communications Commission (FCC). In addition, all bills for telephone service within jurisdictions where taxes are applicable must clearly delineate the amount, or the percentage rate at which the tax is computed.

(6) **Charges for which service can be discontinued.** Where a bill contains charges for basic service, in addition to other charges, the bill must distinguish between charges for which nonpayment will result in loss of basic service. The bill must include telephone numbers by which subscribers may inquire or dispute any charges on the bill. A carrier may list a toll-free number for a billing agent, clearinghouse, or other third party, provided such party possesses sufficient information to answer questions concerning the subscriber's account and is fully authorized to resolve the consumer's complaints on the carrier's behalf. Where the subscriber does not receive a paper copy of the customer's telephone bill, but instead accesses that bill only by e-mail or internet, the carrier may comply with this requirement by providing on the bill an e-mail or web site address. Each carrier must make a business address available upon request from a consumer.

(7) **Itemized statement.** A company must provide an itemized statement of all charges when requested by a customer, including, but not limited to, the following:

- (a) Rates for individual services;
- (b) Calculation of any charges based on a percentage of calls made;
- (c) Calculations of time or distance charges for calls, and calculations of any credit or other account adjustment; and
- (d) When itemizing the charges of information providers, the name, address, telephone number, and toll-free number, if any, of the providers.

(8) **Methods of payment.**

(a) Companies must, at a minimum, allow the following methods of payment: Cash, certified funds (e.g., cashier check or money order), and personal checks.

(b) Upon written notice to a customer, companies may refuse to accept personal checks when that customer has tendered two or more nonsufficient-funds checks within the last twelve months.

(9) **Billing companies.** A company may bill regulated telecommunications charges only for companies properly registered to provide service within the state of Washington or for billing agents. The company must, in its contractual

relationship with the billing agent, require the billing agent to certify that it will submit charges only on behalf of properly registered companies; and that it will, upon request of the company, provide a current list of all companies for which it bills, including the name and telephone number of each company. The company must provide a copy of this list to the commission for its review upon request.

(10) **Crediting customer payments.** Unless otherwise specified by the customer, payments that are less than the total bill balance must be credited first to basic service, with any remainder credited to any other charges on the bill.

For purposes of this subsection, basic service includes associated fees and surcharges such as FCC access charges. Basic service does not include ancillary services such as caller identification and custom calling features.

(11) **Exemptions from this rule.** Prepaid calling card services (PPCS) are exempt from subsections (1) through (10) of this section.

NEW SECTION

WAC 480-120-162 Cash and urgent payments. (1) Each local exchange company (LEC) must establish and maintain payment agencies for receipt of cash and urgent payments. For purposes of this section, a payment agency may be a business office of the company that accepts customer payments. An urgent payment is a payment that the company requires upon threat of discontinuation of service. Each LEC must use the following criteria when determining the number of payment agencies required:

(a) Exchanges serving over seventy-five thousand access lines must have a minimum of one payment agency within the exchange for every fifty thousand access lines.

(b) Exchanges serving twenty-five thousand to seventy-five thousand access lines must have a minimum of one payment agency within the exchange.

(c) LECs that do not have exchanges that meet the criteria in (a) or (b) of this subsection must have at least one payment agency.

(2) The payment agency must clearly post and maintain regular business hours and may be supported by the same personnel as the business office or customer service center. It must not assess a charge from the applicant or customer for processing a transaction. Companies may not contract with a payment agent that charges a fee, surcharge, or any other similar charge to customers for the provided services and transactions.

(3) A LEC may request a waiver of subsection (1) of this section. At a minimum, as a condition for waiver, the petitioner must demonstrate that applicants and customers have a reasonable opportunity to make cash and urgent payments.

(4) At least thirty days before a planned closure of any payment agency, business office, or customer service center that accepts cash and urgent payments, a LEC must provide the commission, in writing, the exchange(s) and communities affected by the closing, the date of the closing, a list of other methods and locations available for making cash and urgent payments, and a list of other methods and locations for

obtaining business office and customer service center services.

A LEC may not close a payment location under this subsection until alternatives for making cash and urgent payments have been provided to affected customers.

(5) When a LEC is made aware of the fact that a payment agency has either closed without company knowledge or is refusing to accept company payments, it has thirty days to establish a replacement station within the same geographical area and must provide alternatives for making cash and urgent payments until a replacement station has been established.

NEW SECTION

WAC 480-120-163 Refunding an overcharge. A company must refund overcharges to the customer with interest,

For example:

(Cost of Service)

_____ X (Number of days or portions of days without service) = Pro Rata Credit

(Thirty)

Pro rata credits are not required when force majeure, customer premises equipment, or inside wiring is the proximate cause for the unavailability of a service. If a company provides a credit amount for unavailable service that is equal to or greater than the credit amount required by this rule, the amount of credit required by this rule need not be provided.

NEW SECTION

WAC 480-120-165 Complaints and disputes. (1) When a company receives an oral or written complaint from an applicant or customer regarding its service or regarding another company's service for which it provides billing, collection, or responses to inquiries, the company must acknowledge the complaint as follows:

- (a) Provide the name of the company's contact to the complainant;
- (b) Investigate the complaint promptly;
- (c) Report the results of the investigation to the complainant;
- (d) Take corrective action, if warranted, as soon as appropriate under the circumstances;
- (e) Inform the complainant that the decision may be appealed to a supervisor at the company; and
- (f) Inform the complainant, if still dissatisfied after speaking to a supervisor, of the right to file a complaint with the commission and provide the commission address and toll-free telephone number.

(2) When a company receives a complaint from an applicant or customer regarding another company's service for which it provides only billing service, the company must provide the complainant a toll-free number to reach the appropriate office for the other company that is authorized to investigate and take corrective action to resolve the dispute or complaint.

retroactive to the time of the overcharge, up to a maximum of two years, as set forth in RCW 80.04.230 and 80.04.240. This rule does not limit other remedies available to customers.

NEW SECTION

WAC 480-120-164 Pro rata credits. Every telecommunications company must provide pro rata credits to customers of a service whenever that service is billed on a monthly basis and is not available for more than a total of twenty-four hours in a billing cycle. The minimum amount of pro rata credit a company must provide is the monthly cost of service divided by thirty, then multiplied by the number of days or portions of days during which service was not provided.

(3) The company must insure that records and information about complaints and disputes are used only for the purposes of resolving the complaint or dispute and improving service and practices.

NEW SECTION

WAC 480-120-166 Customer complaints. (1) Each company must keep a record of all complaints concerning service or rates for at least three years and, on request, make them readily available for commission review. The records must contain complainant's name and address, date and the nature of the complaint, action taken, and final result.

(2) Each company must have personnel available during regular business hours to address customer complaints or inquiries and to respond to commission staff. Regular business days mean Monday through Friday, excluding official state holidays.

(3) Applicants, customers, or their authorized representatives, may file with the commission an informal complaint as described in WAC 480-09-150 or a formal complaint against a company when there are alleged violations of statutes, administrative rules, or tariffs as provided by WAC 480-09-420 and 480-09-500.

(4) When the commission staff refers an informal complaint to a company, the company must:

(a) Stop any pending action involving the issues raised in the complaint provided any amounts not in dispute are paid when due (e.g., if the complaint involves a disconnect threat or collection action, the disconnect or collection must be stopped);

(b) Thoroughly investigate all issues raised in the complaint and provide a complete report of the results of its investigation to the commission, including, if applicable,

information that demonstrates that the company's action was in compliance with commission rules; and

(c) Take corrective action, if warranted, as soon as appropriate under the circumstances.

(5) Commission staff will ask the customer filing the informal complaint whether the customer wishes to speak directly to the company during the course of the complaint, and will relay the customer's preference to the company at the time staff opens the complaint.

(6) The company must report the results of its investigation of service-affecting informal complaints to commission staff within two business days from the date commission staff passes the complaint to the company. Service-affecting complaints include, but are not limited to, nonfunctioning or impaired services (i.e., disconnected services or those not functioning properly).

(7) The company must report the results of its investigation of nonservice-affecting informal complaints to commission staff within five business days from the date commission staff passes the complaint to the company. Nonservice-affecting complaints include, but are not limited to, billing disputes and rate quotes.

(8) Unless another time is specified in this rule or unless commission staff specifies a later date, the company must provide complete responses to requests from commission staff for additional information on pending informal complaints within three business days.

(9) The company must keep commission staff informed when relevant changes occur in what has been previously communicated to the commission and when there is final resolution of the informal complaint.

(10) An informal complaint opened with the company by commission staff may not be considered closed until commission staff informs the company that the complaint is closed.

(11) The company must provide information requested by staff regarding any informal complaint in accordance with subsections (6) and (7) of this section until such time as staff informs the company that the complaint is closed.

NEW SECTION

WAC 480-120-167 Company responsibility. When a customer informs the commission that the customer has identified a problem with service or billing or other matters and the customer has been told by two or more companies that the problem is not the responding company's responsibility but another company's responsibility, commission staff will inform the companies.

Once the commission has contacted the companies, the companies must confer with each other within three business days and determine which company will take the lead responsibility to resolve the customer's problem. The company accepting lead responsibility must contact the commission and begin resolution of the problem on the first business day following the three business days allotted by this subsection for a conference between the companies.

Companies must confer, allocate responsibility between the companies, and the company with lead responsibility must contact the commission, as required by this section.

After conferring, if the companies cannot resolve the matter and neither one will accept the lead, each company must contact the commission and report the status of the dispute within two days of conferring. The report must contain detailed explanations of the company's position.

PART IV. DISCONTINUING AND RESTORING SERVICE

NEW SECTION

WAC 480-120-171 Discontinuing service—Customer requested. (1) This section applies to residential, business, and resale services discontinued at the customer's request. The customer must notify the company of the date the customer wishes to discontinue service. If the customer moves from the service address and fails to request discontinuation of service, the customer must pay for service taken at the service address until the company can confirm that the customer has vacated the premise or a new party has taken responsibility for the service.

(2) A company must stop a customer's monthly recurring or minimum charges effective on the requested discontinuation date. The customer may be held responsible for use charges incurred after the requested discontinuation date when the company can prove that the calls were made or authorized by the customer of record. This section does not preclude a company from collecting minimum service commitment penalties when a customer disconnects service prior to fulfilling the tariff, price list, or contract commitment.

(3) When a customer indicates that, in addition to stopping recurring monthly charges, the customer requires that the service be physically disconnected, the company must insure physical disconnection of the service within the time frames below:

(a) For services that do not require a field visit, the company must disconnect service not later than one business day from the requested disconnect date; and

(b) For services that require a premise visit to complete the request, the company must disconnect service no later than two business days from the requested disconnect date.

(4) When a customer directs the local exchange company (LEC) to discontinue service, the LEC must either notify the customer's presubscribed interLATA and intraLATA toll carriers of the discontinuation or inform the customer that it is the customer's obligation to contact those carriers directly.

NEW SECTION

WAC 480-120-172 Discontinuing service—Company initiated. (1)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it finds a deceptive practice by determining that:

(i) The customer has tampered with the company's property;

(ii) The customer has used service through an illegal connection;

(iii) The customer is unlawfully using service or using service for unlawful purposes; or

(iv) The customer has obtained service in another false or deceptive manner.

(b) The company must restore service once the customer has corrected the deceptive practice in subsection (1)(a)(i) through (iv) of this section, has paid the estimated amount of service that was taken through deceptive means, all costs resulting from the deceptive use, any applicable deposit, and if applicable, payment in full of any delinquent balance owed to the company by that customer for the same class of service. A company may require a deposit from a customer that has obtained service in a false or deceptive manner as described in subsection (1)(a)(i) through (iv) of this section. A company is not required to allow six-month arrangements on a delinquent balance as provided for in WAC 480-120-061(7) when it can demonstrate that a customer obtained service through deceptive means in order to avoid payment of a delinquent amount owed to that company.

(c) A company may refuse to restore service to a customer who has been discontinued twice for deceptive practices as described in subsection (1)(a)(i) through (iv) of this section, subject to appeal by the customer to the commission.

(2)(a) A company may discontinue service without notice or without further notice when after conducting a thorough investigation, it determines:

(i) The customer has vacated the premise without informing the company;

(ii) The customer, in response to a delinquency notice as described in subsection (7) of this section, pays the delinquent balance with a check or electronic payment that is subsequently dishonored by the bank or other financial institution; or

(iii) The customer failed to keep payment arrangements agreed upon in response to a delinquency notice as described in subsection (7) of this section.

(b) The company must restore service once the customer has corrected the reason for discontinuance as described in subsection (2)(a)(i) through (iii) of this section.

(c) The company may require a deposit from a customer that it has disconnected due to the reasons described in subsection (2)(a)(i) through (iii) of this section.

(3) A company may discontinue service for any of the following reasons after providing proper notice:

(a) For violation of rules, statutes, service agreement, filed tariff(s), or price list(s);

(b) For use of customer equipment that adversely affects the company's service to its other customers; or

(c) For nonpayment of any regulated charges including deposit, as provided in the tariff or price list of the company. Service may not be discontinued, in whole or in part, for nonpayment of charges incurred from information delivery services as provided for in WAC 480-120-254 or disputed third party-billed charges.

(4) A company may only discontinue or restrict services for nonpayment of charges owed to the company or to a company with which it has a billing and collection agreement. Services may only be discontinued or restricted under the following circumstances:

(a) Basic service may only be discontinued or restricted for nonpayment of basic service charges;

(b) Ancillary services may only be discontinued for nonpayment of ancillary charges or if a delinquent balance results in discontinuation of basic service;

(c) Interexchange access may only be discontinued or restricted for nonpayment of interexchange charges or if a delinquent balance results in discontinuation of basic service.

(i) At its discretion, the company may permit access to toll-free numbers while a customer's interexchange access service is discontinued or restricted.

(ii) The company may not charge fees for toll restriction when the customer's interexchange access service is discontinued or restricted as a result of a discontinuation action.

(d) Companies are prohibited from using a shift in rate plan as a discontinuation method.

(5) Upon any complete discontinuation of service to a customer, the company must discontinue charges for service as of the date of the discontinuation.

(6) **Medical emergencies.** (a) When a local exchange company (LEC) has cause to discontinue residential basic service or has discontinued service it must postpone total service discontinuation or reinstate toll restricted basic service that permits both making and receiving calls and access to E911 for a grace period of five business days after receiving either oral or written notice of the existence of a medical emergency. The LEC must reinstate service during the same day if the customer LEC contacts the LEC prior to the close of the business day and requests a same-day reconnection. Otherwise, the LEC must restore service by 12:00 p.m. the next business day. When service is reinstated the LEC cannot require payment of a reconnection charge or deposit before reinstating service but may bill the charges at a later date.

(b) The LEC may require that the customer submit written certification from a qualified medical professional, within ten business days, stating that the discontinuation of basic service or restricted basic service would aggravate an existing medical condition of a resident of the household. "Qualified medical professional" means a licensed physician, nurse practitioner, or physician's assistant authorized to diagnose and treat the medical condition without supervision of a physician. Nothing in this subsection precludes a company from accepting other forms of certification, but the maximum the company can require is written certification. If the company requires written certification, it may not require more than the following information:

(i) Residence address location;

(ii) An explanation of how the current medical condition will be aggravated by the discontinuation of basic service or restricted basic service;

(iii) A statement of how long the condition is expected to last; and

(iv) The title, signature, and telephone number of the person certifying the condition.

(c) The medical certification is valid only for the length of time the health endangerment is certified to exist, but no longer than ninety days unless renewed.

(d) A medical emergency does not excuse a customer from paying delinquent and ongoing charges. The company

may require that, within the ten-business-day grace period, the customer pay a minimum of one sixth of the delinquent basic service balance or ten dollars whichever is greater and enter into an agreement to pay the remaining delinquent basic service balance within ninety days, and agree to pay subsequent bills when due.

Nothing in this subsection precludes the company from agreeing to an alternate payment plan, but the company must not require the customer to pay more than this section prescribes and must send a notice to the customer confirming the payment arrangements within two business days.

(e) The company may discontinue basic service or restricted basic service without further notice if, within the ten-business-day grace period, the customer fails to provide an acceptable medical certificate or pay twenty-five percent of the delinquent basic service balance. The company may discontinue basic service or restricted basic service, without further notice, if the customer fails to abide by the terms of the payment agreement.

(f) The company must insure that the records of medical emergencies are used or disclosed only for the purposes provided for in this section.

(7) **Discontinuation notice requirements.** The company must provide the customer notice before discontinuing service except as described in subsection (1) of this section. Notice consists of the following requirements:

(a) Each company must provide a written discontinuation notice to the customer either by first class mail, personal delivery to the customer's service address, or electronically delivered when the company has the technical capability and the customer consented to this delivery method. Delivered notice will be deemed effective if handed to a person of apparent competence in the residence, handed to a person employed at the place of business of the customer, if it is a business account, or attached to the primary door of the residence unit or business office where service is provided if no person is available to receive notice. Each discontinuation notice must, at a minimum, include:

(i) A discontinuation date that is not less than eight business days after the date the notice is mailed, transmitted electronically, or personally delivered;

(ii) The amount(s) owing for the service(s) that is subject to discontinuation or restriction;

(iii) A statement that indicates the amount a customer must pay to maintain basic service or restricted basic service;

(iv) Instructions on how to correct the problem to avoid the discontinuation;

(v) Information about any discontinuation or restoration charges that may be assessed; and

(vi) The company's name, address, a toll-free number, and a TTY number where the customer may contact the company to discuss the pending discontinuation of service.

(b) If the company discovers that the information provided on the notice failed to meet the minimum requirements of (a) of this subsection, or if it discovers it provided incorrect information on the notice, the company must restore services, and reissue a second notice with accurate information as described in this section.

(c) If the company has not discontinued service within ten business days of the first day the discontinuation may be implemented, the discontinuation notice is void, unless the customer and the company have entered into a mutually acceptable payment agreement with payment dates that exceed the ten-business-day period. Upon a void notice, the company must provide a new discontinuation notice to the customer if it intends to discontinue service at a later date.

(8) In addition to the notice required in subsection (7) of this section, a company must attempt to make personal contact with a customer prior to discontinuing service. Any of the following methods will satisfy the personal contact requirement:

(a) **Delivered notice.** Delivered notice will be deemed effective if handed to a person of apparent competence in the residence, handed to a person employed at the place of business of the customer, if it is a business account, or attached to the primary door of the residence unit or business office where service is provided if no person is available to receive notice. The notice must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the next business day after the date of delivery; or

(b) **Electronically issued notice.** If the company has the technical capability to provide electronic notice and the customer has agreed to receive notice in electronic form, the notice sent by the company must state a scheduled discontinuation date that is not earlier than 5:00 p.m. of the second business day after the date of delivery; or

(c) **Mailed notice.** The notice sent by the company may not include a scheduled discontinuation date that is earlier than 5:00 p.m. of the third business day after the date of mailing. The date of mailing is not the first day of the notice period; or

(d) **Telephone notice.** The company must attempt at least two times to contact the customer during regular business hours. If the company is unable to reach the customer, the company must attempt to contact the customer using any business or message number provided. The company must keep a log or record of the calls for a minimum of ninety calendar days showing the telephone number called, the time of the call, and details of the results of each attempted call.

(e) A company need not attempt personal contact as provided for in (a) through (d) of this subsection when the company has had cause, in any two previous billing periods during a consecutive twelve-month period, to attempt such contact and the company has notified the customer in writing that such contact will not be attempted in the future before effecting a discontinuation of services.

(9) Except in case of danger to life or property, companies may not discontinue service on days that it is not fully staffed to discuss discontinuation and reestablish service to the customer on the same or the following day.

(10) When the company has reasonable grounds to believe that service is to other than the party of record, the company must take reasonable efforts to inform the occupants at the service address of the impending discontinuation. Upon request of one or more service users, the company must allow a minimum period of five business days to permit the service user to arrange for continued service.

The company is not required to allow the additional five days when a thorough investigation indicates there is deceptive activity at the service address.

(11) LECs must provide notice of pending local service discontinuation to the secretary, Washington state department of social and health services, and to the customer, where it provides service to a facility with resident patients including, but not limited to, hospitals, medical clinics, or nursing homes. Upon request from the secretary or a designee, the company must allow a delay in discontinuation of no less than five business days from the date of notice so that the department may take whatever steps are necessary in its view to protect the interests of patients living within the facilities.

(12) **Remedy and appeals.** The company must not discontinue or restrict service while a customer is pursuing any remedy or appeal provided for by these rules, if the customer pays any amounts not in dispute when due, and the customer corrects any conditions posing a danger to health, safety, or property. The company must inform the customer of these provisions when the customer is referred to a company's supervisor or the commission.

During a dispute a company may, upon authorization from commission staff, discontinue service when a customer's toll charges substantially exceed the amount of any deposit or customary use and it appears the customer may incur excessive, uncollectible toll charges while an appeal is being pursued. A customer whose service is subject to discontinuation may maintain service pending resolution of any dispute upon payment of outstanding toll charges subject to refund if the dispute is resolved in the customer's favor.

(13) **Payment at a payment agency.** Payment of any past-due amounts to a designated payment agency of the company constitutes payment to the company when the customer informs the company of the payment and the company verifies the payment.

NEW SECTION

WAC 480-120-173 Restoring service after discontinuation. (1) A company must restore a discontinued service when:

(a) The causes of discontinuation not related to a delinquent balance have been removed or corrected;

(b) Payment or satisfactory arrangements for payment of all proper charges due from the applicant, including any proper deposit, have been made;

(c) Payment or satisfactory arrangements for payment of proper reconnection fees due from the applicant have been made; or

(d) The commission staff directs restoration pending resolution of any dispute between the company and the applicant or customer over the propriety of discontinuation.

(2) After the customer notifies the company that the causes for discontinuation have been corrected, and the company has verified the correction, the company must restore service(s) within the following periods:

(a) Service(s) that do not require a premise visit for reconnection must be restored within one business day; and

(b) Service(s) that requires a premise visit for reconnection must be restored within two business days. Companies must offer customers a four-hour window during which the company will arrive to complete the restoration.

(c) For purposes of this section Saturdays are considered business days.

NEW SECTION

WAC 480-120-174 Restoring service based on Washington telephone assistance program (WTAP) or federal enhanced tribal lifeline program eligibility. (1) Local exchange companies (LECs) must restore service for any customer who has had basic service discontinued for nonpayment under WAC 480-120-172 (Discontinuing service—Company initiated) if the customer was not a participant in either Washington telephone assistance program (WTAP) or the federal enhanced tribal lifeline program at the time service was discontinued and if the customer is eligible to participate in WTAP or the federal enhanced tribal lifeline program at the time the restoration of service is requested. To have service restored under this section, a customer must establish eligibility for either WTAP or the federal enhanced tribal lifeline program, agree to continuing participation in WTAP or the federal enhanced tribal lifeline program, agree to pay unpaid basic service and ancillary service amounts due to the LEC at the monthly rate of no more than one and one-half times the telephone assistance rate required to be paid by WTAP participants as ordered by the commission under WAC 480-122-020, agree to toll restriction, or ancillary service restriction, or both, if the company requires it, until the unpaid amounts are paid. Companies must not charge for toll restriction when restoring service under this section.

(2) In the event a customer receiving service under this section fails to make a timely payment for either monthly basic service or for unpaid basic service or ancillary service, the company may discontinue service pursuant to WAC 480-120-172.

(3) Nothing in this rule precludes the company from entering into separate payment arrangements with any customer for unpaid toll charges.

PART VII. TELECOMMUNICATIONS SERVICES

NEW SECTION

WAC 480-120-251 Directory service. (1) A local exchange company (LEC) must ensure that a telephone directory is regularly published for each local exchange it serves, listing the name, address (unless omission is requested), and primary telephone number for each of its customers who can be called in that local exchange. This requirement does not apply to nonlisted numbers, nonpublished numbers, wide area telephone service (WATS), or cellular telephone numbers.

(2) Any residential customer may request from the LEC a dual-name primary directory listing that contains, in addition to the customer's surname, the customer's given name or initials (or combination thereof) and either one other person

with the same surname who resides at the same address or a second name, other than surname, by which the customer is also known, including the married name of a person whose spouse is deceased.

(3) A LEC must provide each customer a copy of the directory for the customer's local exchange area if the directory provided for in subsection (2) of this section does not contain information for all listings that can be called toll free from a customer's local exchange, excluding nonlisted, non-published, WATS, and cellular telephone numbers, the company must provide a copy of the directory or directories required for that coverage upon request at no charge.

(4) Telephone directories published at the direction of a LEC must be revised at least once every fifteen months, except when it is known that impending service changes require rescheduling of directory revision dates. To keep directories correct and up to date, companies may revise the directories more often than specified.

(5) Each LEC that publishes a directory, or contracts for the publication of a directory, must print an informational listing (LEC name and telephone number) when one is requested by any other LEC providing service in the area covered by the directory. The LEC to whom the request is made may impose reasonable requirements on the timing and format of informational listings, provided that these requirements do not discriminate between LECs.

(6) Any LEC whose "welcome letter" or "confirming notice" relating to initial service as required by WAC 480-120-104(1), does not contain the information contained in (a) through (f) of this subsection, must publish or have published in the directory provided to its customers, a consumer information guide that details the rights and responsibilities of its customer. The guide must describe the:

- (a) Process for establishing credit and determining the need and amount for deposits;
- (b) Procedure by which a bill becomes delinquent;
- (c) Steps that must be taken by the company to disconnect service;
- (d) Washington telephone assistance program (WTAP);
- (e) Federal enhanced tribal lifeline program, if applicable; and
- (f) Right of the customer to pursue any dispute with the company, including the appropriate procedures within the company and then to the commission by informal or formal complaint.

NEW SECTION

WAC 480-120-252 Intercept services. (1) Directory error. In the event of an error in the listed number of any customer, the customer's local exchange company (LEC) must, until a new directory is published, intercept all calls to the incorrectly listed number to give the calling party the correct number of the called party, provided it is permitted by existing central office equipment and the incorrectly listed number is not a number currently assigned to another customer. In the event of an error or omission of a customer's white page listing, the company must maintain the customer's correct name and telephone number in the files of its directory assistance operator or, if applicable, provide the corrected

information to its directory assistance contractor. A company or its contractor must furnish the correct name and telephone number to a calling party upon request. The company may not charge a customer for intercept services under these circumstances.

(2) Company-directed telephone number change. When a company must change a customer's telephone number, for any reason after a directory is published, and the change is made at the LEC's direction, the LEC must, at no charge, intercept all calls to the former number, if existing central office equipment will permit, for the shorter of thirty days or until a new directory is published that reflects the customer's new number. During that period, the company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

(3) Number changes related to changes in service. When a company must change a telephone number to complete a move, change, addition, or deletion of service, except as provided for in this subsection, the LEC must intercept all calls to the former number at no charge, if existing central office equipment will permit, for a minimum period of thirty days or until a new directory is published. The company must provide a calling party the new number for that customer unless the customer has requested that such referral not be made.

Companies are not required to provide intercept service at no charge when the change is requested by a customer at the customer's existing address for reasons other than harassing or misdirected calls.

(4) A company may provide and may bill for intercept services, other than those described in subsections (1) through (3) of this section, that are requested by the customer.

(5) When the company schedules additions or changes to plant or records that necessitate a large group of number changes that are not addressed by a specific commission order, the company must give a minimum of six months' notice to all customers then of record and so affected even though the additions or changes may coincide with a new directory being issued.

NEW SECTION

WAC 480-120-253 Automatic dialing-announcing device (ADAD). (1) An automatic dialing and announcing device (ADAD) is a device that automatically dials telephone numbers and plays a recorded message once a connection is made.

(2) "Commercial solicitation" means an unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(3) This rule regulates the use of ADADs for purposes other than commercial solicitation. RCW 80.36.400 prohibits the use of an ADAD for purposes of commercial solicitation intended to be received by telephone customers within the state.

(4) This rule does not apply to the use of ADADs by government agencies to deliver messages in emergency situations.

(5) Except for emergency notification as provided for in subsection (6) of this section, an ADAD may be used for calls to telephone customers within the state only if:

(a) The recorded message states the nature of the call, identifies the individual, business, group, or organization for whom the call is being made, and telephone number to which a return call can be placed; and

(b) It automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

(c) The ADAD does not dial unlisted telephone numbers (except as provided in this subsection), designated public service emergency telephone numbers as listed in published telephone directories, or any telephone number before 8:30 a.m. or after 9:00 p.m. An ADAD may dial an unlisted number if the ADAD is being used to deliver the name, telephone number, or brief message of a calling party to a called party when the called party's line was busy or did not answer.

(6) An emergency ADAD may be connected to the telephone network and used only if:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls;

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds;

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function;

(d) The ADAD satisfies applicable state safety requirements; and

(e) The user registers the instrument with, and receives written approval for, its use from the emergency service entity to which an automatic call would be directed, secures from such entity an approved telephone number or numbers to be programmed into the instrument, and does not program the instrument to dial unlisted numbers, law enforcement numbers, or E911 emergency response numbers.

(7) Before any ADAD may be operated while connected to the telephone network, the potential ADAD user, unless it is a facilities-based LEC using its own facilities, must notify, in writing, the LEC whose facilities will be used to originate calls. The notice must include the intended use of the ADAD equipment, the calendar days and clock hours during which the ADADs will be used, an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message, and written certification that the equipment can effectively preclude calls to unlisted telephone numbers, designated public service emergency numbers, or any number or series of numbers on a list of telephone customers that may be in the future designated by tariff, regulation, or statute, as customers who are not to receive ADAD calls.

(a) The ADAD user must notify the LEC in writing within thirty days of any changes in the ADAD operation that would result in either an increase or decrease in traffic volume.

(b) For new applications for ADADs, the LEC must review the statement of intended use of ADAD equipment to

determine whether there is a reasonable probability that use of the equipment will overload its facilities and may refuse to provide connections for the ADADs or may provide them subject to conditions necessary to prevent an overload.

(8) A LEC may suspend or terminate service to an ADAD user if the LEC determines that the volume of calling originated by the ADAD is degrading the service furnished to others. The LEC must provide at least five days' notice before suspending or terminating service, unless the ADAD creates an overload in the LEC's switching office, in which case it may terminate service immediately, with no prior notice.

(9) If a LEC learns that a customer is using an ADAD in violation of the provisions of this rule, the LEC must suspend or terminate the service of any ADAD user five days after the ADAD user receives a termination notice or immediately, with no prior notice, if use of the ADAD creates overloading in a LEC's switching office.

(10) Each LEC must maintain records of any ADAD equipment a user reports to the LEC as being connected to its facilities. If requested by the commission, the LEC must provide the name of the individual business, group, or organization using the ADAD, their address, and the telephone number or numbers associated with the ADAD.

NEW SECTION

WAC 480-120-254 Telephone solicitation. (1) Local exchange companies (LECs) must notify customers of their rights under RCW 80.36.390 with respect to telephone solicitation.

(2) For purposes of this section, "telephone solicitation" means the unsolicited initiation of a telephone call by a commercial or nonprofit company to a residential customer for the purpose of encouraging that person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. "Telephone solicitation" does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

(3) Each LEC must provide notice by annual bill inserts mailed to its residential customers or by conspicuous publication of the notice in the consumer information pages of its directories that clearly informs customers, at a minimum, of at least the following rights under the law:

(a) Within the first thirty seconds, solicitors must identify themselves, their company or organization, and the purpose of the call;

(b) Under Washington law residential customers have the right to keep telephone solicitors from calling back. If, at any time during the conversation, the customer requests to not be called again and to have the customer's or to have his

or her name and telephone number removed from the calling list used by the company or organization making the telephone solicitation, the then:

The company or organization must not have a solicitor call the customer for at least one year; make any additional telephone solicitation of the called party at that telephone number for a period of at least one year; and

(c) Companies. The company or organizations may not sell or give the customer's name and or telephone number to another company or organization;

(d) Under Washington law residential customers have the right to keep telephone solicitors from calling back; and

(e) The office of the attorney general is authorized to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the lawsuit is successful, the individual may also recover court and attorney's fees.

(i) To file a complaint, or request more information on the law, the customer may write to the Consumer Protection Division of the Attorney General's Office at 900 Fourth Ave., Suite 2000, Seattle, Washington 98164-1012 or by email at protect@atg.wa.gov. Consumers may also call the division weekdays between 9:00 a.m. and 4:00 p.m. at 1-800-551-4636.

(ii) When the customer files a complaint, the customer should include the name and address of the individual, business, group, or organization, the time the calls were received, the nature of the calls, and any additional information available.

NEW SECTION

WAC 480-120-255 Information delivery services. (1)

For purposes of this section:

"Information-delivery services" means telephone recorded messages, interactive programs, or other information services that are provided for a charge to a caller through an exclusive telephone number prefix.

"Information provider" means the persons or corporations that provide the information, prerecorded message, or interactive program for the information-delivery service.

"Interactive program" means a program that allows a caller, once connected to the information provider's announcement machine, to access additional information by using the caller's telephone.

(2) Local exchange companies (LECs) offering access to information-delivery services must provide each residential customer the opportunity to block access to all information delivery services offered by that company. Companies must fulfill an initial request for blocking free of charge. Companies may charge a tariffed or price listed fee for subsequent blocking requests (i.e., if a customer has unblocked his or her access).

(3) The LEC must inform residential customers of the blocking service through a single-topic bill insert and publication of a notice in a conspicuous location in the consumer information pages of the local white pages telephone directory. The LEC must include in the notice and bill insert the residential customers' rights under the law, the definition of "information delivery services" as defined in subsection (1)

of this section, and a statement that these services often are called "900" numbers. The LEC must include notice that customers have the right under Washington law to request free blocking of access to information-delivery services on their residential telephone lines, that blocking will prevent access to information-delivery services from their residential telephone line, that customers may request free blocking of access to information-delivery services on their residential telephone lines by calling the LEC at a specified telephone number, that the Washington utilities and transportation commission is authorized under RCW 80.36.500 to enforce this law, and that customers may contact the commission for further information. The LEC must include the commission's address, toll-free telephone number, and website:

Washington Utilities and Transportation Commission
Consumer Affairs Section
1300 South Evergreen Park Drive, SW
P.O. Box 47250
Olympia, WA 98504-7250
1-800-562-6150
www.wutc.wa.gov

(4) Any company that provides billing, customer service, or collection services for an information provider must require, as a part of its contract for that service, that the information provider include in any advertising or promotion a prominent statement of the cost to the customer of the information service.

NEW SECTION

WAC 480-120-256 Caller identification service. (1)

The company that provides caller identification service must provide its retail customers the capability of blocking the delivery of their numbers, names, or locations both on a per call basis and on a per line basis. The company must not charge a monthly fee or per call fee for caller identification blocking. The company must not charge a nonrecurring fee for caller identification blocking:

(a) When the service is requested at the time an access line is connected;

(b) The first time the service is added to an access line; or

(c) The first time the service is removed from an access line.

(2) At least ninety days before offering caller identification services the company must send notice to its customers. The notice must explain caller identification per call blocking, caller identification line blocking, a customer's right to have the numbers blocked one-time free of charge, and an explanation that call blocking does not apply to the delivery of caller numbers, name, or locations to a 911 or enhanced 911 service, other emergency service, or a customer-originated trace. The notice must include an explanation that call blocking will not work on all services, including, but not limited to, 800 and 900 numbers, long distance, and primary rate interface service.

For purposes of this section, "primary rate interface services" means an ISDN service that uses a digital rate of one thousand five hundred forty-four Mbits per second, whether used like business trunks for digital PBXs with up to twenty-

four circuits at a rate of sixty-four kbits per second per circuit, or used as a single circuit at the DS1 rate. A company may offer caller identification service if the company complies with this section.

NEW SECTION

WAC 480-120-257 Emergency services. (1) At least once every twenty-four hours, each local exchange company and each interexchange company owning, operating, or maintaining any portion of any dedicated 911 circuit must manually test, for continuity, the portion of the 911 circuit which it owns, operates, or maintains. This section does not apply to any dedicated 911 circuit, or portion thereof, if either (a), (b), or (c) of this subsection is satisfied:

(a) The circuit is carried by a transmission system (e.g., T-1 carrier) that is equipped with one or more alarms to detect loss of signal continuity;

(b) The circuit is equipped with one or more alarms to detect loss of signal continuity; or

(c) The circuit is automatically tested for signal continuity at least once every twenty-four hours.

(2) Any dedicated 911 circuit found to be defective must be immediately reported to the primary public safety answering point (PSAP) manager, and repairs must be undertaken promptly and pursued diligently by the company that has responsibility for operating or maintaining the circuit, or both. Companies are not required to repair any portion of any dedicated 911 circuit that they do not own, operate, or maintain.

(3) Each company must ensure that all dedicated 911 circuits and associated electronic equipment serving governmental emergency response agencies are clearly identified in the central office and the remote switch.

NEW SECTION

WAC 480-120-261 Operator services. (1) An operator service provider must protect the confidentiality of all communications it carries, processes, or transmits unless otherwise authorized by law.

(2) Each operator service provider must develop procedures its employees must follow to provide operator assistance to customers, ensure that when automated operator services are provided by it, customers can access a live operator, ensure that call timing for operator-assisted calls provided by its operators is accurately recorded, and ensure that its operators receiving 0- and E911 calls are capable of routing calls in a manner that will allow access to the proper local emergency service agency and connecting calls twenty-four hours a day.

NEW SECTION

WAC 480-120-262 Operator service providers (OSPs). (1) Only for the purpose of this section:

"Consumer" means the party paying for a call using operator services. For collect calls, a consumer is both the originating party and the party who receives the call.

"Customer" means the call aggregator or pay phone service provider (PSP) contracting with an operator service pro-

vider (OSP) for service, such as hotel, motel, hospital, correctional facility, prison, campus, or similar entity.

"Operator service provider (OSP)" means any corporation, company, partnership, or person providing a connection to intrastate or interstate long-distance or to local services from locations of call aggregators.

"Operator services" means any telecommunications service provided to a call aggregator location that includes automated or live assistance to customers in billing or completing (or both) telephone calls, other than those billed to the number from which the call originated or those completed through an access code used to bill a customer's account previously established with the company.

This section applies to OSPs providing operator services from pay phones and other call aggregator locations. Each OSP must maintain a current list of the customers it serves in Washington and the locations and telephone numbers where the service is provided.

(2) **Posted disclosure.** OSPs must post clearly, legibly, and unobstructed, on or near the front of the pay phone the presubscribed OSP's name, address, and toll-free number, as registered with the commission. This information must be updated within thirty days after a change of OSPs. OSPs must post a notice to consumers that they can access other long distance companies and, in contrasting colors, the commission compliance number for consumer complaints and the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(3) **Oral disclosure of rates.** This subsection applies to all calls from pay phones or other call aggregator locations, including, but not limited to, prison phones and store-and-forward pay phones or "smart" phones. When a collect call is placed, both the consumer placing the call and the consumer receiving the call must be given the rate quote options required by this section.

(a) **Oral rate disclosure message required.** Before an operator-assisted call from a call aggregator location can be connected by a presubscribed OSP, the OSP must first provide an oral rate disclosure message to the consumer. If the charges to the consumer do not exceed the benchmark rate in (f) of this subsection, the oral rate disclosure message must comply with the requirements of (b) of this subsection. In all other instances, the oral rate disclosure message must comply with the requirements of (c) of this subsection.

(b) **Rate disclosure method when charges do not exceed benchmark.** The oral rate disclosure message must state that the consumer may receive a rate quote and explain the method of obtaining the quote. The method of obtaining the quote may be by pressing a specific key or keys, but no more than two keys, or by staying on the line. If the consumer follows the directions to obtain the rate quote, the OSP must state all rates and charges that will apply if the consumer completes the call.

(c) **Rate disclosure method when rates exceed benchmark.** The oral rate disclosure message must state all rates

and charges that will apply if the consumer completes the call.

(d) **Charge must not exceed rate quote.** If the OSP provides a rate quote pursuant to either (b) or (c) of this subsection, the charges to the user must not exceed the quoted rate. If a consumer complains to the commission that the charges exceeded the quoted rate, and the consumer states the exact amount of the quote, there will be a rebuttable presumption that the quote provided by the complaining consumer was the quote received by the consumer at the time the call was placed or accepted.

(e) **Completion of call.** Following the consumer's response to any of the above, the OSP must provide oral information advising that the consumer may complete the call by entering the consumer's calling card number.

(f) **Benchmark rates.** An OSP's charges exceed the benchmark rate if the sum of all charges, other than taxes and fees required by law to be assessed directly on the consumer, exceeds:

- (i) One dollar (\$1.00) for a one-minute call;
- (ii) Three dollars (\$3.00) for a five-minute call; or
- (iii) Five dollars and fifty cents (\$5.50) for a ten-minute call.

(4) **Access.** Pay phones must provide access to the services identified in WAC 480-120-263(3).

(5) **Branding.** The OSP must identify audibly and distinctly the OSP providing the service at the beginning of every call, including an announcement to the called party on collect calls. The OSP must ensure that the call begins no later than immediately following the prompt to enter billing information on automated calls and on live and automated operator calls, when the call is initially routed to the operator. The OSP must state the name of the company as registered with the commission (or its registered "doing business as" name) whenever referring to the OSP. When not necessary to identify clearly the OSP, the company may omit terms such as "company," "communications," "incorporated," or "of the Northwest."

(6) **Billing.** The OSP must provide to the billing company applicable call detail necessary for billing purposes and an address and toll-free number for consumer inquiries. The OSP must ensure that consumers are not billed for calls that are not completed. For billing purposes calls must be itemized, identified, and rated from the point of origination to the point of termination. An OSP may not transfer a call to another company unless the call can be billed from the point of origin. The OSP must provide specific call detail upon request, in accordance with WAC 480-120-161 (Form of bills). Charges billed to a credit card need not conform to the call detail requirements of that section.

(7) **Operational capabilities.** The OSP must answer at least ninety percent of all calls within ten seconds of the time the call reaches the company's switch. The OSP must maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including the facilities for access to consumers' preferred interexchange companies, does not exceed one percent in the time-consistent busy hour. Should excessive blockage occur, the OSP must determine what caused the blockage and take immediate steps to correct the

problem. The OSP must reoriginate calls to another company upon request and without charge when technically able to accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the OSP must provide dialing instructions for the consumer's preferred company.

(8) **Emergency calls.** For purposes of emergency calls, every OSP must be able to transfer the caller into the appropriate E911 system and to the public safety answering point (PSAP) serving the location of the caller with a single keystroke from the operator's console, to include automatic identification of the exact location and address from which the call is being made. The OSP must be able to stay on the line with the emergency call until the PSAP representative advises the operator that they are no longer required to stay on the call. The OSP must provide a toll-free number for direct access to PSAPs should additional information be needed when responding to a call for assistance from a phone using the provider's services. That emergency contact information must not be considered proprietary.

(9) **Fraud protection.**

(a) A company may not bill a call aggregator for:

(i) Charges billed to a line for originating calls using company access codes, toll-free access codes, or originating calls that otherwise reach an operator position if the originating line subscribed to outgoing call screening or pay phone specific ANI coding digits and the call was placed after the effective date of the outgoing call screening or pay phone specific ANI coding digits order; or

(ii) Collect or third-number-billed calls if the line serving the call that was billed had subscribed to incoming call screening (also termed "billed number screening") and if the call was placed after the effective date of the call screening service order.

(b) The access line provider must remove from the call aggregator's bill any calls billed through the access line provider in violation of this subsection. If investigation by the access line provider determines that the pertinent call screening or pay phone specific ANI coding digits was operational when the call was made, the access line provider may return the charges for the call to the company as not billable.

(c) Any call billed directly by an OSP, or through a billing method other than the access line provider, which is billed in violation of this subsection, must be removed from the call aggregator's bill. The company providing the service may request an investigation by the access line provider. If the access line provider determines that call screening or pay phone specific ANI coding digits (which would have prevented the call) was subscribed to by the call aggregator and was not operational at the time the call was placed, the OSP must bill the access line provider for the call.

(10) **Suspension.** The commission may suspend the registration of any company providing operator services if the company fails to meet minimum service levels or to provide disclosure to consumers of protection available under chapter 80.36 RCW and pertinent rules.

Except as required by federal law, no provider of pay phone access line service may provide service to any OSP whose registration is suspended.

NEW SECTION

WAC 480-120-263 Pay phone service providers (PSPs). "Presubscribed operator service provider" means the provider of operator services to which the customer is connected when the customer places a call using a provider of operator services without dialing an access code.

(1) A local exchange company (LEC) within the state of Washington must allow pay phone service providers (PSPs) to connect pay phones to its network, and a LEC must file a tariff or price list with the commission to include the rates and conditions applicable to providing service to pay phones via its network.

(2) Registration and application of rules.

(a) PSPs operating a pay phone within the state of Washington must register by:

(i) Submitting a master business application to the master license service, department of licensing; and

(ii) Obtaining a unified business identifier (UBI) number. A PSP that already has a UBI number need not reapply.

(b) Except where pay phone services or PSPs are specifically referenced, the rules of general applicability to public service companies or telecommunications companies do not apply to pay phone services. This does not exempt PSPs from rules applicable to complaints and disputes (WAC 480-120-165), or remedies or sanctions for violations of rules applicable to PSP operations.

(3) **Access.** At no charge to the calling party, pay phones must provide access to:

(a) Dial tone;

(b) Emergency services by dialing 911 without the use of a coin or entering charge codes;

(c) Operator;

(d) Telecommunications relay service calls for the hearing-impaired;

(e) All available toll-free services; and

(f) All available interexchange companies, including the LEC.

(4) **Disclosure.** PSPs must post clearly and legibly, in an unobstructed location on or near the front of the pay phone:

(a) The rate for local calls, including any restrictions on the length of calls in thirty point or larger type print or a different and contrasting color;

(b) Notice that directory assistance charges may apply, and to ask the operator for rates;

(c) Notice that the pay phone does not make change, if applicable;

(d) The emergency number (E911);

(e) The name, address, phone number, and unified business identifier (UBI) number of the owner or operator;

(f) A toll-free number to obtain assistance if the pay phone malfunctions, and procedures for obtaining a refund;

(g) The name, address, and toll-free number of all pre-subscribed operator service providers (OSPs), as registered with the commission. This information must be updated within thirty days of a change in the OSP. Refer to WAC 480-120-262 for OSP definition and rules;

(h) Notice to callers that they can access other long distance companies;

(i) The phone number of the pay phone, including area code. When the pay phone is in an area that has had an area code change, the area code change must be reflected on the pay phone within thirty days of the area code conversion; and

(j) In contrasting colors, the commission compliance number for customer complaints, to include the following information:

"If you have a complaint about service from this pay phone and are unable to resolve it by calling the repair or refund number or operator, please call the commission at 1-888-333-WUTC (9882)."

(5) **Operation and functionality.** A PSP must order a separate public access line (PAL) for each pay phone installed. The commission may waive this requirement if a company demonstrates that technology accomplishes the same result as a one-to-one ratio by means other than through a PAL, that the service provided to customers is fully equivalent, and that all emergency calling requirements are met. This PAL must pass the appropriate screening codes to the connecting company to indicate that the call is originating from a pay phone. In addition:

(a) The pay phone, if coin operated, must return coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters.

(b) Pay phone keypads must include both numbers and letters.

(c) Where enhanced 911 is operational, the address displayed to the public safety answering point (PSAP) must be that of the phone instrument if different from the public access line demarcation point and the phone number must be that of the pay phone.

(d) Extension telephones may be connected to a PAL only for the purpose of monitoring emergency use. The pay phone must be clearly labeled to indicate that "911 calls are monitored locally." An extension phone must be activated only when 911 is dialed from the pay phone, and must be equipped with a "push to talk" switch or other mechanism to prevent inadvertent interruption of the caller's conversation with the PSAP.

(e) Cordless and tabletop pay phones may be connected to the telephone network only when the bill is presented to the user before leaving the premise where the bill was incurred, unless the customer requests that the call be alternatively billed.

(f) Pay phones may not restrict the number of digits or letters that can be dialed.

(g) Pay phones may provide credit-only service, or coin and credit service.

(h) Pay phones must provide two-way service, and no charge may be imposed by the PSP for incoming calls. Exceptions to two-way service are allowed under the following circumstances:

(i) Service provided to hospitals and libraries where a telephone ring might cause undue disturbance;

(ii) Service provided within a building on the premises of a private business establishment, at the discretion of the business owner. For purposes of this section, premises where people have access to public transportation such as airports,

bus and train stations are not considered private business establishments; and

(iii) Service at locations where local governing jurisdictions or law enforcement find that incoming calls may be related to criminal or illicit activities and have provided proper notice under subsection (6) of this section. Each pay phone restricted to one-way service must be clearly marked on or near the front of the pay phone with information detailed in subsection (6) of this section.

(6) **Restrictions.** A PSP may only limit the operational capabilities of a pay phone when a local governing jurisdiction or other governmental agency submits a notice to the commission using prescribed forms a minimum of ten days prior to the restriction. Restrictions may include, but are not limited to, blocking incoming calls, limiting touch-tone capabilities, and coin restriction during certain hours. The notice must be signed by an agent of the local governing jurisdiction in which the pay phone is located who has authority to submit the request, and must state the jurisdiction's reasons for the restriction. A copy of the notice must also be served on the PSP no later than ten days prior to the restriction.

The requestor must post a notice prominently visible at the pay phone(s) ten days prior to the proposed restriction. The notice must explain what is proposed and how to file an objection with the governing agency.

Once the restriction is in place, the PSP must post on or near each restricted pay phone, in legible and prominent type, a description of each limitation in effect, the times when the restrictions will be in effect, and the name and toll-free number of the governmental agency recommending the restriction.

(7) **Telephone directories.** The provider of the PAL must furnish without charge one current telephone directory each year for each PAL. The PSP must ensure that a current directory is available at every pay phone.

(8) **Malfunctions and rule violations.** The PSP must correct, within five days, malfunctions of the pay phone or rule violations reported to the repair or refund number or the commission.

NEW SECTION

WAC 480-120-265 Local calling areas. (1) Customers must make requests for expanded local calling areas under RCW 80.04.110 (the commission's complaint statute).

(2) The commission will order expansion of local calling areas only for compelling reasons. The commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers, to meet customer demand for alternate or expanded calling.

In evaluating requests for expanded local calling, the commission will consider whether the local calling area is adequate to allow customers to call and receive calls from community medical facilities, police and fire departments, city or town government, elementary and secondary schools, libraries, and a commercial center.

The commission will consider the overall community-of-interest of the entire exchange, and may consider other

pertinent factors such as customer calling patterns, the availability and feasibility of optional calling plans, and the level of local and long distance competition.

PART VIII. FINANCIAL RECORDS AND REPORTING RULES

NEW SECTION

WAC 480-120-301 Accounting requirements for competitively classified companies. Competitively classified companies must keep accounts using generally accepted accounting principles (GAAP), or any other accounting method acceptable to the commission. In addition, the accounts must allow for identification of revenues for Washington intrastate operations subject to commission jurisdiction.

NEW SECTION

WAC 480-120-302 Accounting requirements for companies not classified as competitive. (1)(a) Companies with two percent or more of state access lines and companies with less than two percent of state access lines are classified as follows:

Class	Number of Access Lines as of December 31 from prior year's annual report
A	2% or more of state access lines
B	Less than 2% of state access lines

For example:

Company X access lines as of 12/31/98	33,823
Divided by	_____
Total state access lines as of 12/31/98	3,382,320

Equals company access lines as a percentage of total access lines. 1%

Therefore, company X is a Class B company.

(b) As long as a company can show it serves less than two percent of the total access lines listed in (a) of this subsection, it may compare future years to the year listed in the example above, as a safe harbor option.

(c) If a company has more than two percent of the total access lines listed in (a) of this subsection, but believes that it has less than two percent of a subsequent year to that listed in the example above, it may use the more recent "total state access lines" as of that subsequent year in order to calculate a different threshold, as long as it provides all relevant information in a letter of certification to the commission concurrent with its election. For purposes of this rule the raw data may be requested from the commission's record center in order for the company seeking the data to generate its own calculation subsequent, and pursuant, to this rule.

(2)(a) For accounting purposes, companies not classified as competitive must use the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Title 47, Code of Federal Regulations, Part

PROPOSED

32, (47 CFR 32, or Part 32). The effective date for Part 32 is stated in WAC 480-120-999. Companies not classified as competitive wishing to adopt changes to the USOA made by the FCC after the date specified in WAC 480-120-999, must petition for and receive commission approval. The petition must include the effect of each change for each account and subaccount on an annual basis for the most recent calendar year ending December 31. If the petition is complete and accurate the commission may choose to grant such approval through its consent agenda.

(b) Class B companies may use Class A accounting, but Class A companies shall not be permitted to use Class B accounting.

(3) The commission modifies Part 32 as follows:

(a) Any reference in Part 32 to "Commission," "Federal Communications Commission," or "Common Carrier Bureau" means the Washington utilities and transportation commission.

(b) Companies not classified as competitive must keep subsidiary records to reflect Washington intrastate differences when the commission imposes accounting or ratemaking treatment different from the accounting methods required in subsection (2) of this section. Companies not classified as competitive must maintain subsidiary accounting records for:

- (i) Residential basic service revenues;
 - (ii) Business basic service revenues;
 - (iii) Access revenues for each universal service rate element;
 - (iv) Special access revenues; and
 - (v) Switched access revenues.
- (c) Part 32 section 24, compensated absences, is supplemented as follows:

(i) Companies not classified as competitive must record a liability and charge the appropriate expense accounts for sick leave in the year in which the sick leave is used by employees.

(ii) Companies not classified as competitive must keep records for:

- (A) Compensated absences that are actually paid; and
- (B) Compensated absences that are deductible for federal income tax purposes.

(d) Companies not classified as competitive that have multistate operations must keep accounting records that provide Washington results of operations. The methods used to determine Washington results of operations must be acceptable to the commission.

(e) Part 32 section 32.11(a) is replaced by subsection (1) of this section.

(f) Part 32 section 32.11 (d) and (e) are replaced by subsection (1) of this section.

(g) The commission does not require Part 32 section 32.2000 (b)(4). This rule does not supersede any accounting requirements specified in a commission order, nor will it be construed to limit the commission's ability to request additional information on a company specific basis. This rule does not dictate intrastate ratemaking.

(h) Any reference in Part 32 to "Class A" or "Class B" means the classification as set out in subsection (1) of this section.

NEW SECTION

WAC 480-120-303 Reporting requirements for competitively classified companies. The commission will distribute an annual report form including a regulatory fee form. A competitively classified company must:

- (1) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1st of each year;
- (2) Provide total number of access lines as required on the annual report form;
- (3) Provide income statement and balance sheet for total company; and
- (4) Provide revenues for Washington and Washington intrastate operations subject to commission jurisdiction.

NEW SECTION

WAC 480-120-304 Reporting requirements for companies not classified as competitive. (1) Annual reports for companies not classified as competitive. The commission will distribute an annual report form as specified in (c)(i), (ii), and (iii) of this subsection, and a regulatory fee form. A company not classified as competitive must:

- (a) Complete both forms, file them with the commission, and pay its regulatory fee, no later than May 1 of each year;
- (b) Provide total number of access lines as required on the annual report form; and
- (c) Provide income statement and balance sheet for total company and results of operations for Washington and Washington intrastate.

(i) Class A companies that the FCC classified as Tier 1 telecommunications companies in Docket No. 86-182 must file annual report forms adopted by the FCC.

(ii) All other Class A companies must file annual reports on the form prescribed by the commission.

(iii) Class B companies must file annual reports as prescribed by RCW 80.04.530(2).

(2) Quarterly reports for companies not classified as competitive:

- (a) All Class A companies must file results of operations quarterly.
- (b) Each report will show monthly and twelve-months-ended data for each month of the quarter reported.

(c) The reports are due ninety days after the close of the period being reported, except for the fourth-quarter report which is due no later than May 1 of the following year.

(3) Methods used to determine Washington intrastate results of operations must be acceptable to the commission.

(4) This rule does not supersede any reporting requirements specified in a commission rule or order, or limit the commission's authority to request additional information.

NEW SECTION

WAC 480-120-305 Streamlined filing requirements for Class B telecommunications company rate increases. (1) A Class B company, as defined in WAC 480-120-302(1), may use the streamlined treatment described in this section for seeking a general rate increase, as an alternative to the requirements in WAC 480-09-330.

(2) **General information required.** A Class B company seeking streamlined treatment for a proposed general rate increase must submit the following information at the time of filing or prior to its first notice to customers, whichever occurs first:

(a) A copy of its customer notice as specified in subsection (6) of this section.

(b) A results-of-operations statement, on a commission basis, demonstrating that the company is not presently exceeding a reasonable level of earnings. If the company is exceeding a reasonable level of earnings, the proposed increase must be reduced accordingly.

(c) All supporting documentation used to develop the results-of-operations statement, including supporting documentation for all adjustments.

(d) The results-of-operations statement filed under this subsection must include Washington intrastate results of operations. If a company cannot provide Washington intrastate results of operations with reasonable accuracy, the commission may consider the total Washington results of operations including the interstate jurisdiction.

(3) **Adjustments provided for in the results of operations.**

(a) The results-of-operations statement must provide restating actual adjustments and proforma adjustments in accordance with (b) of this subsection.

(b) Before the achieved return is calculated a company must adjust the booked results of operations for restating actual and proforma adjustments, including the following:

- (i) Nonoperating items;
- (ii) Extraordinary items;
- (iii) Nonregulated operating items; and
- (iv) All other items that materially distort the test period.

(4) **Rate of return.** The authorized overall rate-of-return (for purposes of this section only) is eleven and twenty-five one-hundredths percent.

(5) **Rate design.** A Class B company filing pursuant to this section must clearly describe the basis for allocating any revenue requirement change proposed by customer class (e.g., residential, business, and interexchange).

(6) **Customer notice.** The company must notify customers consistent with the manner outlined in WAC 480-120-194, and must include the following information:

(a) The proposed increase expressed in (i) total dollars and average percentage terms, and (ii) the average monthly increases the customers in each category or subcategory of service might reasonably expect;

(b) The name and mailing address of the commission and public counsel;

(c) A statement that customers may contact the commission or public counsel with respect to the proposed rate change; and

(d) The date, time, and place of the public meeting, if known.

(7) **Public meeting(s).** The commission will ordinarily hold at least one public meeting in the area affected by the rate increase within forty-five days after the date of filing.

(8) **Final action.** The commission will ordinarily take final action on a filing under this section within ninety days after the date of filing.

(9) The commission may decline to apply the procedures outlined in this section if it has reason to believe that:

(a) The quality of the company's service is not consistent with its public service obligations; or

(b) A more extensive review is required of the company's results of operations or proposed rate design.

(10) Nothing in this rule will be construed to prevent any company, the commission, any customer, or any other party from using any other procedures that are otherwise permitted by law.

NEW SECTION

WAC 480-120-311 Access charge and universal service reporting. (1) **Intrastate mechanism reporting.**

(a) Until legislation creating a new universal service fund is adopted and effective and commission rules to implement the legislation are adopted and effective, each Class A company in the state of Washington and the Washington Exchange Carrier Association, must provide annually:

(i) The actual demand units for the previous calendar year for each switched access tariff rate element (or category of switched access tariff rate elements, both originating and terminating) it has on file with the commission.

(ii) Primary toll carriers (PTCs) must file, in addition to (a) of this subsection, the annual imputed demand units for the previous calendar year that the company would have had to purchase from itself if it had been an unaffiliated toll carrier using feature group D switched access service (including intraLATA and interLATA, both originating and terminating demand units). For purposes of this subsection, a PTC means a local exchange company offering interexchange service(s) to retail customers using feature group C switched access service for the origination and termination of any such service(s).

(b) The report containing the information required in (a) of this subsection must be filed by July 1 of each year.

(c) Each company providing information required by this section must include complete work papers and sufficient data for the commission to review the accuracy of the report.

(2) **Annual state certification requirements for interstate (federal) mechanism.** Each eligible telecommunications carrier (ETC) in Washington receiving federal high-cost universal service support funds must provide the following to the commission not later than August 31 of each year:

(a) A certification that, during the calendar year preceding the year in which certification is made, the ETC provided the supported services required by 47 U.S.C. § 214(e) and described in the commission order granting it ETC status;

(b) A certification that, during the calendar year preceding the year in which certification is made, the ETC advertised the availability of supported services and the charges for them as required by 47 U.S.C. § 214(e) and as described in the commission order granting it ETC status;

(c) A certification that funds received by it from the federal high-cost universal service support fund will be used

only for the provision, maintenance, and upgrading of the facilities and services for which the support is intended;

(d) The amount of all federal high-cost universal service fund support received for the calendar year preceding the year in which the filing must be made (this includes, but is not limited to, High Cost Loop Support or "HCL", Local Switching Support or "LSS", Long Term Support or "LTS", Interstate Access Support or "IAS", and Interstate Common Line Support or "ICLS");

(e) The loop counts on which federal high-cost universal service support was based for support received during the calendar year preceding the year in which the filing must be made;

(f) The certifications required in (a) through (e) of this subsection must be made in the same manner as required by RCW 9A.72.085.

NEW SECTION

WAC 480-120-312 Universal service cost recovery authorization. (1) Authorization. Local exchange companies (LECs) may seek authorization to establish explicit rate additives or elements to recover costs for support of universal service in high-cost locations. In determining high-cost locations and the amount that may be recovered, the commission will consider the cost of providing service in rural areas and urban areas. The commission will also consider the comparability of rates between urban and rural areas. The commission may also consider per-customer revenue, and such other factors as it considers necessary to arrive at sufficient support.

(2) Portability. When determining the amount a competitively classified company may recover for support of universal service, the commission may use an incumbent LEC's cost of providing service in a high cost location as a proxy for the cost of the competitively classified company.

NEW SECTION

WAC 480-120-321 Expenditures for political or legislative activities. (1) The commission will not allow either direct or indirect expenditures for political or legislative activities for rate-making purposes.

(2) For purposes of this rule political or legislative activities include, but are not limited to:

(a) Encouraging support or opposition to ballot measures, legislation, candidates for a public office, or current public office holders;

(b) Soliciting support for or contributing to political action committees;

(c) Gathering data for mailing lists that are generated for the purposes of encouraging support for or opposition to ballot measures, legislation, candidates for public office, or current office holders, or encouraging support for or contributions to political action committees;

(d) Soliciting contributions or recruiting volunteers to assist in the activities set forth in (a) through (c) of this subsection.

(3) Political or legislative activities do not include activities directly related to appearances before regulatory or local governmental bodies necessary for the utility's operations.

NEW SECTION

WAC 480-120-322 Retaining and preserving records and reports. (1) Companies must keep all records and reports required by these rules or commission order for three years unless otherwise specified in subsection (2) of this section. No records may be destroyed before the expiration of three years or the time specified in subsection (2) of this section, whichever is applicable.

(2) Companies must adhere to the retention requirements of Title 47, Code of Federal Regulations, Part 42, Preservation of Records of Communication Common Carriers published by the Federal Communications Commission. The effective date is stated in WAC 480-120-999.

NEW SECTION

WAC 480-120-323 Washington Exchange Carrier Association (WECA). (1) The Washington Exchange Carrier Association (WECA) may:

(a) File petitions with the commission;

(b) Publish and file tariffs with the commission; and

(c) Represent before the commission those members that so authorize. WECA's rules of procedure are on file with the commission under Docket No. UT-920373, and may be obtained by contacting the commission's records center.

(2) Subject to all the procedural requirements and protections associated with company filings before the commission, WECA must submit to the commission:

(a) All initial WECA tariffs; and

(b) All changes to the tariffs.

(3) A member of WECA may file directly with the commission:

(a) Tariffs;

(b) Revenue requirement computations;

(c) Revenue objectives;

(d) Universal service support cost calculations;

(e) Total service long run incremental cost studies;

(f) Competitive classification petition;

(g) Other reports; or

(h) Any other item it or the commission deems necessary.

(4) The commission has the authority to supervise the activities of WECA. However, such supervision will not compromise the independent evaluation by the commission of any filing or proposal that must be submitted to the commission for approval.

(5) To the extent that WECA is involved in the collection and redistribution of funds under commission orders authorizing certain revenue sharing arrangements under common tariff, it must maintain, provide, and report to the commission annual financial reports, by July 1 of each year, relating to the arrangements. Annual financial reports must include:

(a) Actual fund collections and distributions to each member company;

(b) The basis upon which the collection and distribution is made;

(c) Board membership;

(d) Special committee membership; and

(e) The status and description of any open WECA docket proceedings.

(6) Each local exchange company in the state of Washington has the option of using WECA as its filing agent, tariff bureau, or both. Companies using WECA collectively may file intrastate rates, tariffs, or service proposals.

(7) Nothing in this section will be construed as amending or modifying WECA's current methods of administration. WECA's access charge pooling administration plan is on file with the commission and may be obtained by contacting the commission's records center and requesting the "Ninth Supplemental Order in Docket UT-971140 with Attachment" dated June 28, 2000.

PART IX. SAFETY AND STANDARDS RULES

NEW SECTION

WAC 480-120-401 Network performance standards.

(1) All companies must meet the applicable network performance standards set forth in this section. The standards applied to each service quality measurement are the minimum acceptable quality of service under normal operating conditions. All performance standards apply to each central office individually and must be measured at or below that level. The performance standards do not apply to abnormal conditions, including, but not limited to work stoppage directly affecting provision of service in the state of Washington, holidays, force majeure, or major outages caused by persons or entities other than the local exchange company (LEC) or its agents.

(2) **Switches.** End-office switches, in conjunction with remote switches where deployed, must meet the following standards:

(a) **Dial service.** For each switch, companies must meet the following minimum standards during the switch's average busy-hour of the busy season:

(i) Dial tone must be provided within three seconds on at least ninety-eight percent of calls placed; and

(ii) Ninety-eight percent of calls placed must not encounter an intraswitch blocking condition within the central office, or blocking in host-remote, or interoffice local trunks.

(b) **Intercept.** Central office dial equipment must provide adequate access to an operator or to a recorded announcement intercept to all vacant codes and numbers. Less than one percent of intercepted calls may encounter busy or no-circuit-available conditions during the average busy-hour, of the busy-season.

(3) **Interoffice facilities.** Blocking performance during average busy-hour for ninety-nine percent of trunk groups for any month must be less than one-half of one percent for inter-toll and intertandem facilities and less than one percent for local and EAS interoffice trunk facilities. The blocking standard for E911 dedicated interoffice trunk facilities must be less than one percent during average busy-hour of the busy

season. Two consecutive months is the maximum that a single trunk group may be below the applicable standard.

(4) **Outside plant.**

(a) **Local loops.** Each LEC must design, construct, and maintain subscriber loops to the standard network interface or demarcation point as follows:

(i) For voice grade, local exchange service loops must meet all performance characteristics specified in Section 4 of the Institute of Electrical and Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics. Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999.

(ii) For voice grade service, the circuit noise level on customer loops measured at the customer network interface must be equal to or less than 20.0 dBrnC, except that digitized loops and loops in excess of 18,000 feet must have a noise level objective of less than 25.0 dBrnC, and noise levels must not exceed 30 dBrnC.

(b) **Special circuits.** Off-premise station circuit loss must not exceed 5.0 dB at 1004 Hz when measured between the customer switch demarcation and the customer station demarcation. LECs with over fifty thousand access lines must maintain design criteria for special circuits. Companies must make channel performance criteria available to customers upon request.

(c) **Digital services.** LECs must meet the availability objectives for digital private line circuit performance specified in the American National Standards for Telecommunications, "Network Performance Parameters for Dedicated Digital Services - Specifications." Information about this standard regarding the version adopted and where to obtain it is set forth in WAC 480-120-999. Upon request of a customer, a LEC may provide to that customer digital services that do not meet the performance standards set forth in (b) of this subsection.

(5) **Service to interexchange carriers.** LECs must provide service to interexchange carriers at the grade of service ordered by the interexchange carrier. At a minimum, each interexchange carrier must order sufficient facilities from each LEC such that no more than two percent of all calls are blocked at the LEC's switch.

(6) Companies must monitor the network performance of the equipment they own, operate, or share at frequent intervals so that adequate facilities can be designed, engineered and placed in service when needed to meet the standards of this section.

(7) Each Class A LEC must arrange and design incoming trunks to the primary repair service center so that traffic overflows during service interruptions can be redirected or forwarded to an alternate repair or maintenance service center location.

NEW SECTION

WAC 480-120-402 Safety. The plant and all facilities of utilities shall be constructed and installed in conformity with good engineering practice and comply with the minimum standards as set out in the current National Electric

Safety Code in effect on January 1, 1991. All instrumentalities and equipment shall be installed and maintained with due consideration to the safety of the subscribers, employees and general public. Hazardous conditions endangering persons, property, or the continuity of service when found, reported or known to exist, shall be expeditiously corrected.

NEW SECTION

WAC 480-120-411 Network maintenance. (1) Each local exchange company (LEC) must:

- (a) Provide adequate maintenance to ensure that all facilities are in safe and serviceable condition;
- (b) Correct immediately hazardous conditions endangering persons, property, or the continuity of service when found, reported, or known to exist;
- (c) Promptly repair or replace broken, damaged, or deteriorated equipment, when found to be no longer capable of providing adequate service; and
- (d) Correct promptly transmission problems on any channel when located or identified, including noise induction, cross-talk, or other poor transmission characteristics.

(2) Each LEC must install and maintain test apparatus at appropriate locations to determine the operating characteristics of network systems and provide sufficient portable power systems to support up to the largest remote subscriber carrier site. For the safe and continuous operation of underground cables, each LEC must establish air pressurization policies and an air pressurization alarm-monitoring program where appropriate.

(3) Central offices equipped with automatic start generators must have three hours' reserve battery capacity. Central offices without automatic start generators must have a minimum of five hours' reserve battery capacity. Central offices without permanently installed emergency power facilities must have access to readily connectable mobile power units with enough power capacity to carry the load and that can be delivered within one half of the expected battery reserve time.

NEW SECTION

WAC 480-120-412 Major outages. (1) All companies must make reasonable provisions to minimize the effects of major outages, including those caused by force majeure, and inform and train pertinent employees to prevent or minimize interruption or impairment of service.

(2) **Notice to commission and public safety answering point (PSAP).** When a company receives notice of or detects a major outage, it must notify the commission and any PSAP serving the affected area as soon as possible.

(3) **Notice to county and state emergency agencies and coordination of efforts.** When a major outage affects any emergency response facility, a company must notify immediately the county E911 coordinator and the state emergency management authorities, and provide periodic updates on the status of the outage. The company must coordinate service restoration with the state emergency management authorities if it requests it, and, if requested to do so by the

commission, report daily to it the progress of restoration efforts until the company achieves full network recovery.

(4) **Major outages repair priorities.**

(a) Outages affecting PSAPs and emergency response agencies must receive attention first and be repaired as soon as possible.

(b) Companies must restore other services within twelve hours unless conditions beyond a company's control prevent service restoration within twelve hours.

(c) Companies must restore outages to their facilities affecting intercompany trunk and toll trunk service within four hours after the problem is reported unless conditions beyond a company's control prevent service restoration within four hours. If the problem is not corrected within four hours, the company must keep all other affected companies advised of the status of restoration efforts on a twice-daily basis.

(5) **Information to public.** Unless heightened security concerns exist, during major outage recovery efforts all companies must implement procedures to disseminate information to the public, public officials, and news media. All companies must provide a statement about the major outage that includes the time, the cause, the general location and approximate number of affected access lines, and the anticipated duration.

(6) **Notice of intentional outage.** When a company intends to interrupt service to such an extent that it will cause a major outage, it must notify all customers who will have their telephone service affected and the state emergency management division not less than seven days in advance if circumstances permit or as soon as it plans to interrupt service if circumstances do not permit seven days' advance notice. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

(7) **Records.** All companies must keep a record of each major outage and a statement about the interruption that includes the time, the cause, the location and number of affected access lines, and the duration.

NEW SECTION

WAC 480-120-414 Emergency operation. (1) All companies must maintain, revise, and provide to the commission the following:

(a) The titles and telephone numbers of the company's disaster services coordinator and alternates; and

(b) Upon request of the commission, the company's current plans for emergency operation, including current plans for recovery of service to governmental disaster recovery response agencies within the state of Washington.

(2) For coordination of disaster response and recovery operations, each company must maintain on file with the Washington state emergency management division the titles and telephone numbers of the managers of the company's:

(a) Local network operations center;

(b) Regional network operations center; or

(c) Emergency operations center.

NEW SECTION

WAC 480-120-436 Responsibility for drop facilities and support structure. (1) **Initial provision of service to a premise with no existing drop facilities.** Companies are responsible for designating the route of the drop facility and the type of support structure.

(a) Provision of drop facilities. The company is responsible for all work and materials associated with drop facilities.

(b) Provision of support structure. The company may require the applicant to provide a support structure that meets company standards. Once the company provides service, the company is responsible for maintenance and repair of the existing drop facilities and support structure as provided for in WAC 480-120-437.

(c) Nothing in this rule prohibits the company from offering the applicant an alternative to pay the company a tariffed or price listed rate for provision of the support structure.

(2) **Requests for initial service or additional service at a premise where all existing pairs within a drop facility are not in use.** A company is responsible for all work and materials associated with the drop facilities and if applicable the support structure so long as the total number of lines requested by the customer does not exceed the original capacity of the drop facility.

Any work or materials associated with repair of abandoned or defective pairs is considered maintenance and repair under WAC 480-120-437.

(3) **Requests for additional service to premises where all existing pairs within a drop facility are not in use or where the total number of lines requested by a customer exceeds the original capacity of the existing drop facility.**

(a) The company is responsible for all costs, including the costs of work and materials, associated with placement of additional drop facilities.

(b) The company may require the applicant to provide a support structure for placement of the new drop facility.

(c) A company must use an existing support structure for placement of the new drop facility when:

(i) The support structure it is large enough to support placement of the new facility; and

(ii) It follows a path which remains suitable to the company; and

(iii) The customer makes the support structure accessible to the company (e.g., uncovers the entry to the conduit and removes any items that would impede the use of the conduit, such as tree roots).

NEW SECTION

WAC 480-120-437 Responsibility for maintenance and repair of facilities and support structures. (1)(a) Companies are responsible for all work, materials, and costs associated with reinforcing existing distribution plant, and repairing and maintaining existing distribution and drop facilities and support structures up to and including the standard network interface (SNI).

(b) The customer is responsible for maintaining facilities on the customer's side of the SNI.

(2) A company, in its sole discretion, may determine to replace or reinforce any existing facilities or support structures for which it is responsible for maintenance or repair. If the company decides to replace existing facilities or support structures, all the work and materials associated with the installation of facilities and support structures is considered repair and maintenance, and not new construction.

(3) With respect to cost, subsection (1)(a) of this section does not apply when damage has been caused by a customer or third party, in which case, the company may charge that individual the cost of repair, maintenance, or replacement of company facilities and, if applicable, support structure. Nothing in this subsection is intended to limit the company's ability to recover damages as otherwise permitted by law.

NEW SECTION

WAC 480-120-438 Trouble report standard. Trouble reports by central office must not exceed four trouble reports per one hundred access lines per month for two consecutive months, or per month for four months in any one twelve-month period. This standard does not apply to trouble reports related to customer premise equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company.

NEW SECTION

WAC 480-120-439 Service quality performance reports. (1) **Class A companies must report monthly the information required in subsections (3), (4), and (6) through (10) of this section.** Companies must report within thirty days after the end of the month in which the activity reported on takes place (e.g., a report concerning missed appointments in December must be reported by January 30).

(2) **Class B companies need not report to the commission as required by subsection (1) of this section.** However, these companies must retain, for at least three years from the date they are created, all records that would be relevant, in the event of a complaint or investigation, to a determination of the company's compliance with the service quality standards established by WAC 480-120-105, 480-120-107, 480-120-112, 480-120-132, 480-120-401, 480-120-411, and 480-120-440.

(3) **Missed appointment report.** The report must include the number of appointments missed for which missed appointment credits were required by WAC 480-120-107.

(4) **Held orders for installation or activation of basic service report.** The report must state the total number of orders taken, by central office, in each month for all orders of up to the initial five access lines as required by WAC 480-120-105. The report must include orders with due dates later than five days as requested by a customer. The held order report must state, by central office, of the total orders taken for the month, the number of orders that the company was unable to complete within five business days after the order date or by a later date as requested by the customer.

(a) A separate report must be filed each calendar quarter that states the total number of orders taken, by central office, in that quarter for all orders of up to the initial five access lines as required by WAC 480-120-105. The held order ninety-day report must state, of the total orders taken for the quarter, the number of orders that the company was unable to complete within ninety days after the order date.

(b) A separate report must be filed each six months that states the total number of orders taken, by central office, in the last six months for all orders of up to the initial five access lines as required by WAC 480-120-105. The held order one hundred eighty day report must state, of the total orders taken for six months, the number of orders that the company was unable to complete within one hundred eighty days.

Orders for which customer-provided special equipment is necessary; when a later installation or activation is permitted under WAC 480-120-071; or when the commission has granted an exemption under WAC 480-120-015 from the requirement for installation or activation of a particular order may be excluded from the total number of orders taken and from the total number of uncompleted orders for the month.

(5) **Major outages report.** Notwithstanding subsections (1) and (2) of this section, any company experiencing a major outage that lasts more than forty-eight hours must provide a major outage report to the commission within ten business days of the major outage. The major outages report must include a description of each major outage and a statement that includes the time, the cause, the location and number of affected access lines, and the duration of the interruption or impairment. When applicable, the report must include a description of preventive actions to be taken to avoid future outages. This reporting requirement does not include company-initiated major outages that are in accordance with the contract provisions between the company and its customers or other planned interruptions that are part of the normal operational and maintenance requirements of the company.

The commission staff may request oral reports from companies concerning major outages at any time and companies must provide the requested information.

(6) **Summary trouble reports.** Each month companies must submit a report reflecting the standard established in WAC 480-120-438. The report must include the number of reports by central office and the number of lines served by the central office. In addition, the report must include an explanation of causes for each central office that exceeds the service quality standard established in WAC 480-120-438. The reports, including repeated reports, must be presented as a ratio per one hundred lines in service. The reports caused by customer-provided equipment, inside wiring, force majeure, or outages of service caused by persons or entities other than the local exchange company should not be included in this report.

(7) **Switching report.** Any company experiencing switching problems in excess of the standard established in WAC 480-120-401 (2)(a), must report the problems to the commission. The report must identify the location of every switch that is performing below the standard.

(8) **Interoffice, intercompany and interexchange trunk blocking report.** Companies that experience trunk

blocking in excess of the standard in WAC 480-120-401(3) must report each trunk group that does not meet the performance standards. For each trunk group not meeting the performance standards, the report must include the peak percent blocking level experienced during the preceding month, the number of trunks in the trunk group, and the busy hour when peak blockage occurs. The report must include an explanation of steps being taken to relieve blockage on any trunk groups that do not meet the standard for two consecutive months.

(9) **Repair report.** (a) For service-interruption repairs subject to the requirements of WAC 480-120-440, companies must report the number of service interruptions reported each month, the number repaired within forty-eight hours, and the number repaired more than forty-eight hours after the initial report. In addition, a company must indicate the number of construction orders requiring permits as provided for in WAC 480-120-440.

(b) For service-impairment repairs subject to the requirements of WAC 480-120-440, companies must report the number of service impairments reported each month, the number repaired within seventy-two hours, and the number repaired more than seventy-two hours after the initial report. In addition, a company must state the number of construction orders requiring permits as provided for in WAC 480-120-440.

(10) **Business office and repair answering system reports.** When requested, companies must report compliance with the standard required in WAC 480-120-133. If requested, companies must provide the same reports to the commission that company managers receive concerning average speed of answer, transfers to live representatives, station busies, and unanswered calls.

(11) The commission may choose to investigate matters to protect the public interest, and may request further information from companies that details geographic area and type of service, and such other information as the commission requests.

NEW SECTION

WAC 480-120-440 Repair standards for service interruptions and impairments, excluding major outages.

(1) A company must repair all out-of-service interruptions except those which are part of a major outage (WAC 480-120-412) and those caused by force majeure within forty-eight hours from the time a customer initially reports the problem to the company.

For purposes of this section an out-of-service interruption is defined as a condition that prevents the use of the telephone exchange line for purposes of originating or receiving a call and does not include trouble reported for nonregulated services such as voice messaging, inside wiring, or customer premises equipment.

(2) A company must repair all other regulated service interruptions within seventy-two hours from the time a customer initially reports the problem to the company.

(3) The forty-eight-hour and seventy-two-hour standards do not apply during company work stoppages directly affecting provision of service in the state of Washington.

(4) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period that indicates that the customer's service is operating within industry standards. The company must make all test information available to the commission upon request.

(5) A company is considered to have met its obligations under this rule if it conducts tests during the prescribed period which demonstrate that the reported problem may only be cleared from within the customer's premises and the company is either unable to reach the customer to arrange access or is refused access by the customer. The company must make all test information and customer contact logs available to the commission upon request.

(6) For the purposes of this section, Sundays and legal holidays are not considered working days and are therefore excluded from the forty-eight-hour and seventy-two-hour periods.

(7) In instances when repair requires construction work, the forty-eight-hour and seventy-two-hour periods begin when a company has received appropriate authorization from the applicable governing body associated with the repair (e.g., utility location services are completed and, if applicable, a permit is granted). A company must contact the appropriate authorities to request applicable utility location services and permits when the company determines that a repair situation requires construction work to correct. Upon receiving any repair report that requires construction work, a company must contact the appropriate authorities as soon as practicable to request utility location services and permits, if applicable.

(8) When a company plans a service interruption, it must notify customers that it determines service will be affected not less than seven days in advance or, if seven days' notice is not possible, as soon as the interrupted service is planned. A notice is not required for planned service interruptions that have a duration of less than five minutes and occur between the hours of 12:00 a.m. and 5:00 a.m.

NEW SECTION

WAC 480-120-450 Enhanced 9-1-1 (E911) obligations of local exchange companies. "Private branch exchange (PBX)" means customer premises equipment installed on the subscriber's premises that functions as a switch, permitting the subscriber to receive incoming calls, to dial any other telephone on the premises, to access a tie trunk leading to another PBX or to access an outside trunk to the public switched telephone network.

"Data base management system (DBMS)" means a data base used by local exchange companies (LECs) to provide automatic location information (ALI) to public safety answering points (PSAPs).

"Emergency location identification number (ELIN)" means a telephone number that is used to route the call to PSAP and is used to retrieve the automatic location information (ALI) for the PSAP.

"Emergency response location (ERL)" means a location to which a 911 emergency response team may be dispatched.

(1) Local exchange companies (LECs) must provide enhanced 9-1-1 (E911) services including:

(a) For single line service, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location of the ERL for that line;

(b) For multiline customers, the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location of the ERL for that line;

(c) For pay phones served by pay phone access lines (PALs) the ability for customers to dial 911 with the call and caller's ELIN transmitted to the E911 selective router serving the location of the ERL for that line. The phone number must be that of the pay phone.

(2)(a) LECs that provide or make available E911 data base management, whether directly or through contract, must provide to all PBX owners or their agents (including LECs) a simple, internet-based method to maintain customer records in the E911 data base, and the LEC may provide an option of a secure dial up access method for the PBX owner or agent to maintain customer records in the E911 data base. The method must use a generally accepted national format for customer record information.

(b) LECs that provide or make available E911 data base management, whether directly or through contract, must provide or make available to all other LECs a simple, internet-based method to maintain customer records in the E911 data base for their non-PBX customers, and the LEC may provide an option of a secure dial up access or direct data link method for LECs to maintain customer records in the E911 data base. Methods for maintaining station location information that are not internet-based may be offered in addition to the required internet-based method.

(c) LECs that provide pay phone access lines must maintain customer record information, including ELIN and ERL information, for those access lines using a method required by (b) of this subsection.

(d) For single line services, PBX main station lines, and pay phone lines, LECs must transmit updated location information records to the data base management system (DBMS) within twenty-four hours of those records being posted to the company record system.

Records that do not post to the DBMS because of address errors must be corrected within two working days unless modifications are necessary to the audit tables of the master street address guide, in which case the record must be resubmitted within twenty-four hours of notification that the master street address guide has been updated.

(e) E911 data base errors and inquiries, including selective routing errors, reported by county E911 data base coordinators or PSAPs must be resolved by the LEC or its agent administering the data base within five working days of receipt.

(3) LECs wishing to provide E911 services including selective routing, data base management and transmission of the call to a PSAP must file with the commission tariffs and

supporting cost studies or price lists, whichever applies, that specify the charges and terms for E911 services.

(4)(a) PBX customers who choose to maintain their own E911 data base, or contract that maintenance to a third party, must be permitted to do so if the customer maintains the data in a generally accepted national format for customer record information.

(b) PBX customers who choose to not use LEC data base management may transmit, or have a third-party transmit, customer record information to their LEC's national data service gateway at no additional charge.

NEW SECTION

WAC 480-120-451 Local exchange carrier contact number for use by public safety answering points (PSAPs). All local exchange carriers (LECs) must provide a telephone number, which may include a number for a paging device, that public safety answering points (PSAPs) may use to reach a company representative with questions related to the accuracy of station location records. LECs must accept calls to the provided number at all times. LECs that provide a number for the paging device must respond within three minutes of the page.

All LECs must provide an E911 data base maintenance contact who is available during business day hours to the county E911 data base coordinators in those counties in which they provide service.

NEW SECTION

WAC 480-120-452 Reverse search by enhanced 9-1-1 (E911) public safety answering point (PSAP) of ALI/DMS data base—When permitted. (1) A public safety answering point (PSAP) may make a reverse search of information in the automatic location identification (ALI/DMS) data base when, in the judgment of the PSAP representative, an immediate response to the location of the caller or to the location of another telephone number reported by the caller is necessary because of an apparent emergency.

(2) Absent a judicial order, reverse search must not be used for criminal or legal investigations or other nonemergency purposes.

PART X. ADOPTION BY REFERENCE

NEW SECTION

WAC 480-120-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified below. They are available for inspection at the commission branch of the Washington state library. The publications, effective dates, references within this chapter, and availability of the resources are as follows:

(1) American National Standards for Telecommunications - "Network Performance Parameters for Dedicated Digital Services - Specifications" (ANSI T1.510-1999) is

published by the American National Standards Institute (ANSI).

(a) The commission adopts the version in effect on December 29, 1999.

(b) This publication is referenced in WAC 480-120-401.

(c) The American National Standards for Telecommunications "Network Performance Parameters for Dedicated Digital Services - Specifications" is a copyrighted document. Copies are available from the publisher and third-party vendors.

(2) *The Institute of Electrical And Electronic Engineers (IEEE) Standard Telephone Loop Performance Characteristics* (ANSI/IEEE Std 820-1984) is published by the ANSI and the IEEE.

(a) The commission adopts the version in effect on March 22, 1984, and reaffirmed September 16, 1992.

(b) This publication is referenced in WAC 480-120-401.

(c) *The IEEE Standard Telephone Loop Performance Characteristics* is a copyrighted document. Copies are available from the publishers.

(3) *The National Electrical Safety Code* is published by the IEEE.

(a) The commission adopts the version in effect in 1997.

(b) This publication is referenced in WAC 480-120-402.

(c) *The National Electrical Safety Code* is a copyrighted document. Copies are available from the publishers and from third-party vendors.

(4) *Title 47 Code of Federal Regulations*, cited as 47 CFR, is published by the United States Government Printing Office.

(a) The commission adopts the version in effect on October 1, 1998.

(b) This publication is referenced in WAC 480-120-302 and 480-120-322.

(c) Copies of Title 47 Code of Federal Regulations are available from the Government Printing Office and from third-party vendors.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 480-120-029	Accounting requirements for competitively classified companies.
WAC 480-120-031	Accounting.
WAC 480-120-032	Expenditures for political or legislative activities.
WAC 480-120-033	Reporting requirements for competitively classified companies.
WAC 480-120-041	Availability of information.
WAC 480-120-042	Directory service.
WAC 480-120-043	Notice to the public of tariff changes.

PROPOSED

WAC 480-120-045	Local calling areas.	WAC 480-120-530	Emergency services.
WAC 480-120-046	Service offered.	WAC 480-120-531	Emergency operation.
WAC 480-120-051	Availability of service— Application for and installation of service.	WAC 480-120-535	Service quality performance reports.
WAC 480-120-056	Establishment of credit.	WAC 480-120-541	Access charges.
WAC 480-120-057	Deposit or security—Interexchange telecommunications companies.	WAC 480-120-542	Collective consideration of Washington intrastate rate, tariff, or service proposals.
WAC 480-120-081	Discontinuance of service.	WAC 480-120-543	Caller identification service.
WAC 480-120-087	Telephone solicitation.	WAC 480-120-544	Mandatory cost changes for telecommunications companies.
WAC 480-120-088	Automatic dialing-announcing devices.	WAC 480-120-545	Severability.
WAC 480-120-089	Information delivery services.		
WAC 480-120-101	Complaints and disputes.		
WAC 480-120-106	Form of bills.		
WAC 480-120-116	Refund for overcharge.		
WAC 480-120-121	Responsibility for delinquent accounts.		
WAC 480-120-126	Safety.		
WAC 480-120-131	Reports of accidents.		
WAC 480-120-136	Retention and preservation of records and reports.		
WAC 480-120-138	Pay phone service providers (PSPs).		
WAC 480-120-139	Changes in local exchange and intrastate toll services.		
WAC 480-120-141	Operator service providers (OSPs).		
WAC 480-120-340	911 Obligations of local exchange companies.		
WAC 480-120-350	Reverse search by E-911 PSAP of ALI/DMS data base—When permitted.		
WAC 480-120-500	Telecommunications service quality—General requirements.		
WAC 480-120-505	Operator services.		
WAC 480-120-510	Business offices.		
WAC 480-120-515	Network performance standards applicable to local exchange companies.		
WAC 480-120-520	Major outages and service interruptions.		
WAC 480-120-525	Network maintenance.		

WSR 02-13-021
PROPOSED RULES
BOARD OF ACCOUNTANCY
 [Filed June 10, 2002, 1:51 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 02-02-001.

Title of Rule: WAC 4-25-930 Does the board authorize the use of any other titles or designations?

Purpose: To consider adopting a rule on the use of titles in association with the requirements of a recently adopted statutory section RCW 18.04.350(9) which in part states: "The board shall by rule allow the use of other titles by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person using the titles or designations is authorized at the time of use by a nationally recognized entity sanctioning the use of board authorized titles."

Statutory Authority for Adoption: RCW 18.04.350(9).
 Statute Being Implemented: RCW 18.04.350(9).

Summary: To allow the use of "accredited business accountant" or "ABA"; "accredited tax preparer" or "ATP"; "accredited tax advisor" or "ATA"; and "certified financial planner" or "CFP."

Reasons Supporting Proposal: To clarify which titles are not sufficiently similar to "certified public accountant" that the public could be misled.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 711 South Capitol Way, #400, Olympia, (360) 586-0163.

Name of Proponent: Board of Accountancy - Primary; Washington Association of Accountants - Private, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board's goal with all of its rule proposals is to:

- Promote clarity.
- Ensure effective communication.

PROPOSED

- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Specifically, RCW 18.04.350(9) directs the board to "allow the use of other titles by any person regardless of whether the person has been granted a certificate or holds a license under this chapter if the person using the titles or designations is authorized at the time of use by a nationally recognized entity sanctioning the use of board authorized titles."

This rule will clarify which titles are not sufficiently similar to "certified public accountant" that the public could be misled.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Doubletree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201, on July 26, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by July 19, 2002, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by July 22, 2002.

Date of Intended Adoption: July 26, 2002.

May 30, 2002

Dana M. McInturff, CPA
Executive Director

NEW SECTION

WAC 4-25-930 Does the board authorize the use of any other titles or designations? Yes. The board authorizes the use of the following titles and designations, provided the individual is so authorized to use the title or designation by the Accreditation Council for Accountancy and Taxation located in Alexandria, Virginia, or its successor:

- "Accredited Business Accountant" or "ABA";
- "Accredited Tax Preparer" or "ATP"; and
- "Accredited Tax Advisor" or "ATA."

The board also authorizes the use of the title "Certified Financial Planner" or "CFP" provided the individual is so authorized to use the title or designation by the Certified Financial Planner Board of Standards in Arlington, Virginia, or its successor.

This authorization relates to title use only, is not limited to individuals holding a license or certificate under the act, and does not authorize these individuals to use the title "certified public accountant" or "CPA."

WSR 02-13-022 PROPOSED RULES BOARD OF ACCOUNTANCY

[Filed June 10, 2002, 1:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-037.

Title of Rule: WAC 4-25-530 Fees.

Purpose: To remove references to "permits" and "permitholders"; set the fee for a certificateholder to convert to a licensee; and consider a fee increase for candidates of another state to take the CPA examination in Washington state.

Statutory Authority for Adoption: RCW 18.04.055, [18.04].065, [18.04].105 (1)(e) and (3).

Statute Being Implemented: RCW 18.04.055, [18.04].-065, [18.04].105 (1) and (3).

Summary: Increases the fee for proctored candidates; replaces references to "permits" and "permitholders" with "practice privilege"; replaces reference to CPA "certificate" to CPA "wall document"; and clarifies that no fee is charged to certificateholders converting to a license.

Reasons Supporting Proposal: The fee for proctored candidates should be increased to be equitable with other exam fee increases. "Permit" language is being changed to "practice privilege" for consistency with the statute. The fee for certificateholders converting to a license was inadvertently left out of the amended rule (effective December 1, 2001). Currently, board policy establishes the fee as \$0.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana M. McInturff, CPA, 711 South Capitol Way, #400, Olympia, (360) 586-0163.

Name of Proponent: Primarily the Washington State Board of Accountancy, CPA Examination Services - Private, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board's goal with all of its rule proposals is to:

- Promote clarity.
- Ensure effective communication.
- Ensure fairness in interpretation and application of the rules.
- Promote efficiencies through minimizing gray areas.

Specifically, RCW 18.04.065 directs the board to "set its fees at a level adequate to pay the costs of administering this chapter" (that is, chapter 18.04 RCW, the Accountancy Act).

Proposal Changes the Following Existing Rules: Increases the fee for proctored candidates from \$90 to \$110.

Replaces references to "permits" and "permitholders" with "practice privilege."

Replaces reference to CPA "certificate" to CPA "wall document."

Clarifies that no fee is charged to certificateholders converting to a license.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will not have more than minor economic impact on business.

RCW 34.05.328 does not apply to this rule adoption. The Board of Accountancy is not one of the agencies required to submit to the requirements of RCW 34.05.328.

Hearing Location: Doubletree Hotel, Spokane City Center, 322 North Spokane Falls Court, Spokane, WA 99201, on July 26, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Cheryl Sexton by July 19, 2002, TDD (800) 833-6384, or (360) 664-9194.

Submit Written Comments to: Dana M. McInturff, CPA, Executive Director, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, fax (360) 664-9190, by July 22, 2002.

Date of Intended Adoption: July 26, 2002.

May 30, 2002

Dana M. McInturff, CPA
Executive Director

AMENDATORY SECTION (Amending WSR 01-22-036, filed 10/30/01, effective 12/1/01)

WAC 4-25-530 Fees. The board shall charge the following fees:

- (1) CPA examination applications:
 - (a) First-time \$264
 - (b) Reexamination, four sections \$239
 - (c) Reexamination, two sections \$172
 - (d) Reexamination, one section \$149
 - (e) Administration of examination for out-of-state applicants ~~\$(99)~~ 110
- (2) ~~((Application for))~~ Initial individual license, ~~((permit to))~~ practice privilege, individual license through reciprocity, or registration as a resident nonlicensee firm owner \$300
- (3) Renewal of license, certificate, ~~((permit to))~~ practice privilege, or registration as a resident nonlicensee firm owner \$200
- (4) CPA firm license and renewal fee (sole proprietorships with no employees are exempt) \$200
- (5) Amendment to firm license \$25
- (6) Copies of records, per page exceeding fifty pages \$0.50
- (7) Printed listing of CPA exam candidates \$75
- (8) Computer diskette listing of licensees, certificateholders, ~~((permitholders))~~ grants of practice privilege, and registered resident nonlicensee firm owners and CPA exam candidates \$75

- (9) Applications for reinstatement of license, ~~((permit to))~~ practice privilege, certificate, or registration as a resident nonlicensee owner \$450
- (10) Replacement CPA ~~((certificates))~~ wall document \$50
- (11) Quality assurance review program fee (includes monitoring reviews for up to two years) \$400
- (12) Late fee \$100
- (13) Dishonored check fee (including, but not limited to, insufficient funds or closed accounts) \$35
- (14) Application for certificateholder to convert to a license \$0

Note: The board may waive late filing fees for good cause.

PROPOSED

WSR 02-13-025
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed June 11, 2002, 10:38 a.m.]

The Department of Licensing hereby withdraws WSR 02-07-035 filed with your office on March 13, 2002.

D. McCurley, Administrator
Title and Registration Services

WSR 02-13-028
WITHDRAWAL OF PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed June 12, 2002, 2:56 p.m.]

Please withdraw notice of proposed rule making regarding only WAC 180-82A-004 and 180-82-201 [180-82A-201] filed under WSR 01-24-009.

If you have any questions or need further information, feel free to contact Patty Martin at (360) 725-6025.

Larry Davis

WSR 02-13-050
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
[Filed June 13, 2002, 9:35 a.m.]

Original Notice.
Preproposal statement of inquiry was filed as WSR 01-21-049.

Title of Rule: Security—Viatical and life settlement agreements.

Purpose: Clarify that a viatical or life settlement agreement can be a security if it constitutes an investment contract, risk capital, or otherwise satisfies the definition of "security" in RCW 21.20.005(12).

Other Identifying Information: WAC 460-10A-215.

Statutory Authority for Adoption: RCW 21.20.450.

Statute Being Implemented: RCW 21.20.450.

Summary: Proposed rule would clarify that a viatical or life settlement agreement can be a security if it constitutes an investment contract, risk capital, or otherwise satisfy the definition of "security" in RCW 21.20.005(12).

Reasons Supporting Proposal: Issuers, investors and others are sometimes unclear regarding the status of viatical and life settlement agreements. This section would help alleviate this confusion and would make explicit the division's authority to regulate those viatical and life settlements that constitute securities.

Name of Agency Personnel Responsible for Drafting: William M. Beatty, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; Implementation: Mark Thomson, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760; and Enforcement: Deborah R. Bortner, 210 11th Avenue S.W., Olympia, WA 98504, (360) 902-8760.

Name of Proponent: Department of Financial Institutions, Securities Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed rule would clarify that a viatical or life settlement agreement can be a security if it constitutes an investment contract, risk capital, or otherwise satisfies the definition of "security" in RCW 21.20.005(12). Issuers, investors and others are sometimes unclear regarding the status of viatical and life settlement agreements. This section would help alleviate this confusion and would make explicit the division's authority to regulate those viatical and life settlements that constitute securities.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposal does not impose additional costs on business.

RCW 34.05.328 does not apply to this rule adoption. The Department of Financial Institutions is not one of the agencies listed in RCW 34.05.328.

Hearing Location: Department of Financial Institutions, Securities Division, Executive Conference Room, 210 11th Avenue S.W., Suite 300, Olympia, WA 98504, on August 7, 2002, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Darlene Christianson by August 5, 2002, TDD (360) 664-8126, or (360) 902-8760.

Submit Written Comments to: William M. Beatty, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, fax (360) 704-6923, e-mail bbeatty@dfi.wa.gov, by August 6, 2002.

Date of Intended Adoption: August 8, 2002.

June 12, 2002

Mark Thomson
Acting Director

NEW SECTION

WAC 460-10A-215 Security—Viatical and life settlement agreements. (1) A viatical or life settlement agreement constitutes a security if the agreement falls within the definition of "security" under RCW 21.20.005(12) as an investment contract; an investment of money or other consideration in the risk capital of a venture with the expectation of some valuable benefit to the investor where the investor does not receive the right to exercise practical and actual control over the managerial decisions of the venture; or otherwise.

(2) For purpose of this section, a "viatical or life settlement agreement" means an agreement for consideration for the purchase, assignment, transfer, sale, devise or bequest of any portion of the death benefit under, or ownership of, either an insurance policy or certificate of insurance. A viatical or life settlement agreement does not include:

(a) Any agreement for the original issuance of an insurance policy or certificate of insurance;

(b) An assignment, transfer, sale, devise or bequest of a death benefit under, or ownership of, either an insurance policy or certificate of insurance by the original owner, or a person who has an insurable interest in the insured, to any of the following:

(i) The insured;

(ii) A person who has an insurable interest in the insured;

(iii) A dealer; or

(iv) A person who is engaged in the business of purchasing the death benefit under, or ownership of, either insurance policies or certificates of insurance;

(c) An assignment of an insurance policy or certificate of insurance to any bank, savings bank, savings and loan association, credit union, or other licensed lending institution as collateral for a loan; or

(d) The exercise of accelerated benefits pursuant to the life insurance policy.

WSR 02-13-058

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 14, 2002, 10:33 a.m.]

Original Notice.

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

Title of Rule: WAC 246-323-990 Residential treatment facilities for psychiatrically impaired children and youth fees.

Purpose: This section establishes the fees for residential treatment facilities for psychiatrically impaired children and youth.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: The amendment increases fees by 3.29%, which is the increase allowable within I-601.

Reasons Supporting Proposal: RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of program operations. The department is requesting fee increases within limits established by I-601.

Name of Agency Personnel Responsible for Drafting and Implementation: Bliss Moore, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6660; and Enforcement: Gary Bennett, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal increases fees within I-601 limitations for the residential treatment facilities for psychiatrically impaired children and youth program. The increase is anticipated to fully maintain the program as required by statute through fiscal year 2003.

Proposal Changes the Following Existing Rules: The proposal increases residential treatment facilities for psychiatrically impaired children and youth fees by 3.29%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 19.85.020(3) exempts fees from the small business economic impact statement requirements.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, do not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Facilities and Services Licensing, Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on July 23, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Yvette Lenz by July 18, 2002, TDD (800) 833-6368, or (360) 705-6661.

Submit Written Comments to: Yvette Lenz, Department of Health, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.lenz@doh.wa.gov or www3.doh.wa.gov/policyreview, fax (360) 705-6654, by July 23, 2002.

Date of Intended Adoption: July 30, 2002.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-15-091, filed 7/18/01, effective 8/18/01)

WAC 246-323-990 Fees. Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of (~~eighty-two~~) **eighty-five** dollars and (~~seventy~~) **forty** cents for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

WSR 02-13-059

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed June 14, 2002, 10:34 a.m.]

Original Notice.

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

Title of Rule: WAC 246-326-990 Alcoholism treatment facilities fees, 246-325-990 Adult residential rehabilitation centers and private adult treatment homes fees, and 246-380-990 State institution survey program fees.

Purpose: The proposal increases program fees sufficient to cover full operating costs.

Other Identifying Information: During the 2002 legislative session, the legislature granted the department authority to exceed I-601 limitations.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Summary: The amendments increase program fees by 55%.

Reasons Supporting Proposal: RCW 43.70.250 authorizes the department to charge fees sufficient to cover the full cost of program operations. The increase will enable the program to operate and conduct inspections in a timely manner, ensuring public health and safety in these facilities.

Name of Agency Personnel Responsible for Drafting and Implementation: Bliss Moore, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6660; and Enforcement: Gary Bennett, 2725 Harrison Avenue, Olympia, WA 98502, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends fees for alcoholism treatment facilities, adult residential rehabilitation centers and private adult treatment homes, and state institution survey programs. The increase is anticipated to fully maintain program activities as required by statute.

Proposal Changes the Following Existing Rules: The proposal increases fees by 55%.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and, therefore does not require a small business economic impact statement. However, the department prepared a fee study which provides documentation of the need for the fee increase. To obtain a copy of the fee study, contact Yvette Lenz at the address above.

RCW 34.05.328 does not apply to this rule adoption. Section 201, chapter 403, Laws of 1995, does not apply to rules that set or adjust fees or rates pursuant to legislative standards according to RCW 34.05.328 (5)(b)(vi).

Hearing Location: Department of Health, Facilities and Services Licensing, Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on July 23, 2002, at 9:30 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Yvette Lenz by July 18, 2002, TDD (800) 833-6388, or (360) 705-6661.

Submit Written Comments to: Yvette Lenz, Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, e-mail yvette.lenz@doh.wa.gov, website www3.doh.wa.gov/policyreview, fax (360) 705-6654, by July 23, 2002.

Date of Intended Adoption: July 30, 2002.

M. C. Selecky
Secretary

Annual Fee
Per Facility

facility preparing potentially hazardous foods. This shall include dock-side food establishments directly providing food for the Washington state ferry system.

(b) Food service establishments or concessions that do not prepare potentially hazardous foods. \$ ~~((178))~~
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(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.

(2) State institutions or facilities.

(a) Institutions or facilities operating a food service: The annual fee shall be ~~((five))~~ nine dollars ~~((and fifty cents))~~ times the population count plus ~~((three))~~ five hundred ~~((fifty five))~~ fifty dollars. The population count shall mean the average daily population for the past twelve months (January through December).

(b) Institutions or facilities that do not operate a food service: The annual fee shall be ~~((five))~~ nine dollars ~~((and fifty cents))~~ times the population count.

(c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.

AMENDATORY SECTION (Amending WSR 01-15-091, filed 7/18/01, effective 8/18/01)

WAC 246-326-990 Fees. Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((eighty two dollars and seventy cents))~~ one hundred twenty-eight dollars for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 01-15-091, filed 7/18/01, effective 8/18/01)

WAC 246-325-990 Fees. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of ~~((eighty two dollars and seventy cents))~~ one hundred twenty-eight dollars for each bed space within the licensed bed capacity of the ARRC;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

(3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending Order 204, filed 10/18/91, effective 11/18/91)

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

	Annual Fee Per Facility
(1) Food Service	
(a) As defined in WAC 246-215-009(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington	\$ ((355)) <u>550</u>

WSR 02-13-062

PROPOSED RULES

DEPARTMENT OF HEALTH

(Dispensing Optician)

[Filed June 14, 2002, 10:42 a.m.]

Original Notice.

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

Title of Rule: WAC 246-824-010 Definitions, 246-824-020 Registration of apprentices, 246-824-070 Examination appeal procedures, and 246-824-071 Licensure by endorsement—Definitions.

PROPOSED

Purpose: To update and clarify rules relating to definitions, registration of apprentice dispensing opticians, examination appeal procedures and licensure endorsement.

Statutory Authority for Adoption: RCW 18.34.070, 43.70.040.

Statute Being Implemented: RCW 18.34.010, [18.34.]020, [18.34.]030, and [18.34.]115.

Summary: The proposal updates and clarifies rules for licensure of dispensing opticians and registration of apprentice dispensing opticians relating to definitions, appropriate registration and supervision of dispensing opticians, credentialing by endorsement and appeal of examination results.

Reasons Supporting Proposal: To provide clearer regulations for applicants, licensees and the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947.

Name of Proponent: Dispensing Optician Examining Committee, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes clarify and consolidate existing language with chapter 246-824 WAC, Dispensing opticians.

WAC 246-824-010 Definitions, this rule defines key phrases including "secretary," "primary supervisor," "one year of apprenticeship," and "direct supervision." The amendments to this rule will remove sections or parts of sections that do not refer to definitions. The sections or parts of sections are consolidated into existing rules relating to registration of apprentices also proposed for amendment.

WAC 246-824-020 Registration of apprentices, this rule sets forth the requirements for apprenticeship including proper registration, qualified supervision, approved apprenticeship programs and recording of apprenticeship hours. The amendments clarify and consolidate rules relating to apprenticeships.

WAC 246-824-070 Examination appeal procedures, this rule sets forth the process for candidates to appeal their score(s) on the Washington administered licensing examination. The amendments replace language related to a process for conducting formal hearings with a reference to conducting hearings pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

WAC 246-824-071 Licensure by endorsement—Definitions, this rule sets forth the requirements for obtaining a licensing [license] through endorsement. Current language defines "substantially equivalent" in part as an examination that covers the same subject matter as the Washington state examination. "Substantially equivalent" as it relates to the same subject matter should also consider the knowledge base required and the degree of difficulty of the questions. The amended language more closely follows the statutory language.

Proposal Changes the Following Existing Rules: The proposed changes clarify and consolidate existing language within chapter 246-824 WAC, Dispensing opticians.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not necessary for rules that are exempt under RCW 34.05.310(4). These changes provide clarification and do not change the substance of the rules.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This proposal does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for dispensing optician licensure; and does not make significant amendment to a policy or regulator program. This proposal amends existing rules to make them clearer without changing the effect of the rules.

Hearing Location: Department of Health, Conference Center, 1101 Eastside Street, Conference Room 6, Olympia, WA 98504, on August 7, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Judy Haenke at (360) 236-4947, by August 1, 2002, TDD (360) 753-2870, or fax (360) 586-4359.

Submit Written Comments to: Judy Haenke, Program Manager, P.O. Box 47870, Olympia, WA 98504-7870, (360) 236-4947, or fax (360) 586-4359, by August 4, 2002.

Date of Intended Adoption: August 7, 2002.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-010 Definitions. ~~((For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18.34.070 (5)(a), one year shall be defined as))~~ (1) "Secretary" means the secretary of the department of health.

(2) "Primary supervisor" is a physician licensed under chapter 18.57 or 18.71 RCW, an optometrist licensed under chapter 18.53 RCW, or a dispensing optician licensed under chapter 18.34 RCW, who is responsible for the acts of the apprentice and provides the majority of the training and direct supervision received by the apprentice.

(3) "One year of apprenticeship" is 2,000 hours of training under the supervision of a licensed physician, optometrist or dispensing optician. ~~((This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.~~

~~(1) No apprentice shall engage in the work of dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician. In those situations where the apprentice or the supervisor rotates within the same eye care organization or business operation, the provisions of WAC 308-26-010(2) (as amended February 23, 1976) will apply.~~

~~(2))~~ (4) "Direct supervision" ~~((shall))~~ means ~~((that))~~ the supervising optometrist, physician, or dispensing optician shall:

- (a) Inspect a substantial portion of the apprentice's work;
- (b) Be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as appren-

ticeship training (~~(—Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours, and have available at each location where an apprentice is working a monthly log with verification by initial of both the licensed supervisor and the apprentice to be shown upon request made by the state)); and~~

(c) (~~(Except that in the case of the))~~ When fitting or adjusting (~~(of))~~ contact lenses, "direct supervision" (~~(shall require that))~~ means the supervising optician, optometrist, or physician inspect all (~~(of))~~ the apprentice's work and be physically present on the premises at all times.

(~~(Provided, however, That if the supervisor is absent for extended periods of time, the apprentice shall be supervised by another licensed physician, optometrist, or dispensing optician, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room.))~~)

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-824-020 Registration of apprentices. (1) ~~The primary supervisor shall apply for registration of an apprentice ((shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a))~~ on forms provided by the secretary.

(2) Separate registrations shall be required if an individual receives his or her apprenticeship training from more than one (~~(licensee))~~ primary supervisor.

(3) (~~(In determining whether or not an individual has completed his or her apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the secretary will be considered: Provided, That an individual who has been registered in an apprentice-type program by an agency of the state of Washington, which program has been approved by the secretary, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his or her apprenticeship, whether such training occurred before or after his or her formal registration with the secretary: Provided, further, That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030: Provided, further, That before such training may be considered toward fulfillment of an apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the secretary.~~)

(4) ~~The licensee initially requesting the registration of an apprentice shall notify the secretary whenever he or she terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.))~~ Once registered by the primary

supervisor, the apprentice may thereafter, at the business or place of employment of the primary supervisor, receive training and direct supervision from a physician, optometrist or dispensing optician. No physician, optometrist or dispensing optician may have more than two apprentices in training or under their direct supervision at any one time.

(4) Only the apprenticeship training received subsequent to the date the apprentice was formally registered with the secretary will be credited toward the required 6,000 apprenticeship hours. No apprentice may engage in the work of a dispensing optician unless formally registered as an apprentice with the secretary. An apprentice must complete his or her apprenticeship training in no less than three or no more than six years.

(5) An individual registered by the Washington State Apprenticeship and Training Council or other similar program with substantially equivalent standards administered by an agency of the state of Washington may have dispensing optician training hours credited toward the required 6,000 apprenticeship hours, if:

(a) The program is approved by the secretary;

(b) The apprentice received training and direct supervision from a licensed physician, optometrist or dispensing optician; and

(c) The apprentice is formally registered as an apprentice with the secretary by the licensed physician, optometrist or dispensing optician who has provided or does provide the supervision referred to in (b) of this subsection.

(6) The primary supervisor and registered apprentice shall maintain a record of all apprenticeship hours. This record shall be verified by initial of both the primary supervisor and apprentice and shall be available upon request by the secretary or secretary's designee.

(7) The primary supervisor shall notify the secretary whenever the apprenticeship training is terminated and provide the total number of apprenticeship hours accumulated during the training period.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-824-070 Examination appeal procedures.

(1) Any candidate who (~~(takes))~~ does not pass the (~~(state))~~ examination (~~(for licensure and does not pass))~~ may request informal review of his or her examination results by the dispensing optician examining committee (~~(of his or her examination results))~~. This request must be in writing and must be received by the department within thirty days (~~(of the postmark of notification))~~ of receipt of the examination results. The committee will not set aside its prior determination unless the candidate shows (~~(, by a preponderance of evidence,))~~ error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score (~~(could result in issuance of a license))~~ on any examination section would result in a passing score on that section of the examination.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of health office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the department of health office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

~~((d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.~~

~~(e) The candidate may not bring in notes or texts for use while completing the informal review form.~~

~~(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.~~

~~(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.~~

~~(h) The candidate will be notified in writing of the results:))~~

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a ~~((written))~~ request for a formal hearing to be held before the dispensing optician examining committee ~~((pursuant to the administrative procedures act)). ((Such written))~~ This request ~~((for hearing))~~ must be in writing and must be received by the department ((of health)) within ((twenty)) thirty days of ((the postmark)) receipt of the results of the committee's informal examination review ((of the examination results)). The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows ~~((by a preponderance of evidence;))~~ error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score ~~((could result in issuance of a license))~~ on any individual examination section would result in a passing score on that section of the examination.

~~(4) ((Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:~~

~~(a) The simplification of issues;~~

~~(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;~~

~~(c) The possibility of obtaining stipulations, admission of facts and documents;~~

~~(d) The limitation of the number of expert witnesses;~~

~~(e) A schedule for completion of all discovery; and,~~

~~(f) Such other matters as may aid in the disposition of the proceeding;~~

~~(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.~~

~~(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.)~~ The formal hearing will be held pursuant to the Administrative Procedure Act, chapter 34.05 RCW, and the model procedural rules for adjudicative proceeding of the department of health, chapter 246-10 WAC.

AMENDATORY SECTION (Amending WSR 98-05-060, filed 2/13/98, effective 3/16/98)

WAC 246-824-071 Licensure by endorsement~~((— Definitions)).~~ (1) ~~((For the purpose of licensure by endorsement the following definitions will apply:~~

~~(a) "Credential in another state" means the applicant holds a current valid license to practice as a dispensing optician in another state.~~

~~(b) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by either a national professional association or a state other than Washington state. The examination shall cover the same subject matter as the Washington state examination. The licensing law under which the applicant is licensed shall, at a minimum, include the duties described in RCW 18.34.060.)~~ A license to practice as a dispensing optician may be issued without examination to an individual who is currently licensed in another state that has licensing standards substantially equivalent to those currently applicable in Washington state.

~~(2) The department will issue a license by endorsement ((unless there is a basis for denial of the license or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160. A person applying for a license by endorsement must submit to the department)) upon receipt of:~~

~~(a) A completed application ((on a form provided by the department)) and application fee;~~

~~(b) ((An application fee, and if the application is approved, an original license fee;~~

~~(c) Evidence satisfactory to the department that the education and examination requirements of the other state are substantially equivalent to that of Washington;~~

PROPOSED

~~(d))~~ The applicant will provide documentation from the state in which the applicant is currently licensed sufficient to establish that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

~~(c)~~ A completed open-book state law ~~((examination provided by the department))~~ questionnaire;

~~((e) Applicants must complete))~~ (d) Documentation of completion of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8((-));

~~((3) Written documentation shall be submitted directly))~~

(e) Verification from all states in which the applicant ~~((is or has been licensed, verifying))~~ has ever held a license, whether active or inactive, indicating that the applicant is ~~((in good standing and))~~ not subject to charges or disciplinary action for unprofessional conduct or impairment.

~~((4))~~ (2) If licensure by endorsement is ~~((denied))~~ not granted, and the applicant is otherwise qualified for the licensing examination, he or she may apply for licensure by examination in accordance with RCW 18.34.070 and WAC 246-824-040.

(5). Endorsement application fees may be applied towards the examination fee if licensure by endorsement is ~~((denied))~~ not granted.

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

WSR 02-13-066

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed June 14, 2002, 11:38 a.m.]

Continuance of WSR 02-08-066.

Preproposal statement of inquiry was filed as WSR 02-04-037.

Title of Rule: New chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma, and amendment to WAC 478-108-010 Matters subject to brief adjudication.

Purpose: Continue date of intended adoption from June 14, 2002, to July 19, 2002.

Name of Proponent: University of Washington, governmental.

Date of Intended Adoption: July 19, 2002.

June 11, 2002

Rebecca Goodwin Deardorff

Director, Administrative

Procedures Office

WSR 02-13-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 14, 2002, 3:31 p.m.]

Original Notice.

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

Title of Rule: Child day care facility definitions.

Purpose: Updating definitions found in WAC 388-150-010, 388-151-010, and 388-155-010.

Statutory Authority for Adoption: Chapter 74.15 RCW, RCW 74.08.090.

Statute Being Implemented: RCW 74.15.030.

Summary: WAC 388-150-010, 388-151-010, and 388-155-010 are amended to include definitions of "I," "you" and "your" to mean a department client; and, "we" or "our" to mean the department. Amendments only clarify existing terms without changing the effect of these rules. Therefore a preproposal statement of inquiry is not required per RCW 35.05.310 [34.05.310] (4)(d).

Reasons Supporting Proposal: Definitions are necessary to clarify these terms as used in this and other amendments of chapters 388-150, 388-151, and 388-155 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Edwards-Hill, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98504, (360) 413-3289.

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 388-150-010, 388-151-010, and 388-155-010 are expanded to include definitions of "I," "you" and "your" to mean a department client; and "we" or "our" to clarify revisions made in the format of WAC 388-150-090, 388-151-090, and 388-155-090.

Proposal Changes the Following Existing Rules: WAC 388-150-010, 388-151-010, and 388-155-010 are amended to include definitions of "I," "you" and "your" and "we" or "our" to mean the department. Amendments will clarify these terms as used in this and other amendments of chapters 388-150, 388-151, and 388-155 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. While these WAC chapters affect licensing of childcare centers that may be small businesses, the proposed amendments only clarify definitions and will not impose any additional costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed amendments only clarify language in existing rules without changing their effect, and are therefore exempt under RCW 34.05.328 (5)(b)(iv).

Hearing Location: Office Building 2, Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not earlier than July 23, 2002.

June 13, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-24-052, filed 11/25/98, effective 12/26/98)

WAC 388-150-010 Definitions. As used and defined under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Center" means the same as **"child day care center."**

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, and safety is harmed thereby.

"Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020 (5)(a).

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"Infant" means a child eleven months of age and under.

"License" means a permit issued by the department authorizing by law the licensee to operate a child day care center and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"Preschool age child" means a child thirty months of age through five years of age not enrolled in kindergarten or an elementary school.

"School-age child" means a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.

"Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.

"Toddler" means a child twelve months of age through twenty-nine months of age.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

AMENDATORY SECTION (Amending WSR 00-06-040, filed 2/28/00, effective 3/30/00)

WAC 388-155-010 Definitions. As used and defined under this chapter:

"American Indian child" means any unmarried person under the age of eighteen who is:

(1) A member of or eligible for membership in a federally recognized Indian tribe, or who is Eskimo, Aleut or other Alaska Native and a member of an Alaskan native regional Corporation or Alaska Native Village;

(2) Determined or eligible to be found to be Indian by the Secretary of the Interior, including through issuance of a certificate of degree of Indian blood, or by the Indian health service;

(3) Considered to be Indian by a federally recognized or nonfederally recognized Indian tribe; or

(4) A member or entitled to be a member of a Canadian tribe or band, Metis community, or nonstatus Indian community from Canada.

"Assistant" means a child care giver employed by the licensee to supervise a child served at the home.

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child" means a person seventeen years of age and under.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by a person under circumstances indicating the child's health, welfare, and safety is harmed.

"Department" means the state department of social and health services.

"Department of health" means the state department of health.

"Family abode" means "a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation."

"Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods less than twenty-four hours unless care in excess of twenty-four hours is necessary due to the nature of the parent's work.

"Family child day care home" means the same as **"family child care home"** and "a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home."

"Family residence" means the same as **"family abode."**

"Home" means the same as **"family child care home."**

"I," "you," and "your" refer to and mean the licensee or applicant for a child care license.

"License" means a permit issued by the department authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licensure.

"Licensee" means the person, organization, or legal entity responsible for operating the home.

"Premises" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

"Provider" means the same as **"licensee."**

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-010 What definitions are important for the school-age child care center program? The following definitions are important under this chapter:

"Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

"Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child as defined in RCW 26.44.020 and chapter 388-15 WAC.

"Department" means the state department of social and health services (DSHS), the state agency with the legal authority to regulate and certify school-age child care centers.

"Department of health" means the state department of health.

"I," "you," and "your" refer to and mean the licensee or applicant for child care license.

"License" means a permit issued by the department to a person or organization to operate a school-age child care center and affirming the licensee meets requirements under licensure.

"Licensee" means the person, organization, or legal entity named on the facility license and responsible for operating the center.

"Licensor" means the person employed by the department to regulate and license a school-age child care center.

"Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

"School-age child" means a child five years of age through twelve years of age enrolled in a public or private school.

"School-age child care center" means a program operating in a facility other than a private residence, accountable for school-age children when school is not in session. The program must meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.

"Staff" means a person or persons employed by the licensee to provide child care and to supervise children served at the center.

"The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy the department's training requirements.

"We" or "our" refer to and mean the department of social and health services, including division of child care and early learning licensors.

WSR 02-13-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 14, 2002, 3:32 p.m.]

Supplemental Notice to WSR 02-02-053.

Preproposal statement of inquiry was filed as WSR 01-01-057.

Title of Rule: Washington telephone assistance program, WAC 388-273-0020 and 388-273-0025.

Purpose: To add a new category of people who may be eligible for the Washington telephone assistance program, and define their eligibility period.

Statutory Authority for Adoption: RCW 74.08.090, 80.36.440.

Statute Being Implemented: Chapter 104, Laws of 2002.

Summary: An original proposed rule-making notice (form CR-102) was filed under WSR 02-02-053, and a public hearing was held February 5, 2002. The purpose of that rule amendment was language clarification for consistency with Washington Utilities and Transportation Commission rules.

The purpose of this supplemental notice is to allow opportunity for public comment on the language that has since been added to include former clients of community voice mail as eligible for the WTAP program and definition of eligibility period. This change is made in accordance with RCW 80.36.470 as amended in the 2002 legislative session (chapter 104, Laws of 2002). An emergency rule-making order (form CR-103) has been filed, and made effective June 4, 2002, to comply with RCW effective date.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Grace Moy, ESA/CSD/WTAP, 1009 College Street S.E., Lacey, WA 98503, (360) 413-3107.

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 amendment adds former clients of community voice mail as eligible for the WTAP program, and defines their eligibility period.

Proposal Changes the Following Existing Rules: Adds language to include a new category of people who may be eligible for the Washington telephone assistance program, and defines their eligibility period.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required because the rule is being adopted solely to conform to RCW 80.36.470 as amended in chapter 104, Laws of 2002.

RCW 34.05.328 does not apply to this rule adoption. The content of the proposed rules is specifically dictated by statute (chapter 104, Laws of 2002), does not meet the definition of a significant legislative rule per RCW 34.05.328 (5)(b)(v).

Hearing Location: Office Building 2, Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov by 5:00 p.m., on July 23, 2002.

Date of Intended Adoption: Not earlier than July 24, 2002.

June 13, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0020 Who may receive WTAP(†)?

(1) To receive WTAP benefits, you must:

((†))

(a) Be age eighteen or older or, if under eighteen, be the responsible head of household, and either:

(b) Be receiving one of the following programs from us:

((†)) (i) Temporary assistance for needy families (TANF);

((†)) (ii) State family assistance (SFA);

((†)) (iii) General assistance;

((†)) (iv) Refugee assistance;

((†)) (v) Food assistance;

((†)) (vi) State Supplemental Security Income (SSI);

((†)) (vii) Medical assistance, including Medicare cost sharing programs;

((†)) (viii) Community options program entry system (COPEs); ((†))

(†) (ix) Chore services((-

(2) Be age eighteen or older or, if under eighteen, be the responsible head of household); or

(c) Have completed using community service voice mail services, and been identified to the department as eligible for WTAP by the community agency that provided your community service voice mail program; and

(2) Apply to ((the)) a local exchange company ((that provides your local)) for WTAP and request the lowest available flat rate telephone service at the WTAP rate. In exchange areas where wireline service is not available without service extension, you may apply to ((an eligible)) a wireless carrier(†);

(a) "**Local exchange company**" means ((an eligible telecommunication carrier providing local service, i.e., the)) a telephone company that is required by the Washington utilities and transportation commission to offer WTAP benefits and offers local calling, i.e., calling without long distance charges.

(b) "**Flat rate service**" is telephone service with a single monthly payment that allows unlimited local calling for a specified length of time. The local exchange flat rate includes any federal end user access charges and other charges necessary to obtain the service((-

(4) Have the lowest available flat rate service; and
(5)); and

(3) You must have the local telephone service billed in your name.

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 01-09-023, filed 4/9/01, effective 6/1/01)

WAC 388-273-0025 Benefits you receive as a WTAP participant. (1) WTAP participants receive a:

(a) Discount on local telephone flat rate services, when the flat rate is more than the WTAP assistance rate;

(b) Waiver of deposit requirements on local telephone service; and

(c) Fifty percent discount on service connection fees. Any connection fee discounts available from other programs are added to the WTAP discount, to pay part or all of the remaining fifty percent.

(2) WTAP benefits are limited to one residential line per household.

(3) The deposit waiver and the discount on connection fees are available once per service year. "**Service year**" means the period beginning July 1 and ending June 30 of the following calendar year.

(4) Your benefits begin the date you are approved for WTAP assistance and continue through the next June 30,

except if you qualified for telephone assistance through using the community services voice mail programs, you will receive one additional service year of benefits.

(5) WTAP benefits do not include charges for line extension, optional extended area service, optional mileage, customer premises equipment, applicable taxes or delinquent balances owed to the telephone company.

WSR 02-13-075
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed June 17, 2002, 8:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-017.

Title of Rule: Chapter 246-388 WAC, Rural health care facility licensing.

Purpose: Chapter 246-388 WAC implements RCW 70.175.100 and establishes minimum standards for the construction, maintenance, operation and scope of rural health care facilities.

Other Identifying Information: The repeal of this chapter is being proposed as a result of a review conducted under Executive Order 97-02, regulatory improvement.

Statutory Authority for Adoption: RCW 70.175.100.

Statute Being Implemented: RCW 70.175.100.

Summary: The proposed rules repeal chapter 246-388 WAC, which establishes minimum standards for the construction, maintenance, operation and scope of rural health care facilities.

Reasons Supporting Proposal: Chapter 246-388 WAC was adopted in January of 1991 to implement RCW 70.175.100. To date, there are no licensed rural health care facilities. Eligible facilities maintain a hospital license.

Name of Agency Personnel Responsible for Drafting and Implementation: Byron Plan, 2725 Harrison Avenue N.W., Olympia, WA 98504, (360) 705-6780; and Enforcement: Gary Bennett, 2725 Harrison Avenue N.W., Olympia, WA 98504, (360) 705-6652.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules repeal chapter 246-388 WAC, Rural health care facility rules to establish minimum standards for the construction, maintenance, operation and scope for these facilities. Since these rules were established in 1991, there have been no applicants for licensure. All potential applicants are regulated through hospital licensure.

Proposal Changes the Following Existing Rules: The proposed rules repeal the existing rules, chapter 246-388 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal is exempt under RCW 34.05.310(4) and, therefore does not require a small business economic impact statement.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Health, Facilities and Services Licensing, Training Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7852, on July 30, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Allen Spaulding by July 26, 2002, TDD (800) 833-6388, or (360) 705-6655.

Submit Written Comments to: Allen Spaulding, Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, e-mail al.spaulding@doh.wa.gov, website www3.doh.wa.gov/policyreview by July 30, 2002.

Date of Intended Adoption: August 7, 2002.

June 13, 2002
 M. C. Selecky
 Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- | | |
|-----------------|---|
| WAC 246-388-001 | Purpose. |
| WAC 246-388-010 | Definitions. |
| WAC 246-388-020 | License—Application—Denial—Appeal. |
| WAC 246-388-030 | Exemptions. |
| WAC 246-388-040 | Department approval of construction. |
| WAC 246-388-050 | Governing body and administration. |
| WAC 246-388-060 | Quality assurance. |
| WAC 246-388-070 | Personnel. |
| WAC 246-388-072 | Criminal history, disclosure, and background inquiries. |
| WAC 246-388-080 | Infection control. |
| WAC 246-388-090 | Abuse reports. |
| WAC 246-388-100 | Water supply. |
| WAC 246-388-110 | Plumbing. |
| WAC 246-388-120 | Staff facilities. |
| WAC 246-388-130 | Storage. |
| WAC 246-388-140 | Heating. |
| WAC 246-388-150 | Lighting and wiring. |
| WAC 246-388-160 | Emergency light and power. |
| WAC 246-388-170 | Ventilation. |
| WAC 246-388-180 | Corridors and doors. |
| WAC 246-388-190 | Carpets. |
| WAC 246-388-200 | Stairways, ramps, and elevators. |

PROPOSED

WAC 246-388-210	Sewage, garbage, and waste.
WAC 246-388-220	Medical gases.
WAC 246-388-230	Core services.
WAC 246-388-240	Core services—Twenty-four-hour emergency care.
WAC 246-388-250	Core service—Outpatient care.
WAC 246-388-260	Core service—Laboratory.
WAC 246-388-270	Core service—Radiology.
WAC 246-388-280	Core service—Inpatient care.
WAC 246-388-290	Core service—Low-risk maternal patient and newborn care.
WAC 246-388-300	Support services and functions.
WAC 246-388-310	Support services and functions—Materials processing and management.
WAC 246-388-320	Support services and functions—Dietary.
WAC 246-388-330	Support services and functions—Housekeeping.
WAC 246-388-340	Support services and functions—Laundry.
WAC 246-388-350	Support services and functions—Maintenance.
WAC 246-388-360	Support services and functions—Medical records.
WAC 246-388-370	Support services and functions—Pharmacy service.
WAC 246-388-380	Support services and functions—Intravenous care.
WAC 246-388-390	Support services and functions—Discharge planning.
WAC 246-388-400	Optional services.
WAC 246-388-410	Optional—Long-term care.
WAC 246-388-420	Optional—Occupational and physical therapy and respiratory care.
WAC 246-388-430	Optional—Other diagnostic/therapeutic services.
WAC 246-388-440	Optional—Surgical services.
WAC 246-388-450	Optional—Anesthesia services.
WAC 246-388-990	Licensure fees.

WSR 02-13-083**WITHDRAWAL OF PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed June 18, 2002, 8:09 a.m.]

WAC 392-140-960, 392-140-961 and 392-140-965, proposed by the Superintendent of Public Instruction in WSR 01-24-023 appearing in issue 01-24 of the State Register, which was distributed on December 19, 2001, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 02-13-084**PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 18, 2002, 8:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-061.

Title of Rule: Lands vehicle use permit rules.

Purpose: Clarify issuance and display of lands vehicle use permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Permit issued with first license. Permit to be displayed as readable.

Reasons Supporting Proposal: Clarification of issuance and use.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, (360) 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The fish and wildlife lands vehicle use permit is issued with the first recreational license, other than shellfish. Additional permits may be purchased. The license is required to be displayed, and this rule identifies that the definition of "display" is different depending on whether the licensee wants the permit to be transferable between vehicles or used on only one vehicle. This rule will help motorists understand what is required and will allow enforcement of the permit requirement.

Proposal Changes the Following Existing Rules: Adds a new definition. Clarifies permit issuance.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational permit holders, not small businesses.

PROPOSED

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 17, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-001 Definitions. Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

(3) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.

(4) "Veteran" means a veteran of the United States Armed Forces.

(5) "Display" of a fish and wildlife lands vehicle use permit means either:

(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or

(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.

AMENDATORY SECTION (Amending Order 99-02, filed 1/13/99, effective 2/13/99)

WAC 220-55-100 Fish and wildlife lands vehicle use permit. Recreational license dealers are to issue a fish and wildlife lands vehicle use permit with ~~((each))~~ the first annual recreational or trapping license sold, except for shellfish-seaweed licenses ~~(, and with each trapping license sold)~~. If the fish and wildlife lands vehicle use permit is not issued because the license is voided or canceled, it is to be returned to the department with the department's copy of the license, and is due by the 10th of the month following the sale of the license.

WSR 02-13-085

PROPOSED RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Filed June 18, 2002, 8:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-032.

Title of Rule: "Resident" definition.

Purpose: Clarify residency to maintain a license.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Resident license valid for remainder of year of issuance unless person obtains a resident license in another state.

Reasons Supporting Proposal: Clarify status of resident license if a person moves out of state.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Jim Lux, 1111 Washington Street, Olympia, (360) 902-2444; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Although the status of a person as a resident is clear at the time the license is issued (her [here] for ninety days; intent to remain; no resident license in another state), it is unclear what happens if the resident then moves out of state. A survey of neighboring states reveals that virtually all regard a resident license as valid until a person obtains a resident license in another state. This rule clarifies the status of a resident who moves out of state during the licensing year.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational license holders, not small businesses.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 17, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-20-001 General definitions—Residency. For purposes of establishing and maintaining residency in

order to purchase and use a Washington state resident commercial or recreational hunting or fishing license, a resident license that is issued to a valid resident of Washington state remains valid for the remainder of the licensing year unless that person obtains a resident license in another state. When a person obtains a resident license in another state, the Washington state resident license becomes invalid.

WSR 02-13-086
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 18, 2002, 8:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-079.

Title of Rule: Commercial license buy-back rules.

Purpose: Amend buy-back amount.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Increase maximum buy-back amount to \$8,000.

Reasons Supporting Proposal: Increase participation.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The sea cucumber and sea urchin fisheries are over-capitalized, and a reduction in the number of participants will provide economic stability. The department is proposing to increase the maximum amount payable to persons who wish to sell their licenses back, in order to increase participation.

Proposal Changes the Following Existing Rules: Increase maximum amount payable under buy-back programs.

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:** None required.

2. **Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements:** None required - see #1.

3. **Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** No compliance is required - optional for any qualified fisher.

4. **Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** No - if options are exercised the

potential market share for remaining license holders will increase.

5. **Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:**

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

No cost of compliance - compliance is not required. Those exercising the license buyback option may receive a return a market value return on their investment.

6. **Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So:** There are no costs to the affected industry as a result of this proposal; however, there are opportunities for the affected industry to increase their share of the harvest.

7. **A Description of How the Agency Will Involve Small Businesses in the Development of the Rule:** The department has conferred with the affected industry and jointly supported the legislation that provides this license reduction option. The department will also provide industry, through the Fish and Wildlife Commission process, additional opportunity for further public input.

8. **A List of Industries That Will Be Required to Comply with the Rule:** The sea urchin and sea cucumber dive fisheries are the industries affected by this rule; however, there are no compliance requirements.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 17, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-274, filed 12/14/01, effective 1/14/02)

WAC 220-95-100 Sea urchin license reduction program. In order to provide for economic stability in the commercial sea urchin fishery, and in accordance with RCW 77.70.150, the department establishes the sea urchin license reduction program (program).

(1) **Eligibility:** All persons who currently hold a sea urchin commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea urchin licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.150, with a maximum purchase price of ~~(((\$6,000))~~ \$8,000 per license.

(3) Offer process: ~~((For the winter 2001-2002 selection, the department will accept offers to sell during the thirty day period after these rules go into effect, and will purchase licenses from the funds that were available on December 31, 2001. Thereafter))~~ The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to purchase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea urchin commercial fishery.

(7) Program termination: This program terminates when the number of sea urchin commercial fishery licensees is reduced to twenty-five.

AMENDATORY SECTION (Amending Order 01-274, filed 12/14/01, effective 1/14/02)

WAC 220-95-110 Sea cucumber license reduction program. In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) Eligibility: All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase under the program.

(2) Method of purchase: The department will rank offers to sell sea cucumber licenses from the lowest offer to the highest offer. The department will purchase licenses each year from the funds made available under RCW 77.70.190, with a maximum purchase price of ~~(((\$5,000))~~ \$8,000 per license.

(3) Offer process: ~~((For the winter 2001-2002 selection, the department will accept offers to sell during the thirty day period after these rules go into effect, and will purchase licenses from the funds that were available on December 31, 2001. Thereafter))~~ The department will accept offers to sell beginning August 1st of each year and will purchase licenses based on the funds that are available on the following September 30th.

(4) Selection process: The department will select licenses to be purchased beginning with the lowest offer to sell, and continuing until there are insufficient funds to pur-

chase a complete offer. If two or more licenses are offered at the same price, selection will be by random draw.

(5) License reduction process: Upon selection, the department will issue a warrant to the license holder in the amount of the offer. On the date the warrant is mailed to the mailing address of the license holder as shown in their department licensing file, the department will void the license. Upon receipt of the warrant, the license holder is to return the license cards to the department.

(6) No prohibition on reentry: License holders who sell a license under the program may reenter the sea cucumber commercial fishery.

(7) Program termination: This program terminates when the number of sea cucumber commercial fishery licensees is reduced to twenty-five.

WSR 02-13-088
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 18, 2002, 12:11 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-056.

Title of Rule: Personal use fishing rules and marine protected areas (MPAs).

Purpose: Amend MPA descriptions and add sturgeon closures.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarifies MPA descriptions and identifies sturgeon closures.

Reasons Supporting Proposal: Reduce accidental fishing in MPAs and protect sturgeon.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The MPA descriptions are clarified to prevent fishers from accidentally fishing within the closed zones. The lower Columbia River and tributary sturgeon rules are closures reflecting Columbia River compact action and concurrent state action for the tributaries. The upper Columbia River tributary closures conform these tributaries to closures adopted in February 2002, for Lake Roosevelt, Rufus Woods Lake and other tributaries. Both sets of sturgeon closures are intended to protect sturgeon stocks.

Proposal Changes the Following Existing Rules: MPA descriptions and exceptions to statewide rules for sturgeon.

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

clarify already existing closed areas. The sturgeon rules affect recreational fishing, not small businesses.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002

Evan Jacoby

Rules Coordinator

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

WAC 220-16-760 Keystone Conservation Area.

"Keystone Conservation Area" is defined as all bedlands and tidelands and the waters over these starting at the extreme high water line on the east side of the Keystone jetty ((at Keystone)) in Fort Casey State Park then easterly along the extreme high water line to ((122°40'07"W, 48°09'30"N)) a line projected from shore through the easternmost row of pilings of the old military wharf, then offshore along ((a) that line ((perpendicular to the shore)) southeasterly for 600 feet, then south west parallel to the shoreline to a point due south of the southern tip of the jetty, then north to the extreme high water line on the southern tip of the jetty, then along the extreme high water line on the east side of the jetty to the point of origin.

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

WAC 220-16-780 Admiralty Head Marine Preserve.

"Admiralty Head Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the west shore of Whidbey Island at 48° ((09.40)) 09.46' N, 122° 40.88' W then northerly along the extreme low water line for 0.6 nautical miles, then due west 400 yards, then southerly parallel to the shore to ((48° 09.40' N, 122° 41.14' W)) a point due west of the point of origin, then due east to the point of origin.

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

WAC 220-16-790 Zee's Reef Marine Preserve. "Zee's Reef Marine Preserve" is defined as waters and bedlands inside a line beginning at the extreme low water line on the northeast side of Fox Island at 47° 14.56' N, 122° 35.98' W, then extending 0.5 nautical mile ((northerly)) northwesterly along the extreme low water line to 47° 14.96' N, 122° 36.37' W, then ((due)) northeast to the minus eighty-five foot depth

contour (MLLW = 0 feet) at 47° 15.00' N, 122° 36.30' W, then ((southeast)) southeasterly along the eighty-five foot depth contour to ((a point on a due northeast-southwest line through the point of origin)) 47° 14.67' N, 122° 35.81' W, then southwest to the point of origin.

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

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release all steelhead June 1 through August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fish-

ing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: July 1 through July 31 and September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon:

Open only July 1 through July 31. 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.

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through 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): Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rodgers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rodgers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and Decem-

ber 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only 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.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cashmere Pond (Chelan County): Juveniles only.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to Grist Mill Bridge: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release Kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, September 1 through January 31 from mouth to Porter Bridge, and October 16 through 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 January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho and one 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. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon 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. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hyas Lake: Selective gear rules. Additional December 1 through March 31 season mouth to Cle Elum Dam. Whitefish gear rules apply.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors

allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Pond (Benton County): Juveniles and holders of disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through August 15 daily limit 2 salmon, except the daily limit may contain no more than 1 chinook. Release chum, sockeye, wild coho, 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 December 31 daily limit 6 fish of which no more than 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. Sturgeon: Release sturgeon July 25 through September 30.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and adult chinook. Sturgeon: Release sturgeon July 25 through September 30.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. September 1 through October 15: Non-buoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boating deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon July 25 through September 30 from I-5 Bridge to Bonneville Dam. (5) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam. Release adult chinook June 16 through July 31.

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. Ringold Hatchery waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only May 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) power-line crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copolis 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-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches. Release cutthroat. 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-round season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through

May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open 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 September 1 through December 31 daily limit may contain 6 hatchery adult coho. Release chum and wild coho August 1 through April 30. Release chinook August 1 through December 31. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon July 25 through September 30.

From Mayfield Dam to mouth of Muddy Fork: Year-round season. Trout: Release cutthroat. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon, except up to 4 adults may be retained October 1 through December 31. Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained. Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. Closed waters: March 1 through May 31 from State Highway 17 to Grant County Road 7.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Minimum length 14 inches. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through December 31 daily limit six fish of which no more than two may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon July 25 through September 30.

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.

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Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribu-

tion 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): Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through November 30 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season.

Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than one wild adult coho and one 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. Sturgeon: Release sturgeon July 25 through September 30.

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 chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish. Release chinook, chum, and wild coho. Sturgeon: Release sturgeon July 25 through September 30.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat. Sturgeon: Release sturgeon July 25 through September 30.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge except closed from Hatchery Road Bridge to posted sign at hatchery outlet. Release all fish other than hatchery steelhead. Sturgeon: Release sturgeon July 25 through September 30.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and September 15 through last day in February season except waters from the SW 43rd Street/South 180th Street Bridge to the South 277th Street Bridge are closed September 15 through September 30. Nonbuoyant lure restriction and night closure 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 31 through August 15 and September 15 through November 30. Salmon: Open only 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 November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through November 30 the daily limit may contain 4 adult salmon. Release chum and wild coho. April 1 through July 31 release wild chinook. 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.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from DNR Oxbow Campground Boat Launch to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to Morgan's Crossing Boat Launch and June 1 through August 31 from Morgan's Crossing Boat Launch to Olympic National Park boundary below mouth of South Fork. Daily limit 6 fish of which no more than 2 may be adult salmon except release wild adult chinook salmon May 16 through August 31 upstream from mouth to DNR Oxbow Campground, May 16 through October 15 release adult salmon from DNR Oxbow Campground to Morgan's Crossing Boat Launch and June 1 through August 31 release adult salmon from Morgan's Crossing Boat Launch upstream to Olympic National Park boundary below mouth of South Fork.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1

through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except 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. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through last day in February season. Nonbuoyant lure restriction, night closure and single point barbless hooks required 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 August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County): Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30 from Highway 109 Bridge to Ocean Beach Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single

point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 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.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing. Sturgeon: Release sturgeon July 25 through September 30.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Sturgeon: Release sturgeon July 25 through September 30.

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. Sturgeon: Release sturgeon July 25 through September 30.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanas Pond (Kittitas County): Juveniles and holders of disability licenses only.

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: May 1 through January 31 season. Game fish: Closed December 1 through January 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 daily limit one hatchery steelhead or one salmon. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult

salmon except September 1 through January 31 daily limit 6 fish of which no more than 2 may be adult chinook.

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 of which no more than 2 may be adult chinook. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit one fish. August 1 through April 30 daily limit of 6 fish of which no more than 2 may be adult salmon, except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31. Sturgeon: Release sturgeon July 25 through September 30.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 upstream from Johnson Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year-round. May 1 through July 31 daily limit one fish. August 1 through April 30 daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through December 31 daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through October 31. 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 adult chinook. Release chum and wild coho. Release wild chinook January 1 through July 31.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

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. Trout: Daily limit 5 fish.

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.

Mouth to top boat ramp at Lewisville Park: Year-round season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained. Top boat ramp at Lewisville Park to 400 feet below Horseshoe Falls: June 1 through March 15 season. Selective gear rules. All fish: Release all fish except up to two hatchery steelhead per day may be retained.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from Buffalo Road to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Friderger 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 adult chinook.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): 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.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from a line 50 feet north of and parallel to Mud Bay Road Bridge to a line 100 feet upstream of and parallel to the south bridge on Highway 101. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Mainstem from Roosevelt Street Bridge to Panjab Bridge: Selective gear rules. Trout: Maximum length twenty inches. Upstream from Panjab Bridge: Closed waters.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum. All species: Release all fish except chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Additional December 1 through March 31 season. Whitefish gear rules apply.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook or chum.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. All game fish: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Additional November 1 through last day in February season. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and holders of disability licenses only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road August 16 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 on North and Middle Nemah and on South Nemah from mouth to confluence with Middle Nemah. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook or adult chum.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Night closure and nonbuoyant lure restriction and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through 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. 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.

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 September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release pink.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October 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 and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 15 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. 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 September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season. Single point barbless hooks, 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 September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook.

Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam to diversion dam: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon. 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.

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Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Wall-eye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Nonbuoyant lure restriction and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park and on Middle and West forks upstream from Cougar Smith Road. 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 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 one wild adult coho. Release chum.

East Fork, from bridge at Schafer State Park upstream: Single point barbless hooks required August 16 through October 31.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake, North (Spokane County): Fly fishing only. All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 15 through December 31. Daily limit 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 Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 15 through December 31. Daily limit 4 salmon of which no more than two may be coho or two may be chum. Release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31 from Dalles Bridge to the Baker River, daily limit 2 sockeye, and 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.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30 and 6 salmon October 1 through December 15, except October 1 through December 15 the daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. August 1 through October 15 release chum salmon.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season.

Single point barbless hooks, night closure and nonbuoyant lure restriction August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except October 16 through November 30 the daily limit may contain no more than one wild adult coho and December 1 through the last day in February release adult wild coho. 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 August 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook.

From the mouth of the Sultan River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. 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 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.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks, 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 September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30.

Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Olympic National Park boundary. November 1 through April 30 from the Highway 101 Bridge downstream from Snider Creek to the Olympic National Park boundary unlawful to fish from a floating device and all species: Release all fish. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season. September 1 through October 31 - night closure. Trout: Minimum length fourteen inches. Salmon: Open only October 13 through October 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 and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stettelle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Stevens Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 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 August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed June 1 through November 30. Trout: June 1 through November 30 release all fish except hatchery steelhead. Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit 2 salmon. Release chinook and coho. Minimum size 14 inches.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Game fish: Selective gear rules and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish, 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.

Tokol Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30.

Daily limit 6 fish of which no more than 2 may be adult salmon, except September 1 through November 30 daily limit 6 fish. Release chum and chinook. Release wild coho.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish except sturgeon may be retained downstream from Highway 300 Bridge. From Highway 300 Bridge upstream to watershed boundary: Selective gear rules.

From Highway 300 Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish and of the adult fish not more than one may be a wild adult coho. Release chum and adult chinook.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 seasons. Nonbuoyant lure restriction and night closure September 1 through October 31. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Sturgeon: Release sturgeon July 25 through September 30.

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): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenoha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through December 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure August 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: July 1 through March 31 season. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30. 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 August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more

than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: Nonbuoyant lure restriction and night closure August 16 through October 31. All species: Release all fish except up to two hatchery steelhead may be retained. Additional November 1 through last day of February season. Nonbuoyant lure restriction and night closure November 1 through November 30. All species: Release all fish except that up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season. Mouth to High Bridge: May 1 through June 30: Nonbuoyant lure restriction and night closure. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31 from mouth to railroad bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Mouth to West Fork: June 1 through March 31 sea-

son. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, 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 (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches.

7400 line bridge to barrier dam: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except the daily limit may contain no more than 1 wild adult coho and 1 adult chinook. 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. Channel catfish: No daily limit. Salmon: Open only September 16 through October 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam:

December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size from Lake Easton to Keechelus Dam.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

WSR 02-13-089
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 18, 2002, 12:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-019.

Title of Rule: Advanced hunter education rules.

Purpose: Establishes advanced hunter education program and criteria for issuance and revocation of privileges.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Establishes rules allowing direct retail sales by salmon and crab fishers without such fishers having a wholesale dealer license.

Reasons Supporting Proposal: Required by chapter 310, Laws of 2002.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The advanced hunter education program offers recognition to persons who have superior shooting skills, have worked in the conservation of fish and wildlife, and who have the highest understanding of the laws and ethics of hunting. A master hunter certificate will be issued and allows persons to participate in hunts when public safety needs or species identification is critical. Because a master hunter is held to a higher standard, participation will be revoked or suspended for violations. The suspension and revocation criteria are set out in the rule. This program offers additional hunting opportunity to persons who successfully pass the master hunter course.

Proposal does not change existing rules.

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

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-12-073 Advanced hunter education. (1) In order to provide for additional hunting opportunity, on species, in areas, or at times when a higher proficiency and demonstrated skill level is needed for resource protection or public safety, the department establishes the advanced hunter education program. Persons who successfully pass the master hunter level of advanced hunter education are entitled to exercise the privileges of participation in special hunts restricted to master hunters. It is unlawful for any person to participate in a hunt restricted to master hunters if such person has not successfully passed the advanced hunter education master hunter course and such person possesses a valid master hunter identification card while participating in such a hunt, and it is unlawful to participate in a hunt restricted to master hunters if the person's master hunter status has been suspended or revoked. Violation of this subsection shall be enforced under RCW 77.15.400 (1)(c) for wild birds, RCW 77.15.410 (1)(b) for big game, and RCW 77.15.430 (1)(b) for wild animals other than big game.

(2) The advanced hunter education program has three levels, with the following proficiency requirements:

(a) Sharpshooter education: This program emphasizes marksmanship, with the goal of humanely killing game animals with the least number of shots. Successful graduates of

the sharpshooter course must demonstrate above average shooting skills. The cost of applying for sharpshooter education is five dollars, and on successfully passing sharpshooter education each graduate will receive a certificate of completion and an advanced hunter education patch.

(b) Conservationist education: This program emphasizes habitat restoration and land use practices that maximize protection for wildlife. Successful graduates of the conservationist course will have spent a minimum of twelve hours participating in landowner-sportsman or wildlife-related projects. The cost of applying for conservationist education is five dollars, and on successfully passing conservationist education each graduate will receive a certificate of completion and an advanced hunter education patch.

(c) Master hunter education: In addition to both sharpshooter and conservationist education, the master hunter program emphasizes ethical behavior while hunting, a detailed knowledge of hunting statutes and rules, and specialized knowledge in how to hunt in damage control hunts that successfully remove problem animals while maximizing public safety. Both extensive home study and passing a rigorous test are prerequisites for achieving the master hunter graduate status. The cost of applying for master hunter education is twenty dollars, and on successfully passing master hunter education each graduate will be issued a certificate, an advanced hunter education patch, and a master hunter identification card.

(3) Master hunters are held to the highest ethical standards while hunting, and are expected to respect all recreational and trapping laws. Accordingly, should a master hunter violate the trapping or recreational fishing or hunting laws, that person's master hunter status will be suspended or revoked as provided in this subsection. The grounds for suspension and revocation are proof by a preponderance of the evidence that the master hunter has committed a violation of law. A criminal conviction is a rebuttable presumption that the violation occurred. Any person who has master hunter status revoked or suspended under this subsection has the right to an administrative hearing to contest the agency action, and such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act.

(a) A two-year suspension of master hunter status will be imposed for any hunting or hunting related violation.

(b) A five-year suspension of master hunter status and a requirement to retake the master hunter course will be imposed for:

(i) Any conviction resulting in a suspension of recreational hunting or fishing privileges or in a trapping privilege suspension;

(ii) Any violations that involve two big game animals; or

(iii) Any violation that involves twice or more the daily limit of game or fish.

(c) A lifetime revocation of master hunter status will be imposed for:

(i) Any conviction resulting in a second suspension of hunting or fishing privileges or in a second trapping privilege suspension;

(ii) Any violation while recreational hunting or fishing privileges, trapping privileges, or master hunter status is suspended; or

(iii) Any violations that involve three or more big game animals.

WSR 02-13-090
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 18, 2002, 12:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-074.

Title of Rule: Commercial fishing rules.

Purpose: Amend sea cucumber and sea urchin districts.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarifies, redefine dive fishery districts.

Reasons Supporting Proposal: Sea cucumber and sea urchin fishery management.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The closure in Haro Strait provides additional sea cucumber and sea urchin protection. The Eagle Harbor and Sinclair Inlet closed areas have been adopted by emergency rule for each of the past seasons, and these public health and safety closures need to continue on a permanent basis. Creation of two new sea urchin districts will provide for ease of identification of additional fishing opportunity without having to list these sections in the emergency rule that opens the fishery, and will increase the catch data management.

Proposal Changes the Following Existing Rules: Modify sea cucumber and sea urchin districts.

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: None required.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None required.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: No costs anticipated.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenues? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Pro-

posed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
 - b. Cost per hour of labor; or
 - c. Cost per one hundred dollars of sales.
- There are no compliance costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs so no steps are taken.

7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule: The department will hold a public hearing through the Fish and Wildlife Commission rule adoption process.

8. A List of Industries That Will be Required to Comply with the Rule: Puget Sound sea urchin and sea cucumber fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 01-40, filed 3/14/01, effective 4/14/01)

WAC 220-52-071 Sea cucumbers. It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

(1) Sea cucumber districts:

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(ii) Haro Strait north of a line projected ~~((east-))~~ due west ((one-half mile south)) from the southernmost point of ((Eagle Point)) Cattle Pass on San Juan Island to the international border and south of a line projected ~~((east-))~~ due west

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from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(b) Sea Cucumber District 2 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29.

(c) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to shore on Bainbridge Island.

(ii) Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to land-fall directly below the Veteran's Home in Annapolis.

(d) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(e) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

(2) Sea cucumber areas and seasons:

Sea cucumber areas and seasons will be set by emergency rule.

(3) Shellfish diver gear:

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

(4) Trawl gear:

It is unlawful to fish for or possess sea cucumbers taken with trawl gear.

AMENDATORY SECTION (Amending Order 01-40, filed 3/14/01, effective 4/14/01)

WAC 220-52-073 Sea urchins. It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

(1) Sea urchin districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A

north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 21A, 21B, 22B, 23A, 23B, 25A and 25B. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected ((east-)) due west ((one-half mile south)) from the southernmost point of ((Eagle Point)) Cattle Point on San Juan Island to the international border and south of a line projected ((east-)) due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

(f) Sea Urchin District 6 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D and 26A.

(g) Sea Urchin District 7 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26B, 26C, 26D and 28A. The following areas within Sea Urchin District 7 are closed to the harvest of sea urchins at all times.

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to the shore on Bainbridge Island.

(ii) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to land-fall directly below the Veteran's Home in Annapolis.

(2) Sea urchin seasons and sizes:

Sea urchin seasons and sizes will be set by emergency rule.

(3) Shellfish diver gear:

(a) It is unlawful to take sea urchins by any means other than shellfish diver gear.

(b) Divers may only use hand-operated equipment that does not penetrate the shell.

(c) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(d) Purple sea urchins may not be taken.

(e) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(f) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(g) No processing of sea urchins is permitted aboard the harvest vessel.

(h) Divers may not take sea urchins for use other than as human food.

(i) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea urchin harvesting operation or when commercial quantities of sea urchins are aboard except that two divers may be in the water if the vessel has been designated on two sea urchin dive fishery licenses.

(j) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

(k) Licensing: A sea urchin dive fishery license is the license required to operate the gear provided for in this section.

WSR 02-13-091
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 18, 2002, 12:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-003.

Title of Rule: Personal use fishing rules.

Purpose: Amend clam area closures and clam size limits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Close two clam beaches and allow harvest of undersize clams on another.

Reasons Supporting Proposal: Clam protection and harvest of available resource.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Kayak Point County Park had an extensive winter kill of clams and cannot support harvest. Security concerns warrant closure at Whidbey Island Naval Air Station. Quilcene Bay clam size is stunted because of high population levels, and harvest of smaller clams is favorable to the population.

Proposal Changes the Following Existing Rules: Clam beach closures and exception to minimum size rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational harvest, not small businesses.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002

Evan Jacoby

Rules Coordinator

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

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ben Ure Spit: Open May 1 through May 31.

(b) Brown Point (DNR 57-B): Open January 1 through June 30.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Open June 1 through June 30.

(e) Cline Spit: Closed the entire year.

(f) Cutts Island State Park: Open January 1 through June 15.

(g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(h) Dosewallips State Park: Open March 1 through September 15 only in area defined by boundary markers and signs posted on the beach.

(i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open March 1 through December 31.

(j) Dungeness Spit - Open May 15 through September 30.

(k) Eagle Creek: Open January 1 through May 31.

(l) Fort Flagler State Park: Open April 1 through June 30.

(m) Freeland County Park - Open January 1 through June 30.

(n) Frye Cove - Open January 1 through June 30.

(o) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(p) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(q) Hoodspout: Tidelands at Hoodspout Salmon Hatchery are closed the entire year.

(r) Hope Island State Park (South Puget Sound): Open April 1 through April 30.

(s) Illahee State Park: Closed the entire year.

(t) Kayak Point County Park: (~~Open May 1 through May 15, except mussels open~~) Closed the entire year.

(u) Kitsap Memorial State Park: Open May 15 through June 30.

(v) Kopachuck State Park: Open June 1 through June 30.

(w) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(x) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(y) Mukilteo State Park - Closed the entire year.

(z) Mystery Bay State Park: Open October 1 through April 30.

(aa) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(bb) North Sequim Bay State Park - Open May 16 through June 15.

(cc) Oak Bay County Park: Open July 1 through July 15.

(dd) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bay-shore Peninsula between department markers open the entire year.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(ee) Penrose Point State Park: Open April 1 through April 30.

(ff) Picnic Point County Park: Closed the entire year.

(gg) Pitship Point: Closed the entire year.

(hh) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(ii) Point Whitney (excluding Point Whitney Lagoon): April 1 through April 30.

(jj) Point Whitney Lagoon: Open May 1 through May 31.

(kk) Port Townsend Ship Canal: Open January 1 through March 31.

(ll) Potlatch DNR tidelands: Open April 1 through July 15.

(mm) Potlatch East: Open April 1 through July 15.

(nn) Potlatch State Park: Open April 1 through July 15.

(oo) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(pp) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through December 31, daily from official sunrise to official sunset only.

(qq) Rendland Creek: Open January 1 through May 31.

(rr) Saltwater State Park: Closed the entire year.

(ss) Scenic Beach State Park - Open April 16 through June 15.

(tt) Seahurst County Park: Closed the entire year.

(uu) Sequim Bay State Park - Open May 1 through June 15.

(vv) Shine Tidelands: Open January 1 through May 15.

(ww) South Indian Island County Park: Open May 1 through August 15.

(xx) Spencer Spit State Park: Open March 1 through July 31.

(yy) Triton Cove Oyster Farm: Closed the entire year.

(zz) Triton Cove State Park: Open April 1 through June 30.

(aaa) Twanoh State Park: Closed the entire year.

(bbb) West Dewatto: DNR Beach 44A is open January 1 through June 30.

(ccc) Whidbey Island Naval Air Station - Maylor Point East: Closed the entire year.

(ddd) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

((~~ddd~~)) (eee) Wolfe Property State Park: Open January 1 through May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

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

WAC 220-56-355 Clams—Unlawful acts. (1) It shall be unlawful for any person digging clams other than razor clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

(3) It is unlawful to possess Manila, native littleneck, cockle, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell except minimum size 1-1/4 inches if taken from public tidelands on the west side of Quilcene Bay north of the county boat ramp.

(4) It is unlawful to return any eastern softshells, horse clams, or geoducks to the beach or water regardless of size or condition. All such clams taken for personal use must be retained by the digger as part of the daily limit.

(5) Violation of the provisions of this section shall be an infraction, punishable under RCW 77.15.160.

**WSR 02-13-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 18, 2002, 3:59 p.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-040.

Title of Rule: WAC 388-424-0010, 388-438-0110, 388-505-0210, and 388-505-0220.

Purpose: Implementation of RCW 74.08A.100 and 74.09.415 as revised by SB 6833 (chapter 366, Laws of 2002). These amendments are necessary to eliminate DSHS state-funded medical coverage for undocumented children and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Statutory Authority for Adoption: RCW 74.08A.100, 74.09.080, 74.09.415, and 74.08.090.

Statute Being Implemented: RCW 74.08A.100 and 74.09.415 (chapter 366, Laws of 2002).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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: These amendments are necessary to eliminate DSHS state-funded medical coverage for children with no INS status and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules only affect client eligibility. There is no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts DSHS eligibility rules.

Hearing Location: Office Building 2 - Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaa@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaa@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not sooner than July 24, 2002.

June 13, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 02-03-008, filed 1/4/02, effective 2/4/02)

WAC 388-424-0010 Alien status—Eligibility requirements for the temporary assistance for needy families program and medical benefits. (1) Qualified aliens as described in WAC 388-424-0005(3) who were residing in the United States (U.S.) before August 22, 1996 may receive temporary assistance for needy families (TANF), Medicaid, and CHIP benefits.

(2) Qualified aliens who first physically entered the U.S. after August 21, 1996 cannot receive TANF, Medicaid, or CHIP for five years after their date of entry, unless they are any of the following:

PROPOSED

(a) An alien as described under WAC 388-424-0005 (3)(b), (d), (e), (g), or (h); or

(b) A lawful permanent resident who is:

(i) On active duty in the U.S. military, other than active duty for training;

(ii) An honorably discharged U.S. veteran;

(iii) A veteran of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;

(iv) A Hmong or Highland Lao veteran who served in the military on behalf of the U.S. Government during the Vietnam conflict; or

(v) The spouse or unmarried dependent child(ren) of a person described in subsection (2)(b)(i) through (iv) of this section.

(3) The period of five years from the date of entry described in subsection (2) begins on the date of the person's entry into the United States with an INS status within the meaning of the term qualified alien.

(4) A child born outside of the U.S. automatically becomes a U.S. citizen when:

(a) At least one of the parents is a U.S. citizen by birth or naturalization;

(b) The child is under eighteen years of age; ~~(and)~~

(c) The child is residing in the U.S. in legal and physical custody of the citizen parent; and

(d) The child was lawfully admitted into the U.S.

~~((4))~~ (5) An Indian as described in WAC 388-424-0020 (2)(b) and (c) may receive Medicaid or CHIP benefits.

~~((5))~~ (6) Aliens, including PRUCOL aliens as defined in WAC 388-424-0005(4), who would qualify for Medicaid benefits, but are determined ineligible because of alien status or requirements for a Social Security Number, may receive medical coverage as follows:

(a) State-funded categorically needy (CN) scope of care for ~~(=~~

~~(+))~~ pregnant women, as described in WAC 388-462-0015 ~~(=~~

~~(ii) Children as described in WAC 388-505-0210; or~~

~~(iii) Family medical as described in WAC 388-505-0220.); and~~

(b) Alien emergency medical services as described in WAC 388-438-0110.

~~((6))~~ (7) Alien status does not ~~((effect))~~ affect eligibility for the medically indigent program described in WAC 388-438-0100.

AMENDATORY SECTION (Amending WSR 01-05-041, filed 2/14/01, effective 3/17/01)

WAC 388-438-0110 The alien emergency medical (AEM) program. (1) The alien emergency medical (AEM) program is a federally-funded program. It is for aliens who are ineligible for other Medicaid programs, due to citizenship or alien status requirements described in WAC 388-424-0005 and 388-424-0010.

(2) Except for the Social Security Number, citizenship, or alien status requirements, an alien must meet categorical Medicaid eligibility requirements as described in:

(a) WAC 388-505-0110, for an SSI-related person;

(b) WAC 388-505-0220, for family medical programs;

(c) WAC 388-505-0210, for a child under the age of nineteen; or

(d) WAC 388-523-0100, for medical extensions.

(3) When an alien has monthly income which exceeds the CN medical standards, the department will consider AEM medically needy coverage for children or for adults who are age sixty-five or over or who meet SSI disability criteria. See WAC 388-519-0100.

(4) To qualify for the AEM program, the alien must have:

(a) An emergency medical condition as described in WAC 388-500-0005; or

(b) Been approved by the department as requiring nursing facility or COPES level of care.

(5) The alien's date of arrival in the United States is not used when determining eligibility for the AEM program.

(6) The department does not deem a sponsor's income and resources as available to the client when determining eligibility for the AEM program. The department counts only the income and resources a sponsor makes available to the client.

AMENDATORY SECTION (Amending WSR 01-11-110, filed 5/21/01, effective 6/21/01)

WAC 388-505-0210 Children's medical eligibility.

(1) A child under the age of one is eligible for categorically needy (CN) medical assistance ~~((as defined in chapter 388-500-WAC))~~ when:

(a) The child's mother was eligible for and receiving coverage under a medical program at the time of the child's birth; and

(b) The child remains with the mother and resides in the state.

(2) Children under the age of nineteen are eligible for CN medical assistance when they meet the requirements for:

(a) Citizenship or U.S. national status as described in WAC 388-424-0005(1) or immigrant status as described in WAC 388-424-0010 (1) or (2);

(b) State residence as described in chapter 388-468 WAC;

(c) A social security number as described in chapter 388-476 WAC; and

(d) Family income levels as described in WAC 388-478-0075 (1)(c).

(3) Children under the age of nineteen are eligible for the children's health insurance program (CHIP), as described in chapter 388-542 WAC, when:

(a) They meet the requirements of subsection (2)(a) and (b) of this section;

(b) They do not have other creditable health insurance coverage; and

(c) Family income exceeds two hundred percent of the federal poverty level (FPL), but does not exceed two hundred fifty percent of the FPL as described in WAC 388-478-0075 (1)(c) and (d).

~~(4) ((Children under the age of nineteen who first physically entered the U.S. after August 21, 1996 are eligible for state-funded CN scope of care when they meet the:~~

~~(a) Eligibility requirements in subsection (2)(b), (c), and (d) of this section; and~~

~~(b) Qualified alien requirements for lawful permanent residents, parolees, conditional entrants, or domestic violence victims as described in WAC 388-424-0005 (3)(a), (c), (f), or (i).~~

(5)) Children under the age of twenty-one are eligible for CN medical assistance when they meet:

(a) Citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c) of this section;

(b) Income levels described in WAC 388-478-0075 when income is counted according to WAC 388-408-0055 (1)(c); and

(c) One of the following criteria:

(i) Reside in a medical hospital, intermediate care facility for mentally retarded (ICF/MR), or nursing facility for more than thirty days;

(ii) Reside in a psychiatric or chemical dependency facility;

(iii) Are in foster care; or

(iv) Receive subsidized adoption services.

~~((6))~~ (5) Children are eligible for CN medical assistance if they:

(a) Receive Supplemental Security Income (SSI) payments based upon their own disability; or

(b) Received SSI cash assistance for August 1996, and except for the August 1996 passage of amendments to federal disability definitions, would be eligible for SSI cash assistance.

~~((7))~~ (6) Children under the age of nineteen are eligible for Medically Needy (MN) medical assistance as defined in chapter 388-500 WAC when they:

(a) Meet citizenship or immigrant status, state residence, and social security number requirements as described in subsection (2)(a), (b), and (c); and

(b) Have income above the income levels described in WAC 388-478-0075 (1)(c).

~~((8) Children described in subsection (4)(a) and (b) whose countable income exceeds the standard in WAC 388-478-0075 (1)(c) are eligible for state-funded MN scope of care.~~

(9)) (7) A child is eligible for SSI-related MN when the child:

(a) Meets the blind and/or disability criteria of the federal SSI program or the condition in subsection (6)(b); and

(b) Has countable income above the level described in WAC 388-478-0070(1).

~~((10) Noncitizen children, including visitors or students from another country and undocumented children, under the age of eighteen are eligible for the state-funded children's health program, if:~~

~~(a) The department determines the child ineligible for any CN or MN scope of care medical program;~~

~~(b) They meet family income levels described in WAC 388-478-0075 (1)(a); and~~

~~(c) They meet state residency requirements as described in chapter 388-468 WAC.~~

(11)) (8) There are no resource limits for children under((:

~~(a) CN or MN coverage;~~

~~(b) State-funded CN or MN scope of care; or~~

~~(c) The children's health programs.~~

~~(12)).~~

(9) Children may also be eligible for:

(a) Family medical as described in WAC 388-505-0220;

or

(b) Medical extensions as described in WAC 388-523-0100.

~~((13))~~ (10) Except for a client described in subsection ~~((5))~~(4)(c)(i) and (ii), an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

AMENDATORY SECTION (Amending WSR 01-11-110, filed 5/21/01, effective 6/21/01)

WAC 388-505-0220 Family medical eligibility. (1) A person is eligible for categorically needy (CN) medical assistance when they are:

(a) Receiving temporary assistance for needy families (TANF) cash benefits;

(b) Receiving cash diversion assistance described in chapter 388-222 WAC;

(c) Eligible for TANF cash benefits but choose not to receive; or

(d) Not eligible for or receiving TANF cash assistance, but meet the eligibility criteria for aid to families with dependent children (AFDC) in effect on July 16, 1996 except that:

(i) Earned income is treated as described in WAC 388-450-0210; and

(ii) Resources are treated as described in WAC 388-470-0005 for applicants and WAC 388-470-0050 and 388-470-0026 for recipients.

(2) A person is eligible for CN family medical coverage when the person is not eligible for or receiving cash benefits solely because the person:

(a) Received sixty months of TANF cash benefits or is a member of an assistance unit which has received sixty months of TANF cash benefits;

(b) Failed to meet the school attendance requirement in chapter 388-400 WAC;

(c) Is an unmarried minor parent who is not in a department-approved living situation;

(d) Is a parent or caretaker relative who fails to notify the department within five days of the date the child leaves the home and the child's absence will exceed ninety days;

(e) Is a fleeing felon or fleeing to avoid prosecution for a felony charge, or a probation and parole violator;

(f) Was convicted of a drug related felony;

(g) Was convicted of receiving benefits unlawfully;

(h) Was convicted of misrepresenting residence to obtain assistance in two or more states;

(i) Has gross earnings exceeding the TANF gross income level; or

(j) Is not cooperating with WorkFirst requirements.

(3) ~~((A person is eligible for state-funded CN scope of care family medical when the person:~~

~~(a) Is eligible for or receiving SFA cash benefits;~~

~~(b) Is receiving SFA cash diversion assistance described in chapter 388-222 WAC;~~

~~(c) Is not eligible for or receiving SFA solely due to factors described in subsection (2)(a) through (j) of this section; or~~

~~(d) Meets the criteria of (1)(d) of this section.~~

(4)) An adult must cooperate with the division of child support in the identification, use, and collection of medical support from responsible third parties, unless the person meets the medical exemption criteria described in WAC 388-505-0540 or the medical good cause criteria described in chapter 388-422 WAC.

~~((5) When the only eligible child in an SFA cash assistance unit is over nineteen years of age the assistance unit is not eligible for a family medical program, but individual members shall be redetermined for eligibility for other medical programs.~~

(6)) (4) Except for a client described in WAC 388-505-0210 (5)(c)(i) and (ii), a person who is an inmate of a public institution, as defined in WAC 388-500-0005, is not eligible for CN or MN medical coverage.

WSR 02-13-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 18, 2002, 4:01 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-040.

Title of Rule: WAC 388-450-0005, 388-450-0035, and 388-450-0065.

Purpose: Implementation of RCW 74.08A.100 and 74.09.415 as revised by SB 6833 (chapter 366, Laws of 2002). These amendments are necessary to eliminate DSHS state-funded medical coverage for undocumented children and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Statutory Authority for Adoption: RCW 74.08A.100, 74.09.080, 74.09.415, 74.08.090.

Statute Being Implemented: RCW 74.08A.100 and 74.09.415 (chapter 366, Laws of 2002).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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: These amendments are necessary to eliminate DSHS state-funded medical coverage for children with no INS status and for legal immigrant children and adults that are ineli-

gible for Medicaid due to their INS status or the requirement of a five-year ban.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules only affect client eligibility. There is no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts DSHS eligibility rules.

Hearing Location: Office Building 2 - Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not sooner than July 24, 2002.

June 13, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0005 Income—Ownership and availability. This section applies to cash assistance, medical programs for children, pregnant women and families, and food assistance.

(1) ~~((For TANF/SFA, RCA, GA, TANF/SFA related medical and food assistance programs:~~

(a)) The department counts all available income owned or possessed by a client ((is considered when determining)) to figure the client's eligibility and benefit level((:

~~(b) Ownership of income is determined according to)) when:~~

(a) You get or expect to get the income in the month.

(b) It is income we must count under chapter 388-450 WAC.

(c) You own the income. We use applicable state and federal laws pertaining to property ownership ((and eligibility for assistance programs)) to determine if you actually own the income. For married persons, ownership of separate and community income is determined according to chapter 26.16 RCW.

~~((e) Income owned by a client is considered available when it is at hand and may be used to meet the client's current need))~~

(d) You have control over the income, which means the income is actually available to you.

(e) You can use the income to meet your current needs. We count the gross amount of available income ((is counted)) in the month it is received((-):

(i) If the income is usually available on a specific day, ((it is considered)) we consider it to be available on that date.

(ii) If you usually get the income ((is usually received)) monthly or semi-monthly and ((the)) your pay date changes due to a reason beyond ((the client's)) your control, such as a weekend or holiday, ((it is counted)) we count it in the month you actually get it ((is intended to cover rather than the month it is actually received)).

(iii) If you usually get the income ((is usually received)) weekly or bi-weekly and ((the)) your pay date changes due to a reason beyond ((the client's)) your control, we count it in the month ((it is received)) you get it.

((d) The income of a person who is not a member of a client's assistance unit may be considered available to the client under the rules of this chapter if the person is financially responsible for the client and lives in the home with the client. For medical programs, financial responsibility is described in WAC 388-408-0055.

(e) For medical programs, the income of a financially responsible person, not living in the home is considered available to the extent it is contributed.

(f) Funds))

(2) We consider the income that is legally yours as available income, even if it is paid to someone else for you. For example, the father of your child has a court order to pay you two hundred fifty dollars per month in child support. Instead of giving the money directly to you (as required in the court order), he gives the money to your landlord to pay part of your rent. We still count the two hundred fifty dollars as income even though you never actually got the money.

(3) We may also count the income of certain people who live in your home, even if they are not getting assistance. Their income counts as part of your income.

(a) For cash assistance, we count the income of ineligible, disqualified, or financially responsible people as defined in WAC 388-405-0100.

(b) For food assistance, we count the income of ineligible assistance unit members as defined in WAC 388-408-0035.

(c) For family and SSI-related medical assistance, we count the income of financially responsible people as defined in WAC 388-408-0055 and chapter 388-475 WAC.

(d) For Long Term Care services, we count the income of financially responsible people as defined in WAC 388-506-0620.

(4) If you have a joint bank account with someone who is not in your AU, we consider any money deposited into ((a bank)) that account ((which is held jointly by a client and another are considered income possessed by and available to the client)) as your income unless:

(i) ((The client)) You can show that all or part of the funds belong exclusively to the other account holder and are held or used solely for the benefit of that holder; or

(ii) ((The funds have been considered by the)) Social Security Administration (SSA) ((when determining)) used that money to determine the other account holder's eligibility for SSI benefits.

((g)) (5) Potential income is income ((a client)) you may have access to that can be used to reduce the need for assistance. ((For cash and medical programs, when the department determines)) If we determine that a potential income source exists, ((the client may be denied assistance when the client fails or refuses to)) you must make a reasonable effort to make the income available ((-

(i) A client's eligibility is not affected until the income is received as long as the client makes reasonable efforts to make potential income available; and

(ii) A client may)) in order to get cash or medical assistance.

(a) We do not count that income until you actually get it; and

(b) You can choose whether to receive TANF/SFA or Supplemental Security Income (SSI) benefits.

((2) For TANF/SFA, RCA, GA and food assistance programs))

(6) The income of an alien's sponsor is considered available to the alien under the rules of this chapter when determining the alien's eligibility and benefit level.

((3)) (7) For SSI-related medical:

(a) Income is considered available and owned when it is:

(i) Received; and

(ii) Can be used to meet the clients needs for food, clothing and shelter, except as provided in WAC 388-511-1130.

(b) Loans and certain other receipts are not defined as income for SSI-related medical purposes as described in 20 C.F.R. Sec. 416.1103.

((4)) (8) For medical programs, ((trusts are described in WAC 388-505-0595)) see WAC 388-561-0100 for more information about trusts.

(9) You may give us proof about an income source anytime, including when we ask for it or if you disagree with a decision we made, about:

(a) Who owns the income;

(b) Who has legal control of the income;

(c) The amount of the income; or

(d) The availability of the income.

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 00-18-057, filed 9/1/00, effective 9/4/00)

WAC 388-450-0035 Educational benefits. This section applies to ((TANF/SFA, RCA, GA, TANF/SFA related medical and food assistance programs. Unless otherwise stated, exclusions and disregards of educational benefits apply to clients engaged in undergraduate studies only.

(1) We exclude the)) cash assistance, medical programs for children, pregnant women and families, and food assistance.

(1) We do not count:

(a) Educational assistance in the form of grants, loans or work study, issued from Title IV of the Higher Education Amendments (Title IV - HEA) and Bureau of Indian Affairs (BIA) education assistance programs. Examples of Title IV -

HEA and BIA educational assistance include but are not limited to:

- ~~((a)) (i) College work study (federal and state);~~
- ~~((b)) (ii) Pell grants; and~~
- ~~((c)) (iii) BIA higher education grants.~~

~~((2) We do not count the following types of educational assistance, in the form of grants, loans, or work study when determining a student's need:~~

~~(a) Assistance under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391 for attendance costs identified by the institution as specified in subsections (3) and (4) of this section; and~~

~~(b) Educational assistance made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include but are not limited to:~~

- ~~(i) Christa McAuliffe Fellowship Program;~~
- ~~(ii) Jacob K. Javits Fellowship Program; and~~
- ~~(iii) Library Career Training Program.~~

~~(3) Educational assistance under subsection (2)(a) of this section is disregarded when used for the following attendance costs when a student is attending school less than half-time:~~

- ~~(a) Tuition;~~
- ~~(b) Fees; and~~

~~(c) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.~~

~~(4) Educational assistance under subsection (2)(a) of this section that is used for the following expenses is disregarded in addition to the costs specified in subsection (3) of this section when the student is attending school at least half-time:~~

- ~~(a) Books;~~
- ~~(b) Supplies;~~
- ~~(c) Transportation;~~
- ~~(d) Dependent care; and~~
- ~~(e) Miscellaneous personal expenses.~~

~~(5) For TANF/SFA, RCA, GA, and TANF/SFA related medical assistance, the amount of a student's remaining educational assistance equal to the difference between the student's appropriate need standard and payment standard is excluded.~~

~~(6) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.~~

~~(7) When a student participates in WorkFirst work study, educational assistance made available to the student is:~~

- ~~(a) Disregarded for cash and medical assistance;~~
- ~~(b) Counted as earned income for food assistance.~~

~~(8) When a student participates in a work study program that is not excluded by subsections (1) and (2) or (7)(a) of this section, the income received is treated as earned income:~~

- ~~(a) Applying the applicable earned income disregards;~~
- ~~(b) For TANF/SFA, RCA, GA, and TANF/SFA related medical assistance, excluding the difference between the student's appropriate need standard and payment standard; and~~

~~(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.~~

~~(9) When a student receives Veteran's Administration Educational Assistance:~~

- ~~(a) All applicable attendance costs are subtracted; and~~

~~(b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.~~

~~(10) When a student participates in graduate school studies, educational assistance made available to the student is counted as:~~

~~(a) Assistance from another agency for cash and medical assistance;~~

~~(b) Earned income for food assistance if there are work requirements; or~~

~~(c) Unearned income for food assistance if there are no work requirements))~~

~~(b) Educational assistance in the form of grants, loans or work-study made available under any program administered by the Department of Education (DOE) to an undergraduate student. Examples of programs administered by DOE include, but are not limited to:~~

- ~~(i) Christa McAuliffe Fellowship Program;~~
- ~~(ii) Jacob K. Javits Fellowship Program; and~~
- ~~(iii) Library Career Training Program.~~

~~(2) For assistance in the form of grants, loans or work-study under the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-391:~~

~~(a) If you are attending school half-time or more, we subtract the following expenses:~~

- ~~(i) Tuition;~~
- ~~(ii) Fees;~~
- ~~(iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study;~~
- ~~(iv) Books;~~
- ~~(v) Supplies;~~
- ~~(vi) Transportation;~~
- ~~(vii) Dependent care; and~~
- ~~(viii) Miscellaneous personal expenses.~~

~~(b) If you are attending school less than half-time, we subtract the following expenses:~~

- ~~(i) Tuition;~~
- ~~(ii) Fees; and~~
- ~~(iii) Costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study.~~

~~(c) For cash assistance and medical programs for children, pregnant women and families, we also subtract the difference between the appropriate need standard and payment standard for your family size.~~

~~(d) Any remaining income is unearned income and budgeted using the appropriate budgeting method for the assistance unit.~~

~~(3) If you are participating in WorkFirst work study, that work study income is:~~

- ~~(a) Not counted for cash and medical assistance;~~
- ~~(b) Counted as earned income for food assistance.~~

~~(4) If you are participating in a work study program that is not excluded in subsection (1), of this section, we count that work study income as earned income:~~

- ~~(a) You get any applicable earned income disregards;~~
- ~~(b) For cash assistance, and medical programs for children, pregnant women and families, we also subtract the difference between the need standard and payment standard for your family size as described in chapter 388-478 WAC; and~~

(c) Budgeting remaining income using the appropriate budgeting method for the assistance unit.

(5) If you get Veteran's Administration Educational Assistance:

(a) All applicable attendance costs as subtracted; and

(b) The remaining unearned income is budgeted using the appropriate budgeting method for the assistance unit.

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-450-0065 Gifts—Cash and noncash. A gift is an item furnished to a client without work or cost on his or her part.

(1) A cash gift is a gift that is furnished as money, cash, checks or any other readily negotiable form.

(a) For ~~((TANF/SFA, RCA, GA-S, GA-H, and TANF/SFA-related))~~ cash assistance and medical programs for children, pregnant women and families, cash gifts totaling no more than thirty dollars per calendar quarter for each assistance unit member are disregarded as income.

(b) ~~((For GA-U, cash gifts are treated as unearned income.~~

~~(e))~~ For food assistance programs:

(i) Cash gifts to the assistance unit are excluded if they total thirty dollars or less per quarter;

(ii) Cash gifts in excess of thirty dollars per quarter are counted in full as unearned income.

(2) For ~~((TANF/SFA, RCA, GA-S, GA-H, GA-U and TANF/SFA-related))~~ cash assistance and medical programs for children, pregnant women and families, and food assistance, a noncash gift is treated as a resource.

(a) If the gift is a countable resource, its value is added to the value of the client's existing countable resources and the client's eligibility is redetermined as specified in chapter 388-470 WAC.

(b) If the gift is an excluded or noncountable resource, it does not affect the client's eligibility or benefit level.

WSR 02-13-102
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed June 18, 2002, 4:02 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-040.

Title of Rule: WAC 388-418-0025, 388-462-0015, 388-470-0026, 388-470-0070, and 388-478-0075.

Purpose: Implementation of RCW 74.08A.100 and 74.09.415 as revised by SB 6833 (chapter 666, Laws of 2002). These amendments are necessary to eliminate DSHS state-funded medical coverage for undocumented children and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Statutory Authority for Adoption: RCW 74.08A.100, 74.09.080, 74.09.415, 74.08.090.

Statute Being Implemented: RCW 74.08A.100 and 74.09.415 (chapter 366, Laws of 2002).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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: These amendments are necessary to eliminate DSHS state-funded medical coverage for children with no INS status and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules only affect client eligibility. There is no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts DSHS eligibility rules.

Hearing Location: Office Building 2 - Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not sooner than July 24, 2002.

June 13, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-08-002, filed 3/22/00, effective 5/1/00)

WAC 388-418-0025 Effect of changes on medical program eligibility. (1) A client continues to be eligible for Medicaid until the department determines the client's ineligibility or eligibility for another medical program. This applies to a client who, during a certification period, becomes ineligible for, is terminated from, or requests termination from:

(a) A CN Medicaid program ~~((or SFA-related medical program));~~ or

(b) Any of the following cash grants:

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(i) TANF (~~(or SFA)~~);
 (ii) SSI; ~~or~~
 (iii) (~~GA-H; or~~
 (iv)) GA-X. See WAC 388-434-0005 for changes reported during eligibility review.

(2) A child remains continuously eligible for (~~medical benefits~~) CN Medicaid for a period of twelve months from the date of certification for medical benefits or last review, whichever is later. This applies unless the child:

(a) Moves out of state;
 (b) Loses contact with the department or the department does not know the child's whereabouts;

(c) (~~Turns eighteen years of age if receiving children's health program benefits~~) Becomes an inmate of a public institution, including a correctional facility (Refer to WAC 388-505-0210(5) for exceptions);

(d) Turns nineteen years of age (~~if receiving children's CN or CN scope of care program benefits~~);

(e) Dies; or

(f) Receives benefits under the children's health insurance program (CHIP) and:

(i) Does not pay health insurance premiums for four consecutive months; or

(ii) Is determined to have had creditable coverage at the time of application. Refer to chapter 388-542 WAC.

(3) When a client becomes ineligible for refugee cash assistance, refugee medical assistance can be continued only through the eight-month limit, as described in WAC 388-400-0035(~~(6)~~) (4).

(4) A client receiving medical benefits (~~under~~) with a TANF (~~(or SFA)~~) cash grant or (~~related~~) family medical program is eligible for a medical extension, as described under WAC 388-523-0100, when the client's cash grant or (~~related~~) family medical program is terminated as a result of:

(a) Earned income; or

(b) Collection of child or spousal support.

(5) A change in income during a certification period does not affect eligibility for:

(a) Pregnant women's medical programs; or

(b) The first six months of the (~~TANF/SFA-related~~) medical extension benefits.

(6) For a child receiving benefits under CHIP as described in chapter 388-542 WAC, the department must redetermine eligibility for a Medicaid program when the family reports:

(a) Family income has decreased to less than two hundred percent FPL;

(b) The child becomes pregnant;

(c) A change in family size; or

(d) The child receives SSI.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-462-0015 Medical programs for pregnant women. (1) A pregnant woman is eligible for medical services described in this chapter only when her pregnancy is confirmed by a licensed medical practitioner, licensed labo-

ratory, community clinic, family planning clinic, or health department clinic.

(2) A pregnant woman is eligible for CN (~~medical~~) Medicaid coverage if she meets the following requirements as described in WAC 388-503-0505:

(a) Citizenship or immigration status (chapter 388-424 WAC); and

(b) Social Security Account Number (chapter 388-474 WAC); and

(c) Washington state residence (chapter 388-468 WAC); and

(d) Countable income meets the standard described in WAC 388-478-0075.

(3) A pregnant woman is considered for medically needy (MN) program coverage if she meets the requirements in subsection (2)(a) through (c) of this section and:

(a) Her countable income is greater than the standard in subsection (2)(d) of this section; and

(b) Her countable resources do not exceed the standard in WAC 388-478-0070.

(4) A pregnant woman is eligible for CN scope of care under the state-funded pregnant woman program if she is not eligible for programs in subsection (2) of this section due to citizenship, immigrant or Social Security Number requirements.

(5) A pregnant woman is considered for MN scope of care under the state-funded pregnant woman program if:

(a) She is not eligible for the program under subsection (4) of this section because her income exceeds the standard; and

(b) Her resources do not exceed the standard in WAC 388-478-0070.

(6) A pregnant woman is considered for the medically indigent (MI) program if her resources exceed the standards in WAC 388-478-0070.

(7) Only the income of an unmarried father of an unborn child that is actually contributed to a pregnant woman is considered as income to her.

(8) There are no resource limits for the programs described in subsections (2) and (4) of this section.

(9) The assignment of child support and medical support rights as described in chapter 388-422 WAC do not apply to pregnant women.

(10) Unless stated otherwise, this section contains the only eligibility requirements for pregnant women to qualify for medical coverage.

(11) A woman who was eligible for and received medical coverage on the last day of pregnancy is eligible for extended medical benefits for postpartum care through the end of the month:

(a) Which includes the sixtieth day from the end of the pregnancy, for a pregnant woman receiving Medical in any program except Medically Indigent (MI); or

(b) The pregnancy ends, for a pregnant woman receiving MI benefits.

(12) A woman who was eligible for a medical program on the last day of pregnancy is eligible for family planning services for twelve months from the end of the pregnancy.

AMENDATORY SECTION (Amending WSR 01-18-006, filed 8/22/01, effective 9/22/01)

WAC 388-470-0026 Excluded resources for family medical programs. "Continuously eligible" means, for the purposes of this chapter, there has not been a break of a calendar month or more in a client's eligibility since the date the client received resources in an amount that would cause the client to exceed the resource limit of a family medical program.

(1) The department does not count any increase in a client's resources received while a client:

- (a) Is eligible for and receiving coverage under a family medical program; and
- (b) Remains continuously eligible for a family medical program.

(2) The department does not count the resource increase for a client:

- (a) Who meets the requirement of subsection (1)(a) of this section;
- (b) Whose family medical program is terminated; and
- (c) Who is later found eligible for all months since the termination, which may include a retroactive period of up to three months.

(3) The department counts the resource increase when the client is ineligible for a family medical program for a full calendar month or more except as described in subsection (2) of this section.

(4) When determining the eligibility of a Holocaust survivor for a family medical program, the department does not count the recoveries of:

- (a) Insurance proceeds; and
 - (b) Other assets.
- (5) For the purposes of this section, a family medical program includes the medical extension benefits as described in WAC 388-523-0100.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-470-0070 How vehicles are counted toward the resource limit for cash assistance and ~~((TANF/SFA related))~~ family medical programs. (1) A vehicle is any device for carrying persons and objects by land, water, or air.

(2) The entire value of a licensed vehicle needed to transport a physically disabled assistance unit member is excluded.

(3) The equity value of one vehicle up to five thousand dollars is excluded when the vehicle is used by the assistance unit or household as a means of transportation. Each separate medical assistance unit is allowed this exclusion.

AMENDATORY SECTION (Amending WSR 02-07-090, filed 3/19/02, effective 4/1/02)

WAC 388-478-0075 Medical programs—Monthly income standards based on the federal poverty level (FPL). (1) The department bases the income standard upon

the Federal Poverty Level (FPL) for the following medical programs:

- (a) ~~((Children's health program up to one hundred percent of FPL;~~
- ~~((b)))~~ Pregnant women's program up to one hundred eighty-five percent of FPL;
- ~~((c)))~~ ~~(b)~~ Children's categorically needy program up to two hundred percent of FPL;
- ~~((d)))~~ ~~(c)~~ Healthcare for workers with disabilities (HWD) up to two hundred twenty percent of FPL; and
- ~~((e)))~~ ~~(d)~~ The children's health insurance program (CHIP) is over two hundred percent of FPL but under two hundred fifty percent of FPL.

(2) Beginning April 1, 2002, the monthly FPL standards are:

FAMILY SIZE	100% FPL	185% FPL	200% FPL	220% FPL	250% FPL
1	\$739	\$1366	\$1477	\$1625	\$1846
2	\$995	\$1841	\$1990	\$2189	\$2488
3	\$1252	\$2316	\$2504	\$2754	\$3130
4	\$1509	\$2791	\$3017	\$3319	\$3771
5	\$1765	\$3266	\$3530	\$3883	\$4413
6	\$2022	\$3741	\$4044	\$4448	\$5055
7	\$2279	\$4215	\$4557	\$5013	\$5696
8	\$2535	\$4690	\$5070	\$5577	\$6338
9	\$2792	\$5165	\$5584	\$6142	\$6980
10	\$3049	\$5640	\$6097	\$6707	\$7621
Add to the ten person standard for each person over ten:					
	\$257	\$475	\$514	\$565	\$642

(3) There are no resource limits for the programs under this section.

WSR 02-13-103
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed June 18, 2002, 4:03 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-040.

Title of Rule: WAC 388-503-0505, 388-503-0510, 388-503-0515, 388-408-0055, 388-416-0010, and 388-416-0025.

Purpose: Implementation of RCW 74.08A.100 and 74.09.415 as revised by SB 6833 (chapter 366, Laws of 2002). These amendments are necessary to eliminate DSHS state-funded medical coverage for undocumented children and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Statutory Authority for Adoption: RCW 74.08A.100, 74.09.080, 74.09.415, 74.08.090.

Statute Being Implemented: RCW 74.08A.100 and 74.09.415 (chapter 366, Laws of 2002).

Summary: See Purpose above.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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: These amendments are necessary to eliminate DSHS state-funded medical coverage for children with no INS status and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules only affect client eligibility. There is no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts DSHS eligibility rules.

Hearing Location: Office Building 2 - Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernax@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not sooner than July 24, 2002.

June 13, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-503-0505 General eligibility requirements for medical programs. (1) Persons applying for benefits under the medical coverage programs established under chapter 74.09 RCW must meet the eligibility criteria established by the department in chapters 388-400 through 388-555 WAC.

(2) Persons applying for medical coverage are considered first for federally funded or federally matched programs. State-funded programs are considered after federally funded programs are not available to the client except for brief periods when the state-funded programs offer a broad scope of care which meet a specific client need.

(3) Unless otherwise specified in program specific WAC, the eligibility criteria for each medical program (~~(are)~~) is as follows:

(a) (~~(Verifiable)~~) Verification of age and identity (chapters 388-404, 388-406, and 388-490 WAC); and

(b) Residence in Washington state (chapter 388-468 WAC); and

(c) Citizenship or immigration status in the United States (chapter 388-424 WAC); and

(d) Possession of a valid Social Security Account Number (chapter (~~(388-474)~~) 388-476 WAC); and

(e) Assignment of medical support rights to the state of Washington (WAC 388-505-0540); and

(f) Cooperation in securing medical support (chapter 388-422 WAC); and

(g) Countable resources (~~(which are)~~) within program limits (chapters 388-470 and 388-478 WAC); and

(h) Countable income (~~(which are)~~) within program limits (chapters 388-450 and 388-478 WAC).

(4) In addition to the general eligibility requirements in subsection (3) of this section, each program has specific eligibility requirements as described in applicable WAC.

(5) Persons living in (~~(correctional institutions)~~) a public institution, including a correctional facility, are not eligible for the department's medical coverage programs. A person living in a city or county jail may be considered only for the medically indigent (MI) program. For a person under age twenty or over age sixty-five who is a patient in an institution for mental disease see WAC 388-513-1315(13) for exception.

(6) Persons terminated from SSI or TANF cash grants and those who lose eligibility for categorically needy (CN) medical coverage have their CN coverage (~~(extended)~~) continued while their eligibility for other medical programs is redetermined. This (~~(extension)~~) continuation of medical coverage is described in chapter 388-434 WAC.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-503-0510 How a client is determined "related to" a categorical program. (1) A person is related to the Supplemental Security Income (SSI) program if they are:

(a) Aged, blind, or disabled as defined in WAC 388-511-1105(1) or chapter 388-475 WAC; or

(b) Considered as eligible for SSI under WAC 388-511-1105(5) chapter 388-475 WAC; or

(c) Children meeting the requirements of WAC 388-505-0210(6).

(2) A person or family is considered to be related to the temporary assistance for needy families (TANF) program (~~(or the state-funded assistance (SFA) program)~~) if they meet:

(a) The program requirements for the TANF (~~(or the SFA)~~) cash assistance programs or the requirements of WAC 388-505-0220, 388-505-0210, or 388-505-0210 (3) or (4), or (~~(388-503-0310 (17)(b))~~); or

(b) Would meet such requirements except that(~~(-~~

~~((i)) the assistance unit's countable income ((exceeds)) or resources exceed the TANF ((or the SFA program standards in chapter 388-478 WAC; or~~

~~((ii) The assistance unit's countable resources exceed the cash program standards in chapter 388-470 WAC)).~~

(3) Persons related to SSI or to TANF are eligible for categorically needy (CN) or medically needy (MN) medical coverage if they meet the other eligibility criteria for these medical programs. See chapters 388-475, 388-505 and 388-519 WAC for these eligibility criteria.

(4) Persons related to SSI or to TANF and who receive the related CN medical coverage have redetermination rights as described in WAC 388-503-0505(6).

~~((5) Persons related to SFA are eligible for state funded medical coverage as long as they meet the other eligibility criteria for the medical program. The state funded medical coverage has the same scope of coverage as CN or MN coverage described in subsection (3) of this section.))~~

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 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-503-0515 Medical coverage resulting from a cash grant. (1) Families or individuals eligible for SSI, SSI state supplement or TANF cash grants are automatically eligible for categorically needy (CN) medical coverage. These clients receive medical coverage benefits without making a separate application. Certification for CN medical coverage parallels that for the cash benefits.

(2) Upon termination of cash benefits as described in subsection (1) of this section, medical coverage continues until the client's eligibility for other medical coverage can be completed. Continuing medical coverage is terminated if the client does not cooperate with the eligibility re-determination process.

~~((3) Families or individuals eligible for or related to state financial assistance (SFA) cash grants are eligible for state funded medical coverage. For this program, the term "related to" is defined parallel to WAC 388-503-0510(2). The scope of medical coverage parallels that for the federally funded CN program.))~~

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-408-0055 Medical assistance units. (1) A medical assistance unit (MAU) is determined on the basis of relationship and financial responsibility.

(a) Married persons, living together are financially responsible for each other;

(b) Parents are financially responsible for their unmarried, minor children living in the same household;

(c) A parent's financial responsibility is limited when their minor child is receiving inpatient chemical dependency or mental health treatment. Only the income a parent chooses to contribute to the child is considered available when:

(i) The treatment is expected to last ninety days or more;

(ii) The child is in court-ordered out-of-home care in accordance with chapter 13.34 RCW; or

(iii) The department determines the parents are not exercising responsibility for the care and control of the child.

(d) Minor children are not financially responsible for their parents or for their siblings.

(2) Certain situations require the establishment of separate MAUs for some family members living in the same household. Separate MAUs are established for:

(a) A pregnant minor, regardless of whether she lives with her parent(s);

(b) A child with income;

(c) A child with resources which makes another family member ineligible for medical assistance;

(d) A child of unmarried parents when both parents reside with the child;

(e) Each unmarried parent of a child in common, plus any of their children who are not in separate MAUs;

(f) A ~~(nonresponsible)~~ caretaker relative that is not financially responsible for the support of the child;

(g) SSI recipients or SSI-related persons ~~((related to SSI))~~ from the non-SSI related family members;

(h) The purpose of applying medical income standards for an:

(i) SSI-related applicant whose spouse is not related to SSI or is not applying for SSI-related medical; and

(ii) Ineligible spouse of an SSI-recipient.

(3) Only the parent's income actually contributed to a pregnant minor is considered income to the minor.

(4) A parent's income up to one hundred percent of the Federal Poverty Level (FPL) is allocated to the parent and other members of the parent's MAU. The excess is allocated among their children in separate MAUs.

(5) A parent's resources are allocated equally among the parent and all persons in the parent's household for whom the parent is financially responsible. This includes family members in separate MAUs.

(6) Countable income for medical programs is described in WAC 388-450-0150 and 388-450-0210.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-416-0010 Medical certification periods for recipients of cash assistance programs. (1) The certification period for medical services begins on the first day of the month of application when the client is determined eligible for cash assistance for one of the following programs:

(a) Temporary assistance for needy families (TANF) ~~((or state family assistance (SFA)))~~; ~~((or))~~

(b) Supplemental Security Income (SSI); or

(c) ~~((General assistance for pregnant women (GA-S); or~~

~~((d) General assistance for children (GA-H); or~~

~~((e)))~~ Refugee assistance.

(2) The certification period for the medical programs associated with the cash programs in subsection (1) of this section continues as long as eligibility for these programs lasts. When a client's cash assistance is terminated, eligibility for medical assistance is continued until eligibility is redeter-

mined as described in WAC (~~(388-418-WAC)~~) 388-418-0025.

(3) The certification period for medical can begin up to three months prior to the month of application for clients described in subsection (1) of this section if the conditions in WAC 388-416-0015(6) apply.

(4) The certification period for medical care services begins on the date eligibility begins for the following cash assistance programs:

- (a) General assistance for unemployable persons (GA-U); or
- (b) Alcohol and drug abuse treatment and support act (ADATSA) programs, when the client is either receiving a grant or waiting for treatment to begin.

(5) The certification period for medical care services for clients in subsection (4) of this section runs concurrently with the period of eligibility for the client's cash assistance program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-416-0025 Certification period for children's health program.

WSR 02-13-104
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Medical Assistance Administration)
 [Filed June 18, 2002, 4:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-040.

Title of Rule: WAC 388-450-0170, 388-450-0210, 388-450-0105, and 388-523-0100.

Purpose: Implementation of RCW 74.08A.100 and 74.09.415 as revised by SB 6833 (chapter 366, Laws of 2002). These amendments are necessary to eliminate DSHS state-funded medical coverage for undocumented children and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Statutory Authority for Adoption: RCW 74.08A.100, 74.09.080, 74.09.415, 74.08.090.

Statute Being Implemented: RCW 74.08A.100 and 74.09.415 (chapter 366, Laws of 2002).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, MAA, P.O. Box 45534, Olympia, WA 98504-5534, (360) 725-1330.

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: These amendments are necessary to eliminate DSHS state-funded medical coverage for children with no INS status and for legal immigrant children and adults that are ineligible for Medicaid due to their INS status or the requirement of a five-year ban.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules only affect client eligibility. There is no impact on small businesses.

RCW 34.05.328 applies to this rule adoption. These rules meet the definition of a significant legislative rule under RCW 34.05.328. However, RCW 34.05.328 (5)(b)(vii) exempts DSHS eligibility rules.

Hearing Location: Office Building 2 - Auditorium (DSHS Headquarters) (parking at 12th and Washington), 1115 Washington, Olympia, WA 98502, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by July 19, 2002, phone (360) 664-6094, TTY (360) 664-6178, e-mail fernaax@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, DSHS Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 664-6185, e-mail fernaax@dshs.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: Not sooner than July 24, 2002.

June 13, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0170 TANF/SFA earned income incentive and deduction. ~~((+))~~ This section applies to ~~((~~ (a)) TANF/SFA, ~~((GA-S, GA-H; and~~ (b) TANF/SFA-related)) RCA, and medical programs for children, pregnant women, and families except as specified under WAC 388-450-0210.

~~((2) When determining countable income,))~~

(1) If a client works, the department only counts some of the income to determine eligibility and benefit level.

(2) We only count fifty percent of ((a-client's)) your monthly gross earned income ((is disregarded as an incentive to employment)). We do this to encourage you to work.

~~((The actual cost of care of each dependent child or incapacitated adult living in the same home and receiving TANF/SFA is deducted when determining countable income under the following conditions:~~

~~((a) An applicant is eligible for a dependent care deduction for expenses incurred prior to the open effective date in the month of grant opening on a prorated basis;~~

~~((b) A recipient is eligible for a dependent care deduction if:~~

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~~(i) The assistance unit received AFDC on October 13, 1988;~~

~~(ii) The dependent care deduction was applied when determining the benefit level for that month;~~

~~(iii) The assistance unit has remained continuously eligible for AFDC or TANF/SFA since that time; and~~

~~(iv) The assistance unit has chosen to use the deduction rather than state paid dependent care.~~

~~(4) The dependent care deduction specified in subsection (3) of this section is not allowed unless:~~

~~(a) The care provided by a parent or stepparent;~~

~~(b) The care provider verifies the cost incurred;~~

~~(c) The cost is incurred for the month of employment being reported; and~~

~~(d) The amount deducted for each dependent child or incapacitated adult, depending on the number of hours worked per month does not exceed the following)) If you pay for care before we approve your benefits, we subtract the amount you pay for those dependent children or incapacitated adults who get cash assistance with you.~~

(a) The amount we subtract is:

(i) Prorated according to the date you are eligible for benefits;

(ii) Cannot be more than your gross monthly income; and

(iii) Cannot exceed the following for each dependent child or incapacitated adult:

Dependent Care Maximum Deductions

Hours Worked Per Month	((Dependent)) <u>((Dependent)) Child Under Two Years of Age ((or Older))</u>	((Dependent Under)) <u>Child Over Two Years of Age or Incapacitated Adult</u>
0 - 40	\$ 43.75	\$ 50.00
41 - 80	\$ 87.50	\$ 100.00
81 - 120	\$ 131.25	\$ 150.00
121 or More	\$ 175.00	\$ 200.00

(b) In order to get this deduction:

(i) The person providing the care must be someone other than the parent or stepparent of the child or incapacitated adult; and

(ii) You must verify the expense.

AMENDATORY SECTION (Amending WSR 02-03-009, filed 1/4/02, effective 2/4/02)

WAC 388-450-0210 Countable income for medical programs. (1) For purposes of medical program eligibility, a client's countable income is income which remains when:

(a) The income cannot be specifically excluded; and

(b) All appropriate deductions and disregards allowed by a specific program, have been applied.

(2) A client's countable income cannot exceed the income standard for the specific medical programs described in WAC 388-478-0065, 388-478-0070, 388-478-0075, 388-478-0080, or 388-513-1305, 388-513-1315, or 388-513-1395 unless the program allows for those limits to be exceeded.

(3) Unless modified by subsection (4) of this section, the TANF/SFA income rules, as described in this chapter, are used to determine a client's countable income for the following programs:

(a) Family medical program as described in WAC 388-505-0220;

(b) Medical extensions as described in chapter 388-523 WAC;

(c) Pregnant women's program as described in WAC 388-462-0015;

(d) Children's medical program as described in WAC 388-505-0210;

~~(e) ((Children's health program as described in WAC 388-505-0210; and~~

~~(f)) Medically Indigent (MI) program as described in WAC 388-438-0100.~~

(4) Exceptions to the TANF/SFA cash assistance methodology apply as follows:

(a) The financial responsibility of relatives when a client is applying for medical for families, children, pregnant women or for the medically indigent program is specified in WAC 388-408-0055;

(b) Actual work-related child and dependent care expenses, which are the client's responsibility, are income deductions (the limits on this deduction in WAC 388-450-0170 (3) and (4) do not apply);

(c) Court or administratively ordered current or back support paid to meet the needs of legal dependents, are income deductions;

(d) Only income actually contributed to an alien client from the alien's sponsor is countable unless the sponsor signed the affidavit of support I-864 or I-864A. See subsection (5) of this section;

(e) TANF/SFA gross earned income limits as described in WAC 388-450-0165 do not apply;

(f) The fifty percent earned income deduction is not used to calculate countable income for CN programs with income levels based upon the Federal Poverty Level (FPL). These programs are listed in subsection (3)(c), and (d) ~~((and (e)))~~ of this section. The only work related income deductions for these programs are:

(i) Ninety dollars; and

(ii) Actual work-related child and dependent care expenses, as described in (b) of this subsection; and

(iii) Child support as described in (c) of this subsection.

(g) When determining medically needy (MN) or MN scope of care coverage for children or pregnant women for the programs described in subsection (3)(c) and (d), the exception described in subsection (4)(f) is not used as the MN income standards are not based on the FPL;

(h) A nonrecurring lump sum payment is considered as income in the month the client receives payment, and a resource if the client retains the payment after the month of receipt;

(i) Diversion cash assistance (DCA), is not countable income;

(j) Effective April 1, 2002, the department will disregard an increase in earned income when:

(i) A family is receiving benefits under the family medical program; and

(ii) The increase occurs during the second or third month of eligibility. The disregard stops the last day of the third month of eligibility for a family medical program.

(5) When an alien's sponsor has signed the affidavit of support I-864 or I-864A, the sponsor's income and resources are counted as described in WAC 388-450-0155, 388-450-0156, 388-450-0160, and 388-470-0060.

(6) Except when this state has adopted more liberal rules, SSI income rules are used to determine a client's countable income for the following programs:

- (a) SSI-related CN or MN; and
- (b) Medicare savings programs. Refer to chapter 388-475 WAC.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-450-0105 Allocating the income of a financially responsible person included in the assistance unit. This section applies to TANF/SFA, (~~GA-S, RCA, RMA and TANF related medical programs~~) RCA, and RMA. Refer to WAC 388-408-0055 for the rules concerning the treatment of income of financially responsible person for medical programs. The income of a financially responsible person included in the assistance unit is countable to meet the needs of the assistance unit after the income is reduced by the following:

(1) Any applicable earned income incentive and work expense or deduction for the financially responsible person in the assistance unit, if that person is employed;

(2) The payment standard amount for the ineligible assistance unit members living in the home; and

(3) An amount not to exceed the department's standard of need for court or administratively ordered current or back support for legal dependents.

AMENDATORY SECTION (Amending WSR 02-10-018, filed 4/22/02, effective 5/23/02)

WAC 388-523-0100 Medical extensions—Eligibility.

(1) A family who received temporary assistance for needy families (TANF), (~~state family assistance (SFA) cash;~~) or family medical program in any three of the last six months in the state of Washington is eligible for extended medical benefits when they become ineligible for their current medical program because the family receives:

(a) Child or spousal support, which exceeds the payment standard described in WAC 388-478-0065, and they are not eligible for any other categorically needy (CN) medical program; or

(b) Increased earned income, resulting in income exceeding the CN income standard described in WAC 388-478-0065.

(2) A family is eligible to receive extended medical benefits beginning the month after termination from TANF(~~SFA~~) cash or family medical program for:

(a) Four months for a family described in subsection (1)(a) of this section; or

(b) Up to twelve months, in two six-month segments, for a family described in subsection (1)(b) of this section. For the

purposes of this chapter, months one through six are the initial six-month extension period. Months seven through twelve are the second six-month extension period.

(3) A family member is eligible to receive six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The individual family member:

(i) Moves out of state;

(ii) Dies;

(iii) Becomes an inmate of a public institution;

(iv) Leaves the household; or

(v) Does not cooperate, without good cause, with the division of child support or with third party liability requirements.

(b) The family:

(i) Moves out of state;

(ii) Loses contact with the department or the department does not know the whereabouts of the family; or

(iii) No longer includes a child as defined in WAC 388-404-0005(1).

(4) A family member is eligible to receive the second six months of medical extension benefits as described in subsection (2)(b) of this section unless:

(a) The family is no longer eligible for the reasons described in subsection (3)(a) or (b); or

(b) The individual family member is the caretaker adult who:

(i) Stops working or whose earned income stops;

(ii) Does not, without good cause, complete and return the completed medical extension report or otherwise provide the required income and child care information; or

(iii) Does not, without good cause, pay the billed premium amount for one month.

(5) A family described in subsection (3) will not receive medical extension benefits for any family member who has been found ineligible for TANF/SFA cash because of fraud in any of the six months prior to the medical extension period.

(6) For the purposes of this chapter, only individual family members that are eligible for Medicaid are certified to receive medical benefits under this program.

WSR 02-13-106

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed June 18, 2002, 4:07 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-067.

Title of Rule: Amending WAC 458-29A-400 Leasehold excise tax—Exemptions.

Purpose: To provide information about exemptions from the leasehold excise tax.

Statutory Authority for Adoption: RCW 82.29A.140.

Statute Being Implemented: RCW 82.29A.130, 82.29A.132, 82.29A.134, and 82.29A.136.

Summary: WAC 458-29A-400 identifies and provides information about exemptions from the leasehold excise tax.

Reasons Supporting Proposal: This rule is being revised to incorporate recent legislative changes and to incorporate information contained in Excise Tax Advisory 552.99.29A (Leasehold excise tax—Exemptions for public employees—Condition of employment).

Name of Agency Personnel Responsible for Drafting: Mark Mullin, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6112; Implementation: Claire Hesselholt, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6124; and Enforcement: Russell Brubaker, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6131.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-29A-400 provides important information about exemptions from the leasehold excise tax. The department is proposing several changes to this rule. One proposed change is to incorporate the leasehold excise tax exemption provided by RCW 82.29A.136 (chapter 26, Laws of 2001) for interests consisting of 3000 or more residential and recreational lots that are or may be subleased for residential and recreational purposes. Another proposed change is to incorporate the exemption pertaining to sales and leasebacks by regional transit authorities provided by RCW 82.29A.134 (chapter 5, Laws of 2000 2nd sp.s.). A third proposed change is to incorporate the information contained in Excise Tax Advisory 552.99.29A (Leasehold excise tax—Exemption for public employees—Condition of employment).

The department is also revising the descriptions of the exemptions for leasehold interests in student housing at public or nonprofit schools or colleges and properties rented for residential purposes on a month-to-month basis pending destruction or removal for construction of a public highway or public building so that the language of the rule more closely tracks the language of the statutes that authorize the exemptions.

Proposal Changes the Following Existing Rules: This is a change to WAC 458-29A-400 as explained above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impose a responsibility or require a small business to perform something that is not already required by law.

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

Hearing Location: Capital Plaza Building, 4th Floor - Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on July 25, 2002, at 9:30 a.m.

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

Submit Written Comments to: Mark Mullin, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail MarkM@dor.wa.gov, by July 25, 2002.

Date of Intended Adoption: August 20, 2002.

June 18, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-20-053, filed 10/1/99, effective 11/1/99)

WAC 458-29A-400 Leasehold excise tax—Exemptions. (1) **Introduction.** This rule explains the exemptions from leasehold excise tax provided by RCW 82.29A.130 ((establishes a number of exemptions from the leasehold excise tax)), 82.29A.132, 82.29A.134, and 82.29A.136. To be exempt from the leasehold excise tax, the property subject to the leasehold interest must be used exclusively for the purposes for which the exemption is granted.

(2) **Operating properties of a public utility.** All leasehold interests that are part of the operating properties of a public utility are exempt from leasehold excise tax if the leasehold interest is assessed and taxed as part of the operating property of a public utility under chapter 84.12 RCW.

For example, tracks leased to a railroad company at the Port of Seaside are exempt from leasehold excise tax because the railroad is a public utility assessed and taxed under chapter 84.12 RCW and the tracks are part of the railroad's operating properties.

(3) **Student housing at public and nonprofit schools and colleges.** All leasehold interests in facilities owned or used by a ((public)) school, college, or university ((to)) which leasehold provides housing to students are exempt from leasehold excise tax if the student housing is exempt from property tax under RCW 84.36.010 and 84.36.050.

For example, the leasehold interest associated with a building used as a dormitory for Public University students is exempt from the leasehold excise tax.

(4) **Subsidized housing.** All leasehold interests of subsidized housing are exempt from leasehold excise tax if the property is owned in fee simple by the United States, the state of Washington((;)) or any of its political subdivisions, ((owns the property in fee simple)) and residents of the housing are subject to specific income qualification requirements.

For example, a leasehold interest in an apartment house that is subsidized by the ((Federal)) United States Department of Housing and Urban Development is exempt from leasehold excise tax if the property is owned by the state of Washington and residents are subject to income qualification requirements.

(5) **Nonprofit fair associations.** All leasehold interests used for fair purposes of a nonprofit fair association are exempt from leasehold excise tax if the fair association sponsors or conducts a fair or fairs supported by revenues collected under RCW 67.16.100 and allocated by the director of the department of agriculture. The property must be owned in fee simple by the United States, the state of Washington((;)) or any ((public)) of its political subdivisions. However, if a nonprofit association subleases exempt property to a third party, the sublease is a taxable leasehold interest.

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For example, a leasehold interest held by the Local Non-profit Fair Association is considered exempt from leasehold excise tax. However, if buildings on the fairgrounds are rented to private parties for storage during the winter, these rentals may be subject to the leasehold excise tax.

(6) Public employee housing. All leasehold interests in public property used as a residence by an employee of the public owner are exempt from leasehold excise tax if the employee is required to live on the public property as a condition of his or her employment. ((For example, a cabin used as a residence by a forest ranger in the Northwest National Forest is exempt from leasehold excise tax if the cabin is owned by the United States, the ranger is employed by the U.S. Forest Service (an agency of the United States government), and the ranger is required to live in the Northwest National Forest as a condition of his/her employment.)) The "condition of employment" requirement is met only when the employee is required to accept the lodging in order to enable the employee to properly perform the duties of his or her employment. However, the "condition of employment" requirement can be met even if the employer does not compel an employee to reside in a publicly owned residence.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(a) A park ranger employed by the National Park Service, an agency of the United States government, resides in a house furnished by the agency at a national park. The ranger is required to be on call twenty-four hours a day to respond to requests for assistance from park visitors staying at an adjacent overnight campground. The use of the house is exempt from leasehold excise tax because the lodging enables the ranger to properly perform her duties.

(b) An employee of the Washington department of fish and wildlife resides in a house furnished by the agency at a fish hatchery although, under the terms of a collective bargaining agreement, the agency may not compel the employee to live in the residence as a condition of employment. In exchange for receiving use of the housing provided by the agency, the employee is required to perform additional duties, including regularly monitoring certain equipment at the hatchery during nights and on weekends and escorting public visitors on tours of the hatchery on weekends. The use of the house is exempt from leasehold excise tax because the lodging enables the employee to properly perform the duties of his employment. The use is exempt even though the employee would continue to be employed by the agency if the additional duties were not performed and even though state employees of an equal job classification are not required to perform the additional duties.

(c) A professor employed by State University is given the choice of residing in university-owned campus housing free of charge or of residing elsewhere and receiving a cash allowance in addition to her regular salary. If she elects to reside in the campus housing free of charge, the value of the lodging furnished to the professor would be subject to leasehold excise tax because her residence on campus is not

required for her to perform properly the duties of her employment.

(7) Interests held by enrolled Indians. Leasehold interests held by enrolled Indians are exempt from leasehold excise tax if the lands are owned or held by any Indian or Indian tribe, and the fee ownership of the land is vested in or held in trust by the United States, unless the leasehold interests are subleased to a lessee which would not qualify under chapter 82.29A RCW, RCW 84.36.451 and 84.40.175 and the tax on the lessee is not preempted due to the balancing test (see WAC 458-20-192).

Any leasehold interest held by an enrolled Indian or a tribe, where the leasehold is located within the boundaries of an Indian reservation, on trust land, on Indian country, or is associated with the treaty fishery or some other treaty right, is not subject to leasehold excise tax. For example, if an enrolled member of the Puyallup tribe leases port land at which the member keeps his or her boat, and the boat is used in a treaty fishery, the leasehold interest is exempt from the leasehold tax. For more information on excise tax issues related to enrolled Indians, see WAC 458-20-192 (Indians—Indian ~~((reservations))~~ country).

(8) Leases on Indian lands to non-Indians. Leasehold interests held by non-Indians (not otherwise exempt from tax due to the application of the balancing test described in WAC 458-20-192) in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or subject to a restriction against alienation imposed by the United States ((that are held by a non-Indian not otherwise exempt from tax due to the application of the balancing test under WAC 458-20-192)) are exempt from leasehold excise tax if the amount of contract rent paid is greater than or equal to ninety percent of fair market rental value. In determining whether the contract rent of such lands meets the required level of ninety percent of market value, the department will use the same criteria used to establish taxable rent under RCW 82.29A.020 (2)(b) ((c)) and WAC 458-29A-200~~((c))~~.

For example, Harry leases land held in trust by the United States for the Yakima tribe for the sum of \$900 per month. The fair market value for similar lands used for similar purposes is \$975 per month. The lease is exempt from the leasehold excise tax because Harry pays at least ninety percent of the fair market value for the qualified lands. For more information on the preemption analysis and other tax issues related to Indians, see WAC 458-20-192.

(9) Annual taxable rent is less than two hundred fifty dollars. Leasehold interests for which the taxable rent is less than \$250 per year are exempt from leasehold excise tax. For the purposes of this exemption, if the same lessee has a leasehold interest in two or more contiguous parcels of property owned by the same public lessor, the taxable rent for each contiguous parcel will be combined and the combined taxable rent will determine whether the threshold established by this exemption has been met. To be considered contiguous, the parcels must be in closer proximity than merely within the boundaries of one piece of property. When determining the annual leasehold rent, the department will rely upon the actual substantive agreement between the parties. Rent pay-

able pursuant to successive leases between the same parties for the same property within a twelve-month period will be combined to determine annual rent; however, a single lease for a period of less than one year will not be projected on an annual basis.

The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(a) The yacht club rents property from the Port of Bay City for its clubhouse and moorage. It also rents a parking stall for its commodore. The parking stall is separated from the clubhouse only by a common walkway. The parking stall lease is a part of the clubhouse lease because it is contiguous to the clubhouse, separated only by a necessary walkway.

(b) Ace Flying Club rents hangars, tie downs, and ramps from the Port of Desert City. It has separate leases for several parcels. The hangars are separated from the tie down space by a row of other hangars, each of which is leased to a different party. Common ramps and roadways also separate the club's hangars from its tie-downs. The hangars, because they are adjacent to one another, create a single leasehold interest. The tie downs are a separate taxable leasehold interest because they are not contiguous with the hangars used by Ace Flying Club.

(c) Grace leases a lot from the City of Flora, from which she sells crafts at different times throughout the year. She pays \$50 per month for the lot, and has a separate lease for each season during which she sells. She has one lease from May through September, and a separate lease for the time between Thanksgiving and Christmas, which might run thirty to forty days, depending on the year. The leases will be combined for the purposes of determining the leasehold excise tax. They relate to the same piece of property, for the same activity by the same lessee, and occur within the same year.

(d) Elizabeth owns a Christmas tree farm. Every year she rents a small lot from the Port of Capital City, adjacent to its airport, to sell Christmas trees. She pays \$125 to the port to rent the lot for 6 weeks. It is the only time during the year that she rents the lot. Her lease is exempt from the leasehold excise tax, because it does not exceed \$250 per year in taxable rent.

(10) Leases for a continuous period of less than thirty days. Leasehold interests that provide use and possession of public property for a continuous period of less than thirty days are exempt from leasehold excise tax. In determining the duration of the lease, the department will rely upon the actual agreement and/or practice between the parties. If a single lessee is given successive leases or lease renewals of the same property, the arrangement is considered a continuous use and possession of the property by the same lessee. A leasehold interest does not give use and possession for a period of less than thirty days based solely on the fact that the public lessor has reserved the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(11) Month-to-month leases in residential units to be demolished or removed. Leasehold interests in properties rented for residential purposes on a month-to-month basis

pending destruction or removal for construction of a public highway or public building are exempt from the leasehold excise tax. ~~((For example))~~ Thus, if the state or other public entity has acquired private ~~((properties))~~ property for purposes of building or expanding a highway ~~((expansion))~~, or for the construction of public buildings at an airport ~~((expansion))~~, ~~((or))~~ the capitol campus ~~((expansion))~~, or some other public facility, and the public entity rents ~~((these residential units))~~ the property for residential purposes on a month-to-month basis pending ~~((their))~~ destruction or removal for construction, these leases do not create taxable leasehold interests. This exemption does not require evidence of imminent removal of the residential units; the term "pending" merely means "while awaiting." The exemption is based upon the purpose for which the public entity holds the units.

For example, State University has obtained capital development funding for the construction of new campus buildings, and has purchased a block of residential property adjacent to campus for the sole purpose of expansion. Jim leases these houses from State University pursuant to a month-to-month rental agreement and rents them to students. Construction of the new buildings is not scheduled to begin for two years. Jim is not subject to the leasehold excise tax, because State University is holding the residential properties for the sole purpose of expanding its facilities, and Jim is leasing them pending their certain, if not imminent, destruction.

(12) Public works contracts. Leasehold interests in publicly owned real or personal property held by a contractor solely for the purpose of a public improvements contract or work to be executed under the public works statutes of Washington state or the United States are exempt from leasehold excise tax. To receive this exemption, the contracting parties must be the public owner of the property and the contractor that performs the work under the public works statutes.

For example, during construction of a second deck on the Nisqually Bridge pursuant to a public works contract between the state of Washington and Tinker Construction, any leasehold interest in real or personal property created for Tinker solely for the purpose of performing the work necessary under the terms of the contract is exempt from leasehold excise tax.

(13) Correctional industries in state adult correctional facilities. Leasehold interests for the use and possession of state adult correctional facilities for the operation of correctional industries under RCW 72.09.100 are exempt from leasehold excise tax.

For example, a profit or nonprofit organization operating and managing a business within a state prison under an agreement between it and the department of corrections is exempt from leasehold excise tax for its use and possession of state property.

(14) Camp facilities for disabled persons. Leasehold interests in a camp facility are exempt from leasehold excise tax if the property is used to provide organized and supervised recreational activities for disabled persons of all ages, and for public recreational purposes, by a nonprofit organization, association, or corporation which would be exempt from

property tax under RCW 84.36.030(1) if it owned the property.

For example, a county park with camping facilities leased to a nonprofit charitable organization is exempt from leasehold excise tax if the nonprofit allows the property to be used by the general public for recreational activities throughout the year, and to be used as a camp for disabled persons for two weeks during the summer.

(15) **Public or entertainment areas of certain baseball stadiums.** Leasehold interests in public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy, located in a county with a population of over one million people, with a seating capacity of over forty thousand, and constructed on or after January 1, 1995, are exempt from leasehold excise tax.

"Public or entertainment areas" for the purposes of this exemption include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public areas, public rest rooms, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or that are used for the production of the entertainment event or other public usage, and any other personal property used for such purposes. "Public or entertainment areas" does not include locker rooms or private offices used exclusively by the lessee.

(16) **Public or entertainment areas of certain football stadiums and exhibition centers.** Leasehold interests in the public or entertainment areas of an open-air stadium suitable for national football league football and for Olympic and world cup soccer, with adjacent exhibition facilities, parking facilities, and other ancillary facilities constructed on or after January 1, 1998, are exempt from leasehold excise tax. For the purpose of this exemption, the term "public and entertainment areas" has the same meaning as set forth in subsection (15) above.

(17) **Public facilities districts.** All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW are exempt from leasehold excise tax.

(18) **State route 16 corridor transportation systems.** All leasehold interests in the state route number 16 corridor transportation systems and facilities constructed and operated under chapter 47.46 RCW are exempt from leasehold excise tax. RCW 82.29A.132.

(19) **Sales/leasebacks by regional transit authorities.** All leasehold interests in property of a regional transit authority or public corporation created under RCW 81.112.320 under an agreement under RCW 81.112.300 are exempt from leasehold excise tax. This exemption is effective July 28, 2000. RCW 82.29A.134.

(20) **Interests consisting of three thousand or more residential and recreational lots.** All leasehold interests consisting of three thousand or more residential and recreational lots that are or may be subleased for residential and recreational purposes are exempt from leasehold excise tax.

Any combination of residential and recreational lots totaling at least three thousand satisfies the requirement of this exemption. This exemption is effective January 1, 2002. RCW 82.29A.136.

WSR 02-13-107
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2002, 4:25 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-096.

Title of Rule: Invasive aquatic species rules.

Purpose: Establish rules for classification of nonnative aquatic animal species and identify infested waters.

Statutory Authority for Adoption: Chapter 281, Laws of 2002.

Statute Being Implemented: Chapter 281, Laws of 2002.

Summary: Establishes classification section for nonnative aquatic animal species, method of requesting classification, and lists infested waters.

Reasons Supporting Proposal: Reduce spread of nonnative aquatic animal species and aquatic plants.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 281, Laws of 2002, requires the department to classify nonnative aquatic animal species, and prescribes penalties for unauthorized release of such species. This rule classifies the existing deleterious exotic aquatic animals as prohibited, adding water fleas, the New Zealand mud snail, and the round goby, which are not known to occur in the state. The regulated species include the nonnative aquatic animals known to exist in the state. This is a preliminary list, and will allow for release of regulated species under department permits and rules. The rule provides the mechanism for requesting that an unclassified species be classified. A list of infested waters is provided as required by sections of the chapter.

Proposal Changes the Following Existing Rules: Moves some deleterious exotic wildlife to prohibited aquatic animal species.

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: If a person wishes to release a nonnative, nonclassified aquatic

animal species, it will be necessary to petition the commission to classify the species as either regulated or unregulated. This will require submitting the petition as an amendment to the classification rule, and will require extensive background information on the species.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: It may be necessary to consult a professional on the background of the species proposed for release.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: Unknown. The cost will be completing the petition for classification, and varies depending on the petitioner's understanding and experience with the species.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

There are no mandatory requirements to comply. To obtain the information necessary to complete the petition is on a per species basis, and cannot be estimated.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no mandatory costs. The department used the Office of Financial Management to petition to adopt, amend or repeal rules as a simple method of petitioning the commission for a release of a new aquatic animal species.

7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule: The rule is a result of chapter 281, Laws of 2002. Small businesses were involved in the passage of the bill.

8. A List of Industries That Will be Required to Comply with the Rule: Persons who wish to release nonnative, non-classified aquatic animals.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002
Evan Jacoby
Rules Coordinator

NEW SECTION

WAC 220-12-005 Request for classification of non-native aquatic animal species. Any person requesting classification of a nonnative aquatic animal species as a food fish, game fish, or shellfish must follow the procedure for request for designation prior to approval for release in WAC 232-12-016(1).

NEW SECTION

WAC 220-12-090 Classification—Nonnative aquatic animal species. (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

- (a) Amphibians:
 - Family Pipidae: African clawed frog, *Xenopus laevis*.
 - (b) Crustaceans:
 - (i) Family Cercopagidae:
 - (A) Fish hook water flea, *Cercopagis pengoi*.
 - (B) Spiny water flea, *Bythotrephes cederstroemi*.
 - (ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.
 - (iii) Family Portunidae: European green crab, *Carcinus maenas*.
 - (c) Fish:
 - (i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.
 - (ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.
 - (iii) Family Characidae: Piranha: All members of the genera *Pygocentrus*, *Rooseveltiia*, and *Serrasalmus*.
 - (iv) Family Clariidae: Walking catfish: All members of the family.
 - (v) Family Cyprinidae:
 - (A) Grass carp (in the diploid form), *Ctenopharyngodon idella*.
 - (B) Ide, silver orfe or golden orfe, *Leuciscus idus*.
 - (C) Rudd, *Scardinius erythrophthalmus*.
 - (vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.
 - (vii) Family Lepiosteidae: Gar-pikes: All members of the family.
 - (d) Molluscs:
 - (i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.
 - (ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.
- (2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:
- (a) Amphibians:
 - Family Ranidae: Bull frog, *Rana catesbeiana*.
 - (b) Crustaceans:
 - (i) All nonnative crustaceans classified as shellfish.
 - (ii) Family Malacostraca:
 - (A) Red swamp crayfish, *Procambarus clarkii*.
 - (B) Rusty crayfish, *Orconectes rusticus*.
 - (c) Fish:

PROPOSED

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oreochromis*, and *Sartheradon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Fathead minnow, *Pimephales promelas*.

(C) Goldfish, *Carassius auratus*.

(D) Tench, *Tinca tinca*.

(E) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Esocidae: Northern pike, *Esox lucius*.

(vi) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(d) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

(e) Molluscs:

(i) All nonnative molluscs classified as shellfish.

(ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.

(3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

NEW SECTION

WAC 232-12-016 Invasive aquatic species. The following provisions apply to invasive aquatic species:

(1) Request for designation of unlisted species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-12-090, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.

(b) Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other nonnative locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.

(c) Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.

(2) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the

supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(3) Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:

(a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohibited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.

(b) Specimens are not transferred to any other facility without written approval by the director or designee.

(c) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(d) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(4) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(a) The persons have completed a mandatory training program and are certified by the department;

(b) The persons have a permit authorized by the director or designee in possession;

(c) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(d) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(5) Invasive aquatic plants.

(a) The following bodies of waters are infested with invasive aquatic plants. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) Infested waters:

Adams County: Herman lake.

Chelan County: Chelan, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Caterpillar Slough, Lake River.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Franklin County: Kahlotus and Sacajawea lakes, Scootenev Reservoir.

Grant County: Babcock Ridge, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin and Warden lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Wasteway.

Grays Harbor County: Duck Lake.

Island County: Lone Lake.

Jefferson County: Leland Lake.

King County: Alice, Desire, Geneva, Killarney, Meridian, Pine, Pipe, Sawyer, Spring, Steel, and Washington lakes.

Kitsap County: Buck, Long, Mission, Square, and Wye lakes.

Kittitas County: Lavendar and Matton lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Mayfield and Plummer lakes, Swofford Pond, Chehalis River.

Mason County: Isabella, Island, Limerick, Mason and Spencer lakes.

Okanagon County: Conconully, Palmer, Pearrygin, and Whitestone lakes.

Pacific County: Black and Loomis lakes.

Pend Oreille County: Davis, Fan, Mashall, and Sacheel lakes, Pend Oreille River.

Pierce County: Bay, Clear, Harts, Kapowsin, Ohop, Spanaway, Tanwax, Tapps, and Whitman lakes.

Skagit County: Big, Campbell, Clear, Erie, McMurray, and Sixteen lakes.

Skamania County: Drano Lake.

Snohomish County: Roesiger and Shoecraft lakes.

Spokane County: Eloika, Liberty, and Silver lakes.

Stevens County: Loon and Waitts lakes.

Thurston County: Hicks, Long, and Munn lakes, Black River.

Wahkiakum County: Columbia River and Brooks Slough.

Whatcom County: Silver, Terrell and Whatcom lakes.

Whitman County: Bryan and Lower Granite lakes.

Yakima County: Myron Lake, unnamed ponds at 12N - 19E - 20, Yakima River.

(6) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) If a natural body of water is found to be infested with invasive aquatic plants, the department will withdraw aquatic farm registration for aquaculture operations in that body of

water. Private sector cultured aquatic products may be transferred to artificial water basins if the water therein is treated to eliminate infestation.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) Nets, traps, buoys, stakes, and other equipment used in aquaculture in infested waters containing prohibited aquatic animal species or invasive aquatic plants must be sterilized before use in other aquaculture.

(d) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(7) Violations of this section involving invasive aquatic animal species is punishable under RCW 77.15.____ (section 4, chapter 281, Laws of 2002).

(8) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

AMENDATORY SECTION (Amending Order 99-19, filed 3/29/99, effective 4/29/99)

WAC 232-12-017 Deleterious exotic wildlife. (1) The following animals are hereby designated as deleterious exotic wildlife:

(a) ~~(Fish~~

~~(i) In the family Clariidae, (walking catfish) all members of the family.~~

~~(ii) In the family Cyprinidae, (diploid grass carp;) *Ctenopharyngodon idella*~~

~~(iii) In the family Amiidae, (bowfin, mudfish or grinnel) *Amia calva*~~

~~(iv) In the family Characidae, the piranha (also pirameba, caribe, pira, piraya, chupita, rodoleira, palometa); all species of the genera *Serrasalmus*, *Rooseveltiella* and *Pygocentrus*~~

~~(v) In the family Cyprinidae, the rudd (*Scardinius erythrophthalmus*) and Ide (silver orfe or golden orfe (*Leuciscus idus*))~~

~~(vi) In the family Lepiosteidae, the gar pikes~~

~~(vii) In the family Channidae, the snakeheads (China fish) and all forms of the genus *Channa* (*Ophicephalus*)~~

~~(b) Amphibians~~

~~(i) In the family Pipidae, the African clawed frog (*Xenopus laevis*)~~

~~(c) Birds~~

~~((+)) In the family Anatidae, the mute swan (*Cygnus olor*)~~

~~((+)) (b) Mammals~~

~~(i) In the family Viverridae, the mongoose (all members of the genus *Herpestes*)~~

~~(ii) In the family Suidae, the wild boar (*Sus scrofa* and all wild hybrids)~~

~~(iii) In the family Tayassuidae, the collared peccary (javelina) (*Tayassu tajacu*)~~

(iv) In the family Bovidae, all members and hybrids of the following genera: *Rupicapra* (Chamois); *Hemitragus* (Tahr); *Capra* (goats, ibexes except domestic goat *Capra hircus*); *Ammotragus* (Barbary sheep or Aoudad); *Ovis* (sheep), except domestic sheep *Ovis aries*; *Damaliscus* (Sassabies); *Alcelaphus buselaphus* (Hartebeest); *Connochaetes* (Wildebeests).

(v) In the family Cervidae, the European red deer (*Cervus elaphus elaphus*), all nonnative subspecies of *Cervus elaphus*, and all hybrids with North American elk; Fallow deer (*Dama dama*), Axis deer (*Axix axis*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*), Sika deer (*Cervus nippon*), Reindeer (all members of the Genus *Rangifer* except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*).

(2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under (3), (4), (5), (6), or (7) below and as provided in WAC 232-12-01701.

(3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities with written director approval or as otherwise authorized in writing by the director,

(c) The specimens will be euthanized and all parts incinerated at the end of the project, except federally listed endangered or threatened species may be retained or transferred where in compliance with federal law,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with other requirements of this section.

(4) Retention or disposal of existing specimens lawfully in captivity:

(a) Specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity which were classified by the wildlife commission as deleterious exotic wildlife on or before January 18, 1991 may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to January 18, 1991 provided such person complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section:

(b) Specimens lawfully in captivity prior to June 20, 1992: A person holding the following deleterious exotic wildlife specimens in captivity which were classified by the wildlife commission as deleterious exotic wildlife by operation of emergency rule filed June 19, 1992 (in the family Bovidae, Sassabies (all member of the Genus *Damaliscus*), Hartebeest (*Alcelaphus buselaphus*), Wildebeests (all members of the Genus *Connochaetes*), Markhor (*Capra falconeri*), and Marcopolo sheep (*Ovis ammon*); in the family Cervidae, Fallow deer (*Dama dama*), Axis deer (*Axis axis*), Sika deer

(*Cervus nippon*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to June 20, 1992, and the lawful progeny thereof provided such person complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section and except as provided under subsection (7).

(c) The person reported to the director in writing the species, number and location of the specimens as required.

(d) The specimens are confined to a secure facility at the location reported,

(e) Live specimens are not propagated, except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director,

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AAZPA accredited facilities with the written permission of the director,

(g) Live specimens are not released,

(h) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements are satisfied and the total number of locations where animals are held is not increased.

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(5) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding exotic wildlife specimens in captivity which are newly classified by the Wildlife Commission as deleterious exotic wildlife by operation of this rule (Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The person complies with subsections (4)(d) through (4)(h) herein and the other requirements of this section.

(6) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(7) Notwithstanding the provisions of subsection (2), Fallow deer (*Dama dama*) and reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) may be

imported into the state, held, possessed, propagated, offered for sale, sold, and/or transferred provided:

(a) The person complies with subsection (4)(c) through (4)(g) hereunder and the other requirements of this section, except for subsections (4)(e), (4)(f), and (4)(h), and

(b) The person complies with department of agriculture WAC 16-54-035 as now or hereafter amended except:

(i) Animals which have resided at any time east of a line drawn through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the 100th Meridian where it passes through Texas or have had contact with or shared common ground with animals which have resided at any time east of such line shall not be imported into the state of Washington, unless specifically authorized in writing by the directors of the department of agriculture and the department of wildlife.

(c) No specimens affected with any infectious or communicable disease shall be imported into the state unless in compliance with all applicable laws and regulations and unless written permission is obtained from the directors of the department of agriculture and the department of wildlife.

(d) The specimens are confined to a secure facility.

(e) Reindeer may not be imported into, held, or possessed in Ferry, Stevens, or Pend Oreille counties or that portion of Spokane County north of Spokane River.

(8) Escaped animals

(a) Escaped deleterious exotic wildlife, including Fallow deer (*Dama dama*), and Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of deleterious exotic wildlife must be reported immediately to the department.

(c) The recapture or death of escaped deleterious exotic wildlife must be reported immediately to the department.

(9) Secure facility

(a) All deleterious exotic wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of deleterious exotic wildlife specimens or ingress of resident wildlife ungulates (hoofed animals). The adequacy of the facility shall be determined by the director or agents of the director.

(b) For deleterious exotic wildlife listed in subsections (1)(d)(iv) and (1)(d)(v), the "secure facility" must comply with the fencing requirements in subsection (10) unless otherwise authorized by the director in writing.

(10) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and deleterious exotic wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

(i) If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of deleterious exotic wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent deleterious exotic wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing deleterious exotic wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(11) Marking requirements

(a) All live specimens of deleterious exotic wildlife except those listed in subsections (1)(a) and (1)(b), shall be permanently and individually identified by methods approved by the director,

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) All specimens of deleterious exotic wildlife identified in subsections (1)(d)(iv) and (1)(d)(v) must be individually identified by the methods specified below.

(i) All live specimens of such deleterious exotic wildlife shall be marked with USDA Official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such deleterious exotic wildlife shall be marked with a tattoo with an identifying number that

has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(d) All lawful progeny of deleterious exotic wildlife must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(e) Where allowed, if an animal is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(f) Where allowed, live specimens of deleterious exotic wildlife shall be marked prior to importation.

(g) No unmarked deleterious exotic wildlife may be sold or otherwise transferred from the holding facility.

(12) Testing of specimens

(a) Where allowed, prior to entry into the state of Washington, a person importing any member of the Genus Cervus which is identified in subsection (1)(v) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) The director may require a person currently possessing any member of the Genus Cervus which are identified in subsection (1)(v) herein to submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington), for each individual cervid to the department. Such testing shall be at the possessor's expense. The director may require that any animal identified a red deer or having nonindigenous genetic influence be destroyed, removed from the state, or neutered.

(c) The director may require that all specimens of deleterious exotic wildlife lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningial worm (*Paraphostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended and/or for other disease or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(13) Reporting

(a) A person holding deleterious exotic wildlife in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing deleterious exotic wildlife must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(14) Inspection

(a) All holding facilities for deleterious exotic wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

(15) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that deleterious exotic wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that deleterious exotic wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of animals, quarantine, or disinfection is required at any facility holding deleterious exotic wildlife pursuant to this rule. If the director determines that destruction, quarantine, or disinfection is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(16) Quarantine area

(a) Any facility holding deleterious exotic wildlife must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

(17) Seizure

(a) The department of wildlife may seize any unlawfully possessed deleterious exotic wildlife.

(b) The cost of any seizure and/or holding of deleterious exotic wildlife may be charged to the possessor of such animals.

WSR 02-13-108
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 18, 2002, 4:28 p.m.]

Original Notice.

PROPOSED

Preproposal statement of inquiry was filed as WSR 02-10-027.

Title of Rule: Commercial fishing rules.

Purpose: Amend dogfish set net and set line seasons.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Closes dogfish fishery during summer pupping season.

Reasons Supporting Proposal: Protection of dogfish shark.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Dogfish shark stocks in Puget Sound are in decline and additional protection is warranted. This rule closes the fishery during the summer pupping season, when the shark give birth. Eliminating the fishery during this period should add recruitment.

Proposal Changes the Following Existing Rules: Changes dogfish set net and bottom fish set line seasons in Puget Sound.

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: None.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: None.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? This rule closes the Puget Sound dogfish shark fishery during the summer pupping season. This is a low effort period. Since the dogfish quota is not changed by this rule, it is not anticipated that a loss of revenue will occur on a yearly basis.

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:

- Cost per employee;
- Cost per hour of labor; or
- Cost per one hundred dollars of sales.

There are no compliance costs.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no costs.

7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule: Industry has been consulted in the drafting of this rule.

8. A List of Industries That Will Be Required to Comply with the Rule: Puget Sound dogfish fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 91-39, filed 6/14/91, effective 7/15/91)

WAC 220-48-029 Set net—Dogfish—Seasons. (1) It is (~~lawful~~) unlawful to take, fish for and possess dogfish and other species of bottomfish (~~(, except halibut, salmon and shellfish,)~~) taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

((1)) (a) Areas 20A and 20B - November 1 through June 15.

((2)) (b) Area 21A - March 1 through June 15.

((3)) (c) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.

((4)) (d) Areas 23C and 23D - ((Open all year)) September 16 through June 15.

((5)) (e) Areas 24A, 24B, and 24D - ((Open all year)) September 16 through June 15.

((6)) (f) Area 24C - ((Open all year)) September 16 through June 15, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.

((7)) (g) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - ((Open all year)) September 16 through June 15.

((8)) (h) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

((9)) (i) Area 25E - Closed all year ((except by permit issued by the director)).

((10)) (j) Area 26A - ((Open all year)) September 16 through June 15, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

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~~((11))~~ (k) Area 26B - ~~((Open all year))~~ September 16 through June 15, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

~~((12))~~ (l) Area 26C - Open April 16 through June 15 and September 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

~~((13))~~ (m) Area 26D - ~~((Open all year))~~ September 16 through June 15, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

~~((14))~~ (n) Areas 27A, 27B, and 27C - ~~((Open all year))~~ September 16 through June 15.

~~((15))~~ (o) Area 28A - ~~((Open all year))~~ September 16 through June 15, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

~~((16))~~ (p) Areas 28B, 28C, and 28D - ~~((Open all year))~~ September 16 through June 15, except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

~~((17))~~ (q) Area 29 - ~~((Open all year))~~ September 16 through June 15.

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

AMENDATORY SECTION (Amending WSR 98-05-043, filed 2/11/98, effective 3/14/98)

WAC 220-48-032 Set line—Seasons. (1) Set line fishing for dogfish and other bottomfish is open in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas year round except as provided in this section.

(2) It is ~~((lawful))~~ unlawful to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) All Marine Fish-Shellfish Management and Catch Reporting Areas ~~((the entire year except as follows:~~

~~((1))~~ June 16 through September 15.

(b) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

~~((2))~~ (c) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

~~((3))~~ (d) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

~~((4))~~ (e) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

~~((5))~~ (3) Incidental catch: It is unlawful to retain any shellfish and any fish other than bottomfish, and the cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

WSR 02-13-111
PROPOSED RULES
GAMBLING COMMISSION

[Filed June 19, 2002, 8:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-007.

Title of Rule: Bingo legislation: Amending WAC 230-04-202 Fees—Bona fide charitable/nonprofit organizations, 230-04-203 Fees—Commercial stimulant and other business organization, 230-12-090 Problem gambling informational sign must be posted, 230-20-104 Cash register method of receipting bingo income, 230-20-170 Bingo operation time and use of premises limitations, 230-50-010 Adjudicative proceedings—Hearings, 230-20-070 Regulation of managers, operators, and other employees—Charitable or nonprofit organizations; new sections WAC 230-20-002 Shared facilities for bingo licensees—Separate management and 230-20-005 Shared management and facilities for bingo licensees—Shared allocation or revenues and expenses; and repealing WAC 230-04-315 Change of schedule.

Purpose: To implement legislation, EHB 2918, adopted in the 2002 legislative session.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: The law becomes effective June 13, 2002, and was amended to:

(1) Allow bingo licensees to operate bingo games seven days a week. Previously, bingo could only be operated up to three days a week.

(2) Allow bingo halls to share a facility and operate up to seven days a week in such facility. Previously, the building in which bingo was operated could only be used for bingo games up to three days a week; and

(3) Require bingo licensees, which operate in a facility that offers bingo more than three days a week, to include language in all promotions and advertising warning patrons that gambling can result in emotional and financial harm.

Reasons Supporting Proposal: See Purpose and Summary above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

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

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, (360) 289-4600, on August 9, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by July 26, 2002, TDD (360) 486-3637, or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by July 26, 2002.

Date of Intended Adoption: August 9, 2002.

June 18, 2002

Susan Arland

Rules Coordinator

NEW SECTION

WAC 230-20-002 Shared facilities for bingo licensees—Separate management. Charitable and nonprofit bingo licensees shall enter into a written agreement prior to sharing a facility to conduct bingo games. Bingo licensees in shared facilities shall meet the following requirements prior to operating in a shared facility.

Notification to the director - written agreement.

(1) A written notification to share facilities must be made to the director at least thirty days prior to operating bingo in a shared facility. The notification must include, at a minimum, the following information:

- (a) Name of all organizations sharing the facility;
- (b) Names and signatures of the highest ranking officer for each organization involved;
- (c) Copies of any written agreements between organizations; and
- (d) The method by which expenses will be shared.

Requirements.

(2) Each bingo licensee sharing a facility shall maintain management over its own bingo games.

(3) Each licensee will be solely responsible for its individual records, inventory, management, equipment, and operation of the gambling activity for which they hold a license.

(4) Each licensee must complete a separate quarterly activity report according to the gambling receipts and expenses it is responsible for under the terms of the written agreement between the licensees.

(5) Each licensee's head office or principal location defined in RCW 9.46.0205 must be located in the same county where the bingo game will be operated.

AMENDATORY SECTION (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations. Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES		
	(Fee based on annual gross gambling receipts)	
* Class A	Premises only	\$ 53
Class B	Up to \$ 10,000	\$ 53
Class C	Up to \$ 25,000	\$ 285
Class D	Up to \$ 50,000	\$ 457
Class E	Over \$ 50,000	\$ 797
*	Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.	

2. BINGO GROUP		(Fee based on annual gross gambling receipts)		VARIANCE *
Class A	Up to \$ 15,000	\$ 1,000		\$ 53
Class B	Up to \$ 50,000	\$ 1,000		\$ 166
Class C	Up to \$ 100,000	\$ 2,000		\$ 339
Class D	Up to \$ 250,000	\$ 4,000		\$ 915
Class E	Up to \$ 500,000	\$ 8,000		\$ 1,541
Class F	Up to \$ 1,000,000	\$ 15,000		\$ 3,095
Class G	Up to \$ 1,500,000	\$ 23,000		\$ 4,467
Class H	Up to \$ 2,000,000	\$ 30,000		\$ 5,967
Class I	Up to \$ 2,500,000	\$ 38,000		\$ 7,455
Class J	Up to \$ 3,000,000	\$ 45,000		\$ 8,945
Class K	Up to \$ 3,500,000	\$ 53,000		\$ 10,034
Class L	Up to \$ 4,000,000	\$ 60,000		\$ 11,470
((Class M and above	Over \$ 4,000,000		Net applicable	12,906))
Class M	Up to \$ 4,500,000	\$ 65,000		\$ 12,906
Class N	Up to \$ 5,000,000	\$ 70,000		\$ 14,500
Class O	Up to \$ 5,500,000	\$ 75,000		\$ 16,000
Class P	Up to \$ 6,000,000	\$ 80,000		\$ 17,500
Class Q	Up to \$ 7,000,000	\$ 85,000		\$ 21,000
Class R	Up to \$ 8,000,000	\$ 90,000		\$ 24,000
Class S	Up to \$ 9,000,000	\$ 95,000		\$ 27,000
Class T	Up to \$ 10,000,000	\$ 100,000		\$ 30,000
Class U	Up to \$ 11,000,000	\$ 105,000		\$ 33,000
Class V	Up to \$ 12,000,000	\$ 110,000		\$ 36,000
Class W	Up to \$ 14,000,000	\$ 115,000		\$ 42,000
Class X	Over \$ 14,000,000	\$ 120,000		\$ 48,000

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

3. CARD GAMES		
Class A	General (Fee to play charged)	\$ 571
Class B	Limited card games - hearts, rummy, pitch, pinocle, and cribbage (Fee to play charged)	\$ 166

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Class C	Tournament only - no more than ten consecutive days per tournament	\$ 53
Class D	General (No fee to play charged)	\$ 53
4. FUND-RAISING EVENT		
Class A	One event - not more than 24 consecutive hours First time applicant *Previously licensed applicant	\$ 339 \$ 200
Class B	One event - not more than 72 consecutive hours First time applicant *Previously licensed applicant	\$ 571 \$ 350
Class C	Additional participant in joint event (not lead organization)	\$ 166
Class D	Limited fund-raising event (one event - not more than six consecutive hours) First time applicant **Previously licensed applicant	\$ 150 \$ 100
Class E	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year***	\$ 226
Class F	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$ 571

* Provides for a reduced fee when charitable and nonprofit organizations apply for an additional Class A or Class B fund-raising event.
 ** Provides for a fee reduction when charitable and nonprofit organizations apply for an additional Class D limited fund-raising event.
 *** Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCH BOARDS/PULL-TABS				
(Fee based on annual gross gambling receipts)				
			VARIANCE*	
Class A	Up to \$ 50,000	\$ 5,000	\$ 544	
Class B	Up to \$ 100,000	\$ 5,000	\$ 971	
Class C	Up to \$ 200,000	\$ 10,000	\$ 1,832	
Class D	Up to \$ 300,000	\$ 10,000	\$ 2,663	
Class E	Up to \$ 400,000	\$ 10,000	\$ 3,440	
Class F	Up to \$ 500,000	\$ 10,000	\$ 4,153	
Class G	Up to \$ 600,000	\$ 10,000	\$ 4,812	
Class H	Up to \$ 700,000	\$ 10,000	\$ 5,416	
Class I	Up to \$ 800,000	\$ 10,000	\$ 5,967	

5. PUNCH BOARDS/PULL-TABS				
(Fee based on annual gross gambling receipts)				
			VARIANCE*	
Class J	Up to \$ 1,000,000	\$ 20,000	\$ 6,765	
Class K	Up to \$ 1,250,000	\$ 25,000	\$ 7,509	
Class L	Up to \$ 1,500,000	\$ 25,000	\$ 8,201	
Class M	Up to \$ 1,750,000	\$ 25,000	\$ 8,771	
Class N	Up to \$ 2,000,000	\$ 25,000	\$ 9,290	
(Class O)	Over \$ 2,000,000	Non-applicable	\$ 10,208	
Class O	Up to \$ 2,500,000	\$ 30,000	\$ 10,208	
Class P	Up to \$ 3,000,000	\$ 35,000	\$ 11,200	
Class Q	Up to \$ 4,000,000	\$ 40,000	\$ 13,200	
Class R	Up to \$ 5,000,000	\$ 50,000	\$ 15,000	
Class S	Up to \$ 6,000,000	\$ 60,000	\$ 17,000	
Class T	Up to \$ 7,000,000	\$ 70,000	\$ 19,000	
Class U	Up to \$ 8,000,000	\$ 80,000	\$ 21,000	
Class V	Over \$ 8,000,000	\$ 80,000	\$ 23,000	

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES		
(Fee based on annual gross gambling receipts)		
Class A	Up to \$ 5,000	\$ 53
Class B	Up to \$ 10,000	\$ 166
Class C	Up to \$ 25,000	\$ 339
Class D	Up to \$ 50,000	\$ 571
Class E	Up to \$ 75,000	\$ 915
Class F	Over \$ 75,000	\$ 1,370

7. COMBINATION LICENSE		
CLASS A	Allows gross gambling receipts of up to \$ 25,000 from bingo, \$ 7,500 from raffles, and \$ 7,500 from amusement games, not to exceed \$ 30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 103
CLASS B	Allows gross gambling receipts of up to \$ 60,000 from bingo, \$ 15,000 from raffles, and \$ 15,000 from amusement games, not to exceed \$ 75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 268
CLASS C	Allows gross gambling receipts of up to \$ 125,000 from bingo, \$ 30,000 from raffles, and \$ 30,000 from amusement games, not to exceed \$ 150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$ 619

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$ 26
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9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$ 26
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$ 53

10. CHANGES

NAME	(See WAC 230-04-310)	\$ 26
LOCATION	(See WAC 230-04-320) (Date or time)	\$ 26
FRE	(See WAC 230-04-325)	\$ 26
LICENSE CLASS	(See WAC 230-04-260)	\$ 26
DUPLICATE LICENSE	(See WAC 230-04-290)	\$ 26

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-08-017)	\$ 26
EXCEEDING LICENSE CLASS REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required

12. SIX-MONTH PAYMENT

PLAN	(See WAC 230-04-190)	\$ 26
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AMENDATORY SECTION (Amending WSR 01-23-056, filed 11/20/01, effective 1/1/02)

WAC 230-04-203 Fees—Commercial stimulant and other business organizations. All persons seeking to operate gambling activities shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	SEE
1. CARD GAMES		
Class B	Up to five tables of limited card games - hearts, rummy, pitch, pinochle, and/or cribbage (Fee to play charged)	\$ 170
Class C	Tournament only, no more than ten consecutive days per tournament.	
C-5	Up to five tables	\$ 170
C-10	Up to ten tables	\$ 308
C-15	Up to fifteen tables	\$ 513
Class D	General - Up to five tables (No fee to play charged)	\$ 54
Class E	*General (Fee to play charged)	
E-1	One table only	\$ 409
E-2	Up to two tables	\$ 704
E-3	Up to three tables	\$ 1,172

LICENSE TYPE	DEFINITION	SEE
E-4	Up to four tables	\$ 2,350
E-5	Up to five tables	\$ 3,534
Additional tables up to a maximum of fifteen may be authorized for an additional per table fee of \$ 1,027.		
*In addition to the above initial license fee, the commission will assess all applicants/licensees the actual costs that exceed the license fee for conducting the initial investigation and inspection, any follow-up reviews or investigations involved in the approval of activities and schemes.		
Class F	Enhanced card room activities endorsement - Includes alternative fee collections (per hand; pot rake) and use of player-supported jackpot schemes.	
	Annual license fee	\$ 1,540

2. CARD GAMES - HOUSE-BANKED

All tables within a card room operating any house-banked card game shall be licensed under this license class.		
	*Annual license fee	\$ 6,166
	Per table fee (up to fifteen tables)	\$ 1,540

*The commission will assess all applicants the actual costs for conducting the initial license investigation and premises inspection. Any post licensing follow-up reviews, inspections, internal control evaluations or subsequent phases of operation shall also be charged actual costs. Licensees will be evaluated and charged for these additional authorizations/phases on an individual case by case basis.

3. COMMERCIAL AMUSEMENT GAMES (Fee based on annual gross gambling receipts)

* Class A	Premises only	** \$ 292/\$ 133
Class B	Up to \$ 50,000	\$ 409
Class C	Up to \$ 100,000	\$ 1,052
Class D	Up to \$ 250,000	\$ 2,350
Class E	Up to \$ 500,000	\$ 4,122
Class F	Up to \$ 1,000,000	\$ 7,074
Class G	Over \$ 1,000,000	\$ 8,850

* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

** Provides for a fee reduction of \$ 159 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

4. PUNCH BOARDS/ PULL-TABS (Fee based on annual gross gambling receipts)

			VARIANCE*
Class A	Up to \$ 50,000	\$5,000	\$ 559
Class B	Up to \$ 100,000	\$5,000	\$ 998
Class C	Up to \$ 200,000	\$10,000	\$ 1,882
Class D	Up to \$ 300,000	\$10,000	\$ 2,736
Class E	Up to \$ 400,000	\$10,000	\$ 3,534
Class F	Up to \$ 500,000	\$10,000	\$ 4,268
Class G	Up to \$ 600,000	\$10,000	\$ 4,946
Class H	Up to \$ 700,000	\$10,000	\$ 5,566
Class I	Up to \$ 800,000	\$10,000	\$ 6,132
Class J	Up to \$ 1,000,000	\$20,000	\$ 6,952
Class K	Up to \$ 1,250,000	\$25,000	\$ 7,718
Class L	Up to \$ 1,500,000	\$25,000	\$ 8,428

PROPOSED

PROPOSED

LICENSE TYPE	DEFINITION	FEE
Class M	Up to \$ 1,750,000	\$25,000 \$ 9,014
Class N	Up to \$ 2,000,000	\$25,000 \$ 9,548
Class O	Over \$ 2,000,000	Nonapplicable (\$10,492)
Class O	Up to \$ 2,500,000	\$30,000 \$10,208
Class P	Up to \$ 3,000,000	\$35,000 \$11,200
Class Q	Up to \$ 4,000,000	\$40,000 \$13,200
Class R	Up to \$ 5,000,000	\$50,000 \$15,000
Class S	Up to \$ 6,000,000	\$60,000 \$17,000
Class T	Up to \$ 7,000,000	\$70,000 \$19,000
Class U	Up to \$ 8,000,000	\$80,000 \$21,000
Class V	Over \$ 8,000,000	\$80,000 \$23,000

* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: Provided, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

5. PUNCH BOARD AND PULL-TAB SERVICE BUSINESS

(See WAC 230-04-133) *Initial application fee	\$ 211
Additional associate	\$ 132
Renewal	\$ 52

*Includes up to two associates.

6. DISTRIBUTOR (Fee based on annual gross sales of gambling related supplies and equipment)

(a) Class A Nonpunch board/pull-tab only	\$ 586
Class B Up to \$ 250,000	\$ 1,172
Class C Up to \$ 500,000	\$ 1,762
Class D Up to \$ 1,000,000	\$ 2,350
Class E Up to \$ 2,500,000	\$ 3,060
Class F Over \$ 2,500,000	\$ 3,768

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR

Class A Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	\$ 232
Class B Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	\$ 586

7. GAMBLING SERVICE SUPPLIER

(See WAC 230-04-119) \$ 610

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

An annual fee of \$ 129 shall be charged for each new contract initiated by the gambling service supplier.

8. LINKED BINGO PRIZE PROVIDER

(See WAC 230-04-126) \$ 3,920

9. MANUFACTURER (Fee based on annual gross sales of gambling related supplies and equipment)

Class A Pull-tab dispensing devices only	\$ 586
Class B Up to \$ 250,000	\$ 1,172

LICENSE TYPE	DEFINITION	FEE
Class C	Up to \$ 500,000	\$ 1,762
Class D	Up to \$ 1,000,000	\$ 2,350
Class E	Up to \$ 2,500,000	\$ 3,060
Class F	Over \$ 2,500,000	\$ 3,768

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, compliance suitability evaluations, and renewal of licenses when travel cost is incurred to complete the investigation.

10. PERMITS

AGRICULTURAL FAIR/SPECIAL PROPERTY BINGO	
Class A	One location and event only (See WAC 230-04-191) \$ 26
Class B	Annual permit for specified different events and locations (See WAC 230-04-193) \$ 170
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-02-505 and 230-25-330) \$ 54
MANUFACTURER'S SPECIAL SALES PERMIT	(See WAC 230-04-115) *\$ 205

*The two hundred five dollar fee is nonrefundable, whether the sales permit is approved or not. In addition, an applicant may be assessed additional fees incurred to process and determine suitability.

11. CHANGES

NAME	(See WAC 230-04-310) \$ 26
LOCATION	(See WAC 230-04-320) \$ 26
BUSINESS	(Same owners) \$ 54
CLASSIFICATION	(See WAC 230-04-340)
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus \$ 26
DUPLICATE LICENSE	(See WAC 230-04-290) \$ 26
CORPORATE STOCK/LIMITED LIABILITY COMPANY SHARES/UNITS	(See WAC 230-04-360) \$ 54
LICENSE TRANSFERS	(See WAC 230-04-125 and 230-04-340) \$ 54

12. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-08-017)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-017)	\$ 26
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required

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LICENSE TYPE	DEFINITION	FEE
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required
ELECTRONIC CARD FACSIMILE TABLE IDENTIFICATION	(See WAC 230-08-017)	*\$ 350
STAMP	*Annually, for each separate table	
<hr/>		
13. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$ 26

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-04-315 Change of schedule.

AMENDATORY SECTION (Amending WSR 94-23-007, filed 11/3/94, effective 1/1/95)

WAC 230-12-090 Problem gambling (~~informational sign must be posted~~) and caution disclosure—Advertisements and posting signs. The legislature recognizes that some individuals in Washington state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the lottery commission, horse racing commission and gambling commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. RCW 9.46.071 requires that the lottery commission, horse racing commission and gambling commission shall jointly develop informational signs concerning problem and compulsive gambling, and the signs shall be placed in establishments of gambling licensees, horse racing licensees and lottery retailers.

Posting information signs.

~~((All gambling commission licensees shall prominently post the problem gambling informational signs at each entrance and exit of their establishments. The))~~ (1) Informational signs will be provided to the licensee by the gambling commission and will contain the toll-free hotline number for the Washington state council on problem gambling. All gambling commission licensees shall prominently post the problem gambling informational signs at each entrance and exit of their establishments. Brochures to patrons containing the toll-free hotline number meet the posting requirement and will be supplied by the gambling commission. ~~(= Provided, That licensees may develop signs in compliance with this rule and the provision of RCW 9.46.071, but the signs must be reviewed and approved by the gambling commission.~~

~~If a licensee fails to prominently post the problem gambling informational signs in their establishments, they may be subject to a suspension of two days for the first violation, seven days for the second violation and fourteen days for each violation noted thereafter).~~

Advertisements.

(2) All bingo licensees who operate in a premises where bingo is conducted on more than three occasions per week shall conspicuously include the following statement in any advertising or promotion of gambling activities conducted by the licensee:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

AMENDATORY SECTION (Amending Order 293, filed 6/18/96, effective 7/19/96)

WAC 230-20-104 Cash register method of receipting bingo income. A cash register receipt may be used to document receipt of bingo income as long as the following requirements and standards are met:

Standards.

(1) Cash registers used must perform the following functions or meet the following standards:

(a) Have sufficient keys to record separately each type of sale as required by WAC 230-08-080;

(b) Store and compute a total for each type of sale recorded and must be capable of providing such upon request;

(c) The memory unit of electronic cash registers must retain all transactions recorded during a session, regardless of whether or not its power source is interrupted;

(d) Record all transactions, customer receipt numbers, and control totals on the internal tape retained in the cash register. The internal tape, showing these transactions, shall be retained with the daily records of the licensee for a period of not less than three years; and

(e) The cash register must assign and imprint on the customer receipt and internal tape a minimum four-digit consecutive number for every sales transaction processed. This numbering system must be of a type that can only be reset by service personnel and does not return to zero at the conclusion of any period of use or power interruption: Provided, That a cash register not meeting the requirements of this subsection but having adequate alternative control features may be used if written commission approval is received before use; and

(f) Cash registers used to record receipts for Class D and above licensees shall also imprint a minimum three-digit consecutive number on the customer receipt and internal tape to notate each time transactions are totaled or when a set of transactions are totaled and closed: Provided, That a cash register not meeting the requirements of this subsection but having adequate alternative control features may be used if written commission approval is received before use;

Customers receipts.

(2) The customer receipt must be imprinted with the following information:

(a) The name of the licensee operating the activity;

(b) The date;

- (c) The amount of money paid for the opportunity to play each type of game;
- (d) The total amount of money paid; and
- (e) The consecutive customer receipt number;

Retention.

- (3) All cash register receipts for voids, overrings, returns, "no sales" and any other receipts not issued to a player must be retained with the daily bingo records;
- (4) The internal cash register tapes from all uses other than bingo income receipting shall be retained by the licensee for not less than three years and be available for commission staff review upon request.

Shared bingo facilities.

- (5) A cash register may be used by multiple bingo licensees sharing a facility when the following information is recorded on a cash register use log:
 - (a) Name of the organization using the register;
 - (b) Name and signature of the cashier at the end of use;
 - (c) Beginning and ending transaction numbers;
 - (d) Date; and
 - (e) Beginning and ending time.

AMENDATORY SECTION (Amending WSR 95-23-091, filed 11/20/95, effective 1/1/96)

WAC 230-20-170 (~~(Bingo operation time and use of premises limitations.))~~ Hours for bingo games. Bona fide charitable or nonprofit organizations, except when operating at an authorized agricultural fair or under RCW 9.46.0321, shall abide by the following restrictions when operating bingo games:

- ~~((1) Use of premises limitations: Charitable or nonprofit organizations shall not:~~
 - ~~(a) Conduct or allow its premises to be used for conducting bingo on more than three occasions per week; or~~
 - ~~(b) Conduct bingo in any location used by any other organization to conduct bingo which results in bingo games being conducted on more than three occasions per week at the same location.~~
- ~~(2) Time limitations:~~
 - ~~(a) A bingo occasion may include as many bingo sessions a licensee desires, but shall not last more than eighteen consecutive hours.~~
 - ~~(b) A bingo occasion shall not begin or end between the hours of 2:00 a.m. and 6:00 a.m.: Provided, That the director may allow an occasion to end up to 4:00 a.m. as long as the following conditions remain in effect:~~
 - ~~(i) Local law enforcement agency with jurisdiction concurs; and~~

~~(ii) If applicable, other state agencies involved in regulating the charitable or nonprofit organization's activities, including, but not limited to, the liquor control board, do not object.))~~ (1) Licensees shall not allow the use of their premises for bingo games between the hours of 2:00 a.m. and 6:00 a.m.: Provided, That the director may allow closing hours to be adjusted beyond 2:00 a.m. as long as the following conditions are met:

- (a) The director shall consult with the local law enforcement agency which has jurisdiction;
- (b) The director shall consult with other state agencies involved in regulation of the business;
- (c) A licensee must observe a four-hour period of closure at the end of each business day before beginning the next period of operation;
- (d) At all times during the hours of bingo operation, a bingo manager must be on duty and in the licensed bingo area; and
- (e) The licensee complies with any other terms and conditions imposed by the director.

(2) The director may deny the request for extended hours or revoke hours already approved if the local law enforcement agency or a state agency objects or if the director determines that the licensee has violated any provisions of chapter 9.46 RCW, any other commission rule, or any of the terms set forth in subsection (1) of this section. All objections to changing a licensee's operating hours or requests to revoke an approved operating schedule must be submitted in writing.

(3) The commission shall afford a licensee an opportunity for a brief adjudicative proceeding prior to denying or revoking the licensee's authorization for extended bingo hours of operation. The brief adjudicative proceeding shall be heard by an administrative law judge, under the provisions set forth in WAC 230-50-010(6), and RCW 34.05.482 through 34.05.494.

AMENDATORY SECTION (Amending Order 397, filed 2/9/01, effective 4/1/01)

WAC 230-50-010 Adjudicative proceedings—Hearings. (1) Adjudicative proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicative proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicative proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull-tab dispensing device under WAC 230-30-095 an opportunity for an adjudicative proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicative proceeding unless an application for an adjudicative proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile thereof, and must be received within 20 days following service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicative proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicative proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicative proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicative proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

- (a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;
- (b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);
- (c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);
- (d) Hearings held pursuant to WAC 230-04-190 (10)(c) (two part payment plan: Failure to make second payment);
- (e) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed;
- (f) Denial of an application to operate at a higher bingo license class when the licensee has been restricted by WAC 230-20-062;
- (g) Hearings held pursuant to WAC 230-20-059 (failure for charitable or nonprofit organizations to contribute required funds to their stated purpose or maintain a positive adjusted cash flow);
- (h) Hearings held pursuant to WAC 230-08-255 (failure for charitable or nonprofit organizations to make significant progress);
- (i) Denial or revocation of extended card room hours pursuant to WAC 230-40-400;
- (j) Denial or revocation of extended bingo hours of operation pursuant to WAC 230-20-170;
- (k) Denial of request for Phase II pursuant to WAC 230-40-810;
- ~~((*)~~) (l) Repeal of an approved card game pursuant to WAC 230-40-010; or
- ~~((#))~~ (m) Where the parties have stipulated to the use of brief adjudicative proceedings.

NEW SECTION

WAC 230-20-005 Shared management and facilities for bingo licensees—Shared allocation of revenues and expenses. Charitable and nonprofit bingo licensees may enter into a written agreement to share a facility and the management of bingo games. No more than three bingo licensees shall share a facility. Bingo licensees operating under shared management and facilities shall meet the following requirements prior to operating:

Notification to the director - written agreement.

(1) A written notification to share facilities must be made to the director, at least thirty days prior to operating in a

shared facility. The notification must include, at a minimum, the following information:

- (a) The name of the lead organization and lead manager;
- (b) Name of all organizations sharing the facility;
- (c) Names and signatures of the highest ranking officer for each organization involved;
- (d) Copies of any written agreements between organizations; and
- (e) The method by which the gross gambling receipts, net income, expenses and prizes will be apportioned among the licensees conducting bingo.

Management.

(2) All managers of the bingo operation must be a bona fide member or employee of at least one of the participating organizations.

(3) Nonprofit gambling managers shall not participate in the operation of bingo games at more than one bingo facility.

Accounting.

(4) Records must be maintained by the lead organization, which clearly disclose the amount of money received and expended by the bingo operation. Records of expenses shall disclose for what purpose the money was spent.

(5) Each licensee must complete a separate quarterly activity report according to the percentage of gambling receipts and expenses it is responsible for under the terms of the written agreement contract between the licensees.

(6) Each licensee's head office or principal location defined in RCW 9.46.0205 must be located in the same county where the bingo game will be operated.

(7) A separate bank account must be established and maintained by the lead organization which will be used to deposit all proceeds from the bingo operation and pay all of the expenses in connection with the bingo operation, including, but not limited to, all payments of prizes.

(8) Each licensee is responsible to keep records of gambling proceeds received from the bingo operation and the use of those proceeds towards the stated purpose of the organization.

AMENDATORY SECTION (Amending WSR 97-11-020, filed 5/13/97, effective 7/1/97)

WAC 230-20-070 Regulation of managers, operators, and other employees—Charitable or nonprofit organizations. Charitable or nonprofit organizations shall closely supervise all persons involved in the conduct of all gambling activities operated to ensure all rules of the commission are followed. The following restrictions apply to managers, operators, and other employees:

~~((What restrictions apply to persons involved in the operation of amusement games and raffles?))~~ **Amusement games and raffles.**

(1) **Amusement games and raffles.** No person other than a bona fide member of a qualified charitable or nonprofit organization shall take any part in the management or operation of, including the furnishing of equipment for amusement

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games, or work as an employee upon, amusement games or raffles conducted by that organization under a license from the commission: Provided, That for purposes of this section, performing functions that are not of a supervisory or management nature shall not be considered taking part in the operation of amusement games or raffles if:

(a) Such functions are performed by:

(i) Employees of the organization, who are hired on a regular or part time basis, and who are employed primarily for purposes other than the conduct of such activities; or

(ii) Individuals who are volunteers, when they are under the supervision of a member and are not directly or indirectly compensated for such functions;

(b) The organization keeps records that will allow the commission to determine the amount of gross gambling receipts received from such activities and to identify individuals responsible for receiving and controlling such. Records shall include at least the following:

(i) The full names, addresses, and phone numbers of employees and members involved in the activity; and

(ii) The number of tickets issued, sold, or returned by each employee or member involved in raffle ticket sales.

(c) Any additional cost to administer raffles authorized under authority of this section is paid by the licensee.

((What restrictions apply to persons involved in the operation of bingo games?)) **Bingo.**

(2) ~~((Bingo-~~

~~(a)))~~ No person other than a bona fide member or an employee of a charitable or nonprofit organization shall take any part in the management or operation of bingo games conducted under a license issued by the commission, and no licensee shall allow any person not one of its members or employees to do so.

(a) No person other than a bona fide member of a charitable or nonprofit organization operating without a license under RCW 9.46.0321 shall take any part in the management or operation of bingo conducted by that organization and no such organization shall allow any person not one of its members to do so.

(b) No person who takes any part in the management or operation of a bingo game conducted by one licensee shall take any part in the management or operation of any bingo game conducted by any other organization, or any other branch of the same organization except under the following conditions:

(i) A person participating in the conduct of bingo games by one Class A, B, or C licensee may also participate in the conduct of bingo games by other Class A, B, or C licensees on a voluntary basis only when such person receives no remuneration for services to other licensees and when the requirements of (c) of this subsection are satisfied; ~~((e))~~

(ii) A person participating in the operation of bingo games conducted by one licensee under any class of license may also participate in the operation of bingo games conducted by other licensees under any class of bingo license, but only when that person has no managerial or supervisory responsibilities in connection with the operation of bingo activities by any licensee and when the requirements of (c) of

this subsection are satisfied. An assistant gambling manager, as defined by WAC 230-04-145(6), shall not be deemed a person having managerial or supervisory responsibilities for the purpose of this section and may participate as an hourly employee in the bingo operations of other bingo licensees; or

(iii) A person managing or taking part in the operation of a shared bingo operation as authorized by chapter 230-005 WAC.

~~(c) ((Any licensee that desires to have any person, who participates in any manner in the conduct of bingo games for another licensee, participate in the conduct of its bingo games shall notify the commission, local police officials, and any other licensees for which the person works, in writing, of the following:~~

~~(i) The name and address of that person;~~

~~(ii) The name and address of any licensees for which that person is working; and~~

~~(iii) The capacity in which that person is working for each licensee prior to the time that person participates in the conduct of the licensee's bingo games.~~

~~(d))~~ No licensee shall allow any person to take any part in the management, supervision or operation of a bingo game except in conformance with this rule.

((What special exceptions apply to agricultural fairs?)) **Agri-cultural fairs.**

(3) Certain premises excepted. The limitations set forth above in subsections (1) and (2) of this section shall not apply to qualified agricultural fairs conducting amusement games or bingo.

WSR 02-13-112
PROPOSED RULES
GAMBLING COMMISSION
 [Filed June 19, 2002, 8:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-008.

Title of Rule: Fingerprint legislation, amending WAC 230-04-180 Fingerprinting and background checks.

Purpose: To implement legislation, SB 6491, adopted in the 2002 legislative session.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: This new law clarifies that the commission shall perform fingerprinting and national criminal history background checks on applicants for a gambling license. As set forth in SB 6491, this amendment will identify which persons named on the application are subject to the national criminal history background checks.

Reasons Supporting Proposal: See Purpose and Summary above.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Lacey, (360) 486-3466; Implementation: Rick Day, Lacey, (360) 486-3446; and Enforcement: Bob Berg, Lacey, (360) 486-3452.

Name of Proponent: Staff, governmental.

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

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

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

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2); therefore, a small business economic impact statement is not required.

RCW 34.05.328 does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Shilo Inn, 707 Ocean Shores Boulevard N.W., Ocean Shores, WA 98569, (360) 289-4600, on August 9, 2002, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by July 26, 2002, TDD (360) 486-3637, or (360) 486-3447.

Submit Written Comments to: Susan Arland, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, by July 26, 2002.

Date of Intended Adoption: August 9, 2002.

June 18, 2002

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 5, filed 12/19/73)

WAC 230-04-180 ((Fingerprinting and) Background checks—Fingerprinting. The commission may require ~~((as a condition precedent to the issuance of))~~ background checks prior to issuing any license, certification or ((any)) permit, ((fingerprinting and background checks on any person seeking a license or for whom a permit is sought, or employees thereof, of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. Such fingerprints as are required by the commission may be submitted to the identification division of the federal bureau of investigation and to the Washington state bureau of criminal identification in order that these agencies may search their records for prior arrests and convictions of the individuals fingerprinted.

~~The applicant, or the person for whom a permit is requested, shall give full cooperation to the commission and shall assist the commission in all aspects of its investigation))~~ on persons holding an interest in a gambling activity; persons holding an interest in a building or equipment used for a gambling activity; and employees of a gambling activity.

(1) A national criminal history background check, using fingerprints submitted to the United States Department of Justice -Federal Bureau of Investigation, shall be conducted to determine the qualifications of applicants for the following licenses, permits or certifications:

(a) Amusement games for commercial use: Class E and above;

(b) Card games: Class E, Class F and house-banked card rooms;

(c) Punch boards/pull-tabs for commercial stimulant: Class F and above;

(d) Manufacturers: Class B and above;

(e) Distributors: Class B and above;

(f) Gambling service suppliers;

(g) Representatives for distributors, manufacturers, gambling service suppliers, and linked bingo prize providers;

(h) Managers of commercial gambling operations;

(i) Public card room employees; and

(j) Linked bingo prize providers.

(2) The commission may require a national criminal history background check, using fingerprints submitted to the United States Department of Justice-Federal Bureau of Investigation, for any other person submitting information to the commission.

WSR 02-13-118
 PROPOSED RULES
 DEPARTMENT OF
 LABOR AND INDUSTRIES
 [Filed June 19, 2002, 9:00 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-09-088 on April 17, 2002.

Title of Rule: Chapter 296-878 WAC, Safety standards for window cleaning and chapter 296-24 WAC, General safety and health standards.

Purpose: State-initiated amendments are proposed in response to industry requests that the department adopt permanent rules to protect workers during window-cleaning operations, and to consolidate American National Standards Institute consensus standard requirements for the window cleaning industry into one rule. WAC 296-24-145 Window cleaning, is being rewritten for clarity and ease of use and renumbered to chapter 296-878 WAC.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: WAC 296-24-145 Window cleaning, is being rewritten for clarity and ease of use and renumbered to chapter 296-878 WAC.

NEW SECTIONS:

WAC 296-878-11005 Train workers to use window-cleaning equipment, workers must be trained on window cleaning equipment before they are allowed to use it on the job, including care and maintenance of equipment, window cleaners' belts, and boatswains' chairs and rope descent systems.

WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use, building owner must document that the building fixtures and surfaces to be used in window cleaning activities are safe.

WAC 296-878-13005 Inspect the area to be cleaned, building surfaces must be inspected before cleaning begins to

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make sure they will not damage fall-protection or cleaning equipment.

WAC 296-878-13010 Inspect window-cleaning equipment before use, window cleaning equipment must be stored correctly and inspected before each use by a competent person. No makeshift repairs are authorized and no defective equipment may be used. Padding and softeners must be secured.

WAC 296-878-14005 Develop a site-specific service and emergency recover plan for window-cleaning operations, a qualified person must develop a plan for each location to be cleaned identifying hazardous areas, drop zones, safety features, and emergency recovery procedures of suspended workers.

WAC 296-878-15005 Select and use appropriate equipment, all equipment used in window-cleaning activities must be engineered, designed and intended for commercial applications. The equipment must not be altered unless approved by an engineer and must have manufacturer's instructions available.

WAC 296-878-15010 Other window-cleaning equipment, other equipment used in window cleaning, such as portable ladders, scaffolds, hoists, powered platforms, and suspension ropes and lifelines must meet the requirements applicable in the referenced rules.

WAC 296-878-15015 Select appropriate rope for suspended equipment, rope used with suspended equipment must have a rated load capacity of at least 5000 pounds.

WAC 296-878-15020 Select appropriate carabiners, carabiners must be used to connect hardware, or for attaching boatswains' chairs, descent devices, and lifelines to anchors. The carabiners must be manual or auto locking, and must have a minimum tensile load of 5000 pounds.

WAC 296-878-15025 Use fall protection equipment, fall arrest systems must be designed, used, and inspected according with the requirements in WAC 296-24-88050, Mandatory Appendix C, Part I, Personal Fall Arrest Systems. Workers operating powered platforms must wear fall arrest protection. Fall arrest anchorage must be separate from suspension system anchorage. Fall arrest protection must be worn before workers become suspended, and at all times while they are suspended. Boatswains' chairs or rope descent systems must be connected at all times to the suspension line.

WAC 296-878-16005 Provide warning signs and barricades when suspended equipment is used, warning signs must be placed below suspended equipment, and barricades must block the area below or next to the work area. A competent person must decide if additional protection is necessary. Tools used while suspended must be attached to the worker, seat board, or boatswain's chair.

WAC 296-878-17005 Maintain clearance between window cleaners and power lines, window cleaners must maintain the minimum distances from power lines as shown in Tables 2 and 3. When window cleaners must get closer than the prescribed distances from power lines, then the utility company must be notified to install protective coverings, deenergize, or relocate the power lines before the work may begin.

WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors, window cleaners' belts and anchors must conform to the design, manufacture, and maintenance requirements of ANSI IWCA 1-14.1-2001 and the manufacturer's specifications.

WAC 296-878-18010 Inspect the window-cleaners' anchors you will use, areas where window cleaners' belts will be used must be inspected to make sure that anchors are safe to use, and window ledges and frames will not impair safe use of the belt. Use the belts only if the area to be cleaned is safe and anchors intended for use are safe.

WAC 296-878-18015 Use window-cleaners' belts safely, no more than one arm may extend outside the building when cleaning windows from the inside. One belt terminal must be attached to an anchor before extending more than one arm outside the building, and then the worker must pull on the terminal strap to look for signs of damage. Both belt terminals must be attached before the worker climbs out the window, and they must remain attached during the entire cleaning process. One terminal must remain attached when reentering the building.

WAC 296-878-18020 Move safely on the outside of buildings, you may move on the outside of the building only when you keep at least one belt terminal attached at all times, and the anchors are not more than forty-eight inches apart, or up to seventy-two inches apart under certain conditions.

WAC 296-878-19005 Select appropriate boatswains' chairs, when selecting boatswains' chairs, the correct size and type of tackle must be used, rope used must have a minimum breaking strength of 5000 pounds, and the seat slings must be properly reeved.

WAC 296-878-19010 Safely use boatswains' chairs rigged with a block and tackle, the rated capacity of the boatswains' chairs must not be exceeded. The suspension rope must stay vertical between the chair and the suspension device, and a suspension height of seventy-five feet above grade must not be exceeded, unless certain provisions are met.

WAC 296-878-20005 Select appropriate rope-descent systems, rope descent systems must be designed, used and maintained according to ANSI IWCA 1-14.1-2001, Window Cleaning Safety, and the manufacturer's instructions, and must be designed for window cleaning activities. If the rope descent system does not have specific use instructions for each component it may not be used. Rope descent components must be compatible and have a minimum tensile strength of 5000 pounds.

WAC 296-878-20010 Safely use rope-descent systems, workers must use extreme care when using rope descent systems around electrical service, heat sources, and turbulent areas. Workers must be positioned in a seat board that is connected with carabiners before being suspended. Workers may not reach more than six feet in any direction, and must not swing excessively or stop suddenly. The site-specific plan must address the hazards of descents over one hundred thirty feet. Workers descending more than one hundred thirty feet must be stabilized.

WAC 296-878-20015 Safely use rope-descent devices, minimum rated capacity must not be exceeded. Rope must meet the manufacturer's specifications for diameter and construction, and must be rigged through the descent device to enable a controlled rate of descent. The attachment point on the descent device must be one piece with no gates or openings. The descent device must remain stationary when positive action is taken.

WAC 296-878-21005 Prohibit equipment from use, do not use portable sills, window jacks, capstan devices to suspend workers, or ropes made entirely of polypropylene for window-cleaning operations.

WAC 296-878-220 Definitions.

REPEALED SECTIONS:

WAC 296-24-14501 Definitions, renumbered as WAC 296-878-230.

WAC 296-24-14503 Application, renumbered and retitled as WAC 296-878-100 Scope.

WAC 296-24-14505 Protection of persons engaged at window cleaning, renumbered and retitled as WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use.

WAC 296-24-14507 General, incorporated into the following new sections: WAC 296-878-11005 Train workers to use window-cleaning equipment, WAC 296-878-15005 Select and use appropriate equipment, WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors, WAC 296-878-18015 Use window-cleaners' belts safely, and WAC 296-878-18020 Move safely on the outside of buildings.

WAC 296-24-14509 Belt terminals, anchors and bolts, incorporated into WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

WAC 296-24-14511 Belts, incorporated into WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

WAC 296-24-14513 Anchor installations, incorporated into WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

WAC 296-24-14515 Reversible and pivot windows, not included in the new standard.

WAC 296-24-14517 Ladders, WAC 296-878-15010 Other window-cleaning equipment.

WAC 296-24-14519 Boatswain's chairs, renumbered and retitled as WAC 296-878-190 Boatswains' chairs.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: State-initiated amendments are proposed in response to industry requests that the department adopt permanent rules to protect workers during window-cleaning operations, and to consolidate American National Standards Institute

consensus standard requirements for the window cleaning industry into one rule. WAC 296-24-145 Window cleaning, is being rewritten for clarity and ease of use and renumbered to chapter 296-878 WAC.

Proposal Changes the Following Existing Rules: The department is proposing rules to protect workers during window-cleaning operations, and to consolidate American National Standards Institute consensus standard requirements for the window cleaning industry into one rule. WAC 296-24-145 Window cleaning, is being rewritten for clarity and ease of use and renumbered to chapter 296-878 WAC.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency is exempt from conducting a small business economic impact statement when the proposed rules adopt or incorporate by reference without material change national consensus codes that are generally established industry standards. RCW 34.05.310 (4)(c). Here the agency is updating the rules by incorporating ANSI requirements, which are national consensus standards for window washing.

Also, a small business economic impact statement is not required for rules that clarify the language of a rule without changing its effect, RCW 34.05.310 (4)(d). Here the proposed updates to WAC 296-24-145 only seek to clarify language without changing its effect.

RCW 34.05.328 applies to this rule adoption. The department has determined that the proposed rules are significant legislative rules. We are proposing to add requirements from the 2001 American National Standards Institute (ANSI) consensus standard.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way S.W., Tumwater, WA, on August 6, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Sally Elliott by July 23, 2002, at (360) 902-5484, P.O. Box 44620, Olympia, WA 98504-4620, or yous235@lni.wa.gov.

Submit Written Comments to: Stephen Vik, Project Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98507-4620, fax (360) 902-5529, or electronically to Stephen Vik, Project manager, WISHA Services Division, Vikt235@lni.wa.gov, by 5:00 p.m. on August 13, 2002. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: October 1, 2002.

June 19, 2002

Gary Moore

Director

Chapter 296-878 WAC

SAFETY STANDARDS FOR WINDOW CLEANING

NEW SECTION

WAC 296-878-100 Scope. These rules apply to all window-cleaning activities performed on the inside or outside of a building in which the window cleaner is working from a level that is located more than forty-eight inches above grade.

NEW SECTION**WAC 296-878-10005 Summary.****Your responsibility:**

Make sure workers clean windows safely, and properly use and maintain their window-cleaning equipment.

IMPORTANT:

Window-cleaning equipment includes window-cleaner's belts, boatswains' chairs, rope descent systems, ladders, supported scaffolds and the support equipment used to suspend employees cleaning windows.

You must:**Training**

Train workers to use window-cleaning equipment

WAC 296-878-11005

Document the training

WAC 296-878-11010

Written documentation

Obtain written documentation before using building surfaces and fixtures

WAC 296-878-12005

Inspection procedures

Inspect the area to be cleaned

WAC 296-878-13005

Inspect window-cleaning equipment before use

WAC 296-878-13010

Develop site-specific service and emergency plans

Develop a site-specific service and emergency recovery plan for window-cleaning operations

WAC 296-878-14005

Equipment

Select and use appropriate equipment

WAC 296-878-15005

Other window-cleaning equipment

WAC 296-878-15010

Select appropriate rope for suspended equipment

WAC 296-878-15015

Select appropriate carabiners

WAC 296-878-15020

Use fall protection equipment

WAC 296-878-15025

Warning signs and barricades

Provide warning signs and barricades when suspended equipment is used

WAC 296-878-16005

Power line clearances

Maintain clearance between window cleaners and power lines

WAC 296-878-17005

Window-cleaners' belts and anchors

Select appropriate window-cleaners' belts and anchors

WAC 296-878-18005

Inspect the areas where you will use window-cleaners' belts

WAC 296-878-18010

Use window-cleaners' belts safely

WAC 296-878-18015

Move safely on the outside of buildings

WAC 296-878-18020

Boatswains' chairs

Select appropriate boatswains' chairs

WAC 296-878-19005

Safely use boatswains' chairs with block and tackle

WAC 296-878-19010

Rope descent systems

Select appropriate rope descent systems

WAC 296-878-20005

Safely use rope descent systems

WAC 296-878-20010

Safely use rope descent devices

WAC 296-878-20015

Prohibited equipment

Equipment prohibited from use

WAC 296-878-21005

Working in excessive winds

Do not work when winds are excessive

WAC 296-878-22005.

NEW SECTION**WAC 296-878-110 Training.****NEW SECTION****WAC 296-878-11005 Train workers to use window-cleaning equipment.****You must:**

- Provide the following training to workers before they use window-cleaning equipment on the job:
 - Proper care and maintenance of the equipment
 - Review manufacturer's instructions for proper equipment use
 - Methods for inspection, assembly, and dismantling of components
 - Identify anchorages
 - A complete understanding of safe working conditions
 - How employees will be rescued.
- Provide additional training to workers using window-cleaners' belts in all the following areas:
 - How to select the proper-sized belt
 - How to use anchors and terminals
 - How to deal with obstructions and slippery/wet surfaces.
- Provide additional training to workers using boatswains' chairs and rope descent systems in all the following areas:
 - Proper rigging practices
 - Fall arrest requirements
 - Proper methods of descending
 - The effects of wind on window-cleaning operations when a worker is suspended
 - Proper methods of hoisting for ascents.
- Document the training by recording all of the following:
 - The name and signature of the trainer/educator
 - The name and signature of the student
 - The subjects in which the workers were trained
 - The date of the training

– The location of the training.

- Note:**
- You do not need a specialized educator to provide training. You may use a qualified person to conduct the training. A qualified person is defined as a person who has:
 - Extensive knowledge, training, and experience about the subject matter, work, or project
 - A recognized degree, certificate, or professional standing
 - Successful demonstration of problem solving skills in connection with the subject, work, or project.

NEW SECTION

WAC 296-878-120 Building surfaces and fixtures.

NEW SECTION

WAC 296-878-12005 Make sure building surfaces and fixtures are safe to use.

You must:

- Make sure building surfaces and fixtures are safe to be used before you begin the window-cleaning operation. This includes:
 - Guardrails, parapets, cornices and other building surfaces used to support suspended loads
 - Permanently installed fixtures used as anchorages and tiebacks
 - Window-cleaning equipment support systems permanently dedicated to the building.

NEW SECTION

WAC 296-878-130 Inspection procedures.

NEW SECTION

WAC 296-878-13005 Inspect the area to be cleaned.

You must:

- Inspect the building before cleaning to make sure there are no areas that can damage worker fall protection equipment and window-cleaning equipment. Inspect:
 - Sharp edges of parapets
 - Window frames
 - Open projected windows
 - Cornices
 - Overhangs
 - Any other areas that may abrade, sever, weaken, or damage the equipment.
- Make sure all working surfaces are safe and free from hazards such as:
 - Grease
 - Oil
 - Other slippery substances.

NEW SECTION

WAC 296-878-13010 Inspect window-cleaning equipment before use.

You must:

- (1) Store your window-cleaning equipment in a way that:
 - Is easy to get to, inspect, and safely take out for use

- Provides protection from moisture, sunlight, or corrosion.

(2) Make sure a competent person inspects these items before each use:

- Window-cleaners' belts
- Boatswains' chairs
- All components of rope descent systems
- Suspension devices
- Certified roof anchorages
- Primary support ropes or lines
- The descent device
- Carabiners or shackles
- A seatboard or boatswain's chair
- Wear points on rope descent system components exposed to constant friction.

(3) Make sure you do not use any piece of window-cleaning equipment with defects.

- Prohibit makeshift repairs to any piece of window-cleaning equipment
 - Label any piece of window-cleaning equipment that is defective "dangerous, do not use."
- (4) Secure any padding or softeners so they do not come loose from:
- The surface of the building
 - The rope if not attached to the building.

NEW SECTION

WAC 296-878-140 Develop site-specific service and emergency plans.

NEW SECTION

WAC 296-878-14005 Develop a site-specific service and emergency recovery plan for window-cleaning operations.

You must:

- Make sure that a qualified person develops a written plan for each location to be cleaned that identifies:
 - Hazardous areas
 - Drop zones
 - Safety features
 - Methods for emergency recovery of workers working from suspended equipment, or other types of installations, in the event of equipment failure or any other kind of disability.
- Keep the plan at the work site during the entire cleaning operation.

- Note:** You may use an outside service for rescue and recovery (such as a fire department) if:
- The rescue personnel will be able to reach the victims without undue delay
 - They have the necessary equipment to retrieve the victims
 - They are trained and proficient in high angle rescue techniques.

NEW SECTION

WAC 296-878-150 Equipment.

NEW SECTION

WAC 296-878-15005 Select and use appropriate equipment.

You must:

(1) Make sure that all equipment provided to workers for window-cleaning operations is engineered, designed, and intended for use in commercial applications.

Note: Equipment that is designed or labeled for recreational use or rescue use only is prohibited for use in window-cleaning operations.

You must:

(2) Make sure that the window-cleaning equipment is not altered unless it is specifically approved in writing by the original manufacturer or a registered professional engineer.

(3) Provide manufacturer's instructions to employees for all window-cleaning equipment they will use.

NEW SECTION

WAC 296-878-15010 Other window-cleaning equipment.

You must:

• Follow all requirements referenced in Table 1 for other window-cleaning equipment:

Table 1

Other window-cleaning equipment

	If you use:	Then you must follow all requirements in:
1.	Portable ladders	WAC 296-800-290, Portable ladders
2.	Supported scaffolds	Chapter 296-24 WAC, PART J-2, Scaffolds
3.	Suspension ropes and lifelines Powered and manual hoists Suspended scaffold equipment	Chapter 296-24 WAC, PART J-2, Scaffolds
4.	Single and multipoint adjustable suspension scaffolds	Chapter 296-24 WAC, PART J-2, Scaffolds
5.	Powered platforms	Chapter 296-24 WAC, PART J-3, Powered platforms

NEW SECTION

WAC 296-878-15015 Select appropriate rope for suspended equipment.

You must:

• Make sure all rope used for suspended equipment has a minimum breaking strength of five thousand pounds.

NEW SECTION

WAC 296-878-15020 Select appropriate carabiners.

You must:

• Use carabiners for connecting hardware or attaching boatswains' chairs, descent devices, and lifelines to anchors.

• Use carabiners with a minimum tensile load of five thousand pounds.

• Make sure carabiners are either manual or auto-locking.

Note: You may secure a rope to an anchor with a knot if normal daily use of the rope will not decrease its initial breaking strength below five thousand pounds.

NEW SECTION

WAC 296-878-15025 Use fall protection equipment.

You must:

(1) Make sure the fall arrest system meets the requirements of WAC 296-24-88050 mandatory Appendix C, Part I, Personal fall arrest systems.

• Use and inspect fall arrest equipment in accordance with the requirements of WAC 296-24-88050, mandatory Appendix C, Part I, Personal fall arrest systems.

• Make sure all workers suspended from a boatswain's chair or rope descent system use an independent fall arrest system where the fall arrest anchorage is separate from the suspension system anchorage.

• Make sure workers operating powered platforms wear and use a fall arrest system.

• Make sure workers assemble and wear their personal fall arrest equipment before they approach the point of suspension.

• Make sure workers are connected at all times to the fall arrest system while they are suspended.

(2) Make sure the boatswain's chair or rope descent system is connected at all times to the suspension line.

NEW SECTION

WAC 296-878-160 Warning signs and barricades.

NEW SECTION

WAC 296-878-16005 Provide warning signs and barricades when suspended equipment is used.

You must:

(1) Place warning signs below suspended equipment

(2) Block the ground area with barricades directly under or next to the work zone

(3) Assign a competent person to decide if additional protection is necessary

(4) Make sure all tools used by the worker are attached to the worker, seatboard, or boatswain's chair.

Reference: Rules for protecting workers from overhead hazards are listed in WAC 296-800-16055, Make sure your employees use appropriate head protection.

NEW SECTION

WAC 296-878-170 Power line clearances.

NEW SECTION

WAC 296-878-17005 Maintain clearance between window cleaners and power lines.

You must:

• Maintain clearances between window cleaners and power lines as indicated in Tables 2 and 3.

PROPOSED

Table 2
Minimum Clearances from Power Lines - Insulated Lines

Voltage	Minimum distance	Alternatives
Less than 300 volts	3 feet (0.9 m)	
300 volts to 50 kv	10 feet (3.1 m)	
More than 50 kv	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv	2 times the length of the line insulator, but never less than 10 feet (3.1 m)

Table 3
Minimum Clearances from Power Lines - Uninsulated Lines

Voltage	Minimum distance	Alternatives
Less than 50 kv	10 feet (3.1 m)	
More than 50 kv	10 feet (3.1 m) plus 0.4 inches (1.0 cm) for each 1 kv over 50 kv	2 times the length of the line insulator, but never less than 10 feet (3.1 m)

You must:

- Follow these procedures when window cleaners need to get closer to power lines than allowed in Tables 2 and 3:
 - Notify the utility company or electrical system operator of the need to work closer than the minimum clearances to power lines before starting the work
 - Begin the work only when the utility company or electrical system operator has deenergized or relocated the lines, or installed protective coverings to prevent accidental contact with the lines.

NEW SECTION

WAC 296-878-180 Window-cleaners' belts and anchors.

NEW SECTION

WAC 296-878-18005 Select appropriate window-cleaners' belts and anchors.

You must:

- Make sure window-cleaners' belts and anchors conform to the:
 - Design, manufacture, and maintenance requirements of ANSI/WCA 1-14.1-2001

AND

- Manufacturer's specifications.

NEW SECTION

WAC 296-878-18010 Inspect the anchors you plan to use for window cleaning.

You must:

- Make sure you do not use anchors if they:
 - Appear to be damaged
 - Appear deteriorated
 - Appear to be worn
 - Appear to be loose
 - Appear to be unsecured to the building or window frame
 - Will not allow the belt terminal to easily slip over the anchor head.
- Use window-cleaner's belts only if:

- The area to be cleaned is safe
- All anchors intended for use are safe.
- Make sure window ledges and frames will not impair the safe use of the window-cleaner's belt.

Note: If unsafe anchors are found, report them to the building owner or manager and do not use them.

NEW SECTION

WAC 296-878-18015 Use window-cleaners' belts safely.

You must:

- Make sure workers do not extend more than one arm beyond the window sash when cleaning windows from inside a building.
 - Attach one belt terminal to an anchor before you put more than one arm outside the window.
 - Pull on the terminal strap and look for signs of damage to the anchor.
 - Attach both belt terminals to anchors before climbing out the window.
 - Keep all belt terminals attached during the entire cleaning operation.
 - Make sure the worker keeps one terminal attached to an anchor when reentering the window and until the worker is inside.

NEW SECTION

WAC 296-878-18020 Move safely on the outside of buildings. You must:

- Make sure you travel on the outside of the building only when
 - You keep at least one window-cleaner's belt terminal attached at all times
 - The anchors are not more than forty-eight inches apart.

Note:

- Anchors can be up to seventy-two inches apart if
 - The sill or ledge is continuous
 - The sill or ledge is at least twelve inches wide
 - The sill or ledge has a slope less than five degrees
 - There is at least six inches of window sill in front of the mullions.

NEW SECTION

WAC 296-878-190 Boatswains' chairs.

NEW SECTION

WAC 296-878-19005 Select appropriate boatswains' chairs.

You must:

- (1) Make sure that when you use a block and tackle, it is the correct size, including:
 - Correctly-sized ball bearings or bushed blocks
 - Safety hooks
 - Eye-spliced rope
 - A minimum breaking strength of five thousand pounds.

PROPOSED

(2) Make sure all rope used with a boatswain's chair has a minimum breaking strength of five thousand pounds, including rope used for:

- Suspension
- Block and tackle
- Seat slings.

(3) Make sure the ropes on boatswain's chair seat slings:

- Are reeved through the four corner holes in the seat
- Cross each other on the underside of the seat
- Are rigged so the chair cannot slip out of a level position.

NEW SECTION

WAC 296-878-19010 Safely use boatswains' chairs rigged with a block and tackle.

You must:

(1) Make sure the rated capacity or the maximum intended load, whichever is less, is not exceeded.

(2) Make sure the suspension rope stays vertical between the boatswain's chair and suspension device unless all of these requirements are met:

- The rigging has been designed by a qualified person
- The scaffold can be easily reached by rescuers
- The suspension rope is protected from damage when a change in direction occurs
- The scaffold will not swing and contact another surface.

(3) Make sure a suspension height of seventy-five feet above grade or building setback is not exceeded.

Exemption: Suspension height may be up to one hundred thirty feet above grade or building setback if the boatswain's chair block and tackle has all of the following:

- An automatic braking system
- A design that minimizes the amount of force required to raise or lower the suspended worker
- An automatic braking system that automatically maintains an elevation when no force is applied to the tackle
- A system that does not slip.

You must:

(4) Prohibit tying any kind of knot in a block and tackle system to maintain elevation.

(5) Make sure another worker is stationed below any boatswain's chair rigged with a block and tackle who can assist the suspended employee.

(6) Make sure workers do not attempt to increase the work area by swinging, swaying, or other maneuvers.

NEW SECTION

WAC 296-878-200 Rope descent systems.

NEW SECTION

WAC 296-878-20005 Select appropriate rope descent systems. You must:

- Make sure the rope descent system is designed, used, and maintained according to:
 - ANSI/TWCA 1-14.1-2001

– The manufacturer's instructions.

• Make sure the rope descent system has been manufactured and is intended to be used for window cleaning.

Note: Equipment that is designed or labeled for recreational use or rescue use only is prohibited for use in window-cleaning operations.

You must:

• Make sure the rope descent system components are compatible and have a minimum tensile strength of five thousand pounds.

– This does not apply to the seatboard.

• Make sure the rope descent system has specific use instructions for each component.

NEW SECTION

WAC 296-878-20010 Safely use rope descent systems.

You must:

(1) Make sure workers use extreme care when using rope descent equipment around electrical service, heat sources, and turbulent areas, such as air vents.

(2) Connect the seatboard or boatswain's chair to the descent device with a manual or auto locking carabiner.

(3) Make sure workers are positioned in the seatboard or boatswain's chair before being suspended.

(4) Make sure workers do not reach more than six feet in any direction as measured from a centerline straight down from where the suspension rope bears on the building.

(5) Make sure workers do not descend rapidly, swing excessively, or stop suddenly.

(6) Make sure that, in addition to the suspended worker, there is one other person at the jobsite who is skilled in using the rope descent system and rescue procedures.

(7) Make sure you do not exceed a three hundred-foot height of descent as measured from grade or building setback.

(8) Make sure your site-specific service plan addresses the following hazards for descents over one hundred thirty feet as measured from grade or building setback:

- Sudden weather changes, such as wind gusts, micro bursts, or tunneling wind currents
- Inability of the rope descent system to function without using excessive force
- Workers suspended for long periods of time
- Rerigging and movement of main suspension and safety lines.

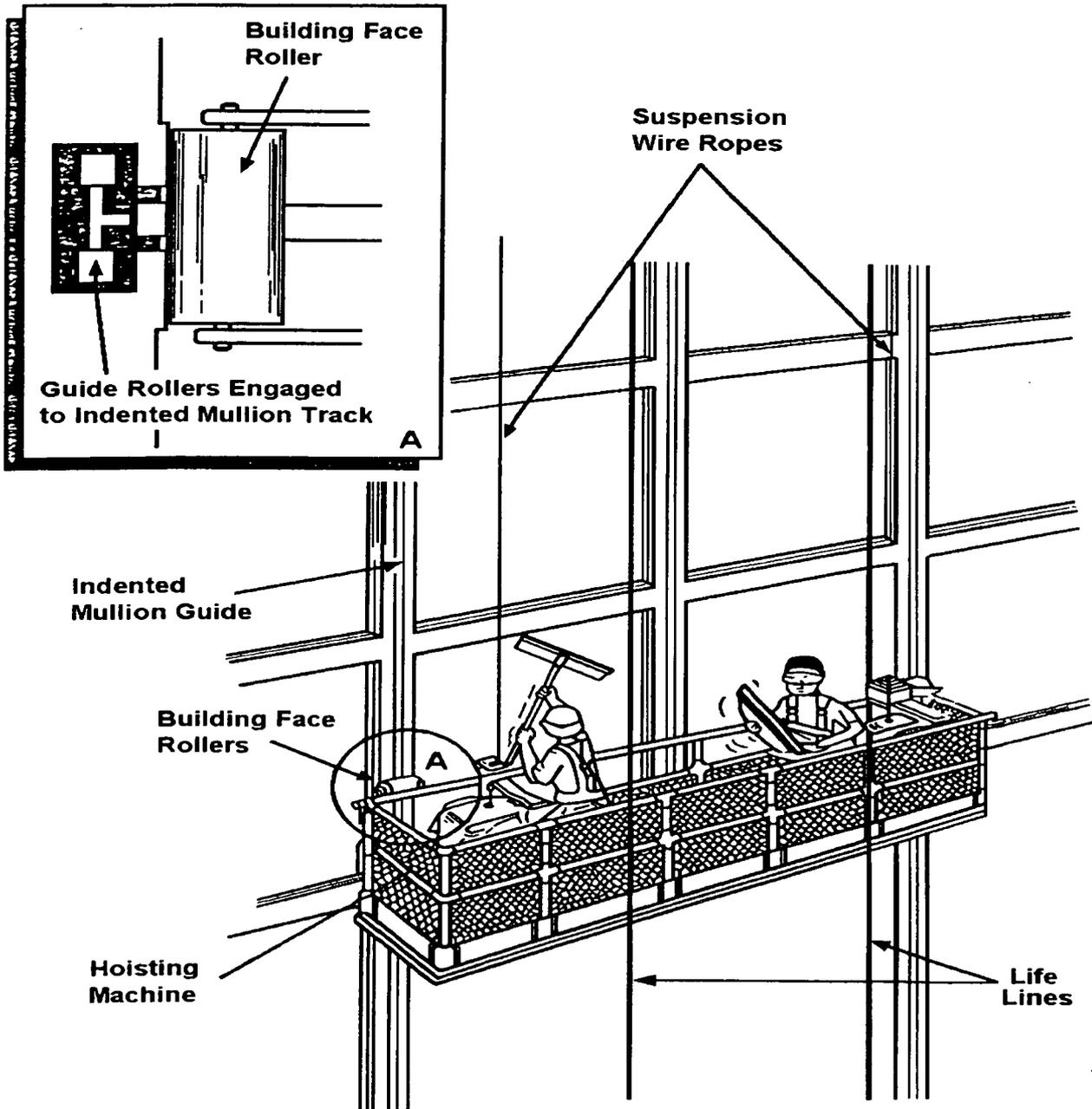
(9) Stabilize workers suspended from a rope descent system whenever the descent is higher than one hundred thirty feet, as measured from grade or building setback.

(10) Prohibit workers from working when wind speed makes any stabilization equipment ineffective.

Note: Provisions for stabilizing workers may include:

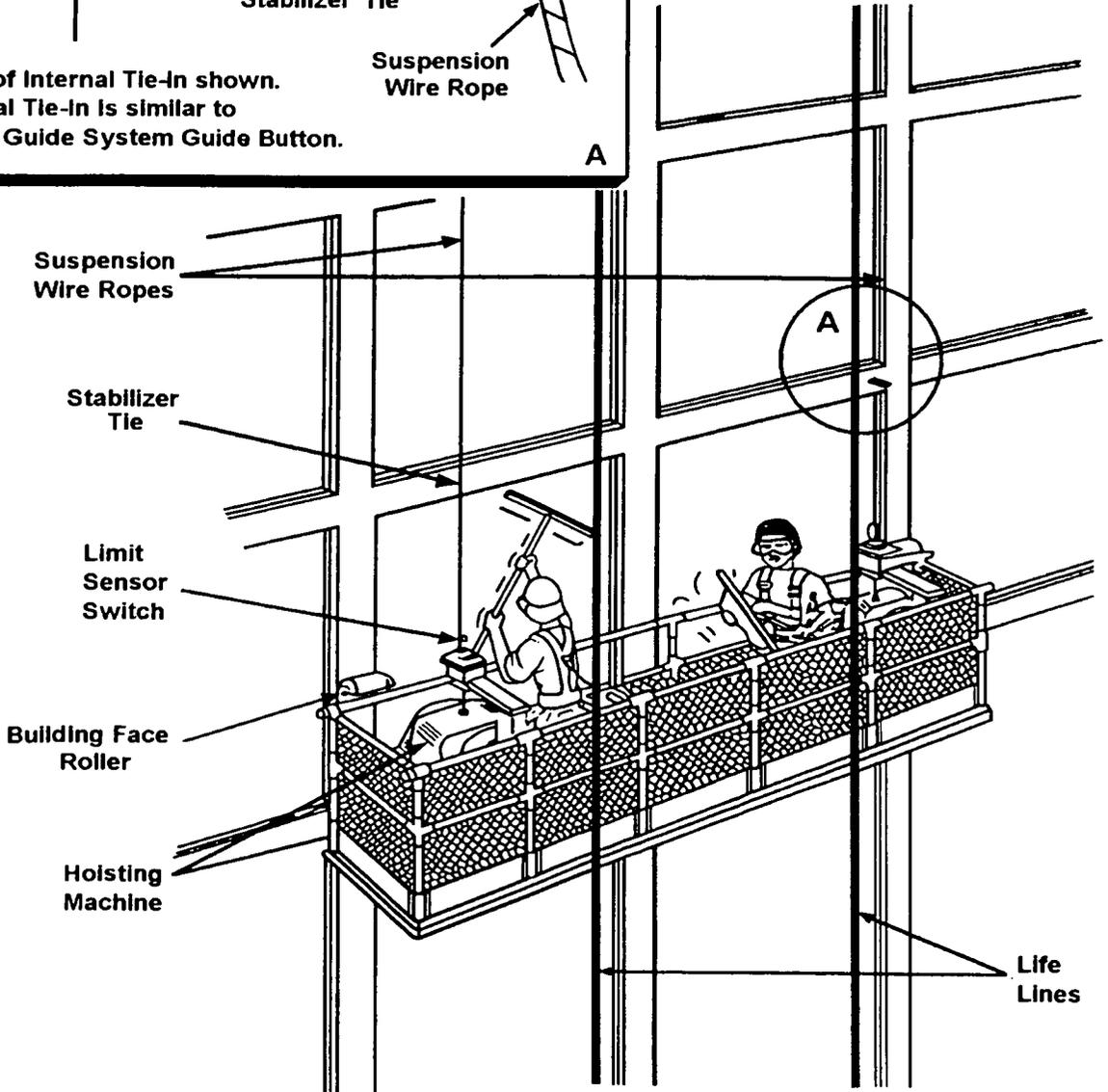
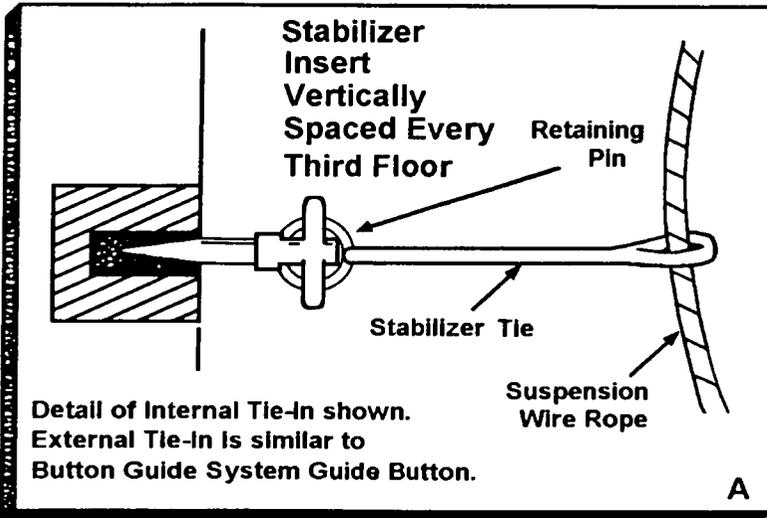
- Continuous stabilization, such as mullion tracks
- Intermittent stabilization, such as detent pins/buttons
- Work station stabilization, such as suction cups.

FIGURE 1
Typical Self-Powered Platform –
Continuous External or Indented Mullion Guide System



PROPOSED

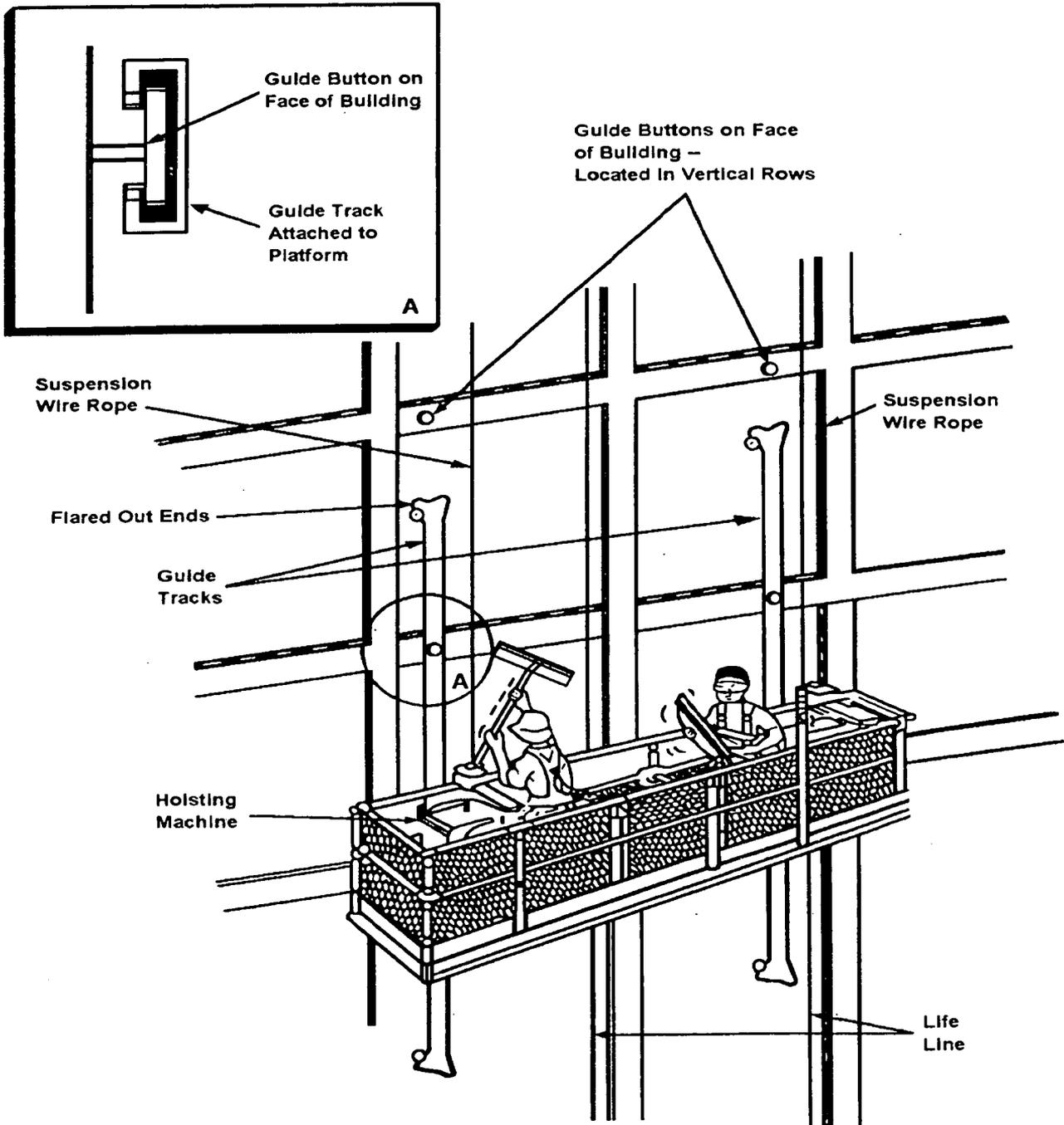
Figure 2. Typical Self-Powered Platform--
Intermittent Tie-in System



PROPOSED

Place Illustration Here
Place illustration here.

FIGURE 3
Typical Self-Powered Platform—
Button Guide System



PROPOSED

NEW SECTION**WAC 296-878-20015 Safely use rope descent devices.**

(1) Make sure that neither the rated capacity nor the maximum intended load are exceeded, and that the manufacturer's specifications for rope diameter and construction are followed.

(2) Make sure the rope is rigged through the descent device for a controlled rate of descent.

(3) Make sure the descent device will remain stationary when positive action is taken.

NEW SECTION**WAC 296-878-210 Equipment prohibited.**NEW SECTION**WAC 296-878-21005 Prohibit equipment from use.****You must:**

- Prohibit use of the following equipment for window-cleaning operations:
 - Portable sills
 - Window jacks
 - Capstan devices to suspend workers
 - Suspension or fall-arrest ropes that are made entirely of polypropylene.

NEW SECTION**WAC 296-878-220 Definitions.**

Anchor, window-cleaner's belt - Fall-preventing attachment points for direct attachment of the terminal portion of a window-cleaner's belt.

Belt terminal - That part of the safety belt that is attached to the anchor during the window-cleaning operation.

Block and tackle - A lifting device consisting of one or more pulley blocks reeved with chains, wire ropes, or fibre ropes used solely for raising and lowering a load or moving a load horizontally.

Boatswain's chair - A single-point adjustable suspension scaffold consisting of a seat or sling designed to support one worker in a sitting position.

Capstan device - An upright, spool-shaped cylinder used for hoisting or lifting weights that is turned by a motor or by hand.

Carabiner - An oblong metal ring with an openable spring-hinged side, used to clip a rope to an anchoring device.

Competent person - One who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.

Drop (drop zone) - A vertical area or work zone accessed by the worker or piece of equipment during one descent.

Drop line - A vertical line from a fixed anchorage, independent of the work surface.

Fixture - Attachments, anchors, anchorages, tie backs or support equipment permanently dedicated to a given site.

Grade - Means the ground, floor, sidewalk, roof, or any level surface that is considered a safe place to work.

Lanyard - A flexible line to secure a wearer of a safety belt or harness to a drop line, lifeline or fixed anchorage.

Mullion - A slender, vertical dividing bar between windows, panels, etc.

Primary support/suspension - A working line or approved anchorage used for attachment of a working line.

Qualified person - A person is qualified if they have one of the following:

- Extensive knowledge, training, and experience about the subject matter, work, or project
- A recognized degree, certificate, or professional standing
- Successful demonstration of problem solving skills in connection with the subject, work, or project.

Rated capacity - The combined weight of workers, tools, equipment, and other materials that the device is designed and installed to lift and support.

Rope descent system (RDS) - An assembly of components that allows the operator to control the rate of descent at any time. A rope descent system includes the following components:

- Suspension devices
- Certified roof anchorages
- Primary support ropes or lines
- The descent device
- Carabiners or shackles
- A seatboard or boatswain's chair.

Terminal strap - The strap or rope attached to the waist band on one end, and to the belt terminals on the other end.

Window cleaning - Cleaning, wiping, restoring or other methods of cleaning windows.

Working line - A rope suspended from an anchorage and used to access parts of a building.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-145	Window washing.
WAC 296-24-14501	Definitions.
WAC 296-24-14503	Application.
WAC 296-24-14505	Protection of persons engaged at window cleaning.
WAC 296-24-14507	General.
WAC 296-24-14509	Belt terminals, anchors and bolts.
WAC 296-24-14511	Belts.
WAC 296-24-14513	Anchor installations.
WAC 296-24-14515	Reversible and pivot windows.

WAC 296-24-14517 Ladders.
WAC 296-24-14519 Boatswain's chairs.

WSR 02-13-124
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY
[Filed June 19, 2002, 9:49 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Adopt Regulation I, Section 8.06; amend Regulation II, Section 2.09; and adopt Regulation II, Section 2.10.

Purpose: To have contingency measures in place in the event of future violations of the federal air standards for carbon monoxide and ozone involving restrictions on summer outdoor burning and summer and winter gasoline marketing.

Other Identifying Information: Section 8.06 (Reg. I) pertains to Outdoor Burning Ozone Contingency Measure. Section 2.09 (Reg. II) pertains to Oxygenated Gasoline Carbon Monoxide Contingency Measure and Fee Schedule. Section 2.10 (Reg. II) pertains to Gasoline Station Ozone Contingency Measure.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Summary: This proposal puts contingency measures in place to address the possibility of future violations of the federal air standards.

Reasons Supporting Proposal: The Clean Air Act requires states to have plans in place to address the possibility of future violations of the federal air standards.

Name of Agency Personnel Responsible for Drafting: John Anderson, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4051; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, (206) 689-4053.

Name of Proponent: Puget Sound Clean Air Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal 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 will put in place contingency measures to address the possibility of future violations of the federal air standards.

Proposal Changes the Following Existing Rules: To have contingency measures in place in the event of future violations of the federal air standards for carbon monoxide and ozone involving restrictions on summer outdoor burning and summer and winter gasoline marketing.

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: Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, on July 25, 2002, at 9:15 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by July 18, 2002, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101, fax (206) 343-7522, by July 15, 2002.

Date of Intended Adoption: July 25, 2002.

June 18, 2002

John K. Anderson
Supervisory Engineer

NEW SECTION

REGULATION I SECTION 8.06 OUTDOOR BURNING OZONE CONTINGENCY MEASURE

(a) Applicability. This section shall apply to open burning within King, Kitsap, Pierce, and Snohomish counties if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

- (1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and
- (2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on May 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow outdoor burning within King, Kitsap, Pierce, or Snohomish counties during the months of May through September.

AMENDATORY SECTION

REGULATION II SECTION 2.09 OXYGENATED GASOLINE CARBON MONOXIDE CONTINGENCY MEASURE AND FEE SCHEDULE

(a) Applicability. This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Kitsap, Pierce, and Snohomish Counties during the months of November, December, January, and February if, in consultation with the Washington Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

- (1) ~~((A-quality))~~ Quality-assured violations of the national ambient air quality standard for carbon monoxide ~~((has))~~ have occurred ~~((, and))~~ at multiple monitoring sites within the jurisdiction of the Agency.

PROPOSED

(2) Local mitigation measures have not improved traffic conditions sufficiently to help prevent future violations, and

~~((2))~~ (3) Prevention of future violations can be reasonably addressed through the implementation of this section.

~~((This section shall take effect in November following such determination.))~~ The Agency shall provide public notice of this written finding no later than May 1 to all registered gasoline stations and blenders ~~((within 30 days of a written finding, but no later than May 1))~~. This section shall take effect on November 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than 2.7% by weight.

(c) It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

(d) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January, and February, shall apply:

Volume (gallons)	
less than 100,000	\$ 500.00
100,000 or more, but less than 1,000,000	\$ 1,000.00
1,000,000 or more, but less than 15,000,000	\$10,000.00
15,000,000 or more	\$25,000.00

(e) Upon assessment by the Agency, this registration fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days.

(f) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of this section were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

NEW SECTION

REGULATION II SECTION 2.10 GASOLINE STATION OZONE CONTINGENCY MEASURE

(a) Applicability. This section shall apply to facilities that dispense 3,600,000 gallons or more of gasoline per year and are also subject to Section 2.07 of this regulation. If, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and

(2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take

effect in May 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from a stationary storage tank into a motor vehicle fuel tank (except motorcycles) unless California Air Resources Board (CARB) commercially available Phase I and Phase II enhanced vapor recovery (EVR) systems are installed in accordance with CARB system certification requirements.

(c) The systems required in Section 2.10(b) of this regulation shall be installed within 1 year of the May 1 effective date listed in Section 2.10(a) of this regulation.

WSR 02-13-129

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed June 19, 2002, 11:20 a.m.]

Original Notice.

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

Title of Rule: WAC 356-56-125 Salary surveys.

Purpose: This rule pertains to salary surveys.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification is necessary due the passage of the civil service reform bill (SHB 1268).

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This bill pertains to salary surveys. The rule is being repealed due to the passage of the civil service reform bill (SHB 1268).

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on August 14, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by August 7, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by August 12, 2002.

Date of Intended Adoption: August 14, 2002.

June 18, 2002

E. C. Matt

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-56-125 Salary surveys.

WSR 02-13-130**PROPOSED RULES****PERSONNEL RESOURCES BOARD**

[Filed June 19, 2002, 11:21 a.m.]

Original Notice.

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

Title of Rule: WAC 356-56-001 Declaration of purpose.

Purpose: This bill pertains to declaration of purpose for Washington management service.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification is necessary due to the passage of SHB 1268. This change is reflected in section 242 of the bill.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is the declaration of purpose for Washington management service rules. The modification is house-keeping in nature and is due to the passage of SHB 1268.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on August 14, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by August 7, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by August 12, 2002.

Date of Intended Adoption: August 14, 2002.

June 18, 2002

E. C. Matt
Director

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

WAC 356-56-001 Declaration of purpose. (1) The general purpose of this chapter of rules is to establish for the state a system of personnel administration called the Washington management service, as authorized in RCW 41.06.-500.

(2) Except as provided in RCW 41.06.070, the director of the department of personnel is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in WAC 356-56-002.

(3) In establishing rules for managers, the director shall adhere to the following goals:

(a) A simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) A compensation system consistent with RCW 41.06.150(~~(17))~~ (14). The system shall provide flexibility in setting and changing salaries;

(c) A performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthened management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making, and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Provisions that managers may only be reduced, dismissed, suspended, or demoted for cause;

(g) Facilitation of decentralized and regional administration; and,

(h) Ensure that decisions are not based on patronage or political affiliation.

WSR 02-13-131**PROPOSED RULES****PERSONNEL RESOURCES BOARD**

[Filed June 19, 2002, 11:22 a.m.]

Original Notice.

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

PROPOSED

Title of Rule: New sections WAC 356-60-010 Committee established, 356-60-020 Purposes, 356-60-030 Definitions, 356-60-040 Basic standards and criteria for agency membership applicable to all agencies, 356-60-050 Required characteristics of eligible federation (umbrella organizations), 356-60-055 Determination of eligibility—Procedure for reconsideration, 356-60-057 Decertification and disqualification, 356-60-060 Qualifications for local campaign manager, 251-30-010 Committee established, 251-30-030 Definitions, 251-30-040 Basic standards and criteria for agency membership applicable to agencies, 251-30-050 Required characteristics of eligible federations (umbrella organizations), 251-30-055 Determination of eligibility—Procedure for reconsideration, 251-30-057 Decertification and disqualification, and 251-30-060 Qualifications for local campaign manager.

Purpose: These rules pertain to the Washington combined fund drive.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: These rules are a result of 2002 legislative action. SB 6372 gives the director of the Department of Personnel authorization to adopt rule for the operation of the Washington combined fund drive.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 664-6348; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These new rules are a result of 2002 legislative action. The director of the Department of Personnel now has authority to adopt rules for the operation of the Washington combined fund drive per SB 6372.

Proposal Changes the Following Existing Rules: See above.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on August 14, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by August 7, 2002, TDD (360) 753-4107, or (360) 586-8260.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, fax (360) 586-4694, by August 12, 2002.

Date of Intended Adoption: August 14, 2002.

June 18, 2002

E. C. Matt
Director

NEW SECTION

WAC 356-60-010 Committee established. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Senate Bill 6372 and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state combined fund drive committee.

(3) The committee shall be composed of not more than twelve members appointed by the governor for three year terms. The members shall be selected from the following groups:

(a) Public employees' unions;

(b) The legislative branch;

(c) The judicial branch;

(d) State agencies;

(e) Higher education institutions;

(f) Elected officials;

(g) Retired public employees;

(h) Other groups as may be recommended by the Director of the Department of Personnel.

(4) The committee shall elect a chairperson annually, and such other officers as may be needed.

(5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.

(6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 356-60-040 and 356-60-050.)

(8) The committee shall print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive leaders, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the state's annual charitable campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

(12) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state

resources to support, promote, and conduct the annual Combined Fund Drive campaign within their organization.

(13) The department of personnel shall provide the administrative support for the operation of the committee.

(14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.

NEW SECTION

WAC 356-60-020 Purposes. (1) The following rules are promulgated to implement a payroll deduction plan for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, human health and welfare organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified organizations.

(2) The intent of these regulations is to:

- (a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;
- (b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the qualifying voluntary health and welfare organizations providing services in the community or region where the employees live and work and overseas;
- (c) Minimize both the disruption of the state work place and the costs to taxpayers that multiple charitable fund drives have caused; and
- (d) Ensure that recipient agencies are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 356-60-030 Definitions. (1) Committee - The Washington state combined fund drive committee described in WAC 356-60-010.

(2) State combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees and public agency retirees conducted annually to obtain voluntary contributions from state employees and public agency retirees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these regulations. The normal,

full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

- (a) Delivery of health care to ill or infirm individuals;
 - (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;
 - (c) Health research for the benefit of ill or infirm individuals;
 - (d) Delivery of education, training, and care to physically and mentally handicapped individuals;
 - (e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;
 - (f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;
 - (g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;
 - (h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;
 - (i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;
 - (j) Relief of needy, poor, and indigent adults and of the elderly;
 - (k) Delivery of services or assistance that conserve, protect, or restore the environment;
 - (l) Delivery of services or assistance to threatened or endangered species;
 - (m) Delivery of services in the performing, visual, literary and media arts.
- (7) Local presence - Demonstration of direct and substantial presence in the local campaign community:
- (a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.
 - (b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas - Areas outside of the District of Columbia and the fifty states of the United States.

NEW SECTION

WAC 356-60-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501 (c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170 (c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds distributed to charitable organizations must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

NEW SECTION

WAC 356-60-050 Required characteristics of eligible federations (umbrella organizations). In addition to meeting the requirements set out in WAC 356-60-040, each federated organization (umbrella organization) must demonstrate the following:

(1) Scope. It is representative of its constituent parts. While it may not accept responsibility for the exact nature of program objectives and administrative and financial procedures of its affiliates, it must be in a position to affirm that the operations and fund-raising of its affiliates comply with the standards and criteria set out in WAC 356-60-040.

(2) It has good will and acceptability within this state, including ability to demonstrate a well recognized service to or in behalf of citizens of this state: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the

requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership.

(3) It has sufficient volunteers or staff, or both, to contribute to the organization and conduct of the Washington state employee combined fund drive and has at least six months of prior operation within this state.

(4) It has registered and been approved under chapter 19.09 RCW (Charitable solicitations).

(5) It has at least five organizational members.

(6) It adheres to high standards in services, management and public accountability as required by the standards and criteria set out in WAC 356-60-040.

NEW SECTION

WAC 356-60-055 Determination of eligibility—Procedure for reconsideration. Using the information supplied under this chapter and the standards set forth in WAC 356-60-040 and 356-60-050, the committee will determine which agencies and which federated organizations are eligible to participate in annual state combined fund drive campaigns. Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.

For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.

NEW SECTION

WAC 356-60-057 Decertification and disqualification. (1) Once approved for participation, any health and welfare agency or federated organization may be decertified and disqualified from participation in the state employee combined fund drive campaign by majority vote of the committee for any one or more of the following reasons:

(a) Failure to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information;

(c) An annual contribution pledge from an annual campaign of two hundred fifty dollars or less.

(2) Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.

(3) The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.

(4) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.

(5) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 356-60-055.

NEW SECTION

WAC 356-60-060 Qualifications for local campaign manager. In selecting a local campaign manager, the local steering committee must assess the following qualities of an applicant to determine the applicant's capability to manage a successful charitable campaign:

(1) The local manager shall demonstrate the administrative and financial capability to manage and operate a fund-raising campaign with integrity and in an efficient manner yielding contributions comparable to those made by state employees in the past.

(2) The local manager shall demonstrate that a broad base of community support has been established within the state and demonstrate continuing positive relationships with a significant number of the state's charitable organizations.

(3) The local manager shall demonstrate the ability to effectively promote and publicize a charitable fund-raising campaign among the state employee work force.

(4) The local manager shall demonstrate the ability to give guidance to, train, and supervise volunteer solicitors and other state employee volunteers in the campaign.

(5) The local manager shall demonstrate the ability to publish and distribute informational literature and other material relative to the programs of participating agencies in a fair and equitable manner.

(6) The local manager shall demonstrate a history of integrity, and a direct and substantial presence in the local (or regional) community.

(7) The local manager shall demonstrate the intent to cooperate fully with the local steering committee and with state officials.

NEW SECTION

WAC 251-30-010 Committee established. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Senate Bill 6372 and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington employee combined fund drive committee.

(3) The committee shall be composed of not more than twelve members appointed by the governor for three year terms. The members shall be selected from the following groups:

- (a) Public employees' unions;
 - (b) The legislative branch;
 - (c) The judicial branch;
 - (d) State agencies;
 - (e) Higher education institutions;
 - (f) Elected officials;
 - (g) Retired public employees;
 - (h) Other groups as may be recommended by the Director of the Department of Personnel.
- (4) The committee shall elect a chairperson annually, and such other officers as may be needed.
- (5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.
- (6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.
- (7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 251-30-040 and 251-30-050.)
- (8) The committee shall print and distribute an application form which agencies shall use to apply for participation in the fund drive.
- (9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.
- (10) The committee may establish departmental combined fund drive leaders, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.
- (11) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the state's annual charitable campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.
- (12) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual Combined Fund Drive campaign within their organization.
- (13) The department of personnel shall provide the administrative support for the operation of the committee.
- (14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.

NEW SECTION

WAC 251-30-020 Purposes. (1) The following rules are promulgated to implement a payroll deduction plan for the efficient, long-term collection of voluntary employee and public agency retiree contributions to qualifying charitable, human health and welfare organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees and public agency retirees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified organizations.

(2) The intent of these regulations is to:

- (a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;
- (b) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the qualifying voluntary health and welfare organizations providing services in the community or region where the employees live and work and overseas;
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- (d) Ensure that recipient agencies are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 251-30-030 Definitions. (1) Committee - The Washington state combined fund drive committee described in WAC 251-30-010.

(2) State combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees and public agency retirees conducted annually to obtain voluntary contributions from state employees and public agency retirees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

- (a) Delivery of health care to ill or infirm individuals;
- (b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

(7) Local presence - Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas - Areas outside of the District of Columbia and the fifty states of the United States.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501 (c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170 (c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds distributed to charitable organizations must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

NEW SECTION

WAC 251-30-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

NEW SECTION

WAC 251-30-050 Required characteristics of eligible federations (umbrella organizations). In addition to meeting the requirements set out in WAC 251-30-040, each federated organization (umbrella organization) must demonstrate the following:

(1) Scope. It is representative of its constituent parts. While it may not accept responsibility for the exact nature of program objectives and administrative and financial procedures of its affiliates, it must be in a position to affirm that the operations and fund-raising of its affiliates comply with the standards and criteria set out in WAC 251-30-040.

(2) It has good will and acceptability within this state, including ability to demonstrate a well recognized service to or in behalf of citizens of this state: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership.

(3) It has sufficient volunteers or staff, or both, to contribute to the organization and conduct of the Washington state employee combined fund drive and has at least six months of prior operation within this state.

(4) It has registered and been approved under chapter 19.09 RCW (Charitable solicitations).

(5) It has at least five organizational members.

(6) It adheres to high standards in services, management and public accountability as required by the standards and criteria set out in WAC 251-30-040.

NEW SECTION

WAC 251-30-055 Determination of eligibility—Procedure for reconsideration. Using the information supplied under this chapter and the standards set forth in WAC 251-30-040 and 251-30-050, the committee will determine which agencies and which federated organizations are eligible to participate in annual state combined fund drive campaigns. Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.

For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.

NEW SECTION

WAC 251-30-057 Decertification and disqualification. (1) Once approved for participation, any health and welfare agency or federated organization may be decertified and disqualified from participation in the state employee combined fund drive campaign by majority vote of the committee for any one or more of the following reasons:

(a) Failure to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information;

(c) An annual contribution pledge from an annual campaign of two hundred fifty dollars or less.

(2) Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.

(3) The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.

(4) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.

(5) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 251-30-055.

NEW SECTION

WAC 251-30-060 Qualifications for local campaign manager. In selecting a local campaign manager, the local steering committee must assess the following qualities of an applicant to determine the applicant's capability to manage a successful charitable campaign:

(1) The local manager shall demonstrate the administrative and financial capability to manage and operate a fund-raising campaign with integrity and in an efficient manner yielding contributions comparable to those made by state employees in the past.

(2) The local manager shall demonstrate that a broad base of community support has been established within the state and demonstrate continuing positive relationships with a significant number of the state's charitable organizations.

(3) The local manager shall demonstrate the ability to effectively promote and publicize a charitable fund-raising campaign among the state employee work force.

(4) The local manager shall demonstrate the ability to give guidance to, train, and supervise volunteer solicitors and other state employee volunteers in the campaign.

(5) The local manager shall demonstrate the ability to publish and distribute informational literature and other material relative to the programs of participating agencies in a fair and equitable manner.

(6) The local manager shall demonstrate a history of integrity, and a direct and substantial presence in the local (or regional) community.

(7) The local manager shall demonstrate the intent to cooperate fully with the local steering committee and with state officials.

WSR 02-13-132**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed June 19, 2002, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-078.

Title of Rule: The Washington State Department of Agriculture procedural rules for funding commodity commissions.

Purpose: The proposed rules provide a method to fund staff support of 1/2 FTE by all commodity boards and commissions as authorized under ESHB 2688 (sections 7, 44 and 72-78, chapter 313, Laws of 2002).

Statutory Authority for Adoption: Chapter 43.23 RCW and sections 7, 44 and 72-78, chapter 313, Laws of 2002.

Statute Being Implemented: Chapters 15.65, 15.66, 15.24, 16.67, 15.44, 15.28, 15.76, 15.26, 15.88, 43.23 RCW and ESHB 2688 (sections 7, 44 and 72-78, chapter 313, Laws of 2002).

Summary: Before July 1 of each fiscal year, the department will determine the total financial obligation of each commission using the criteria set out in the proposal, and on

or about July 1 of each year the department will bill each commission for its share.

Reasons Supporting Proposal: To provide funding for 1/2 of the commodity commission coordinator position from funds contributed by all commodity boards or commissions.

Name of Agency Personnel Responsible for Drafting: Dannie McQueen, Program Manager, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1809; Implementation: Deborah Anderson; P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-2043; and Enforcement: William E. Brookreson, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1810.

Name of Proponent: Washington State Department of Agriculture, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: A meeting of commodity commission representatives was held in order to determine the method for funding the 1/2 FTE. The proposal is based on the outcome of that meeting.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Legislation was passed this year authorizing the director to establish in rule a method to fund staff support for all commodity boards and commissions. In accordance with the legislation, the commodity boards or commissions shall provide funds to the department according to the rules. A funding formula for funding the 1/2 FTE by the boards or commissions is established in the proposed rule.

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 is not required under the provisions of RCW 19.85.025(3) and 34.05.310 (4)(e).

RCW 34.05.328 does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency.

Hearing Location: Department of Natural Resources Building, Room 205, 1111 Washington Street S.E., Olympia, WA 98504-2560, on July 23, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Laurie Crose by July 16, 2002, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Deborah Anderson, Commodity Commission Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, fax (360) 902-2092, e-mail wsdarulescomments@agr.wa.gov, by 5:00 p.m., July 23, 2002.

Date of Intended Adoption: August 1, 2002.

June 19, 2002

William E. Brookreson
Deputy Director

PROPOSED

**CHAPTER 16-501 WAC
WSDA PROCEDURAL RULES—COMMODITY
BOARDS OR COMMISSIONS**

NEW SECTION

WAC 16-501-005 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout the chapter:

"**Assessment level**" means the total annual assessment collected by an agricultural commodity board or commission under the provisions of its marketing order or authorizing statute.

"**Department**" means the Washington State Department of Agriculture (WSDA).

"**Total financial contribution**" means the contributions from all agricultural commodity boards and commissions to cover one-half the annual salary and benefits of the department's commodity commission coordinator for commodity boards and commissions plus the annual costs for goods and services, travel, training and equipment necessary to support the commodity commission coordinator.

NEW SECTION

WAC 16-501-010 Commodity commission financial contribution. (1) Under the provisions of RCW 43.23, the director may establish, by rule, a method to fund staff support for all commodity boards and commissions.

(2) Before July 1 of each fiscal year, the department will determine the total financial contribution required from all commodity boards or commissions and calculate, according to the provisions of WAC 16-501-015, each board or commission's share of that total contribution. The board or commission's contribution shall be based on the previous fiscal year's assessment level.

(3) On or around July 1 of each fiscal year, the department will bill each commodity board or commission for its portion of the total financial contribution. The board or commission shall remit to the department the amount billed within thirty days of the billing date.

(4) The department will provide each commodity board or commission with an annual report regarding the department's activities on behalf of the boards or commissions.

NEW SECTION

WAC 16-501-015 Calculation of a commodity board or commission's contribution. The total financial contribution for each commodity board or commission shall be calculated using the following steps:

(1) Step 1 - Using a board or commission's assessment level, the base assessment portion of a commodity board or commission's share of the total financial contribution is established-as follows:

Contribution Categories

Assessment Level	Base Assessment
> \$100,000	\$ 250.00
100,001 - 250,000	500.00
250,001 - 500,000	750.00
500,001 - 1,000,000	1,000.00
1,000,001 - 5,000,000	2,000.00
5,000,001 - 10,000,000	3,000.00
10,000,001 and above	4,000.00

A percentage is calculated for each board or commission by dividing the board or commission's base assessment by the total base assessment for all boards and commissions.

For example, assuming Commission A's Base Assessment is \$4,000 divided by an assumed Total Base Assessment of \$80,000 results in 5% (.05)

(2) Step 2 - The difference between the total financial contribution and the total base assessment is apportioned to each board or commission using the percentage calculated in subsection (2) subject to a \$7,500 cap on any one board or commission;

For example, assuming a Total Financial Contribution of \$105,000 minus the assumed Total Base Assessment of \$80,000 results in a difference of \$25,000. \$25,000 multiplied by Commission A's .05 equals \$1,250. This is Commission A's portion of the difference.

(3) Step 3 - If any commission reaches the \$7,500 cap in Step 2, the difference between the amount calculated for that board or commission in subsection (2) and \$7,500 would be recalculated among the remaining commissions or boards using a percentage of each commission's base assessment to the total base assessment less the base assessment of the commission that reached the cap.

For example, assume that Commission A's percentage remains 5% but that the difference between the Total Financial Contribution and the Total Base Assessment is \$180,000. \$180,000 multiplied by .05 equals \$9,000. \$9,000 exceeds the \$7,500 cap for Commission A by \$1,500. This \$1,500 would be apportioned between the other boards and commissions excluding Commission A.

For example, assume that Commission B's base assessment is \$3,000. The Total Base Assessment excluding Commission A is now \$76,000 (\$80,000 less Commission A's \$4,000). Commission B's base assessment of \$3,000 divided by \$76,000 results in .04 rounded (4%). \$1,500 (the excess over the cap for Commission A) multiplied by .04 equals \$60, which is Commission B's share of the excess.

(4) Step 4 - A commodity commission or board's contribution is the sum of the base assessment from subsection (1) and the calculations in subsections (2) or (3) whichever is applicable.

PROPOSED

For example, using the calculations in subsection (2), Commission A's contribution is \$5,250 (\$4,000 base assessment plus \$1,250 apportioned share).

Using the calculations in subsection (3), Commission A's contribution is \$11,500 (\$4,000 base assessment plus the \$7,500 cap).

Date of Intended Adoption: August 2, 2002.

June 19, 2002

Evan Jacoby

Rules Coordinator

WSR 02-13-133
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 19, 2002, 11:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-109.

Title of Rule: Public safety cougar removal rules.

Purpose: Amend cougar removal rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Change application and removal dates and clarify permit status.

Reasons Supporting Proposal: More efficient and accountable public safety cougar removal.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The application period is being extended one month in response to public interest in having longer to make an application. The cougar removal period is being extended two weeks to increase the possibility of actually removing problem animals. The status of the permit is clarified and an appeal mechanism is established in order to provide due process in the event a permit need be revoked.

Proposal Changes the Following Existing Rules: Cougar removal application and removal dates are changed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule involves public safety cougar removals, not small businesses.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

AMENDATORY SECTION (Amending Order 01-198, filed 9/20/01, effective 10/21/01)

WAC 232-12-243 Public safety cougar removals. (1) Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(k) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

PROPOSED

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, therein demonstrating that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December ~~((16th))~~ 1st and March 15th in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than ~~((November))~~ October 1, or be received at the department's Olympia office no later than 5:00 p.m. on ~~((November))~~ October 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a dog hunter. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) The cougar removal period will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been removed from each game management unit or March 15, whichever is first.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia at least twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit and must take the first legal cougar available.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, is charged with

a violation of trespass laws while acting under this permit, or is charged with a violation of any other law while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

WSR 02-13-134
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 19, 2002, 11:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-105.

Title of Rule: Direct retail sales rules.

Purpose: Establish rules for direct retail sales by salmon and crab fishers.

Statutory Authority for Adoption: Chapter 301, Laws of 2002.

Statute Being Implemented: Chapter 301, Laws of 2002.

Summary: Establishes rules allowing direct retail sales by salmon and crab fishers without such fishers having a wholesale dealer license.

Reasons Supporting Proposal: Required by chapter 310 [301], Laws of 2002.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 310 [301], Laws of 2002 requires the department to offer a direct retail sales endorsement to salmon and crab fishers at the time of renewal of their license. This rule allows the endorsement for persons who have already renewed the license at the time the new statute goes into effect. It clarifies the application process, particularly for persons who do not have a documented vessel. It establishes reporting requirements, clarifies to whom product may be sold, and identifies methods by which double accounting of catch will be avoided. Amendments are made to the existing wholesale dealer and duties of commercial fishers rules to conform with the new endorsement.

Proposal Changes the Following Existing Rules: Amends duties of wholesale dealers and commercial fishers rules.

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

Small Business Economic Impact Statement

1. Description of the Reporting, Record-keeping, and Other Compliance Requirements of the Proposed Rule: Obtaining a direct retail endorsement is voluntary and there are no requirements. Should a fisher elect to obtain the endorsement, the compliance requirements for receiving the endorsement are set by statute. The compliance and reporting requirements for sale of fish are identical with those for commercial fishers who have a wholesale dealers license and sell at retail, except for a requirement for endorsement holders to notify the department forty-eight hours prior to a retail sale, in order that the department may sample the catch. The standard requirements include use of department fish receiving tickets and quick reporting in areas so designated.

2. Kinds of Professional Services That a Small Business is Likely to Need in Order to Comply with Such Requirements: None.

3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs: If a fisher wants an endorsement, the cost will be \$50. The fisher will need to submit fish tickets for each retail sale, at the cost of postage. There is a requirement to use a mechanical imprinter for the fish tickets, a one-time cost of approximately \$150 for a single plate imprinter. If quick reporting is required for the area of catch, they will have to use a telephone to report the prior day's catch.

4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue? No.

5. Cost of Compliance for the 10% of Businesses That are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:

- a. Cost per employee;
- b. Cost per hour of labor; or
- c. Cost per one hundred dollars of sales.

As electing to obtain an endorsement is voluntary, there are no mandatory costs. However, the first year costs for the individual with the endorsement, making ten retail sales per year, should be less than \$300. Thereafter, the amount should be less than \$100.

6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So: There are no mandatory costs. Obtaining an endorsement is elective.

7. A Description of How the Agency Will Involve Small Businesses in the Development of the Rule: The rule is required by chapter 301, Laws of 2002. Industry worked with the legislature to pass the bill that created the endorsement.

8. A List of Industries That Will Be Required to Comply with the Rule: None. No compliance is required.

A copy of the statement may be obtained by writing to Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 18, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 220-20-080 Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person and, after 2002, will only be issued upon renewal of a qualifying license. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

- (2) Any fisher who offers salmon or crab for retail sale must complete a fish receiving ticket for all salmon or crab aboard the harvesting vessel before the product is offered for retail sale. The price shown on the fish receiving ticket must be the price at which the fisher is offering the salmon or crab for sale.

(3) Any fisher selling salmon or crab at retail, which salmon or crab are taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Salmon and crab offered for retail sale must be landed in the round. Salmon may not be cleaned or headed until the fish ticket documenting the landing is completed.

(5) In order to allow inspection and sampling, each fisher offering salmon or crab for retail sale must notify the department forty-eight hours prior to sale and identify the location of the fisher's temporary food service establishment. The only acceptable notification is by telephone to (360) 902-2936, FAX to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Salmon or Dungeness crab sold under a retail sale endorsement may only be sold to a consumer. Sale is not allowed to any person who will resell the product, such as a restaurant. Dungeness crab must be sold uncooked.

(7) If salmon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(8) Violations of subsections (2), (3), and (7) of this section are punishable under RCW 77.15.640.

(9) Violations of subsections (4), (5), and (6) of this section are punishable under RCW 77.15.540.

AMENDATORY SECTION (Amending Order 01-32, filed 3/13/01, effective 4/13/01)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from (~~(fishermen)~~) fishers, firms, or individuals, (~~(regardless of whether or not the receiver or purchaser holds a license as)~~) except purchases or receipts made by individuals or consumers at retail is required ((under Title 77 RCW)) to be a licensed wholesale fish dealer or fish buyer, and must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

~~((2))~~ (3) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

~~((3))~~ (4) State of Washington fish receiving tickets are not required for:

~~((b))~~ Purchases or receipts made by individuals or consumers at retail.

~~((b))~~ Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial ~~((fisherman or shellfish gatherer))~~ fisher shall complete the appropriate fish receiving ticket ~~((regardless of whether the commercial fisherman or shellfish gatherer possesses a wholesale dealer's license))~~ if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

~~((e))~~ (b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

~~((d))~~ (c) Private sector cultured aquatic products.

~~((4))~~ (5) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

~~((5))~~ (6) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

~~((6))~~ (7) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone (360) 466-4345 ext. 243.

~~((7))~~ (8) It is unlawful for any person receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks

from the department of natural resources harvest tract to the point of landing.

~~((8))~~ (9) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

~~((9))~~ (10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Such report must be by telephone call to the Point Whitney Shellfish Laboratory or by facsimile transmission (FAX) to the Point Whitney Shellfish Laboratory. All reports must specify the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

~~((10))~~ (11) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

~~((11))~~ (12) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report a summary of all salmon offered for retail sale on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) FAX transmission to (360) 902-2949
- (ii) E-mail to psfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) FAX transmission to (360) 902-2949
- (ii) E-mail to trollfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

- (i) FAX transmission to (360) 664-0689
- (ii) E-mail to harborfishtickets@dfw.wa.gov or
- (iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) FAX transmission to (360) 906-6776 or (360) 906-6777

(ii) E-mail to crfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1281

~~((12))~~ (13) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (FAX) transmission to (360) 586-8408 or by telephone to (360) 796-4601, extension 500. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

AMENDATORY SECTION (Amending Order 99-221, filed 12/20/99, effective 1/20/00)

WAC 220-69-241 Duties of commercial fisherman.

(1) Every ~~((fisherman))~~ fisher selling ~~((his))~~ food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every ~~((fisherman))~~ fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to ~~((~~

~~((a)))~~ possess a valid wholesale dealer's license or a direct retail endorsement. Such fishers must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in ((his)) their own name for each ((retail sale or out-of-state shipment so made, or

~~((b) At the close of each day's business, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in his own name for the total day's activities, or))~~ landing or delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon landing or delivery, and must be completed before the product is offered for sale. The price shown on the fish ticket must be the price at which the fisher is offering the fish or shellfish for sale.

(2) In the commercial geoduck fishery, a vessel operator so designated by the geoduck tract holder must be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, the designated operator must legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisherman.

WSR 02-13-135
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 19, 2002, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-094.

Title of Rule: Personal use rules.

Purpose: Amend hunters with disabilities rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Clarify activities of designated hunter companions and make technical changes.

Reasons Supporting Proposal: Reduce confusion as to activities allowed for designated hunted [hunter] companions.

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

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: It is currently unclear what activity may be undertaken by a designated hunter companion to a hunter with a disability. This rule clarifies that "accompany" means to be within three hundred feet of the hunter with the disability, and that only after the game is wounded may the companion not accompany the hunter with a disability. It also provides that the companion who is hunting may be licensed in either Washington or another state.

Proposal Changes the Following Existing Rules: Amends hunters with disabilities rule.

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

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 19, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 96-07, filed 1/18/96, effective 2/18/96)

WAC 232-12-828 Hunting of game birds and animals by persons of disability. (1) Definitions:

(a) ~~("Designated hunter companion" means a licensed hunter who accompanies a disabled hunter and assists the disabled hunter in the taking of game birds and game animals.~~

(b) ~~("Disabled hunter")~~ "Hunter with a disability" means a person ((ef)) with a permanent disability who possesses a disabled hunter permit issued by the department. A ~~((disabled))~~ hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

~~((e))~~ (b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person ((ef)) with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person ((ef)) with a qualifying disability. Upon ~~((issuance of a disabled hunter permit))~~ approval of the application, the department will ~~((also))~~ issue a ~~((designated hunter companion identification card and a disabled hunter))~~ vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

~~((d))~~ (c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means being in the physical presence of a person, not to exceed three hundred feet away from such person.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in fishing or hunting.

(h) "Person ((ef)) with a disability" means:

(i) A ~~((permanently disabled))~~ person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device for mobility including, but not limited to, a wheelchair, crutch, cane walker, or oxygen bottle; or

(ii) A ~~((permanently disabled))~~ person who has a permanent disability and is ((unable to hold or shoot)) physically

incapable of holding and safely operating a firearm or other legal hunting device; or

(iii) A person who is ~~((totally))~~ blind or visually impaired.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment((s)) who have lost the use of one or both upper or lower extremities, or who have a ~~((significant))~~ severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device.

~~((e))~~ (i) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees.

(2) The designated hunter companion ~~((, when accompanied by the disabled))~~ must accompany the hunter ~~((, may assist the disabled hunter in shooting, tagging and retrieving game birds or game animals, or may shoot, tag and retrieve game birds or game animals on behalf of the disabled hunter))~~ with a disability when stalking or shooting game on behalf of the hunter with a disability. The ~~((disabled))~~ hunter with a disability or the designated hunter companion must immediately cut, notch, ~~((and affix the disabled hunter's tag to the carcass of the game bird or game animal))~~ or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) ~~((It is unlawful for a))~~ The designated hunter companion ~~((to assist a disabled hunter unless the designated hunter companion is accompanied by the disabled hunter, except the designated hunter companion may leave the disabled hunter to retrieve game birds or game animals wounded or killed by either the disabled hunter or the designated hunter companion))~~ does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a ~~((disabled))~~ hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a ~~((disabled))~~ hunter with a disability to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a ~~((disabled))~~ hunter ~~((become part of the disabled hunter's bag or possession limit, and))~~ with a disability do not count against the designated hunter companion's bag or possession limit.

PROPOSED

(8) A designated hunter companion shooting game for or may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

WSR 02-13-136
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 19, 2002, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-095.

Title of Rule: Ballast water exchange rules.

Purpose: Amend ballast water treatment date.

Statutory Authority for Adoption: Chapter 282, Laws of 2002.

Statute Being Implemented: Chapter 282, Laws of 2002.

Summary: Change implementation date.

Reasons Supporting Proposal: Statutory change.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Dave Britnell, 1111 Washington Street, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

Name of Proponent: Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 282, Laws of 2002 changed the date on which ballast water must be treated from July 1, 2002, to July 1, 2004. The rule change conforms [confirms] this date.

Proposal Changes the Following Existing Rules: Date changed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The date change delays, but does not change, the treatment requirement already established.

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

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 19, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2155, by July 26, 2002.

Date of Intended Adoption: August 2, 2002.

June 19, 2002
 Evan Jacoby
 Rules Coordinator

AMENDATORY SECTION (Amending Order 01-173, filed 8/20/01, effective 9/20/01)

WAC 220-77-095 Interim ballast water discharge standard approval process. (1) The Washington state interim ballast water discharge standard is inactivation or removal of ninety-five percent of zooplankton organisms and ninety-nine percent of phytoplankton and bacteria organism.

(2) Vessels subject to chapter 77.120 RCW that have not adequately exchanged their ballast water must treat their ballast prior to discharge into Washington waters, after July 1, ((2002)) 2004. An interim approval process shall be used to evaluate ballast water treatment technologies and provide approval for certain technologies that are determined to meet the Washington state interim ballast water discharge standard. Only ballast water treatment technologies that are approved through this process may be used to discharge treated ballast water into Washington waters following the guidelines identified within the approval process. Ballast water treatment technology vendors or vessel owners may submit ballast treatment technology for evaluation through the following process:

(a) Applications for approval will be accepted by the director or the director's designee at any time. The applicant is to be notified of department receipt of the application package within ten working days. If the application package is incomplete, the application will be returned to the applicant with an explanation of deficiencies or if the deficiencies are minimal, held for thirty days to allow the applicant to correct the deficiencies. Formal reviews of supporting data and proposed study plans will be completed within forty-five days of receipt of the complete application package.

(b) Formal reviews will be conducted by a science advisory panel and a maritime advisory panel. Panel members will be appointed by the director or the director's designee. The science advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the Washington state interim ballast water discharge standard, the adequacy of the proposed study plan, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology." The maritime advisory panel will provide recommendations to the director or the director's designee regarding the ability of each technology to meet the practical needs of the maritime industry, including safety, practicality and cost effectiveness, and determine if such technology should be evaluated as a promising technology that could be considered as a "best available technology."

(c) The director, or the director's designee, shall take into consideration the findings of the scientific advisory panel, and the maritime advisory panel and make one of the following determinations:

(i) That the ballast water treatment technology has been approved by the United States Coast Guard or a state agency and is an approved system for use in Washington state;

(ii) To grant general approval to a technology meeting the Washington state interim ballast water discharge standard for a period of five years with stipulations for scientific evaluation. Approval may be revoked if new information shows

the technology to be grossly inadequate and incapable of being retrofitted to correct the inadequacy;

(iii) To grant conditional approval for use on a specific number of vessels for further full-scale testing; or

(iv) Deny approval.

(d) Criteria for review. Applications for interim approval of a ballast water treatment system shall be evaluated on the completeness of the following:

(i) A letter of commitment from the technology vendor, the vessel owner installing the technology, and the principal investigators conducting the tests, stating their intents to carry out all components of the study plan for which they are responsible. Principal investigators must be qualified independent researchers. Applications for a treatment system to be used within a specified port must include a letter from the port authority in which the system is to be operated, granting authority for testing or use within the port.

(ii) Documentation stating that the residual concentrations of any primary treatment chemicals or chemicals that occur as by-products of the treatment meet all applicable regulatory requirements.

(iii) All available documentation describing the technical, operational and installation characteristics of the system.

(iv) Documentation from preliminary experiments that demonstrate the potential of the system to meet the Washington state interim ballast water discharge standard. Indicator species may be used to evaluate the technologies' effectiveness. Technologies may be approved that do not currently meet this criteria, but show promise for improvement or are considered to be a "best available technology." The technology should include easily verifiable indicators to ensure the system is operational and effectively treating ballast at the time of treatment.

(v) The discharge from a technology must be environmentally sound and in compliance with existing water quality discharge laws.

(e) Each proposed technology must include a detailed study plan that:

(i) Is organized according to a department-approved standardized format.

(ii) Evaluates the effectiveness of the treatment system over a range of operational conditions during operations, including the cumulative hours of operation, volumes treated, times since the tanks were last cleaned of sediment, abundance of organisms, organic and inorganic load, temperature and salinity of water.

(iii) Identifies limiting conditions such as water quality attributes that may affect the performance of the equipment, length of time for adequate treatment, or other factors that may render the technology as inadequate to meet the interim ballast water discharge standard.

(iv) Assures that samples are representative of the flow or volume from which they are taken.

(v) Contains a detailed quality assurance and/or quality control plan.

(3) Conditions of approval.

(a) Approval of a technology shall be withdrawn after one year if the system is not installed or the testing begun as proposed.

(b) Systems approved under the interim approval process shall be considered to meet all ballast water treatment requirements promulgated by the department for a period of five years. In the event subsequent work reveals adverse effects on ecology or human health, approval of the system will be withdrawn unless the treatment system can be repaired to address the system's inadequacies.

(c) Systems approved under the interim process will be subject to all subsequent standards and regulations upon the expiration of the interim approval period.

(d) Interim approval is contingent on adherence to the detailed study plan described in the application and agreed upon by the applicant and the department.

(e) The principal scientist and engineers responsible for conducting and analyzing the tests shall submit a report documenting the performance of the equipment and results of the testing to the department within twelve months after installation. Further testing may or may not be required based upon the test results.

(f) Vessels or technologies receiving interim approval shall be subject to inspections by the department or the department's designated representative to verify adherence with the terms of this interim approval agreement and the operation of the treatment systems.

WSR 02-13-137
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 19, 2002, 11:49 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-109.

Purpose: To adopt WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations; and to repeal WAC 232-28-425 2001-02 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Reasons Supporting Proposal: [No information supplied by agency.]

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

Proposal Changes the Following Existing Rules: WAC 232-28-426 specifies legal season dates, bag limits, and open

PROPOSED

areas to hunt waterfowl for the 2002-03 hunting season. WAC 232-28-425 is now obsolete and will be replaced by WAC 232-28-426.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These recommendations involve rules for recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA 98520, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 26, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 12, 2002.

Date of Intended Adoption: August 2, 2002.

June 19, 2002

Evan Jacoby

Rules Coordinator

NEW SECTION

WAC 232-28-426 2002-03 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 5-16, 2002 and Oct. 26, 2002 - Jan. 26, 2003.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 21-22, 2002.

Daily bag limit: 7 ducks — to include not more than 2 hen mallards, 1 pintail, 4 scaup, 2 redheads, 1 canvasback, 1 harlequin, 4 scoters, and 4 oldsquaws.

Possession limit: 14 ducks — to include not more than 4 hen mallards, 2 pintails, 8 scaup, 4 redheads, 2 canvasbacks, 1 harlequin, 8 scoters, and 8 oldsquaws.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 21-22, 2002, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 5, 2002 - Jan. 5, 2003 for snow, Ross', or blue geese.

Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2001-02 authorization and returned the harvest report prior to the deadline will be mailed a 2002-03 authorization in early October. Hunters who did not possess a 2001-02 authorization must fill out an application (available at Washington department of fish and wildlife Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or post-marked on or before September 25 in order for applicants to be mailed a 2002-03 authorization before the season starts. No applications will be accepted after October 31, 2002. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2003, hunters must return the harvest report to the Washington Department of Fish and Wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2003-04 snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open on the following days from 8:00 a.m. to 4:00 p.m.:

Nov. 27, 2002, and Saturdays, Sundays, and Thursdays only (except Ridgefield NWR), Nov. 30, 2002 - Jan. 26, 2003. Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 27, 2002 - Jan. 26, 2003, except closed Dec. 25, 2002 and Jan. 1, 2003.

Goose Management Area 2B

Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Sundays, and Thursdays only, Nov. 9 - Dec. 29, 2002, except closed Nov. 28, 2002.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 dusks, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2001-02 written authorization will be mailed a 2002-03 authorization card prior to the 2002-03 season. New hunters and those who did not maintain a valid 2001-02 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose

season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Goose Management Area 2A

Special Late Canada Goose Season

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2002-03 southwest Washington Canada goose hunting authorization, in areas with agricultural goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Thursdays, Feb. 1 - Mar. 9, 2003.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific agricultural lands incurring goose damage. Participation in this hunt will depend on the level of agricultural crop damage experienced by local landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003.

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. 5-24, 2002 and Nov. 9 - Jan. 19, 2003; Nov. 11, 28, 29; and every day Jan. 20-26, 2003.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Every day, from Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 23, 24, 26, 28, and 29, 2002.

Jan. 18, 19, 22, 25, and 26, 2003.

If the 2002-03 preseason wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2003 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2001-02 authorization will be mailed a 2002-03 authorization in December. Hunters who did not possess a 2001-02 authorization must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8 or postmarked on or before November 8, after which applicants will be mailed a 2002-03 authorization in December. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2003, hunters must return the harvest report to the Washington Department of Fish and Wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2003-04 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS**DUCKS, COOTS, AND SNIPE (Falconry)**

(Bag limits include geese and mourning doves.)

Oct. 5-16, 2002 and Oct. 26, 2002 - Jan. 26, 2003, statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 5-24, 2002 and Nov. 9 - Jan. 26, 2003, statewide, except Goose Management Areas 1, 2A, and 2B.

Goose Management Area 1: Oct. 5, 2002 - Jan. 5, 2003.

Goose Management Area 2A: Nov. 27, 2002, and Saturdays, Sundays, and Thursdays only (except Ridgefield NWR), Nov. 30, 2002 - Jan. 26, 2003; and Saturdays, Sundays, and Thursdays, Feb. 1 - Mar. 9, 2003. Ridgefield NWR (Zone 1): Saturdays, Mondays, and Wednesdays only, Nov. 27, 2002 - Jan. 26, 2003, except closed Dec. 25, 2002 and Jan. 1, 2003.

Goose Management Area 2B: Saturdays, Sundays, and Wednesdays only, Nov. 9 - Dec. 29, 2002, except closed Nov. 28, 2002.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-425

2001-02 Migratory waterfowl seasons and regulations

WSR 02-13-138
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed June 19, 2002, 11:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-10-109.

Purpose: To amend WAC 232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Reasons Supporting Proposal: [No information supplied by agency.]

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director Wildlife Program, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Assistant Director Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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: The purpose is to amend WAC 232-28-279 2000-

2002 Elk general seasons and 2002-2003 special permits. Maintain general elk hunting season opportunities for 2002. Adjust special elk permits for 2002 in response to elk population changes and damage complaints.

Proposal Changes the Following Existing Rules: Elk general seasons are set on a three-year basis and permit seasons are adjusted annually. Both general and permit seasons can be adjusted annually in response to elk population changes and damage complaints. An error in the boundary descriptions for the Dayton and Columbia special permit elk hunts requires adjustment.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These recommendations involve rules for recreational hunters and do not directly regulate small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule is not related to the hydraulics code.

Hearing Location: Pearsall Multi-Services Center, 2109 Sumner Avenue, Aberdeen, WA 98520, on August 2-3, 2002, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 26, 2002, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Dave Brittell, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by July 12, 2002.

Date of Intended Adoption: August 2, 2002.

June 19, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 02-98, filed 5/10/02, effective 6/10/02)

WAC 232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits.

Bag Limit: One (1) elk per hunter during the 2002 hunting season.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but antler points on the lower half of the main beam must be at least four (4) inches long measured from antler tip to nearest edge of beam; all other antler points must be at least one (1) inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, and 588 and Muzzleloader Area 941.

GMUs Closed to Elk Hunting: 418 (Nooksack), and 437 (Sauk) except for ML Elk Area 941, 485 (Green River), 490 (Cedar River), 522 (Loo-wit) and 636 (Skokomish).

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only in GMUs 127 and 130 for modern firearm hunters and permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Muzzleloader Area 941), 485, 490, 522, 636 and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 064 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, and PLWMA 600 (Pysht).

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

PROPOSED

PROPOSED

Hunt Area	Elk Area	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EF	109 east of Aladdin-Northport Road, 113 through 117, 124 east of Hwy 395	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any bull
		157				Permit only
		145 through 154, 162 through 186, 249, that part of GMU 250 south of Hwy 2, 251, 328, 329, 335 through 368	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Spike bull
		372	Sept. 1-Oct. 13	Sept. 1-15	Aug. 31-Sept.13	Antlerless
			Oct. 28-Nov. 5	Oct. 1-5	Sept. 14-15	Any elk
					Oct. 6-7	Antlerless
				Oct. 6-15	Oct. 8-11	Any elk
	Dec. 9-13	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk		
	101, 105, 109 west of Aladdin-Northport Road, 121, 124 west of Hwy 395, 127-142, 382	Oct. 28-Nov. 5	Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any elk	
Western Washington	WF	407, 448, 460, 466, 504 through 520, 530, 550, 558, 560, 572, 601 through 618, 624 through 633, 638 through 684. Except AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660.	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min.
		501	Nov. 4-12	Nov. 3-11	Nov. 2-10	3 pt. min. or antlerless
		564, 568, 574 through 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
		454	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any bull
		524, 556, 621, PLWMA 600	Nov. 4-12	Nov. 3-11	Nov. 2-10	Permit only

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		145, 149, 163 through 186	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull
		154, 162 excluding National Forest and Rainwater Wildlife Area, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 1-14	Sept. 1-14	Sept. 1-14	Spike bull or antlerless
		113-117	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
Western Washington	WA	454, 564, 568, 574, 578, 588	Sept. 1-14	Sept. 1-14	Sept. 1-14	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 652*, 654, 660, 663, 666, 667 through 673, 684 and Long Island	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min. or antlerless

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Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 612 through 618, 624 through 633, 638 through 651, 653, 658, 681. AHE hunters only in Elk Area 064 in GMU 638, and Elk Area 066 in GMU 660. Permit only in PLWMA 600 in GMU 603.	Sept. 1-14	Sept. 1-14	Sept. 1-14	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		372		Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		178	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Spike bull or antlerless
		That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near Woodshed Restaurant) and north and east of Nile elk fence.		Nov. 22-Jan. 31, 2002	Nov. 20, 2002-Jan. 31, 2003	Antlerless only
Western Washington	WA	407, 505, 652 ^a , 666, 667, 672, 681, Elk Area 066 in GMU 660 and Long Island. In GMU 681 closed between US Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallacut River.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min. or antlerless
		454, 564, 588	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603. AHE hunters only in Elk Area 064 in GMU 638.	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.
		506, 520, 530		Nov. 21-Dec. 2	Nov. 20-Dec. 1	3 pt. min. or antlerless
		506, 520, 530		Dec. 3-15	Dec. 2-15	3 pt. min.

^aThat portion of GMU 652 bounded by Highways 167, 410, and 164. Not legal for antlerless.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	109, 247	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any bull
		127 through 142	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		172, 245, 250, 251 ^b , 342, 356, 368	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull
		ML 911	Aug. 19-Sept. 10	Aug. 15-Sept. 15	Aug. 15-Sept. 15	Spike bull or antlerless

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Hunt Area	Elk Tag	Game Management Units (GMUs)	2000 Dates	2001 Dates	2002 Dates	Legal Elk
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Oct. 7-13	Oct. 6-12	Oct. 5-11	Spike bull or Antlerless
Western Washington	WM	454, 564, 568, 684	Oct. 7-13	Oct. 6-12	Oct. 5-11	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min.
		501, 652 ^a , 666, 667	Oct. 7-13	Oct. 6-12	Oct. 5-11	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	101, 105, 121, that part of 124 west of Hwy 395		Oct. 27-Nov. 4	Oct. 26-Nov. 3	Any Elk
		130 through 142	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		346	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
		ML Area 944	Nov. 22-Dec. 8			Spike bull or antlerless
		ML Area 911		Dec. 1-31	Dec. 1-31	Spike bull or antlerless
		That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek, west along South Fork Cowiche Creek to Road A 5500, east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road, south and west on North Fork Ahtanum Creek Road to A 2000, A 2000 to A 2400 Road, A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.	Nov. 11-15	Nov. 10-14	Nov. 9-13	Spike bull or antlerless
Western Washington	WM	501, 505, 652 ^a , 666, 667	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 684	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	Any elk
		574, 578	Nov. 22-Dec. 8	Nov. 21-Dec. 8	Nov. 20-Dec. 8	Any elk
		504, 550, 601	Nov. 22-Dec. 15	Nov. 21-Dec. 15	Nov. 20-Dec. 15	3 pt. min.

^aThat portion of GMU 652 bounded by Highways 167, 410, and 164. Not legal for antlerless.

^bGMU 251 (Mission) closed in the following area: Beginning at the junction of Naneum Ridge (WDFW Rd. 9) and Ingersol (WDFW Rd. 1) roads; north and east on Ingersol Road to Colockum Road; east on Colockum Road and Colockum Creek to the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd. 14) and North Fork Road (WDFW Rd. 10.10) to Colockum Rd. (WDFW Rd. 10); south-west on Colockum Road to the Naneum Ridge Road (WDFW Rd. 9); west on Naneum Ridge to Ingersol to the point of beginning.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units	2000 Dates	2001 Dates	2002 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, Advanced Hunter Education Graduates only.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Grant, Adams, Douglas, Franklin, Okanogan, and Benton (south of the Yakima River), and Chelan County (north of Hwy 2, except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. 28-Nov. 15	Oct. 27-Nov. 15	Oct. 26-Nov. 15	Any elk
	EM	ML Area 911, Advanced Hunter Education Graduates only.	Nov. 24-Dec. 3	Nov. 24-30	Nov. 23-30	Spike bull or antlerless
Western Washington	WF	568, 574, 578, 588	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WF, WA, WM	564 (archery and muzzleloader methods only, modern firearm elk tag holders may hunt, but must use archery, muzzleloader or revolver type handgun equipment)	Nov. 4-12	Nov. 3-11	Nov. 2-10	Any elk
	WM	Muzzleloader Area 941 (muzzleloader only)	11/1/2000 - 1/31/2001	11/1/2001 - 1/31/2002	11/1/2002 - 1/31/2003	Any elk
	WA	Muzzleloader Area 941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

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Special Elk Permit Hunting Seasons

(Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	2002 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2002 Permits
Modern Firearm Bull Permit Hunts					
Blue Creek A Watershed ^c	Oct. 21-Nov. 3	Any Bull	EF	GMU 154	3
	Oct. 26-Nov. 3	3 Pt. Min. or Antlerless	EA, EF, EM	GMU 157	40
Wenaha A	Oct. 21-Nov. 3	Any Bull	EF	GMU 169	5
Mountain View A	Oct. 21-Nov. 3	Any Bull	EF	GMU 172	5
Couse A	Oct. 21-Nov. 3	Any Bull	EF	GMU 181	1
Naneum A	Oct. 21-Nov. 3	Any Bull	EF	GMU 328	6
Quilomene A	Oct. 21-Nov. 3	Any Bull	EF	GMU 329	8
Teanaway A	Oct. 21-Nov. 3	Any Bull	EF	GMU 335	6
Peaches Ridge A	Oct. 21-Nov. 3	Any Bull	EF	GMUs 336, 346	103
Goose Prairie A	Oct. 21-Nov. 3	Any Bull	EF	GMUs 352, 356	114
Bethel A	Oct. 21-Nov. 3	Any Bull	EF	GMU 360	64
Rimrock A	Oct. 21-Nov. 3	Any Bull	EF	GMU 364	112
Cowiche A	Oct. 21-Nov. 3	Any Bull	EF	GMU 368	28
Margaret A	Nov. 2-10	3 Pt. Min.	WF	GMU 524	18
Toutle A	Nov. 2-10	3 Pt. Min.	WF	GMU 556	90
Olympic A	Nov. 2-10	3 Pt. Min.	WF	GMU 621 ^b	21

^cPermit season is open for archery and muzzleloader, but hunt is the same as modern firearm and all hunters must wear hunter orange.

^bThat part of GMU 621 south of the BPA power lines.

Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)

Three Forks	Oct. 26-Nov. 3	Any Elk	EF or EM	GMU 109	15
Selkirk	Oct. 26-Nov. 3	Any Elk	EF or EM	GMU 113	15
49 Degrees North	Oct. 26-Nov. 3	Any Elk	EF or EM	GMU 117	15
Mount Spokane	Oct. 26-Nov. 3	Any Elk	EF or EM	124 (E. of SR 395)	75
Blue Creek E	Oct. 26-Nov. 3	Antlerless	EF or EM	GMUs 149, 154	100
Dayton A ^(*)	Oct. 26-Nov. 3	Antlerless	EF or EM	GMUs (162, 163) <u>163 and part of 162^a</u>	200
Dayton B	Oct. 26-Nov. 3	Antlerless	EF or EM	GMU (162^a, 163) <u>162^a</u>	50
Shushuskin ⁱ	Dec. 1-31	Antlerless	EF or EM	Elk Area 031	75
Malaga A ^j	Aug. 17-Sept. 29	Antlerless	EF or EM	Elk Area 032	75
Malaga B ^j	Sept. 7-15	Any Elk	EF or EM	Elk Area 032	10
Malaga C	Nov. 4-Dec. 31	Antlerless	EF or EM	Elk Area 032	75
Malaga E	Nov. 11-17	Any Elk	EF or EM	Elk Area 032	5
Peshastin A ⁱ	Aug. 17-25	Antlerless	EF or EM	Elk Area 033	20
Peshastin B	Aug. 19-25	Any Elk	EF or EM	Elk Area 033	5
Peshastin C	Sept. 16-29	Antlerless	EF or EM	Elk Area 033	20
Peshastin D	Sept. 21-29	Any Elk	EF or EM	Elk Area 033	5
Peshastin E	Nov. 30-Jan. 12, 2003	Antlerless	EF or EM	Elk Area 033	20
Peshastin F	Dec. 7-Jan. 12, 2003	Any Elk	EF or EM	Elk Area 033	5
West Bar A	Oct. 22-31	Antlerless	EF or EM	GMU 330	10
West Bar B	Nov. 1-4	Antlerless	EF or EM	GMU 330	10
Taneum	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 336	200
Manastash	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 340	400
Observatory A	Oct. 21-Nov. 3	Any Elk	EF or EM	GMUs 340, 342, 371	62
Umtanum A	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 342	400
Cleman ^j	Dec. 9-31	Antlerless	EF or EM	ML Area 944	100
Little Naches A	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 346	250
Little Naches B	Oct. 1-10	Any Bull	EF or EM	GMU 346	25
Nile	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 352	300
Bumping	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 356	215
Bethel B	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 360	105
Rimrock B	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 364	100
Cowiche B	Oct. 30-Nov. 3	Antlerless	EF or EM	GMU 368	180
Willapa Hills	Nov. 6-10	Antlerless	WF or WM	GMU 506	50
Raymond A	Nov. 6-10	3-Pt. Min. or Antlerless	WF or WM	Part of GMU 506, 672 and 673 ^k	20
Raymond B	Dec. 16-31	Antlerless	WF or WM	Part of GMUs 506, 672 and 673 ^k	30
Raymond C	Jan. 1-31, 2003	Antlerless	WF or WM	Part of GMUs 506, 672 and 673 ^k	15
Raymond D	Feb. 1-28, 2003	Antlerless	WF or WM	Part of GMUs 506, 672 and 673 ^k	15
Winston	Nov. 6-10	Antlerless	WF or WM	GMU 520	15
Margaret B	Nov. 6-10	Antlerless	WF or WM	GMU 524	10
Ryderwood	Nov. 6-10	Antlerless	WF or WM	GMU 530	40
Coweeman	Nov. 6-10	Antlerless	WF or WM	GMU 550	20

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Toutle B	Nov. 6-10	Antlerless	WF or WM	GMU 556	30
Marble	Nov. 6-10	Antlerless	WF or WM	GMU 558	60
Carlton	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 057	5
West Goat Rocks	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 058	5
Mt. Adams	Oct. 1-10	3-Pt. Min.	WF or WM	Elk Area 059	5
Lewis River	Nov. 6-10	Antlerless	WF or WM	GMU 560	75
Siouxon	Nov. 6-10	Antlerless	WF or WM	GMU 572	50
Dungeness A	Nov. 28-Dec. 2	Antlerless	WF or WM	Part of GMU 621 ⁱ	6
Dungeness B	Dec. 5-9	Antlerless	WF or WM	Part of GMU 621 ⁱ	6
Dungeness C	Dec. 12-16	Antlerless	WF or WM	Part of GMU 621 ⁱ	6
Satsop A	Dec. 1-15	Antlerless	WF or WM	GMU 651	30
Puyallup A	Jan. 15-23, 2003	Antlerless	WF or WM	GMU 652	25
Mashel A	Dec. 15-23	Antlerless	WF or WM	Part of GMU 654 ^m	50
Mashel B	Jan. 12-21, 2003	Antlerless	WF or WM	Part of GMU 654 ^m	100
North Minot A	Oct. 20-31	Antlerless	WF or WM	Elk Area 067	60
Deschutes A	Jan. 15-23, 2003	Antlerless	WF or WM	GMU 666	10
Williams Creek	Nov. 6-10	Antlerless	WF or WM	GMU 673	40
North Shore A	Nov. 6-10	Antlerless	WF or WM	Elk Area 068	5

ⁱ~~That part of GMUs 162 and 163 excluding National Forest lands and Rainwater Wildlife Area.~~

^jDamage hunt.

^kThat part of GMUs 506, 672 and 673 within 1 mile of SR 6 between the east end of elk Prairie Rd and the Mallis Landing Rd.

^l~~That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.~~

^m~~That part of GMU 654 south of the Puyallup River.~~

ⁿThat part of GMU 162 east of North Touchet Road excluding National Forest.

^oThat part of GMU 162 west of North Touchet Road excluding National Forest and Rainwater Wildlife Area.

Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

Note-Fire Closures may limit access during early October seasons

Blue Creek B	Oct. 1-11	Any Bull	EM	GMU 154	1
Wenaha C	Oct. 1-11	Any Bull	EM	GMU 169	1
Mountain View B	Oct. 1-11	Any Bull	EM	GMU 172	1
Couse B	Oct. 1-11	Any Bull	EM	GMU 181	1
Naneum B	Oct. 1-11	Any Bull	EM	GMU 328	1
Quilomene B	Oct. 1-11	Any Bull	EM	GMU 329	2
Teanaway B	Oct. 1-11	Any Bull	EM	GMU 335	1
Peaches Ridge B	Oct. 1-11	Any Bull	EM	GMUs 336, 346	15
Goose Prairie B	Oct. 1-11	Any Bull	EM	GMUs 352, 356	17
Bethel C	Oct. 1-11	Any Bull	EM	GMU 360	11
Rimrock C	Oct. 1-11	Any Bull	EM	GMU 364	16
Cowiche C	Oct. 1-11	Any Bull	EM	GMU 368	10
Margaret C	Oct. 1-11	3 Pt. Min.	WM	GMU 524	4
Toutle C	Oct. 1-11	3 Pt. Min.	WM	GMU 556	16
Olympic B	Oct. 1-11	3 Pt. Min.	WM	GMU 621	3

Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)

Blue Creek C ⁱ	12/1/02-1/31/03	Antlerless	EM	GMU 154	60
Columbia A(^o)	Dec. 1-31	Antlerless	EM	Part of GMU 162 ⁿ (^o) and GMU 163	100
Columbia B(^o)	Jan. 1-31, 2003	Antlerless	EM	Part of GMU 162 ⁿ (^o) and GMU 163	100

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Columbia C ⁽ⁱ⁾	Dec. 20-Jan. 31, 2003	Antlerless	EM	Part of GMU 162 ^a	50
Couse C ⁱ	Dec. 1-31	Antlerless	EM	GMU 181	25
Couse D ⁱ	Jan. 1-31, 2003	Antlerless	EM	GMU 181	25
West Bar C	Oct. 1-11	Antlerless	EM	GMU 330	10
Observatory B	Oct. 1-11	Any Elk	EM	GMUs 340, 342, 371	14
Umtanum B	Oct. 6-12	Antlerless	EM	GMU 342	350
Stella A ^j	Nov. 26-Dec. 15	Antlerless	WM	GMU 504	100
Stella B ^j	Jan. 1-16, 2003	Antlerless	WM	GMU 504	25
Toledo A ⁱ	Jan. 1-16, 2003	Antlerless	WM	Elk Area 029	30
Malaga F ⁱ	Oct. 8-27	Antlerless	EM	Elk Area 032	75
Malaga G ⁱ	Oct. 8-27	Any Elk	EM	Elk Area 032	10
Mossyrock A ⁱ	Jan. 1-16, 2003	Antlerless	WM	Elk Area 052	20
Randle A ^j	Jan. 1-16, 2003	Antlerless	WM	Elk Area 053	15
Boistfort ^j	Jan. 1-16, 2003	Antlerless	WM	Elk Area 054	40
Yale ^j	Nov. 26-Dec. 15	3 Pt. Min. or Antlerless	WM	GMU 554	75
Satsop B	Oct. 6-11	Antlerless	WM	GMU 651	10
North River ⁱ	Nov. 26-Dec. 15	Antlerless	WM	GMU 658	20
North Minot B ⁱ	Oct. 6-11	Antlerless	WM	Elk Area 067	60
Raymond E ⁱ	Oct. 1-31	Antlerless	WM	Part of GMUs 506, 672 and 673 ^k	30

^jDamage hunt.

^kThat part of GMUS 506 and 673 within 1 mile of SR6 between the east end of Elk Prairie Rd. and the Mallis Landing Rd.

^aThat part of GMU 162 east of North Touchet Rd., excluding National Forest. Mostly private land, winter road closures in GMU 162.

^qThat part of GMU 162 west of North Touchet Rd., excluding National Forest and Rainwater Wildlife Area.

Archery Permit Hunts (Only archery elk tag holders may apply.)

Note-Fire closures may limit access during September seasons.

Blue Creek D	Sept. 1-14	Any Bull	EA	GMU 154	2
Wenaha D	Sept. 1-14	Any Bull	EA	GMU 169	2
Mountain View C	Sept. 1-14	Any Bull	EA	GMU 172	5
Couse F	Sept. 1-14	Any Bull	EA	GMU 181	1
Naneum C	Sept. 1-14	Any Bull	EA	GMU 328	35
Quilomene C	Sept. 1-14	Any Bull	EA	GMU 329	12
Teaway C	Sept. 1-14	Any Bull	EA	GMU 335	35
Peaches Ridge C	Sept. 1-14	Any Bull	EA	GMUs 336, 346	126
Observatory C	Sept. 1-14	Any Elk	EA	GMUs 340, 342, 371	71
Goose Prairie C	Sept. 1-14	Any Bull	EA	GMUs 352, 356	267
Bethel D	Sept. 1-14	Any Bull	EA	GMU 360	62
Rimrock D	Sept. 1-14	Any Bull	EA	GMU 364	117
Cowiche D	Sept. 1-14	Any Bull	EA	GMU 368	27
Peshastin G	Sept. 1-14	Any Elk	EA	Elk Area 033	10
Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	7
Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	61
Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621 ^b	5
Quinault	Nov. 21-Dec. 15	Antlerless	WA	That part of GMU 638 in the Quinault drain- age	40
Mashel B ⁱ	Jan. 12-21, 2003	Antlerless	WA	Part of GMU 654 ^m	40

Raymond F ⁱ	Nov. 16-30	Antlerless	WA	Part of GMUs 506, 672 and 673 ^k	60
Satsop C	Sept. 1-14	3 Pt. Min. or Antlerless	WA	GMU 651	30

^hThat part of GMU 621 south of the BPA power lines.

ⁱDamage hunt.

^kThat part of GMUs 506, 672 and 673 within 1 mile of SR 6 between the east end of Elk Prairie Rd and the Mallis Landing Rd.

^lThat part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River.

^mThat part of GMU 654 south of the Puyallup River.

Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (only AHE graduates may apply).

Toledo B	Jan. 17-31, 2003	Antlerless	Any Elk Tag	Elk Area 029	20
Mossyrock B	Jan. 17-31, 2003	Antlerless	Any Elk Tag	Elk Area 052	20
Randle B	Jan. 17-31, 2003	Antlerless	Any Elk Tag	Elk Area 053	15
Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
Chehalis Valley A	Sept. 15-30	Antlerless	Any Elk Tag	Elk Area 066 ^a	10
Chehalis Valley B	Oct. 1-31	Antlerless	Any Elk Tag	Elk Area 066 ^a	10
Chehalis Valley C	Nov. 6-10	Antlerless	Any Elk Tag	Elk Area 066 ^a	30
Chehalis Valley E	Nov. 15-30	Antlerless	Any Elk Tag	Elk Area 066 ^a	15
Chehalis Valley F	Jan. 1-31, 2003	Antlerless	Any Elk Tag	Elk Area 066 ^a	15
Chehalis Valley G	Feb. 1-28, 2003	Antlerless	Any Elk Tag	Elk Area 066 ^a	15

Persons of Disability Only - Special Elk Permit Hunts

Observatory D	Oct. 24-Nov. 7	Any Elk	EF or EM	GMUs 340, 342	6
Little Naches C	Oct. 1-10	Any Elk	EF, EM, EA	GMU 346	6
Little Naches D	Oct. 30-Nov. 7	Antlerless	EF, EM, EA	GMU 346	10
Centralia Mine A	Oct. 26-27	Antlerless	Any Elk Tag	Portion of GMU 667 ^o	2
Centralia Mine B	Nov. 2-3	Antlerless Only	Any Elk Tag	Portion of GMU 667 ^o	2
North Shore B	Oct. 1-31	Antlerless	Any Elk Tag	Elk Area 068	5
North Shore C	Dec. 16-31	Antlerless	Any Elk Tag	Elk Area 068	5
North Shore D	Jan. 1-31, 2003	Antlerless	Any Elk Tag	Elk Area 068	5
North Shore E	Feb. 1-28, 2003	Antlerless	Any Elk Tag	Elk Area 068	5
Skookumchuck A	Nov. 17-25	Antlerless	Any Elk Tag	GMU 667	4
Skookumchuck B	Dec. 6-16	Antlerless	Any Elk Tag	GMU 667	4
Skookumchuck C	Jan. 1-31, 2003	Antlerless	Any Elk Tag	GMU 667	10
Chehalis Valley D	Dec. 1-31	Antlerless	Any Elk Tag	Elk Area 066	15

^oPortion of GMU 667 within Centralia Mine.

^qFirearm Restriction Area.

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.

PROPOSED



WSR 02-12-069
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed May 31, 2002, 4:05 p.m.]

Effective Date of Rule: Thirty-one days after filing.
 May 29, 2002
 Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

Date of Adoption: May 29, 2002.

Purpose: WAC 388-290-0125, 388-290-0190, 388-290-0200, 388-290-0225, and 388-290-0245 are being revised to allow the department to pay child care subsidies to seasonal day camps that are accredited by the American Camping Association (ACA), when an eligible family chooses to have their children attend.

WAC 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0125, 388-290-0130, 388-290-0135, 388-290-0190, 388-290-0200, 388-290-0205, 388-290-0225, 388-290-0230, 388-290-0240, 388-290-0245 and 388-290-0270 are being revised to clarify language and correct typographical errors.

Citation of Existing Rules Affected by this Order: Amending WAC 388-290-0015, 388-290-0020, 388-290-0035, 388-290-0040, 388-290-0045, 388-290-0050, 388-290-0055, 388-290-0095, 388-290-0105, 388-290-0120, 388-290-0125, 388-290-0130, 388-290-0135, 388-290-0190, 388-290-0200, 388-290-0205, 388-290-0225, 388-290-0230, 388-290-0240, 388-290-0245, and 388-290-0270.

Statutory Authority for Adoption: RCW 74.04.050, 74.13.085.

Adopted under notice filed as WSR 02-08-060 on April 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: In WAC 388-290-0015 (1)(h): The words "or training" were added to the end of the sentence in subsection (1)(h); this had inadvertently been left off the sentence in the proposed version.

In WAC 388-290-0055(2): "The WCCC program" was deleted and replaced with "We."

In WAC 388-290-0055 (2) and (3): The words "for the child's attendance in child care" were added after "WCCC payments."

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 21, 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 21, Repealed 0.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0015 How does the WCCC program determine my family size for eligibility? (~~The WCCC program determines~~) We determine your family size by reviewing those individuals who live together in the same household as follows:

(1) If you are:	We count the following individuals as part of the family for WCCC eligibility:
(a) A single parent, including a minor parent living independently;	You and your (child(ren)) <u>children</u> .
(b) Unmarried parents (that) <u>who</u> have at least one mutual child;	Both parents and all their children living in the household.
(c) Unmarried parents with no mutual children;	Unmarried parents and their respective children are counted as separate WCCC families.
(d) Married parents;	Both parents and all their children living in the household.
(e) Undocumented parents (all other family rules in this section apply);	(Both) <u>Parents and (all)</u> children, documented and undocumented, as long as the child needing care is a U.S. citizen or legally residing in the United States. <u>All other family rules in this section apply.</u>
(f) A consumer as defined in WAC 388-290-0005 <u>(2)(c) through (i)</u> and you are not financially responsible for the (child(ren)) <u>children</u> ;	Only the (child(ren)) <u>children</u> are counted as the WCCC family. The (child(ren)) <u>children</u> and (his/her) <u>their</u> income (is counted for WCCC eligibility) <u>are counted.</u>
(g) A minor parent with children and live with a parent/guardian;	Only the minor parent and (the) <u>their</u> children.

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(h) A family member(s) who ((are temporarily)) is out of the household because of employment requirements, such as the military ((all other family rules in this section apply)) or training.	((This)) <u>The absent individual</u> ((as part of the household)), the children, and the other parent if it is a two-parent family. All other family rules in this section apply.
(2) If your household includes:	We count the following individuals as part of the family for WCCC eligibility:
(a) Eighteen year old siblings of the children requiring care who are enrolled in ((approved)) secondary education or general equivalency diploma (GED) program.	The eighteen year olds (unless they are a parent themselves), until they turn nineteen(;) or complete ((HS/GED)) <u>high school/GED</u> , whichever comes first. <u>All other family rules in this section apply.</u>
(b) Siblings of the children requiring care who are up to twenty-one years of age and who are participating in ((an approved)) program through the school district's special education department under RCW 28A.155.0202.	The individual participating in an approved program through RCW 28A.155.0202 up to twenty-one years of age(;) (unless they are a parent themselves). <u>All other family rules in this section apply.</u>

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0020 ~~((When can I get))~~ **Are there special circumstances that might affect my WCCC** ~~((benefits))~~ **eligibility?** (1) ~~((Depending on your circumstances, or those of your child(ren),))~~ You might be eligible for WCCC if you are:

- (a) An employee of the same child care facility where your ~~((child(ren) is))~~ children are receiving care and you do not provide direct care to your own ~~((child(ren)))~~ children during the time WCCC is requested;
- (b) In sanction status for temporary assistance for needy families (TANF), while you are in an activity needed to remove the sanction or employment;
- (c) A parent in a two-parent family and one parent is not able or available to provide care for your ~~((child(ren)))~~ children while ~~((one))~~ the other is working, looking for work, or preparing for work;

(i) "Able" means physically(;) and mentally(~~and emotionally~~) capable of caring for a child in a responsible manner.

(ii) "Available" means able to provide care when ~~((they are))~~ not participating in an approved work activity under WAC 388-290-0040, 388-290-0045, ~~((and))~~ or 388-290-0050 during the time ~~((you need))~~ child care is needed.

(d) A married consumer described under WAC 388-290-0005 (1)(d) through (i). Only you or ~~((your spouse))~~ the other parent must be participating in activities under WAC 388-290-0040, 388-290-0045, or 388-290-0050.

(2) You might be eligible for WCCC if your ~~((child(ren) is))~~ children are legally residing in the country and ~~((is))~~ are:

- (a) Less than thirteen years of age; or
- (b) ~~((Thirteen years of age and))~~ Less than age nineteen, and:
 - (i) ~~((Has))~~ Have a verified special need, according to WAC 388-290-0220; or
 - (ii) ~~((Is))~~ Are under court supervision.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0035 **What responsibilities does the WCCC program staff have?** The WCCC program staff are responsible to:

- (1) Allow you to choose your provider as long as they meet the requirements in WAC 388-290-0125;
- (2) Review your chosen in-home/relative provider's background information ~~((because the department:~~
 - ~~(a) Wants you to have this information to help you:~~
 - ~~(i) Make informed, safe, and responsible decisions about your child(ren)'s care provider; and~~
 - ~~(ii) Reduce the risk of harm to children by caregivers that have been convicted of certain crimes.~~
 - ~~(b) Does not pay for any of the cost of child care provided by individuals convicted of crimes listed in WAC 388-290-0160 or 388-290-0165))~~.

(3) Authorize payments only to child care providers who allow you to see your children whenever they are in care;

(4) Only authorize payment when no adult in your WCCC family is "able or available" to care for your children (under WAC 388-290-0020).

(5) Inform you of:

- (a) Your rights and responsibilities under the WCCC program at the time of application and eligibility review;
- (b) The types of child care providers we can pay;
- (c) The community resources that can help you select child care(;) when needed; and
- (d) Any change in your copayment during the authorization period except under WAC 388-290-0120(4).

(6) Respond to you within ten days if you report a change of circumstance ~~((which))~~ that affects your WCCC eligibility(~~)~~ or copayment; and

(7) Provide prompt child care payments to your ~~((licensed or certified))~~ child care provider.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0040 **If I receive a temporary assistance for needy families (TANF) grant, ~~((when might I))~~ what activities must I be involved in to be eligible for WCCC benefits?** If you receive a temporary assistance for needy families (TANF) grant, you may be eligible for WCCC

benefits for up to sixteen hours maximum per day for your hours of participation in the following:

- (1) ~~((A))~~ An approved WorkFirst activity under ((chapter 388-310)) WAC 388-310-0200;
- (2) Employment or self-employment. We consider "employment" or "work" to mean engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States;
- (3) Transportation time between the location of child care and your place of employment or approved activity;
- (4) Up to ten hours per week of study time before or after regularly scheduled classes or up to three hours of study time per day when needed to cover time between approved classes ((for your approved activity)); and
- (5) Up to eight hours per day of sleep time when it is needed, such as if you work nights and sleep days.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0045 If I don't get a temporary assistance for needy families (TANF) grant, ((when might I)) what activities must I be involved in to be eligible for WCCC benefits? If you do not receive TANF, you may be eligible for WCCC benefits for up to sixteen hours maximum per day for the hours of your participation or enrollment in the following:

- (1) Employment or self-employment under WAC 388-290-0050. We consider "employment" or "work" to mean engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States;
- (2) Secondary education or general equivalency diploma (GED) program if you are age twenty-one or younger.
- (3) Same-day job search if you are a TANF applicant;
- (4) The food stamp employment and training program under chapter 388-444 WAC;
- (5) Adult basic education (ABE), English as a second language (ESL), high school/GED, vocational education, or job skills training or other program under WAC 388-310-1000, ((388-31-1050)) 388-310-1050, 388-310-1200, or 388-310-1800, and you are:
 - (a) Working:
 - (i) Twenty or more hours per week; or
 - (ii) Sixteen or more hours per week in a work study job.
 - (b) Participating in the educational program for no longer than thirty-six months.
- (6) WCCC may be approved for activities listed in WAC 388-290-0040 (3) through (5), when needed.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0050 If I am self-employed, can I get WCCC benefits ((if I'm self-employed))? You may be eligible for WCCC benefits for up to sixteen hours maximum per day when you're self-employed.

(1) If you get TANF:

- (a) You must have an approved self-employment plan under ((chapter 388-310)) WAC 388-310-1700; and
- (b) The amount of WCCC you get for self-employment is equal to the number of hours in your approved plan.

(2) If you don't get TANF:

- (a) During the first six months of your WCCC eligibility, the number of hours of WCCC you can get will be calculated based on your self-employment earnings. The number of hours of WCCC you get is based on whichever is more:
 - (i) Your work hours reported in your business records; or
 - (ii) The average number of monthly hours equal to dividing your monthly self-employment income by the federal or state minimum wage (whichever minimum wage is lower).
- (b) After the first six months, the number of hours of WCCC you can get each month is based on the lesser of subsections (2)(a)(i) or (ii) of this section.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0055 ((Can the WCCC program authorize benefits)) If ((I'm)) I am not working or in an approved activity right now, can I get WCCC benefits?

- (1) ((The WCCC program)) We can authorize WCCC payments for a child's attendance in child care for up to two weeks when you're waiting to enter an approved activity under WAC 388-290-0040 or 388-290-0045.
- (2) We can authorize WCCC payments for a child's attendance in child care for up to four weeks if you experience a gap for reasons out of your control such as a layoff in employment, or approved activity, and:
 - (a) Your employment, or the approved activity, will resume within that period; or
 - (b) You're looking for another job and you received WCCC immediately before the gap in employment, or approved activity.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0095 If I receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin? When you receive TANF, and are eligible for WCCC, your benefits begin when your eligible provider (under WAC 388-290-0125) is caring for your child and you ((have begun your)) are participating in an approved activity under WAC 388-290-0040.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0105 What is the process for my WCCC review for reauthorization of my WCCC benefits? (1) You are required to complete a review of your WCCC benefits ((before the end date of your current WCCC eligibility period. The WCCC program determines)). We determine if you are still eligible by:

(a) Requesting on-going eligibility review information prior to the end date of your current WCCC eligibility period; and

(b) Reviewing the requested information.

(2) Your WCCC benefits may continue if:

(a) Your review eligibility information is received no later than ten days after your previous eligibility period ends;

(b) Your provider is eligible for payment under WAC 388-290-0125; and

(c) You are eligible for WCCC.

(3) If you are determined eligible for WCCC benefits based on your review information, the program will notify you of continued benefits.

(4) If you provide the requested review information to us more than ten days beyond your last eligibility period, you are determined eligible for WCCC and you:

(a) Receive TANF, your benefit ~~((begin us))~~ begins when:

(i) You ~~((begin))~~ are participating in your approved activity, and

(ii) Your eligible provider (under WAC 388-290-0125) is caring for your child.

(b) Do not receive TANF, your benefit begin date is the date your:

(i) Application is date stamped as received or entered into our automated system as received;

(ii) ~~((Application is entered into our automated system as received; or~~

~~((iii)))~~ Eligible provider (under WAC 388-290-0125) is caring for your child; ~~((whichever is later));~~ and

(iii) Participation in an approved activity has started.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0120 **When doesn't advance and adequate notice of payment changes apply to me?** ~~((The WCCC program does))~~ We do not give you advance and adequate notice in the following circumstances:

(1) You tell ~~((the department))~~ us you no longer want WCCC;

(2) Your whereabouts are unknown to ~~((the department))~~ us;

(3) You are receiving duplicate child care benefits;

(4) Your new authorization period results in a change in child care benefits;

(5) The location where child care occurs does not meet requirements under WAC 388-290-0130 (2) or (3); or

(6) ~~((The department determines))~~ We determine your in-home/relative provider:

(a) Is not of suitable character and competence;

(b) May cause a risk of harm to your ~~((child(ren)))~~ children based on the provider's physical~~((, emotional))~~ or mental health; or

(c) Has been convicted of, or has charges pending for crimes listed in WAC 388-290-0160 or 388-290-0165.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0125 **What child care providers can I choose under the WCCC program?** To receive payment under the WCCC program, your child care provider must be:

(1) Licensed as required by chapter 74.15 RCW;

(2) Meeting their states licensing regulations, for providers who care for children in states bordering Washington. ~~((DSHS pays))~~ We pay the lesser of the following to ~~((licensed or certified))~~ qualified child care facilities in bordering states:

(a) The provider's usual daily rate for that child; or

(b) The DSHS maximum child care subsidy daily rate for the DSHS region where the child resides.

(3) Exempt from licensing but certified by ~~((the department))~~ us, such as:

(a) Tribal child care ~~((facility))~~ facilities that meet the requirements of tribal law;

(b) Child care facilities on a military installation; ~~((or))~~ and

(c) Child care facilities operated on public school property by a school district.

(4) Seasonal day camps that have a contract with us to provide subsidized child care and are:

(a) Of a duration of three months or less;

(b) Engaged primarily in recreational or educational activities; and

(c) Accredited by the American Camping Association (ACA).

(5) An in-home/relative provider meeting the requirements in WAC 388-290-0130.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0130 **What in-home/relative providers can I choose under the WCCC program?** (1) To be authorized as an in-home/relative provider under the WCCC program, your in-home/relative provider must:

(a) Be a U.S. citizen or legally residing in the country~~((s));~~

~~((and must:))~~ (b) Meet the requirements in WAC 388-290-0135

~~((a));~~

(c) Complete and submit a criminal background inquiry form prescribed by ~~((the department))~~ us; and

~~((b) Not be disqualified based on information in WAC 388-290-0140 (3) or (4).~~

~~((2) A relative provider must))~~

(d) Be one of the following adult relatives providing care in the home of either the child or the relative~~((s~~

~~((a));~~

(i) An adult sibling living outside the child's home;

~~((b))~~ (ii) An extended tribal family member under chapter 74.15 RCW; or

~~((e))~~ (iii) A grandparent, aunt, uncle, or great-grandparent, great-aunt or great-uncle.

~~((3))~~ (2) A nonrelative provider may be an adult friend or neighbor and must provide care in the child's own home.

~~((4))~~ (3) The in-home/relative provider may not be:
 (a) The child's biological, adoptive(;) or step-parent;
 (b) The child's legal guardian or the guardian's spouse; or
 (c) Another adult acting in loco parentis or that adult's spouse.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0135 When I choose an in-home/relative provider, what information must I submit to receive WCCC benefits? When you choose in-home/relative child care, you must submit the following and complete certain forms:

- (1) The in-home/relative child care provider's name and address; ~~(and)~~
- (2) A copy of the provider's valid Social Security ~~(Number)~~ card and photo identification to ~~(the department)~~ us;
- (3) A completed background inquiry application; and
- (4) A completed form ~~(which)~~ that makes the following assurances:

- (a) The provider is:
 - (i) Of suitable character and competence;
 - (ii) Of sufficient physical~~(, emotional,)~~ and mental health to meet the needs of the ~~(child)~~ children in care. If requested by ~~(the department, the parent(s))~~ us, you must provide written evidence that the in-home child care provider of ~~(the parent's)~~ your choice is of sufficient physical~~(, emotional,)~~ and mental health to be a safe child care provider;
 - (iii) Able to work with the ~~(child)~~ children without using corporal punishment or psychological abuse;
 - (iv) Able to accept and follow instructions;
 - (v) Able to maintain personal cleanliness; and
 - (vi) Prompt and regular in job attendance.
- (b) The ~~(child is)~~ children are current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;
- (c) The home where care is provided is safe for the care of the ~~(child; and)~~ children;

(d) The in-home/relative child care provider is informed about basic health practices, prevention and control of infectious disease, immunizations, and home and physical premises safety relevant to the care of the ~~(child;)~~ children; and

- (e) ~~(As the WCCC consumer, you will instruct)~~ You have instructed the in-home/relative child care provider that ~~(he/she)~~ they will have the following responsibilities:
 - (i) Provide constant care and supervision of the ~~(child)~~ children throughout the arranged time of care in accordance with the needs of the ~~(child)~~ children; and
 - (ii) Provide developmentally appropriate activities for the ~~(child)~~ children.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0190 What does the WCCC program pay for and when can the program pay more? (1) ~~(The WCCC program pays)~~ We pay for:

(a) Basic child care hours, either full day, half day or hourly:

(i) A full day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for five or more hours per day;

(ii) A half day of child care is authorized to licensed/certified facilities and seasonal day camps that have contracted with us to provide subsidized child care when care is needed for less than five hours per day; and

(iii) Hourly child care is authorized when the provider is an in-home/relative.

- (b) A registration fee (under WAC 388-290-0245);
- (c) An activity fee (under WAC 388-290-0245);
- (d) Care for nonstandard hours (under WAC 388-290-0210 and 388-290-0215);
- (e) An infant bonus (under WAC 388-290-0250); and
- (f) Special needs care when the child has a documented need for higher level of care (under WAC 388-290-0220, 388-290-0225, 388-290-0230, and 388-290-0235).

(2) We pay more than the basic child care subsidy daily rate if:

(a) Care is not available at ~~(the DSHS)~~ our daily rate within a reasonable distance, then the provider's usual daily rate is authorized; or

(b) Care is over ten hours per day, then an additional amount of care is authorized.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0200 What daily rates does DSHS pay for child care in a licensed or certified child care center or DSHS contracted seasonal day camps? ~~(DSHS pays)~~ We pay the lesser of the following to a licensed or certified child care center or a seasonal day camp that has a contract with us to provide subsidized child care:

- (1) The provider's usual daily rate for that child; or
- (2) The DSHS maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$24.32	\$20.45	\$19.32	\$18.18
	Half-Day	\$12.16	\$10.23	\$9.66	\$9.09
Region 2	Full-Day	\$24.55	\$20.50	\$19.00	\$16.82
	Half-Day	\$12.27	\$10.25	\$9.50	\$8.41
Region 3	Full-Day	\$32.50	\$27.09	\$23.41	\$22.73
	Half-Day	\$16.25	\$13.55	\$11.70	\$11.36
Region 4	Full-Day	\$37.82	\$31.59	\$26.50	\$23.86
	Half-Day	\$18.91	\$15.80	\$13.25	\$11.93
Region 5	Full-Day	\$27.73	\$23.86	\$21.00	\$18.64
	Half-Day	\$13.86	\$11.93	\$10.50	\$9.32
Region 6	Full-Day	\$27.27	\$23.41	\$20.45	\$20.00
	Half-Day	\$13.64	\$11.70	\$10.23	\$10.00

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AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0205 What daily rates does DSHS pay for child care in a licensed or certified family child care home? ((DSHS pays)) (1) We pay the lesser of the following to a licensed or certified family child care ((center)) home:

- (((+))) (a) The provider's usual daily rate for that child; or
- (((2))) (b) The DSHS maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$20.00	\$18.00	\$18.00	\$16.00
	Half-Day	\$10.00	\$9.00	\$9.00	\$8.00
Region 2	Full-Day	\$20.00	\$19.00	\$17.00	\$17.00
	Half-Day	\$10.00	\$9.50	\$8.50	\$8.50
Region 3	Full-Day	\$29.00	\$25.00	\$22.00	\$20.00
	Half-Day	\$14.50	\$12.50	\$11.00	\$10.00
Region 4	Full-Day	\$30.00	\$29.67	\$25.00	\$24.00
	Half-Day	\$15.00	\$14.83	\$12.50	\$12.00
Region 5	Full-Day	\$22.00	\$20.00	\$19.00	\$17.00
	Half-Day	\$11.00	\$10.00	\$9.50	\$8.50
Region 6	Full-Day	\$22.00	\$20.00	\$20.00	\$19.00
	Half-Day	\$11.00	\$10.00	\$10.00	\$9.50

(2) The family child care home WAC 388-155-010 allows providers to provide care to children within a birth through eleven years of age range exclusively. In order for a family home provider to provide care for a twelve-year-old or older child, the provider must obtain a child specific and time-limited waiver from their child care licensor.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0225 What is the DSHS child care subsidy daily rate for children with special needs in a licensed or certified child care center or DSHS contracted seasonal day camp? ((DSHS authorizes)) We authorize special needs daily rates to licensed or certified child care centers or seasonal day camps that have contracts with us to provide subsidized child care under WAC 388-290-0200 and whichever of the following is greater:

- (1) The provider's reasonable documented additional cost associated with the care of the child; or
- (2) The daily rate listed in the table below.

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$7.30	\$6.14	\$5.80	\$5.45
	Half-Day	\$3.65	\$3.07	\$2.90	\$2.73
Region 2	Full-Day	\$7.36	\$6.15	\$5.70	\$5.05
	Half-Day	\$3.68	\$3.08	\$2.85	\$2.52
Region 3	Full-Day	\$9.75	\$8.13	\$7.02	\$6.82
	Half-Day	\$4.88	\$4.06	\$3.51	\$3.41
Region 4	Full-Day	\$11.35	\$9.48	\$7.95	\$7.16
	Half-Day	\$5.67	\$4.74	\$3.98	\$3.58
Region 5	Full-Day	\$8.32	\$7.16	\$6.30	\$5.59
	Half-Day	\$4.16	\$3.58	\$3.15	\$2.80

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 6	Full-Day	\$8.18	\$7.02	\$6.14	\$6.00
	Half-Day	\$4.09	\$3.51	\$3.07	\$3.00

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0230 What is the DSHS child care subsidy daily rate for children with special needs in a licensed or certified family child care home? ((DSHS authorizes)) (1) We authorize special needs daily rates to licensed or certified family child care ((centers)) homes under WAC 388-290-0205 and whichever of the following is greater:

- (((+))) (a) The provider's reasonable documented additional cost associated with the care of the child; or
- (((2))) (b) The daily rate listed in the table below.

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$6.00	\$5.40	\$5.40	\$4.80
	Half-Day	\$3.00	\$2.70	\$2.70	\$2.40
Region 2	Full-Day	\$6.00	\$5.70	\$5.10	\$5.10
	Half-Day	\$3.00	\$2.85	\$2.55	\$2.55
Region 3	Full-Day	\$8.70	\$7.50	\$6.60	\$6.00
	Half-Day	\$4.35	\$3.75	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.90	\$7.50	\$7.20
	Half-Day	\$4.50	\$4.45	\$3.75	\$3.60
Region 5	Full-Day	\$6.60	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.30	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.60	\$6.00	\$6.00	\$5.70
	Half-Day	\$3.30	\$3.00	\$3.00	\$2.85

(2) The family child care home WAC 388-155-010 allows providers to provide care to children within a birth through eleven years of age range exclusively. In order for a family home provider to provide care for a twelve-year-old or older child, the provider must obtain a child specific and time-limited waiver from their child care licensor.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0240 What is the DSHS child care subsidy rate for in-home/relative child care and how is it paid? (1) When you employ an in-home/relative provider, the maximum ((the WCCC program pays)) we pay for child care ((provided by an in-home/relative provider)) is the lesser of the following:

- (a) Two dollars and six cents per hour for the child who needs the greatest number of hours of care and one dollar and three cents per hour for the care of each additional child in the family; or
 - (b) The provider's usual ((daily)) hourly rate for that care.
- (2) ((The WCCC program)) We may pay above the maximum ((daily)) hourly rate for children who have special needs under WAC 388-290-0235.

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(3) When care is provided by an in-home/relative provider, ~~((the WCCC program pays))~~ we pay benefits directly to you, defined as the consumer~~((, who is defined))~~ in WAC 388-290-0005~~((We consider the consumer the employer of the child care provider))~~.

(4) On all payments ~~((DHS makes))~~ we make toward the cost of in-home/relative child care, ~~((DHS pays))~~ when appropriate we pay the employer's share, on behalf of the client, of:

- (a) Social Security and Medicare taxes (FICA);
- (b) ~~((Medicare taxes;~~
- (c)) Federal Unemployment Taxes (FUTA); and
- ~~((d))~~ (c) State unemployment taxes (SUTA) when applicable.

(5) On all payments ~~((DHS makes))~~ we make toward the cost of in-home/relative child care ~~((DHS withholds the following taxes:~~

- ~~((a))~~ we withhold Medicare taxes and Social Security taxes (FICA) up to the wage base limit~~((, and~~
- ~~((b) Medicare taxes))~~.

(6) If an in-home/relative child care provider receives less than ~~((one thousand one hundred dollars))~~ the wage base limit per family in a calendar year, ~~((DHS refunds))~~ we refund all withheld taxes to the provider.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0245 When can the WCCC program authorize payment of fees for registration ~~((and/or special activities))~~? (1) ~~((The WCCC program pays))~~ We pay licensed or certified child care providers and seasonal day camps that have contracts with us to provide subsidized child care a registration fee once per calendar year of fifty dollars per child or the provider's usual fee, whichever is less only if the fees are:

- (a) Required of all parents whose ~~((child(ren)))~~ children are in care with that provider; and
- (b) Needed to maintain the child care arrangement.

~~((c))~~ (2) The registration fee may be authorized more than once per calendar year when:

~~((i))~~ (a) There is a break in your child care services ~~((with the same provider of))~~ for more than sixty days and the provider's usual policy is to charge an additional registration fee when there is a break in care; or

~~((ii))~~ (b) The ~~((child(ren)))~~ children change child care providers and the new provider meets subsection (1)(a) and (b) of this section.

~~((z))~~ (3) The WCCC program pays licensed or certified child care providers a monthly activity fee of twenty dollars per child or the provider's actual cost for the activity, whichever is less only if the fees meet the conditions in ~~((subsections))~~ subsection (1)(a) and (b) of this section.

AMENDATORY SECTION (Amending WSR 02-01-135, filed 12/19/01, effective 1/19/02)

WAC 388-290-0270 What is a WCCC overpayment and when might I have one? (1) A WCCC overpayment:

(a) Occurs when ~~((a consumer))~~ you or a provider has received benefits or payment ~~((which))~~ that you or they are not eligible to receive;

(b) Is written by ~~((WCCC staff))~~ us and expected to be paid back by ~~((either the consumer))~~ you or the provider.

(2) ~~((The WCCC program establishes))~~ We establish WCCC overpayments, regardless of whether you are a current or past WCCC consumer, when we made payment for WCCC benefits and:

(a) You are no longer eligible or you are eligible for a smaller amount of care~~((The overpayment will start from the day your circumstances change and you become ineligible))~~;

(b) You knowingly fail to report information to ~~((the department))~~ us that affects the amount of WCCC you are eligible for; or

(c) You do not have attendance records and~~((or))~~ payment receipts to support the amount you billed ~~((the department))~~ us for in-home/relative care.

(3) When setting up an overpayment, we reduce the WCCC overpayment by the amount of the WCCC underpayment when applicable.

(4) In areas not covered by this section, ~~((WCCC consumers))~~ you are subject to chapter 388-410 WAC (Benefit errors).

(5) We set up overpayments starting the date that we paid for WCCC when you were not eligible or eligible for a lesser amount of care.

(6) ~~((The WCCC program recovers))~~ We establish WCCC overpayments ~~((from))~~ for licensed/certified child care providers and contracted seasonal day camps, when:

(a) The provider receives payment for WCCC services not provided;

(b) The provider does not have attendance records that support the billing;

(c) We pay the provider more than they are eligible to bill; or

(d) The provider receives payment from ~~((DHS))~~ us and the provider is not eligible based on WAC 388-290-0125.

WSR 02-13-004

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 6, 2002, 10:01 a.m.]

Date of Adoption: June 6, 2002.

Purpose: Update existing rules to clarify requirements, add rules to address part-time operations, and recovery of state triennial audit expenses.

Citation of Existing Rules Affected by this Order: Amending WAC 468-550-030, 468-550-040, 468-550-060, 468-550-070, and 468-550-080.

Statutory Authority for Adoption: RCW 81.104.115(5).

Adopted under notice filed as WSR 02-10-020 on April 23, 2002.

Changes Other than Editing from Proposed to Adopted Version: Reinstated proposed deleted definition of "accident." Removed proposed new definition of "incident."

Removed all proposed changes from "accidents" to "incidents."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 5, 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.

June 6, 2002

P. J. Hammond

Chief of Staff

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-030 Definitions. For the purposes of this chapter, the following definitions of terms shall apply unless the context clearly indicates otherwise:

(1) Accident, reportable means any event involving the operation of a RFGS along a revenue line segment, if as a result:

(a) An individual dies; or

(b) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or

(c) A collision, derailment, or fire causes property damage in excess of \$50,000.

(2) APTA Guidelines means the American Public Transit Association's *Manual for the Development of Rail Transit System Safety Program Plans*.

(3) Chief executive officer means, but is not limited to, the mayor, county executive, or chair of the municipality, or corporate president of the public or private entity that owns, operates, or maintains a RFGS.

(4) Contractor means an entity that performs tasks required by this chapter on behalf of the department or a RFGS.

(5) Department means the Washington state department of transportation which has been designated as the state safety oversight agency.

(6) Emergency means a situation which is life threatening to passengers, employees, or others or which causes damage to any rail fixed guideway vehicle or facility or results in a significant theft of services which severely affects the ability of the system to fulfill its mission.

(7) FTA means the Federal Transit Administration, or its successors, an agency within the U.S. Department of Transportation.

(8) Hazardous condition means a set of circumstances that if not identified and corrected has or will result in personal injury or property damage. It includes unacceptable hazardous conditions.

(9) Investigation means a procedure that the department or a RFGS utilizes to determine the cause of a reportable accident, hazardous condition, or security breach.

(10) Medical attention means emergency care at a state-licensed general hospital, critical access hospital, or health clinic, or by a religious practitioner.

(11) Plan means the system safety and security program plan which is adopted by the RFGS detailing its safety and security policies, objectives, responsibilities and procedures.

~~((11))~~ (12) Procedure means an established and documented method to perform a task.

~~((12))~~ (13) Rail fixed guideway system or "RFGS" means a light, heavy, or rapid rail system, monorail, inclined plane, funicular, trolley, or other fixed rail guideway that is not regulated by the Federal Railroad Administration. "RFGS" does not include elevators, moving sidewalks or stairs, and vehicles suspended from aerial cables, unless they are an integral component of a station served by a rail fixed guideway system, or operations not available to the general public, acquired by an individual or group of individuals for a common purpose to travel together as a group to a specific destination or for a particular itinerary. A RFGS also shall be within a federally recognized urbanized area ~~((and included in the Federal Transit Administration's (FTA) calculation of fixed guideway route miles or receives funding under FTA's formula program for urbanized areas (49 U.S.C. 5336))~~.

~~((13))~~ (14) Revenue line segment means that portion of a fixed guideway system upon, under, or through which a RFGS provides service available to the general public. It includes stations used by the system's passengers to enter or leave the RFGS's conveyance.

(15) Risk means the probability that a security breach will occur.

~~((14))~~ (16) Safety means freedom from danger.

~~((15))~~ (17) Seasonally means the provision of service available to the general public fewer than a total of one hundred eighty days within a twelve-month period. The provision of service any time on a calendar day is a day counted towards the threshold of one hundred eighty days.

(18) Security means freedom from intentional danger.

~~((16))~~ (19) Security breach means an unforeseen event or occurrence that endangers life or property and may result in the loss of services or system equipment.

~~((17))~~ (20) Service available to the general public does not include operations for a specific private function when a RFGS accepts hire, such as group charters, weddings, or other private events that are not available to the general public on a walk-in basis.

(21) Standard means the system safety and security program standard which is the standard developed and adopted by the department which complies with the *APTA Manual for the Development of Rail Transit System Safety Program Plans*, the *Federal Transit Administration's Transit System Security Program Planning Guide* (FTA-MA-90-7001-94-1), The *Federal Transit Administration's Implementation*

Guidelines for State Safety Oversight of Rail Fixed Guideway Systems, and the State Safety Oversight Security Handbook.

~~((18))~~ (22) System means a composite of people, property, environment, and procedures which are integrated to perform a specific operational function in a specific environment.

~~((19))~~ (23) Triennial safety and security audit means a formal, comprehensive, on-site examination by the department of a RFGS's safety and security procedures to determine whether it complies with the RFGS's policies and procedures as outlined in the RFGS's plan.

~~((20))~~ (24) Unacceptable hazardous condition means a hazardous condition of type IA, IB, IC, IIA, IIB, OR IIIA as determined using the "Hazardous Resolution Matrix" in *APTA Manual for the Development of Rail Transit System Program Plans*.

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-040 Requirements for system safety and security plans. (1) Each RFGS, except any that operate seasonally, shall prepare a system safety and security program plan. Such Plan shall describe the RFGS's procedures for:

- (a) Reporting and investigating reportable accidents and unacceptable hazardous conditions;
- (b) Submitting corrective action plans and annual safety and security audit reports;
- (c) Facilitating on-site safety and security reviews by the department; and
- (d) Addressing passenger and employee security.

The plan and any revisions thereto shall, at a minimum, conform to the standard set forth in WAC 468-550-050, be approved by the RFGS's chief executive officer and submitted for departmental review by September 1, 1999, or within three months prior to beginning operations or instituting revisions to the plan. The RFGS shall not transmit the security portions of its system safety and security program plan to the department. The RFGS shall notify the department of the location and availability of the security portions of its system safety and security program plan.

(2) Each RFGS shall implement and comply with the provisions of its plan and any revisions thereto. Further, should the RFGS change ownership or operating or maintenance providers, the RFGS shall require its successors, assigns, and contractors to continue to comply with the RFGS's established plan and shall notify the department of any change of ownership or operating or maintenance providers within thirty days of the effective date of transfer or contract.

(3) The security section of the plan is exempt from public disclosure under chapter 42.17 RCW. Each RFGS may develop procedures to implement this subsection. Completed reports of reportable accidents and unacceptable hazardous conditions, corrective action plans, annual safety and security audit reports, published reviews of the department, published RFGS internal safety and security audits, and notifications of

reportable accidents and unacceptable hazardous conditions are not subject to this exemption.

(4) Each RFGS that operates seasonally shall submit a system description and organization structure to the department by September 1, 2002, or within ninety days of commencing operations, whichever is sooner. Each RFGS shall update this submittal within thirty days after any changes to the system description or organizational structure occur.

(a) The system description shall identify the revenue line segments, revenue equipment, and all locations for embarking or debarking passengers.

(b) The organizational structure shall identify the decision-making structure for the RFGS, including any firm or organization contracted to undertake its seasonal operations.

(c) This submittal shall include safety contact information for the RFGS and any firm or organization contracted to undertake its seasonal operations.

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-060 Annual and triennial safety and security audits and reports. (1)(a) Each RFGS shall perform scheduled internal safety and security audits to evaluate compliance with the standard, identify hazardous and risk conditions, and measure the effectiveness of its plan. The RFGS shall include its internal safety and security audit schedule for the next year with the annual report required in WAC 468-550-070(5). These audits shall include, but are not limited to:

- (i) Observing work practices and employee performance during system operations;
- (ii) Sampling and inspecting selected system components to verify proper maintenance; and
- (iii) Reviewing RFGS records for all phases of system operations, maintenance, and security.

The RFGS shall select a qualified person(s) or contractor to perform its internal audits and shall notify the department not later than ten days prior to performing the internal audits. The notification shall include date(s) of audit, what is to be audited, and the qualifications of those selected to perform the audit, such qualifications are subject to departmental concurrence. The department may assess the effectiveness of each RFGS audit program; however, any departmental review or concurrence shall not substitute for the RFGS's own safety and security inspection audit programs, nor relieve the RFGS from its sole liability for the safety and security of its system.

(b) Each RFGS, as a basis for its audit process, shall prepare, maintain, and make available for departmental review records that document the results of all tests, inspections, and audits conducted by the RFGS or its contractor in compliance with the plan. These records shall include, but are not limited to:

- (i) Start-up test records;
- (ii) Drug and alcohol test records;
- (iii) Training and certification records;
- (iv) Operation performance evaluation records;
- (v) Facility inspections;

- (vi) Maintenance audits and inspections (all systems and facilities);
- (vii) Rules and procedures review;
- (viii) Emergency response planning, coordination, and training;
- (ix) System modification review and approval process;
- (x) Safety and security data acquisition and analysis;
- (xi) Interdepartmental and interagency coordination;
- (xii) Employee safety and security program;
- (xiii) Hazardous materials program;
- (xiv) Contractor safety coordination; and
- (xv) Procurement records.

These records shall be maintained by the RFGS for a minimum of three years.

(2) Internal safety and security audits shall be documented in an annual report that includes the dates the audits were conducted, the scope of the audit activity, the audit findings and recommendations, the status of any corrective actions taken as a result of the audit activity and the results of each audit in terms of the adequacy and effectiveness of the plan. This annual report for the internal safety and security audits performed during the preceding year shall be included with the annual report required in WAC 468-550-070(5).

(3) The department shall audit each RFGS plan at least once every three years. The RFGS shall be given written notification at least thirty days in advance of the department's audit. The notification shall include a proposed schedule, planned scope, and list of activities to be reviewed for the audit. Each audit shall be preceded by an on-site, preaudit conference attended by the department's audit team, the RFGS's owner, and the RFGS staff in charge of the activities subject to audit. Each audit shall be conducted in accordance with an audit checklist. Checklists shall not restrict the department from performing additional investigations as it deems appropriate. The department shall use as a basis for its checklist the RFGS's plan and records which shall include, but are not limited to:

- (a) The RFGS operating rule book, bulletins, and procedures;
- (b) The RFGS maintenance manuals and procedures for vehicles, track and signals;
- (c) The RFGS procedures for identifying, documenting, evaluating, and correcting hazards;
- (d) The RFGS system design criteria and project engineering procedures for system modifications;
- (e) The RFGS annual internal audit reports for the previous three years;
- (f) The RFGS corrective action plans for reportable accidents and unacceptable hazardous conditions reported to the department during the previous three years;
- (g) APTA audit reports;
- (h) National Transportation Safety Board accident investigation reports, and any other agency peer review reports, if any, prepared during the previous three years and previously prepared department audit reports.

Each RFGS shall reimburse the reasonable expenses of the department in carrying out its responsibilities of this subsection within ninety days after receipt of an invoice. The department shall notify the RFGS of the estimated expenses

at least six months in advance of when the department audits the system.

(4) Upon the department's completion of the triennial on-site audit, the audit team leader shall prepare a draft final audit report and submit it to the RFGS. The RFGS shall respond, in writing to the recommendations made in the draft final audit report, with a plan and schedule of corrective actions within thirty days of receipt thereof. An on-site, post audit conference shall be held following each departmental audit to review the results of the audit. Audit results that identify a deficiency that is not corrected before the post audit conference is held shall be documented in the final audit report. The final audit report shall contain the department audit team's findings and recommendations and the RFGS plan and schedule for corrective action. The final audit report shall also include the department audit team's evaluation of the effectiveness of the RFGS plan and a determination of whether the plan should be updated.

(5) The department shall summarize oversight activities for all RFGS performed during the preceding twelve months in a publicly available annual report and submit it to the FTA before March 15 of each year.

(6) Each RFGS that operates seasonally shall be exempt from the provisions of this section.

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-070 Notifying of, investigating, and reporting accidents and unacceptable hazardous conditions. (1) Each RFGS shall notify the department by telephone, electronic mail or facsimile within four hours of the occurrence of any reportable accident, or discovery of any unacceptable hazardous condition. The department shall notify each RFGS of the person to notify and the telephone, electronic mail and facsimile numbers for notification. The notification shall include all of the following details:

- (a) Name and title of the person making the notification;
- (b) Time and date the notification is transmitted;
- (c) Synopsis of what happened, such as, but not limited to: Collision with another RFGS revenue vehicle, derailment, collision with a motor vehicle, collision with a pedestrian, collision with a bicyclist, fire, bomb threat, or hostage-taking;
- (d) Specific location of the accident or unacceptable hazardous condition;
- (e) Time of the accident or discovery of the unacceptable hazardous condition;
- (f) Identification of RFGS vehicle(s) and/or facility involved;
- (g) Initial number of fatalities and/or individuals who suffered bodily injury and immediately received medical ~~(treatment)~~ attention away from the scene of the accident; and
- (h) Description of and preliminary value of property damage.

(2) The department has authority to perform separate, independent investigations of reportable accidents or unacceptable hazardous conditions at its own discretion.

(3) Each RFGS shall investigate all reportable accidents and unacceptable hazardous conditions. The RFGS may use its own staff or a contractor to conduct its investigation and shall designate a staff person to be responsible for submitting written investigation reports and findings to the department, on a department form, within forty five calendar days after the reportable accident or unacceptable hazardous condition was discovered. This report shall identify the causal factors contributing to the occurrence and contain a corrective action plan with an implementation schedule to prevent a recurrence of the accident, or to mitigate the unacceptable hazardous condition.

(4) The department shall review the RFGS investigation report, corrective action plan, and accompanying implementation schedule to ensure that it meets the goal of preventing and mitigating a recurrence of the reportable accident or unacceptable hazardous condition. In the event that the department does not concur with the findings of the RFGS investigation, the department shall confer with the RFGS of its preliminary review findings. The RFGS may amend its report to the department in writing, within ten calendar days after conferring with the department. If, after conferring with the RFGS, the department does not concur with the findings of the RFGS, the department shall notify the RFGS in writing of its review findings. The RFGS shall submit its response to the department's findings within forty-five calendar days of receipt thereof. Should the department and the RFGS disagree, the department will notify the FTA.

(5) Each RFGS shall submit an annual summary report to the department covering all reportable ~~((occurrences))~~ activities. The RFGS shall ensure delivery of the annual report to the department no later than ~~((January 15))~~ February 1 after the year being reported. ~~((The annual summary report shall be submitted whether any reportable event occurred or any unacceptable hazardous condition was identified during the previous year.))~~

AMENDATORY SECTION (Amending Order 193, filed 8/30/99, effective 9/30/99)

WAC 468-550-080 Notifying of and applying financial penalties. (1) The due dates for documentation required herein are specified in (a) through (e) of this subsection. The department shall provide a RFGS a written notification of the required due date no later than one month before the applicable due date.

(a) System safety and security program plan by September 1, 1999, or within three months prior to beginning operations;

(b) Internal safety and security audit schedule for the next year by ~~((January 15))~~ February 1;

(c) Annual report for the internal safety and security audits performed during the preceding year by ~~((January 15))~~ February 1;

(d) Annual summary report to the department covering all reportable occurrences by ~~((January 15))~~ February 1;

(e) Written investigation reports and findings within forty-five calendar days after a reportable accident occurred, or unacceptable hazardous condition was discovered.

(2) If any RFGS notified by the department fails to deliver the required documentation by the due date specified in subsection (1) of this section, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the documentation and the potential consequences of further delay. In scheduling this meeting, the department shall notify the RFGS's chief executive officer of the purpose of the meeting and its time and location. The department shall attempt to schedule the meeting within one week of the specified due date.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance and the RFGS's chief executive officer within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for any further delay by the RFGS for submission of its required documentation, the department shall notify the RFGS's chief executive officer of the applicable financial penalty, as defined in subsection (5) of this section.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall proceed to notify FTA of the RFGS's failure to supply the required documentation and to apply the appropriate financial penalty in accord with subsection (5) of this section.

(3) If any RFGS delivers incomplete documentation by the required due date, the department shall notify the RFGS of any deficiency within one week. The RFGS shall supplement its required documentation within one week after receiving the department's notification. If the RFGS fails to supplement its documentation adequately, the department shall proceed to schedule a meeting and follow the procedures in subsection (2) of this section.

(4) If any RFGS fails to implement a corrective action plan, according to the implementation schedule developed pursuant to WAC 468-550-070(4), to prevent a recurrence of an accident or to mitigate an unacceptable hazardous condition, the department shall schedule a meeting with the director responsible for the RFGS's operations and maintenance to discuss the RFGS's progress in completing the corrective action plan and the potential consequences of further delay.

(a) The department may cancel this meeting if the department receives the required documentation prior to the scheduled meeting.

(b) The department may defer scheduling the meeting in the event of a catastrophic event affecting the RFGS and its ability to conduct routine business.

(c) The department shall document the results of the meeting in writing to the director responsible for the RFGS's operations and maintenance within one week of the meeting.

(d) Should the department determine that there is no reasonable cause for a RFGS's failure to implement the corrective action plan, the department shall notify the RFGS's chief

executive officer that the department intends to notify FTA of the RFGS's noncompliance.

(e) If the department receives no further communication from the RFGS within ten calendar days of the notification made in accord with (d) of this subsection, the department shall notify FTA of the RFGS's failure to implement a corrective action plan action.

(f) This subsection shall apply also to a corrective action plan upon which the department and the RFGS disagree. In this situation, the department shall use the corrective action plan and implementation schedule proposed by the RFGS.

(5) Any RFGS that fails to comply with the timelines as set forth in this chapter shall be assessed the financial penalties following:

(a) One thousand five hundred dollars for each calendar month beginning October 1999, or two months prior to beginning operations, for failure to deliver to the department an acceptable system safety and security program plan;

(b) Five hundred dollars for each calendar month, beginning with February, for failure to deliver to the department an acceptable:

(i) Internal safety and security audit schedule for the next year;

(ii) Annual report for the internal safety and security audits performed during the preceding year; or

(iii) Annual summary report to the department covering all reportable occurrences; and

(c) One thousand dollars applied each thirty-day period, beginning the 90th day after a reportable accident occurred, or after an unacceptable hazardous condition was discovered for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule.

(6) If FTA notifies the department that it will impose a financial penalty on the state of Washington as a consequence of a RFGS's failure to take appropriate action in a safety or security situation, the department shall:

(a) Notify that RFGS's chief executive officer that the department will impose all FTA financial penalties to that RFGS if the RFGS fails to take adequate action to bring itself into compliance to FTA's satisfaction. Said notice shall include a copy of FTA's written communication and an estimate of FTA's financial penalty.

(b) Recommend steps to the RFGS' chief executive officer that the RFGS should take to bring it into compliance with FTA requirements.

(7) Any RFGS notified by the department of its failure to take appropriate action in a safety or security situation shall take immediate and adequate action to bring itself into compliance to FTA's satisfaction and provide adequate documentation to the department of its corrective measures. The department shall provide that documentation to FTA.

(8) If any RFGS notified by the department of its failure to take appropriate action in a safety or security situation also fails to respond to the department and FTA imposes a financial penalty on the state of Washington as a consequence, the department shall apply the full amount of the financial penalty on the RFGS.

(9) In applying any financial penalty, the department shall take the following steps:

(a) Invoice the RFGS for the amount of financial penalty; the invoice shall identify:

(i) The documentation not received by the specified due date;

(ii) The number of calendar months or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods past the specified due date;

(iii) The applicable financial penalty rate per calendar month or, for failure to deliver to the department an acceptable investigation report, corrective action plan, and accompanying implementation schedule, thirty-day periods; and

(iv) Where payment should be made.

(b) If a RFGS fails to remit the full amount of the imposed financial penalty within sixty days of when due, the department may seek judicial enforcement to recover full payment. Venue for any action hereunder shall be Thurston County.

WSR 02-13-014

PERMANENT RULES

SOUTHWEST CLEAN AIR AGENCY

[Filed June 10, 2002, 11:01 a.m., effective August 1, 2002]

Date of Adoption: May 2, 2002.

Purpose: The purpose of this rule making is to revise an existing regulation to incorporate an agency name change and update the regulation to be consistent with the WAC.

Citation of Existing Rules Affected by this Order:
Amending SWAPCA 425, SWAPCA 425-200.

Statutory Authority for Adoption: RCW 70.94.141.

Adopted under notice filed as WSR 02-04-038 on January 28, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 8, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 8, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 8, 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 8, Amended 1, Repealed 0.

Effective Date of Rule: August 1, 2002.

June 7, 2002

Robert D. Elliott
Executive Director

((~~SWAPCA~~)) **SWCAA 425**
 ((~~Open~~)) **Outdoor Burning**

AMENDATORY SECTION (Amending WSR 93-16-011, filed 7/22/93, effective 8/22/93)

~~Section 173-425 of the Washington Administrative Code is hereby adopted by reference as part of this regulation in all respects as though the sections were set forth herein in full.)~~

Reviser's note: The typographical error in the above material occurred in the copy filed by the Southwest Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

SWCAA 425-010 Purpose

[Statutory Authority: Chapter 70.94.755 RCW.]

The purpose of this rule is to establish a program to implement the limited burning policy authorized by sections 743 through 765 of the Washington Clean Air Act (Chapter 70.94 RCW) and other provisions of the act that pertain to outdoor burning. Statutory authority for particular provisions of the rule is shown in brackets in the appropriate section. The limited burning policy requires the Agency to:

- (1) Reduce outdoor burning to the greatest extent practical, especially by prohibiting it in certain circumstances; [RCW 70.94.743(1)]
- (2) Establish a permit program for limited burning that requires permits for most types of outdoor burning; and [RCW 70.94.745]
- (3) Foster and encourage development of reasonable alternatives to burning. [RCW 70.94.745(6)]

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

SWCAA 425-020 Applicability

[Statutory Authority: Chapter 70.94.755 RCW.]

- (1) This rule applies to all outdoor burning within SWCAA jurisdiction except:
- (a) Agricultural burning (governed by WAC 173-430).
 - (b) Silvicultural burning (governed by WAC 332-24, the Washington state smoke management plan, and various laws including RCW 70.94).
 - (c) Any outdoor burning on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement.
- (2) Specifically, this chapter applies to:
- (a) Residential burning. [RCW 70.94.745]
 - (b) Land clearing burning. [RCW 70.94.745]
 - (c) Storm or flood debris burning. [RCW 70.94.743]
 - (d) Tumbleweed burning. [RCW 70.94.745]
 - (e) Weed abatement fires. [RCW 70.94.650]
 - (f) Fire fighting instruction fires. [RCW 70.94.650]
 - (g) Rare and endangered plant regeneration fires. [RCW 70.94.651]
 - (h) Indian ceremonial fires. [RCW 70.94.651]

- (i) Recreational fires. [RCW 70.94.765]
- (j) Other outdoor burning. [RCW 70.94.765]

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

SWCAA 425-030 Definitions

[Statutory Authority: Chapter 70.94.755 RCW.]

The definitions of terms contained in WAC 173-400 are incorporated by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this rule shall have the following meanings:

- (1) "**Agency**" means the Southwest Clean Air Agency (SWCAA).
- (2) "**Agricultural burning**" means outdoor burning regulated under WAC 173-430, including, but not limited to, any incidental agricultural burning or agricultural burning for pest or disease control.
- (3) "**Air pollution episode**" means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in WAC 173-435.
- (4) "**Construction/demolition debris**" means all material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.
- (5) "**Control officer**" means the Executive Director of the Southwest Clean Air Agency.
- (6) "**Ecology**" means the Washington state department of ecology.
- (7) "**Fire fighting 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.
- (8) "**Firewood**" means bare untreated wood used as fuel in a solid fuel burning device, Indian ceremonial fire, or recreational fire.
- (9) "**Impaired air quality**" means a first or second stage impaired air quality condition declared by ecology or a local air authority in accordance with WAC 173-433-140.
- (10) "**Indian ceremonial fires**" means fires necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.
- (11) "**Land clearing burning**" means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing 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)]
- (12) "**Natural vegetation**" means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.
- (13) "**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 (PM₁₀ and PM_{2.5}), sulfur dioxide, nitrogen dioxide, lead, and ozone.

(14) "**Nonurban areas**" means unincorporated areas within a county that are not designated as an urban growth area. [RCW 70.94.745(8)]

(15) "**Nuisance**" means an emission of smoke or any other air contaminant that unreasonably interferes with the use and enjoyment of the property upon which it is deposited. [RCW 70.94.030(2)]

(16) "**Other outdoor burning**" means any type of outdoor burning not specified in WAC 173-425-020 (1) or (2)(a) through (i), including, but not limited to, any outdoor burning necessary to protect public health and safety. [RCW 70.94.650(7) and 70.94.765]

(17) "**Outdoor burning**" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this rule, "outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning. [RCW 70.94.743(2)]

(18) "**Permitting agency**" means the agency responsible for issuing permits (including adopting a general permit) for, and/or enforcing all requirements of this rule that apply to, a particular type of burning in a given area unless another agency agrees to be responsible for certain enforcement activities in accordance with WAC 173-425-060 (1)(a) and (6).

(19) "**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.

(20) "**Rare and endangered plant regeneration fires**" means fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in RCW 79.70.

(21) "**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.

(22) "**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.

(23) "**Residential burning**" means the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee. [RCW 70.94.750(1)]

(24) "**Silvicultural burning**" means outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:

(a) Abating a forest fire hazard.

(b) Prevention of a forest fire hazard.

(c) Instruction of public officials in methods of forest fire fighting.

(d) Any silvicultural operation to improve the forest lands of the state.

(e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. [RCW 70.94.660(1)]

(25) "**Storm or flood debris burning**" means fires consisting of natural vegetation deposited on lands by storms or floods that have occurred in the previous two years and resulted in an emergency being 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. [RCW 70.94.743 (1)(c)]

(26) "**Tumbleweed burning**" means outdoor burning to dispose of dry plants (typically Russian Thistle and Tumbleweed Mustard plants) that have been broken off, and rolled about, by the wind.

(27) "**Urban growth area**" means land, generally including and associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.030.

(28) "**Weed abatement fires**" means any outdoor burning to dispose of weeds that is not regulated under WAC 173-430 (agricultural burning).

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

SWCAA 425-040 Areas Where Certain Types of Outdoor Burning Are Prohibited

[Statutory Authority: Chapter 70.94.755 RCW.]

(1) **Nonattainment areas.** Residential burning and land clearing burning may not be allowed in any area of the state that exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning. These areas are limited to all nonattainment areas and former nonattainment areas for carbon monoxide, particulate matter (PM₁₀ and PM_{2.5}), sulfur dioxide, nitrogen dioxide, and lead. However, ecology may, in cooperation with any local air authority having jurisdiction, authorize the omission of parts of a nonattainment area if ambient air quality standards for the pollutants that caused the area to be designated nonattainment have not been exceeded in those parts, and outdoor burning in those parts has not contributed, and is not expected to contribute, significantly to exceedances of the standards in the nonattainment area. [RCW 70.94.743 (1)(a)]

(2) **Urban growth areas.** Residential burning and land clearing burning may not be allowed in any urban growth area after December 31, 2000, except as follows: Residential burning and land clearing burning may be allowed in the following types of urban growth areas until December 31, 2006: [RCW 70.94.743 (1)(b)]

(a) Urban growth areas for incorporated cities having a population of less than five thousand people that are neither within nor contiguous with any area identified in subsection (1) of this section.

(b) Urban growth areas that do not include an incorporated city.

(3) **Cities over 10,000.** 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. Cities having this population must be identified by using the most current population estimates available for each city. [RCW 70.94.743 (1)(b)]

(4) **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 by that date under subsection (1), (2), or (3) of this section, and it may not be allowed in any other areas having this density after December 31, 2006. All areas having this density must be identified by using the most current population data available for each census block group and dividing by the land area of the block group in square miles. [RCW 70.94.750(2)]

(5) **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 any areas or parts of areas identified in subsections (1) through (4) of this section) when a reasonable alternative to burning is found to exist in the area for that type of burning. (RCW 70.94.745(6)) By December 31, 2000, and at least every third year after that, the Agency must determine whether any areas within their jurisdiction where a type of burning listed in this subsection is allowed (except other outdoor burning of organic refuse) have a reasonable alternative to burning. Determinations for other outdoor burning of organic refuse must be made on a permit by permit basis by applying the criteria in (a) and (b) of this subsection. A reasonable alternative exists for any area where the answers to both of the following questions are "Yes" for the specified type of burning, provided that parts of an area may be excluded for the purpose of defining practical boundaries for the area.

(a) **Available and reasonably economical.** Is the area served by:

(i) A county or municipally-sponsored service for recycling (i.e. composting) of the organic refuse (e.g. natural vegetation); or

(ii) Any other method for disposing of the organic refuse (such as a public or private chipping or chipper rental service, an energy recovery or incineration facility, or a solid waste drop box, transfer station, or landfill) that is located within a reasonable distance and will accept the type and volume of organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste?

(b) **Less harmful to the environment.** Is the area served by any available and reasonably economical alternative method for disposing of the organic refuse less harmful to the environment than outdoor burning? The following hierarchy shall be used to determine the harmfulness of an organic refuse disposal method:

Less Harmful	Waste Reduction
	Recycling
	Energy Recovery or Incineration
	Landfill Disposal
More Harmful	Outdoor Burning.

(c) **Specified areas.** Paragraphs 5(a) and 5(b) of this section notwithstanding, reasonable alternatives to burning are considered to exist in areas of high population density (one thousand persons per square mile or more) that are outside, but contiguous or proximate to, cities and/or urban growth areas where outdoor burning has been prohibited under the provisions of paragraphs (2) and (3) of this section. The December 31, 2000 reasonable alternatives determination for SWCAA's jurisdiction included only a limited area around the city limits of Longview and Kelso.

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

SWCAA 425-050 Other Prohibitions/Requirements That Apply to All Outdoor Burning

[Statutory Authority: Chapter 70.94.755 RCW.]

No person may cause or allow an outdoor fire in an area where the type of burning involved is prohibited under SWCAA 425-040, or where it requires a permit under SWCAA 425-060(2), unless a permit has been issued and is in effect. In addition, the following general requirements apply to all outdoor burning regulated by this rule, including any outdoor burning allowed without a permit under SWCAA 425-060(2), unless a specific exception is stated in this section.

(1) **Prohibited materials.** The following materials may not be burned in any outdoor fire: 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) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned, except that: [RCW 70.94.775(1) and Attorney General Opinion 1993 #17]

(a) Fire fighting instruction fires for 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)]

(b) The Agency may allow the limited burning of prohibited materials for other fire fighting instruction fires, including those that are exempt from permits under SWCAA 425-060 (2)(f), and other outdoor burning necessary to protect public health and safety. [RCW 70.94.650(7)]

(2) **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 under SWCAA 425-040. Any outdoor burning of material hauled from areas where outdoor burning of the material is allowed requires an appropriate permit under SWCAA 425-

060(2), and any use of property for this purpose on an ongoing basis, must be limited to the types of burning listed in WAC 173-351-200 (5)(b) (criteria for municipal solid waste landfills) and 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)]

(3) Curtailments.

(a) No outdoor fire may be ignited in a geographical area where:

(i) Ecology has declared an air pollution episode; [RCW 70.94.775(2), 70.94.780]

(ii) Ecology or a local air authority has declared impaired air quality; or [RCW 70.94.775(2), 70.94.780]

(iii) The appropriate fire protection authority has declared a fire danger burn ban, unless that authority grants an exception.

(b) 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.

(c) The person responsible for an outdoor fire must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning, is declared. In this regard:

(i) 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 condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning; and

(ii) 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 condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

(4) Unlawful outdoor burning. 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. [RCW 70.94.040, 70.94.650(1), and 70.94.780]

(a) Any person affected by outdoor burning may file a complaint with the permitting agency or other designated enforcing agency.

(b) Any agency responding to an outdoor burning complaint should attempt to determine if the burning on any particular property is unlawful. This may include, but is not limited to, considering whether the burning has caused an emission of smoke or any other air contaminant in sufficient quantity to be unlawful.

(c) Any person responsible for such unlawful outdoor burning must immediately extinguish the fire.

(5) Burning in outdoor containers. Outdoor containers (such as burn barrels and other incinerators not regulated under SWCAA 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 rule.

(6) Other general requirements:

(a) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(b) No fires are to be within fifty feet of structures.

(c) Permission from a landowner, or the landowner's designated representative, must be obtained before starting an outdoor fire.

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

SWCAA 425-060 Outdoor Burning Permit Program/ Requirements

[Statutory Authority: Chapter 70.94.755 RCW.]

(1) Permit program.

(a) The Agency 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 in an area of the state. The Agency 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 area where a permit is required. [RCW 70.94.654]

(b) Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit. A written permit should be used, where feasible, for land clearing burning, storm or flood debris burning in areas where residential burning and land clearing burning are prohibited under SWCAA 425-040 (1), (2), or (3), and other outdoor burning (except any other outdoor burning necessary to protect public health and safety). [RCW 70.94.745(4)]

(c) The rule for a general permit must establish periods of time when any burning under the permit is required to occur. General permits must also include all appropriate conditions for burning as stated in subsection (4) of this section.

(2) 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 under the Agency's jurisdiction.

(a) Residential burning (except in the nonurban areas of any county with an unincorporated population of less than fifty thousand). [RCW 70.94.745(2)]

(b) Land clearing burning. [RCW 70.94.745(2)]

(c) Storm or flood debris burning. [RCW 70.94.743 (1)(c)]

(d) Tumbleweed burning (except in counties with a population of less than two hundred fifty thousand). [RCW 70.94.745(5)]

(e) Weed abatement fires. [RCW 70.94.650 (1)(a)]

(f) Fire fighting instruction fires for training to fight structural fires in urban growth areas and cities with a popu-

lation over ten thousand, and all other fire fighting instruction fires, except fire fighting instruction fires for training to fight structural fires as provided in RCW 52.12.150, aircraft crash rescue fires as provided in RCW 70.94.650(5), and forest fires. [RCW 70.94.650 (1)(b)]

(g) Rare and endangered plant regeneration fires. [RCW 70.94.651(1)]

(h) Indian ceremonial fires (except on lands within the exterior boundaries of Indian reservations unless provided for by intergovernmental agreement). [RCW 70.94.651(2)]

(i) Recreational fires with a total fuel area that is 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. [RCW 70.94.765]

(j) Other outdoor burning (if specifically authorized by the Agency). [RCW 70.94.765]

(3) **Fees.** SWCAA may charge a fee for any permit issued under the authority of this rule, provided that a fee must be charged for all permits issued for weed abatement fires and fire fighting instruction fires. All fees must be set by rule and must not exceed the level necessary to recover the costs of administering and enforcing the permit program. SWCAA has established a schedule of permit fees as described in Table A below. [RCW 70.94.650(2) and 70.94.-780]

TABLE A

Outdoor Burning Category	Regulating Authority	Permit Fee
Residential burning	RCW 70.94.745	\$0
Land clearing burning	RCW 70.94.745	\$100
Storm burning	RCW 70.94.743	\$0
Flood debris burning	RCW 70.94.743	\$100
Tumbleweed burning	RCW 70.94.745	\$0
Weed abatement fires	RCW 70.94.650	\$2/acre, \$25 min.
Fire fighting instruction fires.	RCW 70.94.650	\$25
Rare and endangered plant regeneration fires	RCW 70.94.651	\$2/acre, \$25 min.
Indian ceremonial fires.	RCW 70.94.651	\$0
Recreational fires.	RCW 70.94.765	\$0
Other outdoor burning	RCW 70.94.765	\$0

(4) **Permit decisions.** Permitting agencies must approve with conditions, or deny outdoor burning permits as needed to achieve compliance with this chapter. All permits must include conditions to satisfy the requirements in SWCAA 425-050, and they 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. Permitting agencies may also include conditions to comply with other laws pertaining to outdoor burning. [RCW 70.94.745, 70.94.750, and 70.94.780]

(5) **Establishment of a general permit and requirements for residential burning.**

(a) A general permit for residential burning is hereby adopted for use in any area where the Agency and any designated enforcing agencies have agreed that a general permit is appropriate for residential burning, and have notified the pub-

lic where the permit applies. All burning under this permit must comply with the conditions in (c) of this subsection, and it must be restricted to the first and second weekends (Saturday and Sunday) in April and the third and fourth weekends in October, unless alternative days are substituted by the enforcing agency and adequate notice of the substitution is provided to the public. Alternative days may only be substituted if conditions 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 difficulties for enforcement. [RCW 70.94.-745(4)]

(b) The Agency may also adopt a general permit for residential burning that prescribes a different set of days, not to exceed eight days per year, when any burning under the permit must occur: The public must be given adequate notice regarding where and when the permit will apply. [RCW 70.94.745(4)]

(c) The following conditions apply to all residential burning allowed without a permit under SWCAA 425-060 (2)(a) or allowed under a general, verbal, or electronic permit:

(i) 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;

(ii) 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;

(iii) The fire must not include 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) that normally releases toxic emissions, dense smoke, or obnoxious odors when burned;

(iv) The fire must not include materials hauled from another property;

(v) 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;

(vi) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it;

(vii) No fires are to be within fifty feet of structures;

(viii) Permission from a landowner, or owner's designated representative, must be obtained before starting an outdoor fire;

(ix) Any burn pile must not be larger than four feet by four feet by three feet;

(x) Only one pile at a time may be burned, and each pile must be extinguished before lighting another;

(xi) 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; and

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(xii) No fire is permitted within five hundred feet of forest slash. Persons not able to meet these requirements or the requirements in SWCAA 425-050 must apply for and receive a written permit before burning. Failure to comply with all requirements of this subsection voids any applicable permit, and the person responsible for burning may be subject to enforcement action under subsection (6) of this section.

(6) **Field response and enforcement.** 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 of this rule related to that type of burning in the area, unless another agency has agreed under SWCAA 425-060 (1)(a) to be responsible for certain field response or enforcement activities. Except for enforcing WAC 173-425-050 (3)(a)(iii), the Agency may also perform these activities. The Agency is also responsible for enforcing any requirements that apply to burning that is prohibited or exempt from permits in areas under their jurisdiction, unless another agency agrees to be responsible. Permitting agencies and enforcing agencies may require that corrective action be taken, and may assess penalties to the extent allowed under their general and specific authorities if they discover non-compliance with this chapter. 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.

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

SWCAA 425-070 Variances

[Statutory Authority: Chapter 70.94.755 RCW.]

Any person who proposes to engage in outdoor burning may apply to the Agency for a variance from provisions of this rule governing the quality, nature, duration, or extent of discharges of air contaminants from the proposed burning. All variance applications must be reviewed, and approved or disapproved, in accordance with RCW 70.94.181. [RCW 70.94.181]

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

SWCAA 425-080 Severability

[Statutory Authority: Chapter 70.94.755 RCW.]

The provisions of this regulation are severable. If any provision is held invalid, the application of that provision to other circumstances and the remainder of the regulation will not be affected.

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 93-17-015, filed 8/6/93, effective 9/6/93)

~~((SWAPCA))~~ **SWCAA 425-200 Responsibility**

[Statutory Authority: Chapter 70.94.755 RCW. Original adoption 93-17-015 filed 8/6/93, effective 9/6/93.]

(1) Fires started in violation of this rule shall be extinguished by the persons responsible for the same upon notice from the Director or his duly designated agent. When the Director has knowledge of adverse conditions effecting the dispersment of the combustion by-products, an air pollution alert may be declared, voiding all permits for open fires.

(2) It shall be prima facie evidence that the person who owns or controls property on which an open fire, prohibited by this regulation, occurs has cause or allowed said open fire.

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

**WSR 02-13-026
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-125—Filed June 12, 2002, 12:01 p.m.]

Date of Adoption: June 7, 2002.

Purpose: Adopt new personal use rules.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-10-124 on May 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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: Thirty-one days after filing.

June 12, 2002

Debbie Nelson

for Russ Cahill, Chair

Fish and Wildlife Commission

NEW SECTION

WAC 220-56-193 Closed season—Endangered Species Act fish classified as threatened. (1) It is unlawful to

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fish for or possess any fish listed as threatened in 50 C.F.R. §17.11, pursuant to the federal Endangered Species Act, unless fishing for or possession of such fish is specifically allowed under federal or state law.

(2) Each fish possessed in violation of this section shall be treated as a separate offense.

(3) Violation of this section is punishable under RCW 77.15.380, unlawful recreational fishing in the second degree, unless such fish are taken in the amounts, place, or manner to constitute unlawful recreational fishing in the first degree, or unless such fish are designated as protected or endangered under state law.

NEW SECTION

WAC 220-56-194 Closed season—Endangered Species Act fish classified as endangered. (1) It is unlawful to fish for or possess any fish listed as endangered in 50 C.F.R. §17.11, pursuant to the federal Endangered Species Act, unless fishing for or possession of such fish is specifically allowed under federal or state law.

(2) Each fish possessed in violation of this section shall be treated as a separate offense.

(3) Violation of this section is punishable under RCW 77.15.380, unlawful recreational fishing in the second degree, unless such fish are taken in the amounts, place, or manner to constitute unlawful recreational fishing in the first degree, or unless such fish are designated as protected or endangered under state law.

WSR 02-13-027

PERMANENT RULES

STATE BOARD OF EDUCATION

[Filed June 12, 2002, 2:54 p.m.]

Date of Adoption: January 16, 2002.

Purpose: Amend WAC 180-79A-140 Types of certificates and 180-79A-231 Limited certificates to address transitional teaching certificates.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79A-140 and 180-79A-231.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.305.130.

Adopted under notice filed as WSR 01-24-091 on December 4, 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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 2, 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.

June 12, 2002

Larry Davis

Executive Director

AMENDATORY SECTION (Amending WSR 02-04-018, filed 1/24/02, effective 2/24/02)

WAC 180-79A-140 Types of certificates. ((Five)) Six types of certificates shall be issued:

(1) Teacher. The teacher certificate, including teacher exchange permits as provided in WAC 180-79A-220, authorizes service as a classroom teacher.

(2) Vocational. The career and technical education certificate authorizes service in career and technical education programs in accordance with the provisions of chapter 180-77 WAC.

(3) Administrator.

(a) The administrator certificate for principal authorizes services as a building administrator or vice-principal. The initial principal certificate shall indicate one of the following grade levels, preschool-9, 4-12, or preschool-12, based on recommendations from the college or university in which the candidate completed an approved preparation program.

(b) The administrator certificates for superintendent or program administrator will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(4) Educational staff associate. The educational staff associate certificate authorizes service in the roles of school speech pathologists or audiologists, school counselors, school nurses, school occupational therapists, school physical therapists, school psychologists, and school social workers: Provided, That nothing within chapter 180-79A WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(5) Limited certificates. The following limited certificates are issued to individuals under specific circumstances set forth in WAC 180-79A-231:

(a) Conditional certificate.

(b) Substitute certificate.

(c) Emergency certificate.

(d) Emergency substitute certificate.

(e) Intern substitute teacher certificate.

(f) Transitional certificate.

AMENDATORY SECTION (Amending WSR 00-13-063, filed 6/16/00, effective 7/17/00)

WAC 180-79A-231 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the fol-

lowing certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a baccalaureate degree level school speech pathologist or audiologist certification preparation program, who were eligible for certification at the time of program completion and who have served in the role for three of the last seven years.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 ((2)) (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) A teacher whose continuing certificate has lapsed according to WAC 180-85-040 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional

certificate must complete any continuing certificate reinstatement requirements established by the state board of education within two years of the date the holder was issued the transitional certificate in order to continue to be employed. The transitional certificate expiration date shall not be calculated under state board policy WAC 180-79A-117.

(b) No teacher whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 180-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable.

WSR 02-13-061

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed June 14, 2002, 10:39 a.m.]

Date of Adoption: June 14, 2002.

Purpose: The proposed rules increase licensing fees for hospitals, private psychiatric hospitals, private alcohol and chemical dependency hospitals and childbirth centers by 3.29%, which is within the limitations of I-601.

Citation of Existing Rules Affected by this Order: Amending WAC 246-320-990, 246-322-990, 246-324-990, and 246-329-990.

Statutory Authority for Adoption: RCW 43.70.250.

Adopted under notice filed as WSR 02-11-131 [02-10-131] on May 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 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 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.

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-20-119, filed 10/3/01, effective 11/3/01)

WAC 246-320-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of ~~((eighty-one))~~ eighty-four dollars and ~~((sixty-five))~~ thirty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 01-15-092, filed 7/18/01, effective 8/18/01)

WAC 246-322-990 Private psychiatric hospital fees. Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of fifty-one dollars and ~~((twenty))~~ eighty-five cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

AMENDATORY SECTION (Amending WSR 01-15-092, filed 7/18/01, effective 8/18/01)

WAC 246-324-990 Fees. The licensee shall submit:

(1) An initial fee of fifty-one dollars and ~~((twenty))~~ eighty-five cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of fifty-one dollars and ~~((twenty))~~ eighty-five cents for each licensed bed space.

AMENDATORY SECTION (Amending WSR 01-15-090, filed 7/18/01, effective 8/18/01)

WAC 246-329-990 Fees. Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred ~~((thirteen))~~ thirty dollars and ~~((ninety))~~ eighty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

WSR 02-13-073
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 14, 2002, 3:33 p.m.]

Date of Adoption: June 10, 2002.

Purpose: Adoption of these rules will correct technical errors made when they were amended in WSR 01-02-031. The language in these WAC will not be altered by adoption of these amendments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-151-020, 388-151-097, 388-151-230, and 388-155-320.

Statutory Authority for Adoption: Chapter 74.15 RCW.

Other Authority: RCW 34.05.395.

Adopted under notice filed as WSR 02-03-095 on January 18, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 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.

June 10, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-020 Who needs to be licensed? (1) The person or organization operating a school-age child care center must receive a license from the department to provide school-age child care, in accordance with chapter 74.15 RCW.

(2) The department does not need to license the person or organization operating a school-age child care center ~~((if chapter 74.15 RCW exempts the person or organization from the licensing requirements))~~ if chapter 74.15 RCW exempts the person or organization from the licensing requirements. The person or organization claiming an exemption from the licensing requirements must provide the department proof of entitlement to the exemption at the licensor's request.

(3) You may use the following matrix to determine whether or not you are exempt from licensing:

Child care	Recreational
The child care facility assumes responsibility for the child and his welfare.	Children are free to come and go as they choose.
Children are signed in and can only be released to an authorized adult.	No responsibility is assumed in lieu of parent.
A specific registration procedure and required forms must be completed.	No registration form or procedure.
Must adhere to DSHS standards; has specific requirements regarding staff-child ratio and group size.	No required staff-child ratio or group size requirements.
Specific DSHS requirements regarding policies and procedures are in a parent handbook.	No specific detailed policies and procedures. General "house rules" apply at each site.
There are specific program goals and activities; calendars of activities are posted and available.	Activities occur on a daily basis; no long-term goals or activities exist.

(4) The person or organization that serves state-paid children must:

- (a) Be licensed or certified;
- (b) Follow billing policies and procedures in Child Care Subsidies, a brochure for providers, DSHS 22-877(X), and;
- (c) Bill the department at the person's or organization's customary rate or the DSHS rate, whichever is less.

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-097 What if I do not pay the civil ~~((penalty?))~~ penalty? The department may suspend, revoke or not renew a license for failure to pay a civil monetary penalty the department has assessed within ten days after such assessment becomes final.

AMENDATORY SECTION (Amending WSR 01-02-031, filed 12/22/00, effective 1/22/01)

WAC 388-151-230 What requirements must I meet for medication management? You may have a policy of not giving medication to the child in care. If your center's health care plan includes giving medication to the child in care, you:

(1) Must give medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(2) Must give prescription medications:

(a) Only as specified on the prescription label; or

(b) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.

(3) Must give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of the child; and

(g) Sun screen.

(4) Must give other nonprescription medication:

(a) Not included in the categories listed in subsection (3) of this section; or

(b) Taken differently than indicated on the manufacturer's label; or

(c) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (4)(a), (b), and (c) of this section:

(i) Authorized, in writing, by a physician; or

(ii) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(5) Must accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(6) Must keep medication, refrigerated or nonrefrigerated, in an orderly fashion and inaccessible to the child;

(7) Must store external medication in a compartment separate from internal medication;

(8) Must keep a record of medication disbursed;

(9) Must return to the parent or other responsible party, or must dispose of medications no longer being taken; and

(10) May, at your option, permit self-administration of medication by a child in care if:

(a) The child is physically and mentally capable of properly taking medication without assistance;

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(b) You include in the child's file a parental or physician's written statement of the child's capacity to take medication (~~((without))~~) without assistance; and

(c) You have stored the child's medications and other medical supplies so the medications and medical supplies are inaccessible to other children in care.

AMENDATORY SECTION (Amending WSR 00-06-040, filed 2/28/00, effective 3/30/00)

WAC 388-155-320 Outdoor play area. (1) The licensee must provide a safe and securely-fenced or department-approved, enclosed outdoor play area:

- (a) Adjoining directly the indoor premises; or
- (b) Reachable by a safe route and method; and
- (c) Promoting the child's active play, physical development, and coordination; and
- (d) Protecting the child from unsupervised exit with an enclosure at least forty-eight inches high; and
- (e) Preventing child access to roadways and other dangers.

(2) The licensee must ensure the home's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

(3) The licensee must provide a variety of age appropriate play equipment for climbing, pulling, pushing, riding, and balancing activities. The licensee must arrange, design, construct, and maintain equipment and ground cover to prevent the child's injury. The licensee's quantity of outdoor play equipment must offer the child a range of outdoor play options.

~~((4) Preschool children and younger must be in visual and auditory range when outside.~~

~~(5) School-age children must be in auditory range when outside.))~~

(4) Preschool children and younger must be in visual and auditory range when outside.

(5) School-age children must be in auditory range when outside.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-535-1010, 388-535-1150, and 388-535-1260; and amending WAC 388-535-1050, 388-535-1060, 388-535-1080, 388-535-1100, 388-535-1200, 388-535-1220, 388-535-1230, 388-535-1240, 388-535-1350, 388-535-1400, 388-535-1450, 388-535-1500, and 388-535-1550.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.035, 74.09.500, 74.09.520, 42 U.S.C. 1396d(a), 42 C.F.R. 440.100 and 440.225.

Adopted under notice filed as WSR 02-08-088 on April 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: (a) WAC 388-535-1060 (1)(f), after "Children's health (the state-only funded program)," added, "through September 30, 2002 only;"

(b) WAC 388-535-1070 (1)(a)(v), after "Practice," replaced "anesthesiology" with, "anesthesia;"

Changes were made as a result of stakeholder input. 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 2, Amended 13, 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 2, Amended 13, Repealed 3.

Effective Date of Rule: Thirty-one days after filing. June 12, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-14 issue of the Register.

WSR 02-13-074
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed June 14, 2002, 3:34 p.m.]

Date of Adoption: June 12, 2002.

Purpose: Chapter 388-535 WAC, Dental-related services. To clarify and update existing policy, including: Updating (and deleting where necessary) definitions; clarifying provider requirements and adding cross-references to other provider information; clarifying services that are covered and not covered; clarifying policy regarding dentures (including replacements for lost dentures), partials, and laboratory fees; and reorganize and rewrite sections within the chapter to improve readability and understanding to meet the requirements of Executive Order 97-02.

WSR 02-13-076
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed June 17, 2002, 10:26 a.m., effective June 17, 2002, 10:26 a.m.]

Date of Adoption: June 13, 2002.

Purpose: To establish a Grays Harbor pilotage district annual tariff for pilotage services.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-185.

Statutory Authority for Adoption: RCW 88.16.035. Adopted under notice filed as WSR 02-10-081 on April 29, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

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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 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Maintaining helicopter pilot launch service is vital to providing safe and timely pilot boardings to vessels calling on the Grays Harbor pilotage district. All conditions set forth in chapter 53.08 RCW have been met.

Effective Date of Rule: Upon filing [June 17, 2002, 10:26 a.m.]

June 14, 2002
Peggy Larson
Administrator

AMENDATORY SECTION (Amending WSR 01-18-049, filed 8/30/01, effective 9/30/01)

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective through 2400 hours July 31, ((2002)) 2003.

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 \$80.99 per meter (or \$24.64 per foot) and the tonnage charge shall be \$0.2583 per net registered ton. The minimum net registered tonnage charge is \$903.79. The charge for an extra vessel (in case of tow) is \$516.48.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter \$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$647.88
Delays per hour \$154.49
Cancellation charge (pilot only) \$258.22

Cancellation charge (((pilot))) boat or helicopter only \$774.69

Pension charge:

Charge per pilotage assignment, including cancellations ((\$101.00))
\$140.00

Travel allowance:

Transportation fee per assignment \$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$903.82 for each day or fraction thereof, and the travel expense incurred \$903.82

Bridge transit:

Charge for each bridge transited \$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam. \$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

WSR 02-13-080
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed June 17, 2002, 11:10 a.m., effective September 1, 2002]

Date of Adoption: May 24, 2002.

Purpose: To repeal chapter 196-26 WAC in its entirety and replace it with chapter 196-26A WAC, Registered professional engineers and land surveyors fees. The new fee schedule increases many of the application and licensing fees and is completely rewritten to improve clarity and readability. RCW 43.24.086 requires that professional licensing programs collect sufficient revenue to pay for the services provided. Without the fee increase, the board's dedicated fund balance would decline to a negative balance by the end of the 05-07 biennium. Exam applicants will start paying NCEES directly to take an examination so those charges have been deleted from the fee schedule.

Citation of Existing Rules Affected by this Order: Repealing WAC 196-26-020 and 196-26-030.

Statutory Authority for Adoption: RCW 43.24.086 and 18.43.035.

Adopted under notice filed as WSR 02-08-075 on April 3, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

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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 11, Amended 0, Repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 0, Repealed 2.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

June 13, 2002

Alan E. Rathbun

Assistant Director

Business and Professions Division

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 196-26-020 Engineer and land surveyor fees and charges.

WAC 196-26-030 License renewals.

Chapter 196-26A WAC

PROFESSIONAL ENGINEERS AND LAND SURVEYORS FEES

NEW SECTION

WAC 196-26A-010 State fee authority, applications and payment procedures. The state fees listed in this chapter are adopted by the director of the department of licensing (department) in accordance with RCW 43.24.086. For registration under provisions of chapter 18.43 RCW, the required state fee must accompany all applications. If payment is made by check or money order, the payment should be made payable to the state treasurer. Should an applicant be judged ineligible for examination, the fee shall be retained to cover the costs of processing. An applicant who fails an examination may be scheduled for a retake by paying the required fee within the time frame established by the board of registration for professional engineers and land surveyors (board). Applicants who fail to appear for their scheduled examination will forfeit their fees as determined by the board. Applicants may withdraw from a scheduled examination without forfeiting their fees by submitting a written notice to the board office by the date established by the board.

NEW SECTION

WAC 196-26A-020 Examination vendor, procedures and costs. The board has determined the National Council of

Examiners for Engineering and Surveying (NCEES) will administer their examinations on behalf of the board. In addition to state fees, all approved applicants are charged by NCEES for the costs of examinations, exam administration and grading. All these costs must be paid in advance by the applicant to NCEES to reserve a seat at the examination. Applicants who have not paid the required costs will not be admitted to the examination. Applicants who fail to appear for their scheduled examination will forfeit all moneys paid to NCEES. The schedule of the costs charged by NCEES is available from NCEES or the board offices.

NEW SECTION

WAC 196-26A-025 State fees for examinations.

FUNDAMENTAL EXAMINATIONS:

Fundamentals of Engineering (FE):

Application fee (incl. wall certificate):	\$ 30
Processing fee to retake the FE examination:	\$ 20

Fundamentals of Land Surveying (FLS):

Application fee (incl. wall certificate):	\$ 30
Processing fee to retake the FLS examination:	\$ 20

Note: Additional charges to cover costs of NCEES fundamentals examinations, exam administration and grading will be billed by NCEES to approved applicants.

PROFESSIONAL ENGINEERING EXAMINATIONS:

NCEES Examinations: (All branches other than board prepared examinations)

Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the NCEES PE exam:	\$ 30

Note: Additional charges to cover costs of NCEES PE examinations, exam administration and grading will be billed by NCEES to approved applicants.

Structural Engineering:

Note: To become licensed in structural engineering a candidate is required to pass sixteen hours of structural examinations when determined eligible under Washington law. The examinations for structural licensing consist of the NCEES Structural II and the Washington Structural III examination. One application is required for structural engineering and when approved a candidate may sit for both examinations when they are offered on successive days.

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Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the NCEES Structural II or Washington Structural III exams:	\$ 30

Note: Additional charges to cover costs of NCEES Structural II examination, exam administration and grading will be billed by NCEES to approved applicants.

Structural III examination fee:	\$ 300
Examination rescore:	\$ 50/item

Forest Engineering:

Application fee (incl. wall certificate and initial license):	\$ 65
Processing fee to retake the forest engineering examination:	\$ 30
Examination rescore:	\$ 50/item

Note: The examination for licensure in forest engineering is a Washington specific examination that is offered in April of the year depending upon applications received. Interested applicants should confirm schedule by contacting the board office.

PROFESSIONAL LAND SURVEYING:

Note: The examinations for licensure in professional land surveying include an NCEES PPLS examination, a Washington specific examination and a take-home examination over Washington laws and rules. One application is required and when determined eligible a candidate will sit for the NCEES PPLS examination and the Washington specific examination on the same day.

Application fee (incl. wall certificate, state exams, and initial license):	\$ 140
Processing and examination fee to retake the state PLS exam:	\$ 100

Note: Additional charges to cover costs of NCEES LS examination, exam administration and grading will be billed by NCEES to approved applicants.

Processing fee to retake the NCEES PPLS examination:	\$ 30
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NEW SECTION

WAC 196-26A-030 Applications for comity licensure and temporary permits. For comity licensure under the provisions of chapter 18.43 RCW, the required state fee must accompany all applications. Payment by check or money order must be made payable to the Washington state treasurer. Should an applicant be judged ineligible for licensure by comity, the fee submitted shall be retained to cover the cost of processing.

A temporary permit to practice in the state of Washington is available to nonresidents for a period of not to exceed thirty days total in any one-year period. Eligible applicants must have a valid license to practice engineering in the United States, have no outstanding disciplinary actions against their licensure and meet the experience requirements for licensure in Washington. Temporary permits must be issued prior to any authorized practice in Washington.

NEW SECTION

WAC 196-26A-035 State fees for comity licensure and temporary permit applications.

Professional engineering, comity licensure application:	\$ 110
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Note: For licensure by comity in structural engineering an applicant must have a current license as a professional engineer, meet the experience requirements established by the board and have passed sixteen hours of rigorous examinations in structural engineering as determined by the board to be equivalent to the examinations required by the Washington board.

Professional engineering, temporary permit application:	\$ 110
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Professional land surveying, comity licensure application:	\$ 140
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Note: For licensure by comity in land surveying an applicant must meet the experience requirements established by the board and have passed a written examination deemed satisfactory to the board. Eligible applicants are required to pass the Washington specific examination on Washington laws and rules.

NEW SECTION

WAC 196-26A-040 Renewals for professional engineer and professional land surveyor licenses. The date of renewal, renewal interval and renewal fee is established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a license, the licensee must:

- (1) Include payment of the renewal fee;
- (2) Include the licensee's Social Security number as provided for by RCW 26.23.150; and
- (3) Include any name/address changes that apply.

If a completed application for renewal has not been received by the department by the date of expiration (post-marked before the date of expiration if mailed or transacted on-line before the date of expiration), the license becomes invalid. Licensees who fail to pay the renewal fee within ninety days of the date of expiration are required to pay an additional penalty fee equivalent to the fee for a one-year renewal. It is the responsibility of each licensee to renew their license in a timely manner regardless of whether they received a renewal notice from the department.

The licenses for individuals registered as professional engineers or professional land surveyors shall be renewed every two years or as otherwise set by the director of the department of licensing. The date of renewal shall be the licensee's date of birth. The initial license issued to an individ-

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ual shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure.

NEW SECTION

WAC 196-26A-045 Professional engineer, professional land surveyor renewal fees and penalties.

Professional engineer (two years):	\$ 116
Professional land surveyor (two years):	\$ 116
Late renewal penalty (PE and LS only):	\$ 58

NEW SECTION

WAC 196-26A-050 Application for certificate of authorization. Except for professional service corporations (PS) and professional service limited liability companies (PLLC) as defined by the Washington secretary of state, all corporations, joint stock associations and limited liability companies that offer engineering or land surveying services to the public must obtain a certificate of authorization from the board. Each application must be accompanied by the required state fee made payable to the state treasurer. Should an applicant be judged ineligible for certificate of authority, the fee submitted shall be retained to cover the cost of processing.

NEW SECTION

WAC 196-26A-055 Renewal of certificate of authorization. The date of renewal, renewal interval and renewal fee are established by the director of the department of licensing in accordance with chapter 43.24 RCW. To renew a certificate of authorization, payment of the renewal fee must be received by the department by the date of expiration (post-marked if renewal is mailed by U.S. mail) or the certificate of authorization becomes invalid. The complete renewal must include any changes to: The name of firm, scope of services offered, mailing address of firm and name and address of licensee(s) named in responsible charge for the services provided. A certificate of authorization that is expired is invalid on the date of expiration.

NEW SECTION

WAC 196-26A-060 Certificate of authorization application and renewal fees.

Application fee (incl. wall certificate and initial license):	\$ 150
Renewal fee (one-year):	\$ 110

NEW SECTION

WAC 196-26A-070 Replacement document fees. The department will provide replacement or duplicate certificates or licenses upon written request and payment of the appropriate fee to cover costs of production and mailing.

Duplicate/replacement wall certificate:	\$ 25
Duplicate/replacement license:	\$ 15

**WSR 02-13-087
PERMANENT RULES
OFFICE OF
FINANCIAL MANAGEMENT**
[Filed June 18, 2002, 9:27 a.m.]

Date of Adoption: June 18, 2002.

Purpose: To establish official pay dates for state officers and employees for calendar year 2003.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Adopted under notice filed as WSR 02-09-025 on April 9, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 18, 2002

Jennifer Strus

Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-12-007, filed 5/24/01, effective 6/24/01)

WAC 82-50-021 Official lagged, semimonthly pay dates established. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((2001 and)) 2002 and 2003:

~~CALENDAR YEAR 2001~~
~~Wednesday, January 10, 2001~~
~~Thursday, January 25, 2001~~
~~Friday, February 9, 2001~~
~~Monday, February 26, 2001~~
~~Friday, March 9, 2001~~
~~Monday, March 26, 2001~~
~~Tuesday, April 10, 2001~~
~~Tuesday, April 25, 2001~~
~~Thursday, May 10, 2001~~
~~Friday, May 25, 2001~~
~~Monday, June 11, 2001~~
~~Monday, June 25, 2001~~
~~Tuesday, July 10, 2001~~
~~Wednesday, July 25, 2001~~
~~Friday, August 10, 2001~~
~~Friday, August 24, 2001~~
~~Monday, September 10, 2001~~
~~Tuesday, September 25, 2001~~
~~Wednesday, October 10, 2001~~
~~Thursday, October 25, 2001~~
~~Friday, November 9, 2001~~
~~Monday, November 26, 2001~~
~~Monday, December 10, 2001~~
~~Monday, December 24, 2001~~

CALENDAR YEAR 2002
Thursday, January 10, 2002
Friday, January 25, 2002
Monday, February 11, 2002
Monday, February 25, 2002
Monday, March 11, 2002
Monday, March 25, 2002
Wednesday, April 10, 2002
Thursday, April 25, 2002
Friday, May 10, 2002
Friday, May 24, 2002
Monday, June 10, 2002
Tuesday, June 25, 2002
Wednesday, July 10, 2002
Thursday, July 25, 2002
Friday, August 9, 2002
Monday, August 26, 2002
Tuesday, September 10, 2002
Wednesday, September 25, 2002
Thursday, October 10, 2002
Friday, October 25, 2002
Friday, November 8, 2002
Monday, November 25, 2002
Tuesday, December 10, 2002
Tuesday, December 24, 2002

CALENDAR YEAR 2002
Thursday, January 10, 2002
Friday, January 25, 2002
Monday, February 11, 2002
Monday, February 25, 2002
Monday, March 11, 2002
Monday, March 25, 2002
Wednesday, April 10, 2002
Thursday, April 25, 2002
Friday, May 10, 2002
Friday, May 24, 2002
Monday, June 10, 2002
Tuesday, June 25, 2002
Wednesday, July 10, 2002
Thursday, July 25, 2002
Friday, August 9, 2002
Monday, August 26, 2002
Tuesday, September 10, 2002
Wednesday, September 25, 2002
Thursday, October 10, 2002
Friday, October 25, 2002
Friday, November 8, 2002
Monday, November 25, 2002
Tuesday, December 10, 2002
Tuesday, December 24, 2002))

CALENDAR YEAR 2003
Friday, January 10, 2003
Friday, January 24, 2003
Monday, February 10, 2003
Tuesday, February 25, 2003
Monday, March 10, 2003
Tuesday, March 25, 2003
Thursday, April 10, 2003
Friday, April 25, 2003
Friday, May 9, 2003
Friday, May 23, 2003
Tuesday, June 10, 2003
Wednesday, June 25, 2003
Thursday, July 10, 2003
Friday, July 25, 2003
Monday, August 11, 2003
Monday, August 25, 2003
Wednesday, September 10, 2003
Thursday, September 25, 2003
Friday, October 10, 2003
Friday, October 24, 2003
Monday, November 10, 2003
Tuesday, November 25, 2003
Wednesday, December 10, 2003
Wednesday, December 24, 2003

WSR 02-13-097
PERMANENT RULES
SECRETARY OF STATE

[Filed June 18, 2002, 2:39 p.m.]

Date of Adoption: December 26, 2001 [June 18, 2002].

Purpose: Delete a rule that is not necessary, out of date, and refers to a statute that no longer exists.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-332-010.

Statutory Authority for Adoption: RCW 29.04.080.

Adopted under notice filed as WSR 02-09-008 on April 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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: Thirty-one days after filing.

June 18, 2002

Steve Excell

Assistant Secretary of State

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-332-010 Definition of a new resident voter extended.

WSR 02-13-099
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

[Filed June 18, 2002, 3:57 p.m.]

Date of Adoption: June 13, 2002.

Purpose: To comply with HB 1162, Laws of 2001 2nd sp.s. that requires DSHS to establish an inpatient cost reimbursement system for rural hospitals that are designated as critical access hospitals (CAHs), new WAC 388-550-2598.

Statutory Authority for Adoption: RCW 74.08.090, 74.04.050, 74.09.5225.

Other Authority: HB 1162, Laws of 2001 2nd sp.s.

Adopted under notice filed as WSR 02-10-114 on April 30, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 13, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-550-2598 Critical access hospital (CAH) program. (1) The critical access hospital (CAH) program provides cost-based reimbursement to a critical access hospital (CAH) through a retrospective cost reimbursement system. Reimbursement is based on a CAH's actual cost of providing hospital services to eligible medical assistance clients during the hospital fiscal year (HFY) of the CAH, subject to the conditions and limitations in this section and other published WACs. CAH program requirements and how the medical assistance administration (MAA) calculates a CAH cost settlement adjustment are described in this section.

(2) The following definitions and abbreviations and those found in WAC 388-500-0005 and 388-550-1050 apply to the CAH program:

(a) "CAH," see "critical access hospital."

(b) "CAH fee-for-service (FFS) cost settlement adjustment" means the department's annual reimbursement or recoupment adjustment to a CAH's fee-for-service interim payment.

(c) "CAH Healthy Options (HO) cost settlement payment" means the department's annual reimbursement adjustment related to a CAH's HO utilization.

(d) "CAH HFY" see "CAH hospital fiscal year."

(e) "CAH hospital fiscal year" means each individual hospital's fiscal year.

(f) "Cost settlement" means a reconciliation of the interim CAH payments with a CAH's actual costs determined after the end of the CAH's HFY.

(g) "Critical access hospital (CAH)" means an MAA-approved hospital that is Medicare-certified by the Centers for Medicare and Medicaid Services (CMS) to operate as a CAH.

(h) "IDWCC rate" see "inpatient departmental weighted cost-to-charge (IDWCC) rate."

(i) "Inpatient departmental weighted cost-to-charge (IDWCC) rate" means a rate MAA uses to determine a fee-for-service interim inpatient CAH payment.

(j) "Interim CAH payment" means the actual payment the department makes, per claim, to a CAH during its HFY, using the appropriate IDWCC or ODWCC rate, as determined by MAA.

(k) "ODWCC rate" see "outpatient departmental weighted cost-to-charge (ODWCC) rate."

(l) "Outpatient departmental weighted cost-to-charge (ODWCC) rate" means a rate MAA uses to determine a fee-for-service interim outpatient CAH payment.

(m) "Per service" means services provided during a healthy options (HO) equivalent admission. (For an example of how to calculate a HO equivalent admission, see subsection (12), step 2.)

(3) An MAA-approved CAH must be Medicare-certified as a CAH. A CAH must provide proof of certification to MAA upon request.

(4) An MAA-approved CAH must also meet the general applicable requirements in chapter 388-502 WAC, Administration of medical programs—Providers. For information on audits conducted by department staff, see WAC 388-502-0240.

(5) MAA may conduct a postpay or on-site review of any CAH to ensure quality of care.

(6) To ensure a client receives necessary care:

(a) A CAH is responsible to investigate any reports of substandard care or violations of the facility's medical staff bylaws;

(b) A CAH provider must have and follow written procedures that provide a resolution to complaints and grievances; and

(c) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(i) Department of health (DOH); or

(ii) Other agencies with review authority for MAA programs.

(7) Subject to the restrictions and limitations in this section and other published WAC, the MAA CAH fee-for-service reimbursement method uses the:

(a) IDWCC rate; and

(b) ODWCC rate.

(8) This section describes the parallel steps MAA uses to calculate both the fee-for-service IDWCC rate and fee-for-service ODWCC rate for each CAH. Consideration will be given to recalculation of the interim payment rates if a CAH submits changes to the initially submitted Medicare HCFA-2552 Cost Report. MAA:

(a) Obtains the following information for each CAH from the Medicare HCFA-2552 Cost Report the CAH initially submits for the period to be cost settled:

(i) Cost-to-charge ratio of each respective ancillary service cost center; and

(ii) Total costs and number of patient days of each respective accommodation cost center.

(b) Obtains from the Medicaid Management Information System (MMIS) the following summary claims data submitted by each CAH for the HFY to be cost settled:

- (i) Medical assistance program codes;
 - (ii) Inpatient and outpatient claim types;
 - (iii) Procedure codes, revenue codes or diagnosis-related group (DRG) codes;
 - (iv) Allowed charges and third party liability/client and MAA paid amounts;
 - (v) Number of claims; and
 - (vi) Units of service.
- (c) Separates the inpatient claims data and outpatient claims data.

(d) Obtains the cost center allowed charges by classifying inpatient allowed charges billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or DRG codes) into the related cost center in the CAH's Medicare HCFA-2552 cost report the CAH initially submits to MAA.

(e) Determines the MAA departmental-weighted costs for each cost center by multiplying the cost center's allowed charges for the appropriate inpatient or outpatient claim type by the related ancillary service cost center ratio or accommodation cost center per diem.

(f) Obtains totals from the cost centers used for cost settlement and interim rates from (e) of this subsection by:

- (i) Summing all allowed charges; and
- (ii) Summing all MAA departmental-weighted costs.

(g) Determines a CAH's fee-for-service IDWCC rate and fee-for-service ODWCC rate by dividing the total MAA departmental-weighted costs from (f)(ii) of this subsection by

the total allowed charges from (f)(i) of this subsection. Neither the IDWCC rate nor the ODWCC rate may exceed one hundred percent.

(9) MAA makes interim CAH payments to a CAH during the CAH's HFY using the IDWCC rate for inpatient services provided, and the ODWCC rate for outpatient services provided, as determined in the CAH's most recent cost settlement.

(10) MAA performs a cost settlement for a CAH after the end of the CAH's HFY. MAA calculates the cost settlement using:

(a) MAA claims data; and

(b) The following information submitted by the CAH to MAA at the close of the CAH's HFY:

(i) The Medicare HCFA-2552 Cost Report (see requirements in WAC 388-550-5700); and

(ii) Total HO inpatient and outpatient allowed charges for the CAH's HFY dates of services.

(11) MAA rebases and implements a CAH's new IDWCC rate and ODWCC rate at cost settlement. The rebased IDWCC and ODWCC rates:

(a) Are used to determine a CAH's adjustment for services in the cost-settled HFY; and

(b) Become the current interim payment rates.

(12) See the example in this subsection for how MAA calculates a fee-for-service and managed care CAH cost settlement adjustment. A cost settlement payment for services provided through a Healthy Options managed care plan is limited to no more than the additional amounts per service paid under the CAH program for other medical assistance programs.

PERMANENT

Example of the payment calculation for a fee-for-service (FFS) and Healthy Options (HO) Critical Access Hospital (CAH) cost settlement adjustment using charges from claims and the hospital's inpatient departmental weighted cost-to-charge (IDWCC) and outpatient departmental weighted cost-to-charge (ODWCC)

STEP 1		CAH FFS Cost Settlement Adjustment for Hospital XYZ		
		CAH's Hospital Fiscal Year (HFY)		
		Programs		
		Inpatient Medical Assistance Programs	Outpatient Medical + Assistance Programs	Total Cost Settlement = Adjustment
CAH HFY Total allowed charges		\$96,735	\$33,265	\$130,000
IDWCC and ODWCC used for CAH cost settlement	x	84.3%	70.5%	
CAH actual FFS cost	=	\$81,548	\$23,452	\$105,000
FFS interim CAH payment	-	\$80,833	\$19,167	\$100,000
* CAH FFS cost settlement adjustment	=	\$ 715	\$ 4,285	\$ 5,000

*If the CAH FFS cost settlement adjustment total is zero or less, a HO cost settlement is not performed. (Go directly to step 3.) If the CAH FFS cost settlement adjustment total is greater than zero, proceed to step 2.

STEP 2		Calculate Total CAH HO Cost Settlement Payment	
	\$130,000	Total allowed CAH HFY charges	
+	10	FFS inpatient admissions during CAH HFY	
=	\$ 13,000	Average charge per FFS inpatient admission used for HO equivalent admissions	
	\$ 5,000	CAH FFS cost settlement adjustment (from Step 1)	
+	10	FFS admissions during CAH HFY	
=	\$ 500	CAH settlement for each FFS admission	
	\$ 78,000	Total allowed HO charges (includes inpatient and outpatient charges)	
+	\$ 13,000	Average charge per FFS admission used for HO equivalent admissions	
	6	HO equivalent admissions	

STEP 2		Calculate Total CAH HO Cost Settlement Payment
\$	500	CAH settlement for each FFS admission
x	6	HO equivalent admissions
=	\$ 3,000	CAH HO cost settlement payment due the CAH

STEP 3		Calculate Total Additional CAH Cost Settlement Adjustment
\$	5,000	CAH FFS cost settlement adjustment (from Step 1)
+	\$ 3,000	CAH HO cost settlement payment (from Step 2)
=	\$ 8,000	Total additional CAH cost settlement adjustment due from the department

**WSR 02-13-115
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed June 19, 2002, 8:59 a.m., effective September 1, 2002]

Date of Adoption: June 19, 2002.

Purpose: Safety standards for construction work, chapter 296-155 WAC, Part P, Steel erection, has been rewritten to be at-least-as-effective-as those rules adopted by OSHA (29 C.F.R. Part 1926) in Federal Registers, Volume 66, Number 12, dated January 18, 2001, and Volume 66, Number 137, dated July 17, 2001.

Citation of Existing Rules Affected by this Order: Repealing chapter 296-155 WAC, Safety standards for construction work, Part P, Steel erection, WAC 296-155-700 General requirements, 296-155-705 Flooring requirements, 296-155-710 Structural steel assembly, 296-155-715 Bolting, riveting, fitting-up, and plumbing-up, and 296-155-720 Safe walking surfaces on structural members.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 02-06-114 on March 6, 2002.

Changes Other than Editing from Proposed to Adopted Version: WITHDRAWN SECTIONS: Nonmandatory appendices, proposed in the following sections, have been withdrawn:

WAC 296-155-72401 Appendix A—Guidelines for establishing the components of a site-specific erection plan: Nonmandatory guidelines for complying with WAC 296-155-703(5), WAC 296-155-72402 Appendix B—Acceptable test methods for testing slip-resistance of walking/working surfaces; WAC 296-155-72403 Appendix C—Training: Nonmandatory guidelines for complying with WAC 296-155-717; WAC 296-155-72404 Appendix D—Perimeter columns: Nonmandatory guidelines for complying with WAC 296-155-708(5); WAC 296-155-72405 Appendix E—Double connections: Illustrations of a clipped end connection and a staggered connection: Nonmandatory guidelines for complying with WAC 296-155-708 (3)(a); and WAC 296-155-72406 Appendix F—Typical installations for bridging: Nonmandatory guidelines for complying with chapter 296-155 WAC.

As a result of written and oral comments received, the following sections are being changed as indicated below: CHANGES TO THE RULES (proposed rule versus rule actually adopted): WAC 296-155-704 (5)(a) has been modified to

clarify that, while bundled decking meets the definition of structural member (in WAC 296-155-702), bundled decking must not be lifted using the multiple lift rigging procedure.

Number of Sections Adopted in Order to Comply with Federal Statute: New 12, Amended 0, Repealed 5; 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 12, Amended 0, Repealed 5.

Effective Date of Rule: September 1, 2002.

June 19, 2002

Gary Moore

Director

NEW SECTION

WAC 296-155-701 Scope. (1)(a) This part applies to employers involved in the construction, alteration and repair of single or multistory buildings, bridges, and a variety of other structures. This part applies to employers involved in steel erection unless specifically excluded.

(b) Examples of steel erection structures include, but are not limited to:

Aerialways;	Aerospace facilities and structures;
Air and cable supported structures;	Amphitheaters;
Amusement park structures and rides;	Aqueducts;
Artistic and monumental structures;	Atriums;
Auditoriums;	Balconies;
Billboards;	Bins;
Bridges;	Canopies;
Car dumpers;	Catwalks;
Chemical process structures;	Conveyor supports and related framing;
Conveyor systems;	Cranes and cranesways;
Curtain walls;	Draft curtains;

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Elevator fronts;	Energy exploration structures;
Energy production, transfer and storage structures and facilities;	Entrances;
Fire containment structures;	Fire escapes;
Furnaces;	Geodesic domes;
Hi-bay structures;	Hoppers;
Industrial structures;	Lift slab/tilt-up structures;
Light towers;	Malls;
Metal roofs;	Mills;
Monorails;	Ovens;
Overpasses;	Penthouses;
Platforms;	Power plants;
Racks and rack support structures and frames;	Radar and communication structures;
Rail, marine and other transportation structures;	Scoreboards;
Signage;	Single and multistory buildings;
Skylights;	Sound barriers;
Space frames;	Stackers/reclaimers;
Stacks;	Stadiums;
Stair towers;	Stairways;
Store fronts;	Systems-engineered metal buildings;
Trestles;	Underpasses;
Viaducts;	Water process and water containment structures; and
Window walls.	

(2)(a) Covered steel erection work includes the:

- Hoisting, laying out, placing, connecting, welding, burning, guying, bracing, bolting, plumbing and rigging of structural steel, steel joists, and metal buildings; and

- Installing metal decking, curtain walls, window walls, siding systems, miscellaneous metals, ornamental iron and similar materials.

(b) The following work is also covered by this part when done during, and are a part of, steel erection work:

Anchoring devices;	Building equipment;
Building specialties;	Cable stays;
Castings;	Cold formed steel framing;
Column covers;	Conveying systems;
Crane rails and accessories;	Detention or security equipment and doors, windows and hardware;
Doors; windows;	Elevator beams;
Enclosures and pockets;	Falsework for temporary supports of permanent steel members;
Fascias;	Fences and gates;
Ferrous metals and alloys;	Floor plates;
Gaskets;	Glass;
Gratings;	Grillage;
Handrails;	Hardware;
Hydraulic structures;	Joint fillers;
Ladders;	Louvers;
Metal decking and raceway systems and accessories;	Metal panels and panel wall systems;
Metal roofing and accessories;	Metal siding; bridge flooring;
Miscellaneous, architectural and ornamental metals and metal work;	Multipurpose supports;

Nonferrous metals and alloys;	Ornamental iron work, expansion control including bridge expansion joint assemblies;
Penthouse enclosures;	Perforated metals;
Permanent and temporary bents and towers;	Plastics and synthetic composite materials;
Railings;	Rigging, hoisting, laying out, placing, connecting, guying, bracing, dismantling, burning, welding, bolting, grinding, sealing, caulking, and all related activities for construction, alteration and/or repair of materials and assemblies such as structural steel;
Safety systems for steel erection;	Sealants and seals;
Sheet metal fabrications;	Shelf racks;
Skylights;	Slide bearings;
Soffit panels;	Stairs;
Steel and metal joists;	Stone and other nonprecast concrete architectural materials mounted on steel frames;
Structural cabling;	Structural metal framing and related bracing and assemblies; and
Trench covers.	

(3) Controlling contractor duties are specified in WAC 296-155-703 (1) and (3), 296-155-707 (2)(b), 296-155-714(2), and 296-155-716(5).

NEW SECTION

WAC 296-155-702 Definitions. Anchored bridging means that the steel joist bridging is connected to a bridging terminus point.

Bolted diagonal bridging means diagonal bridging that is bolted to a steel joist or joists.

Bridging clip means a device that is attached to the steel joist to allow the bolting of the bridging to the steel joist.

Bridging terminus point means a wall, a beam, tandem joists (with all bridging installed and a horizontal truss in the plane of the top chord) or other element at an end or intermediate point(s) of a line of bridging that provides an anchor point for the steel joist bridging.

Choker means a wire rope or synthetic fiber rigging assembly that is used to attach a load to a hoisting device.

Cold forming means the process of using press brakes, rolls, or other methods to shape steel into desired cross sections at room temperature.

Column means a load-carrying vertical member that is part of the primary skeletal framing system. Columns do not include posts.

Competent person (also defined in WAC 296-155-012) means one who can identify existing or predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization or authority by nature of their position to take prompt corrective measures to eliminate them. The person must be knowledgeable of the requirements of this part.

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Connector means someone who, working with hoisting equipment, is placing and connecting structural members and/or components.

Constructibility means the ability to erect structural steel members in accordance with this part without having to alter the overall structural design.

Construction load (for joist erection) means any load other than the weight of the employee(s), the joists and the bridging bundle.

Controlled load-lowering means lowering a load by means of a mechanical hoist drum device that allows a load to be lowered with maximum control using the gear train or hydraulic components of the hoist mechanism. Controlled load lowering requires the use of the hoist drive motor, rather than the load hoist brake, to lower the load.

Controlling contractor means a prime contractor, general contractor, construction manager or any other legal entity that has the overall responsibility for the construction of the project—its planning, quality and completion.

Critical lift means a lift that:

- Exceeds seventy-five percent of the crane or derrick rated load chart capacity; or
- Requires the use of more than one crane or derrick.

Derrick floor means an elevated floor of a building or structure that has been designated to receive hoisted pieces of steel prior to final placement.

Double connection means an attachment method where the connection point is intended for two pieces of steel that share common bolts on either side of a central piece.

Double connection seat means a structural attachment that, during the installation of a double connection, supports the first member while the second member is connected.

Employee (and other terms of like meaning, unless the context of the provision containing such a term indicates otherwise) means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Erection bridging means the bolted diagonal bridging that is required to be installed prior to releasing the hoisting cables from the steel joists.

Final interior perimeter means the perimeter of a large permanent open space within a building such as an atrium or

courtyard. This does not include openings for stairways, elevator shafts, etc.

Floor hole (decking hole) means an opening measuring less than twelve inches but more than one inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

Girt (in systems-engineered metal buildings) means a "Z" or "C" shaped member formed from sheet steel spanning between primary framing and supporting wall material.

Headache ball means a weighted hook that is used to attach loads to the hoist load line of the crane.

Hoisting equipment means lifting equipment designed to lift and position a load of known weight to a location at some known elevation and horizontal distance from the equipment's center of rotation. Hoisting equipment includes, but not limited to:

- Cranes;
- Derricks;
- Tower cranes;
- Barge-mounted derricks or cranes;
- Gin poles; and
- Gantry hoist systems.

Note: A come-a-long (a mechanical device, usually consisting of a chain or cable attached at each end, that is used to facilitate movement of materials through leverage) is not considered hoisting equipment.

Metal decking means a commercially manufactured, structural grade, cold rolled metal panel formed into a series of parallel ribs and includes metal floor and roof decks, standing seam metal roofs, other metal roof systems and other products such as bar gratings, checker plate, expanded metal panels, and similar products. After installation and proper fastening, these decking materials serve a combination of functions including: A structural element designed in combination with the structure to resist, distribute and transfer loads, stiffen the structure and provide a diaphragm action; a walking/working surface; a form for concrete slabs; a support for roofing systems; and a finished floor or roof.

Multiple lift rigging means a rigging assembly manufactured by wire rope rigging suppliers that facilitates the attachment of up to five independent loads to the hoist rigging of a crane.

Must means mandatory.

Permanent floor means a structurally completed floor at any level or elevation (including slab on grade).

Post means a structural member with a longitudinal axis that is essentially vertical, that:

- Weighs three hundred pounds or less and is axially loaded (a load presses down on the top end); or
- Is not axially loaded, but is laterally restrained by the above member. Posts typically support stair landings, wall framing, mezzanines and other substructures.

Project structural engineer of record means the registered, licensed professional responsible for the design of structural steel framing and whose seal appears on the structural contract documents.

Purlin (in systems-engineered metal buildings) means a "Z," "C," or "W" shaped member formed from sheet steel spanning between primary framing and supporting roof material.

Qualified person means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project.

Safety deck attachment means an initial attachment that is used to secure an initially placed sheet of decking to keep proper alignment and bearing with structural support members.

Shear connector means headed steel studs, steel bars, steel lugs, and similar devices which are attached to a structural member for the purpose of achieving composite action with concrete.

Steel erection means the construction, alteration or repair of steel buildings, bridges and other structures, including the installation of metal decking and all planking used during the process of erection.

Steel joist means an open web, secondary load-carrying member of one hundred forty-four feet (43.9 m) or less, designed by the manufacturer, used for the support of floors and roofs. This does not include structural steel trusses or cold-formed joists.

Steel joist girder means an open web, primary load-carrying member, designed by the manufacturer, used for the support of floors and roofs. This does not include structural steel trusses.

Steel truss means an open web member designed of structural steel components by the project structural engineer of record. For the purposes of this subpart, a steel truss is considered equivalent to a solid web structural member.

Structural steel means a steel member, or a member made of a substitute material (such as, but not limited to, fiberglass, aluminum or composite members). These members include, but are not limited to, steel joists, joist girders, purlins, columns, beams, trusses, splices, seats, metal decking, girts, and all bridging, and cold formed metal framing which is integrated with the structural steel framing of a building.

Systems-engineered metal building means a metal, field-assembled building system consisting of framing, roof and wall coverings. Typically, many of these components are cold-formed shapes. These individual parts are fabricated in one or more manufacturing facilities and shipped to the job site for assembly into the final structure. The engineering design of the system is normally the responsibility of the systems-engineered metal building manufacturer.

Tank means a container for holding gases, liquids or solids.

You means the employer.

NEW SECTION

WAC 296-155-703 Site layout, site-specific erection plan and construction sequence. (1) Before steel erection work can start the controlling contractor must ensure the steel erector is provided written notifications that:

(a) The concrete in the footings, piers and walls and the mortar in the masonry piers and walls has attained either:

- Seventy-five percent of the intended minimum compressive design strength; or
- Sufficient strength to support the loads imposed during steel erection.

The basis of these measurements is the appropriate ASTM standard test method of field cured samples.

(b) Any repairs, replacements and modifications to the anchor bolts were done per WAC 296-155-707(2).

(2) The steel erector must receive written notice that the concrete in the footings, piers and walls or the mortar in the masonry piers and walls has attained, on the basis of an appropriate ASTM standard test method of field-cured samples, either seventy-five percent of the intended minimum compressive design strength or sufficient strength to support the loads imposed during steel erection.

(3) **Site layout.** The controlling contractor must ensure that the following is provided and maintained:

(a) Adequate access roads into and through the site for the safe delivery and movement of derricks, cranes, trucks, other necessary equipment, and the material to be erected and means and methods for pedestrian and vehicular control.

Exception: This requirement does not apply to roads outside the construction site.

(b) A firm, properly graded, drained area, readily accessible to the work with adequate space for the safe storage of materials and the safe operation of the erector's equipment.

(4) **Preplanning of overhead hoisting operations.** All hoisting operations in steel erection must be preplanned to ensure that the requirements of WAC 296-155-704(4) are met.

(5) **Site-specific erection plan.** Where employers elect, due to conditions specific to the site, to develop alternate means and methods that provide employee protection in accordance with WAC 296-155-704 (3)(e), 296-155-709 (1)(d) or (5)(d), a site-specific erection plan must be developed by a qualified person and be available at the worksite. Guidelines for establishing a site-specific erection plan are contained in Appendix A to this part.

(6) Steel erection must be done under the supervision of a competent person who is present at the worksite.

NEW SECTION

WAC 296-155-704 Hoisting and rigging. (1) All the provisions of WAC 296-155-525 and 296-155-526 apply to hoisting and rigging.

(2) In addition, subsections (3) through (5) of this section apply regarding the hazards associated with hoisting and rigging.

(3) **General.**

(a) Crane preshift visual inspection.

(i) Cranes being used in steel erection activities must be visually inspected prior to each shift by a competent person. The inspection must include observation for deficiencies during operation and, as a minimum, must include:

- All control mechanisms for maladjustments;
- Control and drive mechanism for excessive wear of components and contamination by lubricants, water or other foreign matter;
- Safety devices, including boom angle indicators, boom stops, boom kick out devices, anti-two block devices, and load movement indicators where required;
- Air, hydraulic, and other pressurized lines for deterioration or leakage, particularly those which flex in normal operation;
- Hooks and latches for deformation, chemical damage, cracks, or wear;
- Wire rope reeving for compliance with hoisting equipment manufacturer's specifications;
- Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, or moisture accumulation;
- Hydraulic system for proper fluid level;
- Tires for proper inflation and condition;
- Ground conditions around the hoisting equipment for proper support, including ground settling under and around outriggers, ground water accumulation, or similar conditions;
- The hoisting equipment for level position; and
- The hoisting equipment for level position after each move and setup.

(ii) If any deficiency is identified, an immediate determination must be made by the competent person if the deficiency constitutes a hazard.

(iii) If the deficiency constitutes a hazard, the hoisting equipment must be removed from service until the deficiency has been corrected.

(iv) The operator is responsible for those operations under their direct control. Whenever there is any doubt as to safety, the operator must have the authority to stop and refuse to handle loads until safety has been assured.

(b) A qualified rigger (a rigger who is also a qualified person) must inspect the rigging prior to each shift in accordance with WAC 296-155-330.

(c) The headache ball, hook or load must not be used to transport personnel, except as provided in (d) of this subsection.

(d) Cranes or derricks may be used to hoist employees on a personnel platform when work under this part is being conducted if all the provisions of WAC 296-155-525 through 296-155-528 are met.

(e) Safety latches on hooks must not be deactivated or made inoperable except:

(i) When a qualified rigger has determined that the hoisting and placing of purlins and single joists can be performed more safely by doing so; or

(ii) When equivalent protection is provided in a site-specific erection plan.

(4) Working under loads.

(a) Routes for suspended loads must be replanned to ensure that no employee works directly below a suspended load except when:

- (i) Engaged in the initial connection of the steel; or
 - (ii) Necessary for the hooking or unhooking of the load.
- (b) When working under suspended loads, the following criteria must be met:

(i) Materials being hoisted must be rigged to prevent unintentional displacement;

(ii) Hooks with self-closing safety latches or their equivalent must be used to prevent components from slipping out of the hook; and

(iii) All loads must be rigged by a qualified rigger.

(5) Multiple lift rigging procedure.

(a) A multiple lift must only be performed if the following criteria are met:

- A multiple lift rigging assembly is used;
- A multiple lift is only permitted when specifically within the manufacturer's specifications and limitations;
- A maximum of five members are hoisted per lift;

Exception: Bundles of decking must not be lifted using the multiple lift rigging procedure, even though they meet the definition of structural members in WAC 296-155-702.

• Only beams and similar structural members are lifted; and

• All employees engaged in the multiple lift have been trained in these procedures in accordance with WAC 296-155-717 (3)(a).

(b) Components of the multiple lift rigging assembly must be specifically designed and assembled with a maximum capacity for total assembly and for each individual attachment point. This capacity, certified by the manufacturer or a qualified rigger, must be based on the manufacturer's specifications with a five to one safety factor for all components.

(c) The total load must not exceed:

- The rated capacity of the hoisting equipment specified in the hoisting equipment load charts; and
- The rigging capacity specified in the rigging-rating chart.

(d) The multiple lift rigging assembly must be rigged with members:

- Attached at their center of gravity and maintained reasonably level;
- Rigged from top down; and
- Rigged at least seven feet (2.1 m) apart.

(e) The members on the multiple lift rigging assembly must be set from the bottom up.

(f) Controlled load lowering must be used whenever the load is over the connectors.

NEW SECTION

WAC 296-155-706 Structural steel assembly. (1) Structural stability must be maintained at all times during the erection process.

• Make sure that multistory structures have the following:

– Permanent floors installed as the erection of structural members progress;

- No more than eight stories between the erection floor and the upper-most permanent floor; and
- No more than four floors or forty-eight feet (14.6 m), whichever is less, of unfinished bolting or welding above the foundation or uppermost permanent secured floor.

Exception: The above applies except where the structural integrity is maintained as a result of design.

(2) Walking/working surfaces.

(a) Shear connectors and other similar devices.

(i) Shear connectors, reinforcing bars, deformed anchors or threaded studs must not be attached to the top flanges of beams, joists or beam attachments so they project vertically from or horizontally across the top flange of the member until after the metal decking, or other walking/working surface has been installed. This becomes a tripping hazard. Examples of shear connectors are headed steel studs, steel bars or steel lugs.

(ii) Installation of shear connectors on composite floors. When shear connectors are used in construction of composite floors, roofs and bridge decks, employees must lay out and install the shear connectors after the metal decking has been installed, using the metal decking as a working platform.

(b) Slip resistance of metal decking. (Reserved.)

(c) Workers must not be permitted to walk the top surface of any structural steel member installed after July 18, 2006, that has been coated with paint or similar material. Except when documentation or certification is provided that the coating has achieved a minimum average slip resistance of .50 when measured with an English XL tribometer or equivalent tester on a wetted surface at a testing laboratory is provided. Such documentation or certification must be based on the appropriate ASTM standard test method conducted by a laboratory capable of performing the test. The results must be available at the site and to the steel erector. (Appendix B to this part references appropriate ASTM standard test methods that may be used to comply with this requirement.)

(d) Safe access must be provided to the working level. Employees must not slide down ropes, columns, or ladders.

(3) Plumbing-up.

(a) When deemed necessary by a competent person, plumbing-up equipment must be installed in conjunction with the steel erection process to ensure the stability of the structure.

(b) When used, plumbing-up equipment must be in place and properly installed before the structure is loaded with construction material such as loads of joists, bundles of decking or bundles of bridging.

(c) Plumbing-up equipment must be removed only with the approval of a competent person.

(4) Metal decking.

(a) Hoisting, landing and placing of metal decking bundles.

(i) Bundle packaging and strapping must not be used for hoisting unless specifically designed for that purpose.

(ii) If loose items such as dunnage, flashing, or other materials are placed on the top of metal decking bundles to be hoisted, such items must be secured to the bundles.

(iii) Bundles of metal decking on joists must be landed in accordance with WAC 296-155-709 (5)(d).

(iv) Metal decking bundles must be landed on framing members so that enough support is provided to allow the bundles to be unbanded without dislodging the bundles from the supports.

(v) At the end of the shift or when environmental or job site conditions require, metal decking must be secured against displacement.

(b) Roof and floor holes and openings. Metal decking at roof and floor holes and openings must be installed as follows:

(i) Framed metal deck openings must have structural members turned down to allow continuous deck installation except where not allowed by structural design constraints or constructibility.

(ii) Roof and floor holes and openings must be decked over. Where large size, configuration or other structural design does not allow openings to be decked over (such as elevator shafts, stair wells, etc.) employees must be protected in accordance with chapter 296-155 WAC, Part C-1 or Part K.

(iii) Metal decking holes and openings must not be cut until immediately prior to being permanently filled with the equipment or structure needed or intended to fulfill its specific use and which meets the strength requirements of (c) of this subsection, or must be immediately covered.

(c) **Covering roof and floor openings.** Smoke dome or skylight fixtures that have been installed are not considered covers for the purpose of this section unless they meet the strength requirements of WAC 296-155-505 (4)(g) (Part K).

(d) **Decking gaps around columns.** Wire mesh, exterior plywood, or equivalent, must be installed around columns where planks or metal decking do not fit tightly. The materials used must be of sufficient strength to provide fall protection for personnel and prevent objects from falling through.

(e) Installation of metal decking.

(i) Metal decking must be laid tightly and immediately secured upon placement to prevent accidental movement or displacement.

(ii) During initial placement, metal decking panels must be placed to ensure full support by structural members.

(f) Derrick floors.

(i) A derrick floor must be fully decked and or planked and the steel member connections completed to support the intended floor loading.

(ii) Temporary loads placed on a derrick floor must be distributed over the underlying support members so as to prevent local overloading of the deck material.

NEW SECTION

WAC 296-155-707 Column anchorage. (1) General requirements for erection stability.

(a) All columns must be anchored by a minimum of four anchor rods (anchor bolts).

(b) Each column anchor rod (anchor bolt) assembly, including the column-to-base plate weld and the column foundation, must be designed to resist a minimum eccentric gravity load of three hundred pounds (136.2 kg) located eigh-

teen inches (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

(c) Columns must be set on level finished floors, pre-grouted leveling plates, leveling nuts, or shim packs which are adequate to transfer the construction loads.

(d) All columns must be evaluated by a competent person to determine whether guying or bracing is needed; if guying or bracing is needed, it must be installed.

(2) Repair, replacement or field modification of anchor rods (anchor bolts).

(a) Anchor rods (anchor bolts) must not be repaired, replaced or field-modified without the approval of the project structural engineer of record.

(b) Prior to the erection of a column, the controlling contractor must provide written notification to the steel erector if there has been any repair, replacement or modification of the anchor rods (anchor bolts) of that column.

NEW SECTION

WAC 296-155-708 Beams and columns. (1) General.

(a) During the final placing of solid web structural members, the load must not be released from the hoisting line until the members are secured with at least two bolts per connection. These bolts must be of the same size and strength as shown in the erection drawings, drawn up wrench-tight or the equivalent as specified by the project structural engineer of record.

Exception: See subsection (2) of this section.

(b) A competent person must determine if more than two bolts are necessary to ensure the stability of cantilevered members; if additional bolts are needed, they must be installed.

(2) **Diagonal bracing.** Solid web structural members used as diagonal bracing must be secured by at least one bolt per connection drawn up wrench-tight or the equivalent as specified by the project structural engineer of record.

(3)(a) **Double connections at columns and/or at beam webs over a column.** When two structural members on opposite sides of a column web, or a beam web over a column, are connected sharing common connection holes, at least one bolt with its wrench-tight nut must remain connected to the first member unless a shop-attached or field-attached seat or equivalent connection device is supplied with the member to secure the first member and prevent the column from being displaced (see Appendix E to this part for examples of equivalent connection devices).

(b) If a seat or equivalent device is used, the seat (or device) must be designed to support the load during the double connection process. It must be adequately bolted or welded to both a supporting member and the first member before the nuts on the shared bolts are removed to make the double connection.

(4) **Column splices.** Each column splice must be designed to resist a minimum eccentric gravity load of three hundred pounds (136.2 kg) located eighteen inches (.46 m) from the extreme outer face of the column in each direction at the top of the column shaft.

(5) **Perimeter columns.** Perimeter columns must not be erected unless:

(a) The perimeter columns extend a minimum of forty-eight inches (1.2 m) above the finished floor to permit installation of perimeter safety cables prior to erection of the next tier, except where constructibility does not allow (see Appendix D to this part);

(b) The perimeter columns have holes or other devices in or attached to perimeter columns at forty-two to forty-five inches (107-114 cm) above the finished floor and the mid-point between the finished floor and the top cable to permit installation of perimeter safety cables required by WAC 296-155-716 (1)(b), except where constructibility does not allow. (See Appendix D to this part.)

NEW SECTION

WAC 296-155-709 Open web steel joists. (1) General.

(a) Where steel joists are used and columns are not framed in at least two directions with solid web structural steel members, a steel joist must be field-bolted at the column to provide lateral stability to the column during erection.

Exception: See (b) of this subsection. For the installation of this joist:

(i) A vertical stabilizer plate must be provided on each column for steel joists. The plate must be a minimum of six inch by six inch (152 mm by 152 mm) and must extend at least three inches (76 mm) below the bottom chord of the joist with a 13/16-inch (21 mm) hole to provide an attachment point for guying or plumbing cables.

(ii) The bottom chords of steel joists at columns must be stabilized to prevent rotation during erection.

(iii) Hoisting cables must not be released until the seat at each end of the steel joist is field-bolted, and each end of the bottom chord is restrained by the column stabilizer plate.

(b) Where constructibility does not allow a steel joist to be installed at the column:

(i) An alternate means of stabilizing joists must be installed on both sides near the column and must:

- Provide stability equivalent to (a) of this subsection;
- Be designed by a qualified person;
- Be shop installed; and
- Be included in the erection drawings.

(ii) Hoisting cables must not be released until the seat at each end of the steel joist is field-bolted and the joist is stabilized.

(c) Where steel joists at or near columns span sixty feet (18.3 m) or less, the joist must be designed with sufficient strength to allow one employee to release the hoisting cable without the need for erection bridging.

(d) Where steel joists at or near columns span more than sixty feet (18.3 m), the joists must be set in tandem with all bridging installed unless an alternative method of erection, which provides equivalent stability to the steel joist, is designed by a qualified person and is included in the site-specific erection plan.

(e) A steel joist or steel joist girder must not be placed on any support structure unless such structure is stabilized.

(f) When steel joist(s) are landed on a structure, they must be secured to prevent unintentional displacement prior to installation.

(g) No modification that affects the strength of a steel joist or steel joist girder must be made without the approval of the project structural engineer of record.

(h) Field-bolted joists.

(i) Except for steel joists that have been preassembled into panels, connections of individual steel joists to steel structures in bays of forty feet (12.2 m) or more must be fabricated to allow for field bolting during erection.

(ii) These connections must be field-bolted unless constructibility does not allow.

(i) Steel joists and steel joist girders must not be used as anchorage points for a fall arrest system unless written approval to do so is obtained from a qualified person.

(j) A bridging terminus point must be established before bridging is installed. (See Appendix E to this part.)

(2) Attachment of steel joists and steel joist girders.

(a) Each end of "K" series steel joists must be attached to the support structure with a minimum of two 1/8-inch (3 mm) fillet welds one inch (25 mm) long or with two 1/2-inch (13 mm) bolts, or the equivalent.

(b) Each end of "LH" and "DLH" series steel joists and steel joist girders must be attached to the support structure with a minimum of two 1/4-inch (6 mm) fillet welds two inches (51 mm) long, or with two 3/4-inch (19 mm) bolts, or the equivalent.

(c) Except as provided in (d) of this subsection, each steel joist must be attached to the support structure, at least at one end on both sides of the seat, immediately upon placement in the final erection position and before additional joists are placed.

(d) Panels that have been preassembled from steel joists with bridging must be attached to the structure at each corner before the hoisting cables are released.

(3) Erection of steel joists.

(a) Both sides of the seat of one end of each steel joist that requires bridging under Tables A and B must be attached to the support structure before hoisting cables are released.

(b) For joists over sixty feet, both ends of the joist must be attached as specified in subsections (2) and (4) of this section before the hoisting cables are released.

(c) On steel joists that do not require erection bridging under Tables A and B, only one employee must be allowed on the joist until all bridging is installed and anchored.

Table A—Erection of Bridging for Short Span Joists

Joist	Span	Joist	Span	Joist	Span
8L1	NM	22K10	40-0	14KCS1	NM
10K1	NM	22K11	40-0	14KCS2	NM
12K1	23-0	24K4	36-0	14KCS3	NM
12K3	NM	24K5	38-0	16KCS2	NM
12K5	NM	24K6	39-0	16KCS3	NM
14K1	27-0	24K7	43-0	16KCS4	NM
14K3	NM	24K8	43-0	16KCS5	NM
14K4	NM	24K9	44-0	18KCS2	35-0
14K6	NM	24K10	NM	18KCS3	NM
16K2	29-0	24K12	NM	18KCS4	NM

16K3	30-0	26K5	38-0	18KCS5	NM
16K4	32-0	26K6	39-0	20KCS2	36-0
16K5	32-0	26K7	43-0	20KCS3	39-0
16K6	NM	26K8	44-0	20KCS4	NM
16K7	NM	26K9	45-0	20KCS5	NM
16K9	NM	26K10	49-0	22KCS2	36-0
18K3	31-0	26K12	NM	22KCS3	40-0
18K4	32-0	28K6	40-0	22KCS4	NM
18K5	33-0	28K7	43-0	22KCS5	NM
18K6	35-0	28K8	44-0	24KCS2	39-0
18K7	NM	28K9	45-0	24KCS3	44-0
18K9	NM	28K10	49-0	24KCS4	NM
18K10	NM	28K12	53-0	24KCS5	NM
20K3	32-0	30K7	44-0	26KCS2	39-0
20K4	34-0	30K8	45-0	26KCS3	44-0
20K5	34-0	30K9	45-0	26KCS4	NM
20K6	36-0	30K10	50-0	26KCS5	NM
20K7	39-0	30K11	52-0	28KCS2	40-0
20K9	39-0	30K12	54-0	28KCS3	45-0
20K10	NM	10KCS1	NM	28KCS4	53-0
22K4	34-0	10KCS2	NM	28KCS5	53-0
22K5	35-0	10KCS3	NM	30KCS3	45-0
22K6	36-0	12KCS1	NM	30KCS4	54-0
22K7	40-0	12KCS2	NM	30KCS5	54-0
22K9	40-0	12KCS3	NM		

NM = Diagonal bolted bridging not mandatory for joists under 40 feet.

Table B—Erection Bridging for Long Span Joists

Joist	Span	Joist	Span
18LH02	33-0	28LH06	42-0
18LH03	NM	28LH07	NM
18LH04	NM	28LH08	NM
18LH05	NM	28LH09	NM
18LH06	NM	28LH10	NM
18LH07	NM	28LH11	NM
18LH08	NM	28LH12	NM
18LH09	NM	28LH13	NM
20LH02	33-0	32LH06	47-0 through 60-0
20LH03	38-0	32LH07	47-0 through 60-0
20LH04	NM	32LH08	55-0 through 60-0
20LH05	NM	32LH09	NM through 60-0
20LH06	NM	32LH10	NM through 60-0
20LH07	NM	32LH11	NM through 60-0
20LH08	NM	32LH12	NM through 60-0
20LH09	NM	32LH13	NM through 60-0
20LH10	NM	32LH14	NM through 60-0
24LH03	35-0	32LH15	NM through 60-0
24LH04	39-0	36LH07	47-0 through 60-0
24LH05	40-0	36LH08	47-0 through 60-0
24LH06	45-0	36LH09	57-0 through 60-0
24LH07	NM	36LH10	NM through 60-0
24LH08	NM	36LH11	NM through 60-0
24LH09	NM	36LH12	NM through 60-0
24LH10	NM	36LH13	NM through 60-0
24LH11	NM	36LH14	NM through 60-0
28LH05	42-0	36LH15	NM through 60-0

NM = Diagonal bolted bridging not mandatory for joists under 40 feet.

PERMANENT

(d) Employees must not be allowed on steel joists where the span of the steel joist is equal to or greater than the span shown in Tables A and B except in accordance with WAC 296-155-709(4).

(e) When permanent bridging terminus points cannot be used during erection, additional temporary bridging terminus points are required to provide stability. (See Appendix E of this part.)

(4) Erection bridging.

(a) Where the span of the steel joist is equal to or greater than the span shown in Tables A and B, the following must apply:

(i) A row of bolted diagonal erection bridging must be installed near the midspan of the steel joist;

(ii) Hoisting cables must not be released until this bolted diagonal erection bridging is installed and anchored; and

(iii) No more than one employee must be allowed on these spans until all other bridging is installed and anchored.

(b) Where the span of the steel joist is over sixty feet (18.3 m) through one hundred feet (30.5 m), the following must apply:

(i) All rows of bridging must be bolted diagonal bridging;

(ii) Two rows of bolted diagonal erection bridging must be installed near the third points of the steel joist;

(iii) Hoisting cables must not be released until this bolted diagonal erection bridging is installed and anchored; and

(iv) No more than two employees must be allowed on these spans until all other bridging is installed and anchored.

(c) Where the span of the steel joist is over one hundred feet (30.5 m) through one hundred forty-four feet (43.9 m), the following must apply:

(i) All rows of bridging must be bolted diagonal bridging;

(ii) Hoisting cables must not be released until all bridging is installed and anchored; and

(iii) No more than two employees must be allowed on these spans until all bridging is installed and anchored.

(d) For steel members spanning over one hundred forty-four feet (43.9 m), the erection methods used must be in accordance with WAC 296-155-708.

(e) Where any steel joist specified in subsections (3)(b), (4)(a), (b), and (c) of this section is a bottom chord bearing joist, a row of bolted diagonal bridging must be provided near the support(s). This bridging must be installed and anchored before the hoisting cable(s) is released.

(f) When bolted diagonal erection bridging is required by this section, the following must apply:

(i) The bridging must be indicated on the erection drawing;

(ii) The erection drawing must be the exclusive indicator of the proper placement of this bridging;

(iii) Shop-installed bridging clips, or functional equivalents, must be used where the bridging bolts to the steel joists;

(iv) When two pieces of bridging are attached to the steel joist by a common bolt, the nut that secures the first piece of bridging must not be removed from the bolt for the attachment of the second; and

(v) Bridging attachments must not protrude above the top chord of the steel joist.

(5) Landing and placing loads.

(a) During the construction period, the employer placing a load on steel joists must ensure that the load is distributed so as not to exceed the carrying capacity of any steel joist.

(b) Except for (d) of this subsection, no construction loads are allowed on the steel joists until all bridging is installed and anchored and all joist-bearing ends are attached.

(c) The weight of a bundle of joist bridging must not exceed a total of one thousand pounds (454 kg). A bundle of joist bridging must be placed on a minimum of three steel joists that are secured at one end. The edge of the bridging bundle must be positioned within one foot (.30 m) of the secured end.

(d) No bundle of decking may be placed on steel joists until all bridging has been installed and anchored and all joist bearing ends attached, unless all of the following conditions are met:

(i) The employer has first determined from a qualified person and documented in a site-specific erection plan that the structure or portion of the structure is capable of supporting the load;

(ii) The bundle of decking is placed on a minimum of three steel joists;

(iii) The joists supporting the bundle of decking are attached at both ends;

(iv) At least one row of bridging is installed and anchored;

(v) The total weight of the bundle of decking does not exceed four thousand pounds (1816 kg); and

(vi) Placement of the bundle of decking must be in accordance with (e) of this subsection.

(e) The edge of the construction load must be placed within one foot (.30 m) of the bearing surface of the joist end.

NEW SECTION

WAC 296-155-711 Systems-engineered metal buildings. (1) All of the requirements of this part apply to the erection of systems-engineered metal buildings except WAC 296-155-707 (column anchorage) and WAC 296-155-709 (open web steel joists).

(2) Each structural column must be anchored by a minimum of four anchor rods (anchor bolts).

(3) Rigid frames must have fifty percent of their bolts or the number of bolts specified by the manufacturer (whichever is greater) installed and tightened on both sides of the web adjacent to each flange before the hoisting equipment is released.

(4) Construction loads must not be placed on any structural steel framework unless such framework is safely bolted, welded or otherwise adequately secured.

(5) In girt and eave strut-to-frame connections, when girts or eave struts share common connection holes, at least one bolt with its wrench-tight nut must remain connected to the first member unless a manufacturer-supplied, field-attached seat or similar connection device is present to secure

the first member so that the girt or eave strut is always secured against displacement.

(6) Both ends of all steel joists or cold-formed joists must be fully bolted and/or welded to the support structure before:

- (a) Releasing the hoisting cables;
- (b) Allowing an employee on the joists; or
- (c) Allowing any construction loads on the joists.

(7) Purlins and girts must not be used as an anchorage point for a fall arrest system unless written approval is obtained from a qualified person.

(8) Purlins may only be used as a walking/working surface when installing safety systems, after all permanent bridging has been installed and fall protection is provided.

(9) Construction loads may be placed only within a zone that is within eight feet (2.5 m) of the center line of the primary support member.

NEW SECTION

WAC 296-155-714 Falling object protection. (1) Securing loose items aloft. All materials, equipment, and tools, which are not in use while aloft, must be secured against accidental displacement.

(2) Protection from falling objects other than materials being hoisted. The controlling contractor must bar other construction processes below steel erection unless overhead protection for the employees below is provided.

NEW SECTION

WAC 296-155-716 Fall protection. (1) **General requirements.**

(a) Fall protection will be in accordance with chapter 296-155 WAC, Parts C-1 and K.

(b) During steel erection activities, fall protection must be as required by chapter 296-155 WAC, Parts C-1 and K. Additionally, on multistory structures, perimeter safety cables must be installed at the final interior and exterior perimeters of the floors as soon as metal decking has been installed. See Appendix D.

(2) **Connectors.** Each connector must: Have completed connector training in accordance with WAC 296-155-717.

(3) **Custody of fall protection.** Fall protection provided by the steel erector must remain in the area where steel erection activity has been completed, to be used by other trades, only if the controlling contractor or its authorized representative:

- (a) Has directed the steel erector to leave the fall protection in place; and
- (b) Has inspected and accepted control and responsibility of the fall protection prior to authorizing persons other than steel erectors to work in the area.

NEW SECTION

WAC 296-155-717 Training. (1) **Training personnel.** Training required by this section must be provided by a qualified person(s).

(2) **Fall hazard training.** The employer must provide a training program for all employees exposed to fall hazards as required by chapter 296-155 WAC, Part C-1.

(3) **Special training programs.** In addition to the training required in subsection (2) of this section, the employer must provide special training to employees engaged in the following activities:

(a) **Multiple lift rigging procedure.** The employer must ensure that each employee who performs multiple lift rigging has been provided training in the following areas:

(i) The nature of the hazards associated with multiple lifts; and

(ii) The proper procedures and equipment to perform multiple lifts required by WAC 296-155-704(5).

(b) **Connector procedures.** The employer must ensure that each connector has been provided training in the following areas:

(i) The nature of the hazards associated with connecting (see Appendix D for nonmandatory training guidelines); and

(ii) The establishment, access, proper connecting techniques, double connections, and work practices, required by WAC 296-155-708(3) and Part C-1, chapter 296-155 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-155-700	General requirements.
WAC 296-155-705	Flooring requirements.
WAC 296-155-710	Structural steel assembly.
WAC 296-155-715	Bolting, riveting, fitting-up, and plumbing-up.
WAC 296-155-720	Safe walking surfaces on structural members.

WSR 02-13-119

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed June 19, 2002, 9:15 a.m.]

Date of Adoption: June 19, 2002.

Purpose: Reduce the customer assisted inspection program (CAIP) federal-state grade certification charges for fresh potatoes from 4-1/2 cents per cwt. to 3-1/2 cents per cwt. or thirty dollars per staff hour worked.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-045.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 02-09-012 on April 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 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.

June 18, 2002

William E. Brookreson
Deputy Director

AMENDATORY SECTION (Amending WSR 01-18-052, filed 8/30/01, effective 9/30/01)

WAC 16-400-045 Grade and condition certificates—Customer assisted inspection program (CAIP) certification charges—Fruits and vegetables. Charges for grade and condition certificates for all fruits and vegetables issued under this section shall be:

(1) The minimum charge for grade and condition certificates for all fresh fruits and vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market fruit and vegetables in containers - wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags, per cwt. or fraction thereof:

(a) Federal-state grade certification shall be three-fourths of the cwt. rates specified in WAC 16-400-010 (2)(a) and 16-400-040 (2)(a), except: Federal-state grade certification for fresh potatoes shall be three and one-half cents per cwt., but not less than the hourly rate of thirty dollars per staff hour worked.

(b) Should the cwt. rate charges total less than thirty dollars per staff hour worked, additional certification charges shall be assessed to equal thirty dollars per hour worked.

WSR 02-13-120
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed June 19, 2002, 9:44 a.m., effective September 1, 2002]

Date of Adoption: May 23, 2002.

Purpose: To add an asbestos demolition surcharge and increase the emergency fees to help cover program costs. There is also a decrease in the amendment fees.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Section 4.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 02-09-082 on April 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

June 17, 2002

James Nolan
Director - Compliance

AMENDATORY SECTION
REGULATION III SECTION 4.03 ASBESTOS NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Agency on approved forms, in accordance with the advance notification period requirements contained in Section 4.03(d) of this Regulation.

(1) The duration of an asbestos project shall be commensurate with the amount of work involved.

(2) Notification is not required for asbestos projects involving less than 10 linear feet of friable, asbestos-containing material on pipes or 48 square feet of friable, asbestos-containing material on other components (per structure, building, or vessel, per calendar year).

(3) Notification is not required for removal and disposal of nonfriable, asbestos-containing material.

(4) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.

(5) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(6) A copy of the notification, all amendments to the notification, and the asbestos survey shall be available for inspection at all times at the asbestos project or demolition site.

(7) A property owner may file notification for multiple asbestos projects or demolitions on one form if all the following criteria are met:

(A) The work will be performed continuously by the same contractor; and

(B) A work plan is submitted that includes: a map of the structures involved in the project including the site address

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for each structure; the amount and type of friable, asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the asbestos contractor and/or the demolition contractor shall participate in the Agency's work schedule fax program and will continue to participate in the program throughout the duration of the project.

(8) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

(A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;

(B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

(A) Increases in the project type or job size category that increase the fee;

(B) Changes in the type of friable, asbestos-containing material that will be removed; or

(C) Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Agency work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.

(2) Optional Amendments

(A) An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.03(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(B) Contractors and property owners participating in the Agency work schedule fax program may, within 45 days after the last completion date on record, submit an amendment to the Control Officer for the removal of additional, friable, asbestos-containing material not identified during the asbestos survey. If more than 45 days have lapsed since the last completion date on record, the requirements of Section 4.03(a), including notification periods and fees, shall apply.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner submits a written request that demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or

(4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

(Project	Size or Type	Notification Period	Fee
Single Family Residence: Asbestos Project*	All	Prior Notice	\$25
Demolition*	All	10 days	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$150
Asbestos Project includes demolition fee*	10—259 linear ft 48—159 square ft	10 Days	\$150
Asbestos Project includes demolition fee	260—999 linear ft 160—4,999 square ft	10 Days	\$300
Asbestos Project includes demolition fee	1,000—9,999 linear ft 5,000—49,999 square ft	10 Days	\$750
Asbestos Project includes demolition fee	10,000+ linear ft 50,000+ square ft	10 Days	\$2,000
Emergency	4.03(e)	Prior Notice	Add fee equal to project fee
Amendment	4.03(b)	Prior Notice	\$50
Annual	4.03 (a)(8)	Prior Notice	No Fee))

<u>Project</u>	<u>Notification Period</u>	<u>Non-Refundable Fee</u>	<u>Demolition Surcharge**</u>
<u>Single-Family Residence Asbestos Project*</u>	<u>prior notice</u>	<u>\$25</u>	
<u>Demolition (with or without asbestos project)</u>	<u>10 days</u>	<u>\$50</u>	
<u>All Other Demolitions (without asbestos project)</u>	<u>10 days</u>	<u>\$200</u>	
<u>All Other Asbestos Projects</u>			
<u>10 - 259 linear ft* and/or 48 - 159 square ft</u>	<u>prior notice</u>	<u>\$150</u>	<u>\$50</u>
<u>260 - 999 linear ft and/or 160 - 4,999 square ft</u>	<u>10 days</u>	<u>\$300</u>	<u>\$100</u>
<u>1,000 - 9,999 linear ft and/or 5,000 - 49,999 square ft</u>	<u>10 days</u>	<u>\$750</u>	<u>\$250</u>
<u>10,000 + linear ft and/or 50,000 + square ft</u>	<u>10 days</u>	<u>\$2,000</u>	<u>\$1,000</u>
<u>Emergency - 4.03(c)***</u>	<u>prior notice</u>	<u>twice the applicable fees</u>	
<u>Amendment - 4.03(b)</u>	<u>prior notice</u>	<u>\$25</u>	
<u>Annual Notice - 4.03 (a)(8)</u>	<u>prior notice</u>	<u>no fee</u>	

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* Contractors participating in the Agency work schedule fax program are not (~~shall only be~~) required to file a Notice of Intent (~~provide prior notification~~) for this project (~~size~~) category and no fee will be assessed.

** Additional fee for demolitions. All demolitions require a Notice of Intent and a 10-day notification period unless waived per Section 4.03(c).

*** The 10-day notification period may be waived per Section 4.03(c) and with payment of twice the applicable fees. Single-family residences are exempt from the emergency fee; however, property owners must still provide a written request per Section 4.03(c).

The Control Officer may waive the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) friable, asbestos-containing material.

(e) Repeal of Fees

The repeal of fees for alternate means of compliance requests and annual notifications as formerly set forth in Section 4.03(d) of these regulations shall be applied retroactively and take effect as of March 9, 2000.

Purpose: To increase the registration fees to cover program costs and to add a 25% delinquency fee to any registration fees that are over ninety days past due.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Section 5.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 02-09-083 on April 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: In 5.07 (c)(5)(iv) the fee was lowered from \$400 to \$300. In 5.07 (c)(8) for clarification we added: "Section 5.07 (c)(6)" to the reference; and added "except sources with equipment subject to Section 6.11 of Regulation I or Section 2.02 of Regulation III."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

**WSR 02-13-121
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed June 19, 2002, 9:45 a.m., effective September 1, 2002]

Date of Adoption: May 23, 2002.

June 17, 2002

James Nolan

Director - Compliance

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 and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$1,000.

(c) Annual registration fees are assessed either by the emission reporting thresholds or, if below emission thresholds, by the primary 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):

(1) Emission reporting sources under Section 5.05(d) that equal or exceed any of the emission thresholds in ((this)) that paragraph shall be charged an annual registration fee of ((~~\$1,200~~)) \$1,750 plus an additional emission rate fee of:

~~\$(20) 22~~ for each ton of CO ((when the CO emissions are equal to or exceed 25 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of NOx ((when the NOx emissions are equal to or exceed 25 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of PM₁₀ ((when the PM₁₀ emissions are equal to or exceed 25 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of SOx ((when the SOx emissions are equal to or exceed 25 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of VOC ((when the VOC emissions are equal to or exceed 25 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ 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)) reported in the previous calendar year.

(2) Emission reporting sources under Section 5.05(d) that equal or exceed twice any of the emission thresholds in ((this)) that paragraph shall be charged the annual registration fee of ((~~\$2,500~~)) \$3,500 plus an additional emission rate fee of:

~~\$(20) 22~~ for each ton of CO ((when the CO emissions are equal to or exceed 50 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of NOx ((when the NOx emissions are equal to or exceed 50 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of PM₁₀ ((when the PM₁₀ emissions are equal to or exceed 50 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of SOx ((when the SOx emissions are equal to or exceed 50 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ for each ton of VOC ((when the VOC emissions are equal to or exceed 50 tons)) reported in the previous calendar year, and

~~\$(40) 44~~ 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 5 tons)) reported in the previous calendar year.

(3) Automobile body repair and painting (SIC = 7532, NAICS = 811121)

without EnviroStar rating of 3, 4, or 5 stars . . . ~~\$(250)~~ 300

with EnviroStar rating of 3, 4, or 5 stars \$50

(4) Perchloroethylene dry-cleaning plants, except rug cleaning (SIC = 7216, NAICS = 812322)

vented \$500

unvented \$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 6,000,000 ((~~1,200,000~~)) gallons ((~~\$400~~))

subject to Section 5.07 (c)(1) above

(ii) 3,600,001 to 6,000,000 ((~~840,001~~ to ~~1,200,000~~)) gallons

((in Kitsap County)) ~~\$(250)~~ 1,000

(iii) 1,200,001 to 3,600,000 ((~~600,001~~ to ~~1,200,000~~)) gallons

((in King, Pierce, or Snohomish County)) ~~\$(250)~~ 600

(iv) 840,001 to 1,200,000 ((~~600,001~~ to ~~840,000~~)) gallons

((in Kitsap County)) ~~\$(150)~~ 300

(v) 200,000 to 840,000 ((~~600,000~~)) gallons . . . ~~\$(150)~~ 200

(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 NAICS or SIC codes, or as subsequently assigned to Section 5.07 (c)(6) by the Control Officer, shall be charged an annual registration fee of ((~~\$1,200~~)) \$1,600:

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

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NAICS	SIC	NAICS Description	NAICS	SIC	NAICS Description
221122	4911	Electric Power Distribution	331513	3325	Steel Foundries (except Investment)
22132	4952	Sewage Treatment Facilities	331524	3365	Aluminum Foundries (except Die-Casting)
23411	1611	Highway and Street Construction	331525	3366	Copper Foundries (except Die-Casting)
<u>311111</u>	<u>2047</u>	<u>Dog and Cat Food Manufacturing</u>	331528	3369	Other Nonferrous Foundries (except Die-Casting)
<u>311119</u>	<u>2048</u>	<u>Other Animal Food Manufacturing</u>	332811	3398	Metal Heat Treating
((311421	2035	Fruit and Vegetable Canning))	332812	3479	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers
<u>311612</u>	<u>2013</u>	<u>Meat Processed from Carcasses</u>	332813	3471	Electroplating, Plating, Polishing, Anodizing, and Coloring
311613	2077	Rendering and Meat Byproduct Processing	333414	3433	Heating Equipment (except Warm Air Furnaces) Manufacturing
311999	2099	All Other Miscellaneous Food Manufacturing	333999	3599	All Other Miscellaneous General Purpose Machinery Manufacturing
321114	2491	Wood Preservation	<u>334412</u>	<u>3672</u>	<u>Bare Printed Circuit Board Manufacturing</u>
324121	2951	Asphalt Paving Mixture and Block Manufacturing	334413	3674	Semiconductor and Related Device Manufacturing
324122	2952	Asphalt Shingle and Coating Materials Manufacturing	334418	3679	Printed Circuit Assembly (Electronic Assembly) Manufacturing
325311	2873	Nitrogenous Fertilizer Manufacturing	<u>335129</u>	<u>3648</u>	<u>Other Lighting Equipment Manufacturing</u>
325314	2875	Fertilizer (Mixing Only) Manufacturing	335312	7694	Motor and Generator Manufacturing
325412	2834	Pharmaceutical Preparation Manufacturing	<u>335911</u>	<u>3691</u>	<u>Storage Battery Manufacturing</u>
325612	2842	Polish and Other Sanitation Good Manufacturing	<u>336411</u>	<u>3721</u>	<u>Aircraft Manufacturing</u>
32591	2893	Printing Ink Manufacturing	<u>336413</u>	<u>3728</u>	<u>Other Aircraft Parts and Auxiliary Equipment Manufacturing</u>
<u>326199</u>	<u>3089</u>	<u>All Other Plastics Product Manufacturing</u>	336611	3731	Ship Building and Repairing
326291	3061	Rubber Product Manufacturing for Mechanical Use	42251	5153	Grain and Field Bean Wholesalers
327211	3211	Flat Glass Manufacturing	((42269	5169	Other Chemical and Allied Products Wholesalers))
32731	3241	Cement Manufacturing	<u>42271</u>	<u>5171</u>	<u>Petroleum Bulk Stations and Terminals</u>
32732	3273	Ready-Mix Concrete Manufacturing	<u>422720</u>	<u>5172</u>	<u>Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)</u>
32739	3272	Other Concrete Product Manufacturing	481111	4512	Scheduled Passenger Air Transportation
32742	3275	Gypsum Product Manufacturing	48691	4613	Pipeline Transportation of Refined Petroleum Products
32791	3291	Abrasive Product Manufacturing	<u>48819</u>	<u>4581</u>	<u>Other Support Activities for Air Transportation</u>
327992	3295	Ground or Treated Mineral and Earth Manufacturing	48821	4013	Support Activities for Rail Transportation
327999	3292, 3299	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing	<u>48849</u>	<u>4173</u>	<u>Other Support Activities for Road Transportation</u>
331111	3312	Iron and Steel Mills			
331222	3315	Steel Wire Drawing			
331312	3334	Primary Aluminum Production			
331492	3341	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum)			
331511	3321	Iron Foundries			
331512	3324	Steel Investment Foundries			

NAICS	SIC	NAICS Description	((NAICS	SIC	NAICS Description
562111	4953	Solid Waste Collection	321213	2439	Engineered Wood Member (except Truss) Manufacturing
<u>62211</u>	<u>8062</u>	<u>General Medical and Surgical Hospitals</u>	321219	2493	Reconstituted Wood Product Manufacturing
62221	8063	Psychiatric and Substance Abuse Hospitals	32191	2431	Millwork
62231	8069	Specialty (except Psychiatric and Substance Abuse) Hospitals	321912	2426	Cut Stock, Resawing Lumber, and Planing
<u>81221</u>	<u>7261</u>	<u>Funeral Homes and Funeral Services</u>	32192	2441,	Wood Container and Pallet Manufacturing
<u>81222</u>	<u>7261</u>	<u>Cemeteries and Crematories</u>		2448	
81391	8611	Business Associations	321992	2452	Prefabricated Wood Building Manufacturing
<u>92214</u>	<u>9223</u>	<u>Correctional Institutions</u>	32213	2631	Paperboard Mills
(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 \$600:))					
<u>All other sources requiring registration under Section 5.03 and not listed in Sections 5.07 (c)(1) through 5.07 (c)(6) or Section 5.07 (c)(8), shall be charged an annual registration fee of \$800.</u>					
((NAICS	SIC	NAICS Description	322211	2653	Corrugated and Solid Fiber Box Manufacturing
115112	0711	Soil Preparation, Planting, and Cultivating	322212	2657	Folding Paperboard Box Manufacturing
212325	1459	Clay and Ceramic and Refractory Minerals Mining	322213	2652	Setup Paperboard Box Manufacturing
22132	4952	Sewage Treatment Facilities	322231	2675	Die-Cut Paper and Paperboard-Office Supplies Manufacturing
22133	4961	Steam and Air Conditioning Supply	32311	2759	Printing
23321	1521	Single-Family Housing Construction	323110	2752	Commercial Lithographic Printing
23499	1629	All-Other Heavy Construction	325188	2819	All-Other Basic Inorganic Chemical Manufacturing
23531	1731	Electrical Contractors	325199	2869	All-Other Basic Organic Chemical Manufacturing
311111	2047	Dog and Cat Food Manufacturing	325211	2821	Plastics Material and Resin Manufacturing
311119	2048	Other Animal Food Manufacturing	32551	2851	Paint and Coating Manufacturing
311211	2041	Flour Milling	326112	2671	Unsupported Plastics Packaging-Film and Sheet Manufacturing
311422	2032	Specialty Canning	326199	3089	All-Other Plastics Product Manufacturing
311612	2013	Meat Processed from Carcasses	326212	7534	Tire Retreading
311711	2091	Seafood Canning	327331	3271	Concrete Block and Brick Manufacturing
311821	2052	Cookie and Cracker Manufacturing	332112	3463	Nonferrous Forging
311822	2045	Flour Mixes and Dough Manufacturing from Purchased Flour	332116	3469	Metal Stamping
311823	2098	Dry Pasta Manufacturing	332312	3441,	Fabricated Structural Metal Manufacturing
311919	2096	Other Snack Food Manufacturing		3449	
31192	2095	Coffee and Tea Manufacturing	332322	3444	Sheet Metal Work Manufacturing
312111	2086	Soft Drink Manufacturing	332323	3446	Ornamental and Architectural Metal Work Manufacturing
31212	2082	Breweries	33242	3443	Metal Tank (Heavy Gauge) Manufacturing
321113	2421,	Sawmills	332618	3496	Other Fabricated Wire Product Manufacturing
	2429		332993	3483	Ammunition (except Small Arms) Manufacturing

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((NAICS	SIC	NAICS-Description	((NAICS	SIC	NAICS-Description
332996	3498	Fabricated Pipe and Pipe Fitting Manufacturing	42261	5162	Plastics Materials and Basic Forms and Shapes Wholesalers
332999	3499	All Other Miscellaneous Fabricated Metal Product Manufacturing	42271	5171	Petroleum Bulk Stations and Terminals
333294	3556	Food Product Machinery Manufacturing	422720	5172	Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals)
333515	3545	Cutting Tool and Machine Tool Accessory Manufacturing	42299	5199	Other Miscellaneous Nondurable Goods Wholesalers
333994	3567	Industrial Process Furnace and Oven Manufacturing	44419	5039	Other Building Material Dealers
334111	3571	Electronic Computer Manufacturing	454312	5984	Liquefied Petroleum Gas (Bottled Gas) Dealers
33422	3663	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing	481111	4512	Scheduled Passenger Air Transportation
334412	3672	Bare Printed Circuit Board Manufacturing	48411	4212	General Freight Trucking, Local
334513	3823	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables	48819	4581	Other Support Activities for Air Transportation
334518	3873	Watch, Clock, and Part Manufacturing	48832	4491	Marine Cargo Handling
335129	3648	Other Lighting Equipment Manufacturing	48833	4492	Navigational Services to Shipping
335228	3639	Other Major Household Appliance Manufacturing	48849	4173	Other Support Activities for Road Transportation
335911	3691	Storage Battery Manufacturing	49312	4222	Refrigerated Warehousing and Storage
335999	3629	All Other Miscellaneous Electrical Equipment and Component Manufacturing	51111	2711	Newspaper Publishers
336211	3713	Motor Vehicle Body Manufacturing	51112	2721	Periodical Publishers
336411	3721	Aircraft Manufacturing	51113	2731	Book Publishers
336413	3728	Other Aircraft Parts and Auxiliary Equipment Manufacturing	51421	7374	Data Processing Services
33651	3743	Railroad Rolling Stock Manufacturing	53111	6513	Lessors of Residential Buildings and Dwellings
33711	2434	Wood Kitchen Cabinet and Countertop Manufacturing	54171	8731	Research and Development in the Physical, Engineering, and Life Sciences
337122	5712	Nonupholstered Wood Household Furniture Manufacturing	56121	8744	Facilities Support Services
42132	5032	Brick, Stone, and Related Construction Material Wholesalers	61131	8221	Colleges, Universities, and Professional Schools
42151	5051	Metal Service Centers and Offices	62211	8062	General Medical and Surgical Hospitals
42169	5065	Other Electronic Parts and Equipment Wholesalers	62431	8331	Vocational Rehabilitation Services
42193	5093	Recyclable Material Wholesalers	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 \$300.)

(8) All sources required to be registered by Sections 5.07 (c)(6) and 5.07 (c)(7), except sources with equipment subject to Section 6.11 of Regulation I or Section 2.02 of Regulation III, that certify (using the procedures in WAC 296-27-00103: Partial Exemption for Employers With 10 or Fewer Employees) they did not employ more than 10 persons at any time during the previous calendar year, shall be charged an annual registration fee of \$400.

**WSR 02-13-122
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed June 19, 2002, 9:46 a.m., effective September 1, 2002]

Date of Adoption: May 23, 2002.

Purpose: To adjust the fees for notice of construction to cover program costs.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Section 6.04.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 02-09-084 on April 17, 2002.

Changes Other than Editing from Proposed to Adopted Version: In 6.04(a) the items were reordered or combined; also the reference for Construction/Reconstruction of Major Sources of HAPs was changed from 6.07(f) to 1.07.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

June 17, 2002

Steven M. Van Slyke
Supervisory Engineer

AMENDATORY SECTION

REGULATION I SECTION 6.04 NOTICE OF CONSTRUCTION FEES

(a) A Notice of Construction application is incomplete until the Agency has received ((a)) fees as shown below:

((General (not classified below) for each Piece of Equipment or Control Equipment \$500))

<u>Filing Fee (for each application, to be paid prior to any review)</u>	<u>\$750</u>
<u>Spray-Coating Booth (commercially manufactured)</u>	<u>\$250</u>
<u>Coffee Roaster (less than 40 pounds/batch, with thermal oxidizer)</u>	<u>\$500</u>
<u>Hot Mix Asphalt Batch Plant</u>	<u>\$7,000</u>
<u>Soil Thermal Desorption Unit</u>	<u>\$5,000</u>
<u>Electric Generation Project:</u>	
<u>(combined heat input capacity)</u>	
<u>10-100 million Btu/hr (2.9-29 MW)</u>	<u>\$5,000</u>
<u>101-250 million Btu/hr (29-73 MW)</u>	<u>\$10,000</u>
<u>> 250 million Btu/hr (> 73 MW)</u>	<u>\$15,000</u>
<u>Composting Facility</u>	<u>\$(2,500)</u>
	<u>5,000</u>
<u>Commercial Solid Waste Handling Facility</u>	<u>\$5,000</u>
<u>Landfill Gas System</u>	<u>\$2,500</u>
<u>Refuse Burning Equipment: (rated charging capacity</u>	
<u>≤ 12 tons per day ((or less))</u>	<u>\$5,000</u>
<u>((greater than)) ≥ 12 tons ((per day but less than))</u>	
<u>and < 250 tons per day</u>	<u>\$20,000</u>
<u>≥ 250 tons per day ((or greater))</u>	<u>\$50,000</u>
<u>((Soil Thermal Desorption Unit (initial)</u>	<u>\$3,000</u>
<u>Relocation of Approved Desorption Unit</u>	
<u>to New Address</u>	<u>\$1,000))</u>
<u>Other (not listed above) for each Piece of Equip-</u>	
<u>ment and Control Equipment</u>	<u>\$500</u>
<u>Additional Charges (for each application):</u>	
<u>SEPA Threshold Determination</u>	<u>\$(250)</u>
	<u>500</u>
<u>(DNS, under Regulation I, Section 2.04)</u>	
<u>SEPA Threshold Determination</u>	<u>\$1,500</u>
<u>(MDNS, under Regulation I, Section 2.07)</u>	
<u>((Air Toxics Review (under Regulation III,</u>	
<u>Section 2.07 (e)(2))</u>	<u>\$500</u>
<u>Air Toxics Review (under Regulation III,</u>	
<u>Section 2.07 (e)(3))</u>	<u>\$5,000))</u>
<u>Public Notice</u>	<u>\$500</u>
<u>(under Regulation I, Section 6.06)</u>	<u>+ publication</u>
	<u>costs)</u>
<u>NSPS or NESHAP</u>	<u>\$1,000</u>
<u>(per subpart of 40 CFR Parts 60, 61, and 63)</u>	
<u>Refined Dispersion Modeling Analysis</u>	<u>\$500</u>
<u>(under Regulation III, Section 2.07 (c)(2))</u>	
<u>Major Source, Major Modification, or Emission</u>	
<u>Increases greater than Prevention of Significant Deterio-</u>	
<u>ration Thresholds ((see Regulation I, Section 6.07(d)))</u>	
<u>\$5,000</u>	
<u>(under WAC 173-400-112 or WAC 173-400-113) (+</u>	
<u>Ecology fees)</u>	
<u>Construction or Reconstruction of a Major Source of</u>	
<u>Hazardous Air Pollutants (see Regulation I, Section</u>	
<u>((6.07(f)) 1.07)</u>	<u>\$2,500</u>
<u>Tier II Air Toxics Review</u>	<u>\$5,000</u>
<u>(under WAC 173-460-090)</u>	<u>(+ Ecology fees)</u>
<u>Opacity/Grain Loading Correlation</u>	<u>\$5,000</u>
<u>((Emissions Units Subject to an NSPS or NESHAP</u>	
<u>(except residential wood heaters, asbestos renova-</u>	
<u>tion or demolition, and perchloroethylene dry</u>	
<u>cleaning)</u>	<u>\$1,000</u>

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~~Public Notice (plus publication fees)\$500))~~

(b) A notification under Section 6.03 (b)(1) through Section 6.03 (b)(9) of this regulation is incomplete until the Agency has received a fee of \$100. An application processed as a Notice of Construction exemption under Section 6.03 (b)(10) requires payment of the Notice of Construction filing fee only.

(c) The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant for review of complex projects, which require an environmental impact statement, as provided in RCW 70.94.085.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Puget Sound Clean Air Agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-13-123
PERMANENT RULES
PUGET SOUND
CLEAN AIR AGENCY**

[Filed June 19, 2002, 9:47 a.m., effective September 1, 2002]

Date of Adoption: May 23, 2002.

Purpose: To adjust the fees for operating permits to cover program costs and to establish a fee for delinquent invoices to cover the cost of rebilling those facilities.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Section 7.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 02-09-085 on April 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

June 17, 2002

James Nolan

Director - Compliance

**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 and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$5,000.

(1) ~~(Facility Fees:)~~ Sources 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, or sources subsequently determined by the control officer to be assigned to either Section 7.07 (b)(1)(i) or 7.07 (b)(1)(ii) shall be subject to the following 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:)~~ Operating permit sources with the following NAICS/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	
		 \$(25,000)) 30,000

(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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NAICS	SIC	NAICS Description
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

WSR 02-13-125
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 19, 2002, 10:31 a.m.]

Date of Adoption: June 19, 2002.

Purpose: To establish a rule relating to the exclusion and regulation of host material for blueberry scorch virus, a serious economic pest of blueberries.

Statutory Authority for Adoption: Chapters 17.24, 15.13 RCW.

Adopted under notice filed as WSR 02-10-123 on May 1, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 7, 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 7, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 19, 2002

Valoria H. Loveland
Director

Chapter 16-489 WAC

BLUEBERRY SCORCH VIRUS QUARANTINE

NEW SECTION

WAC 16-489-010 Blueberry scorch virus. Blueberry scorch virus is an aphid-borne virus that causes necrosis of leaves and flowers in susceptible blueberry varieties, leading to a decline in productivity. A strain of blueberry scorch virus benign to varieties commonly grown in the Pacific Northwest has been historically present in Washington. Now a more virulent strain of blueberry scorch virus has been identified in western North America. If this virulent strain is introduced into the state, it will have a severe economic impact on Washington's blueberry industry. The strains of blueberry scorch virus cannot be readily distinguished by standard laboratory testing methods, making it necessary to eliminate all strains of this virus from Washington. A quarantine is established under authority of chapters 17.24 and 15.13 RCW, in order to prevent introduction and spread of all strains of blueberry scorch virus.

.....\$((5,000)) 7,500
(iii) Operating permit sources with NAICS/SIC codes other than listed above\$((10,000)) 15,000

(2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07 (b)(1):

\$((20)) 22 for each ton of CO reported ((when the CO emissions are equal to or exceed 25 tons)) in the previous calendar year, and

\$((40)) 44 for each ton of NOx reported ((when the NOx emissions are equal to or exceed 25 tons)) in the previous calendar year, and

\$((40)) 44 for each ton of PM₁₀ reported ((when the PM₁₀ emissions are equal to or exceed 25 tons)) in the previous calendar year, and

\$((40)) 44 for each ton of SOx reported ((when the SOx emissions are equal to or exceed 25 tons)) in the previous calendar year, and

\$((40)) 44 for each ton of VOC reported ((when the VOC emissions are equal to or exceed 25 tons)) in the previous calendar year, and

\$((40)) 44 for each ton of HAP reported ((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) \$250 for administrative permit amendments, and

(2) for minor permit modifications, a fee equal to 10% of the annual operating permit fee, not to exceed \$5,000, and

(3) for the issuance, significant modification, or renewal of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$10,000, and

(4) to cover the cost of public involvement under WAC 173-401-800, and

(5) 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 Chapter ((WAC)) 173-401 WAC 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.

PERMANENT

NEW SECTION

WAC 16-489-020 Blueberry scorch virus—Definitions. The following definitions apply to chapter 16-489 WAC.

(1) "Blueberry plants" means all plants and plant parts of *Vaccinium corymbosum*, except fruit that is free of leaf tissue.

(2) "Blueberry scorch virus" means any and all strains of blueberry scorch carlavirus.

(3) "Pest free area" means an area where no strain of blueberry scorch virus occurs, as demonstrated by scientific evidence, and in which, where appropriate, this blueberry scorch virus free condition is being officially maintained.

(4) "Director" means the director of the Washington state department of agriculture or the director's authorized representative.

(5) "Micropropagated plants" means plants propagated using aseptic laboratory techniques and an artificial culture medium.

NEW SECTION

WAC 16-489-030 Blueberry scorch virus—Area under quarantine. All states and territories of the United States and all counties within the state of Washington.

NEW SECTION

WAC 16-489-040 Blueberry scorch virus—Regulated articles. All blueberry plants and plants of other *Vaccinium* species shown to be hosts for blueberry scorch virus are regulated articles. Blueberry fruit that is free of leaf tissue is not regulated under this chapter; however, please note that blueberry fruit may be regulated for other pests under provisions of chapter 16-488 WAC.

NEW SECTION

WAC 16-489-050 Blueberry scorch virus—Restrictions. (1) All regulated articles planted, sold, offered for sale or transported within the state must be demonstrated free of blueberry scorch virus by meeting at least one of the following conditions:

(a) They must originate from a pest free area;

(b) They are certified in accordance with the regulations of an official certification program in the state of origin that includes testing and inspection for blueberry viruses and is approved by the director;

(c) They are shown to be free of blueberry scorch virus, based on an official laboratory test using a protocol approved by the director; or

(d) They are micropropagated and/or grown in an insect-proof greenhouse or screenhouse and originate from mother plants that have been tested and found free of blueberry scorch virus.

(2) Persons importing regulated articles into the state must obtain a phytosanitary certificate from the plant protection organization of the place of origin verifying that one of the conditions in subsection (1) of this section has been met.

A copy of the phytosanitary certificate must accompany the shipment.

NEW SECTION

WAC 16-489-060 Blueberry scorch virus—Record-keeping. (1) All persons planting or growing regulated articles in the state are required to retain records as specified in subsection (2) of this section for a period of not less than one calendar year from acquisition of the plants.

(2) These records shall contain the number and variety of plants, the name and address of the propagator, and applicable phytosanitary certificates, certification tags or documentation, and laboratory testing reports.

(3) The grower must provide a copy of the records to the plant services program of the state department of agriculture upon request of the director.

NEW SECTION

WAC 16-489-070 Blueberry scorch virus—Exceptions. The director may issue special permits to allow blueberry plants otherwise prohibited in this chapter to be planted, sold, offered for sale, or transported. Such special permits must be in writing and must be obtained prior to planting, sale, and/or transportation.

WSR 02-13-060
EXPEDITED RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed June 14, 2002, 10:37 a.m.]

Title of Rule: WAC 246-887-160 Schedule III.

Purpose: The purpose of this rule is to identify those drugs that have been designated as Schedule III controlled substances.

Statutory Authority for Adoption: RCW 69.50.201 and 18.64.005(7).

Statute Being Implemented: RCW 60.50.201 [69.50.201].

Summary: The proposed amendment will correct an error in the rule by removing Dehydroepiandrosterone (DHEA) from the listing of drugs in Schedule III of the regulations implementing the Uniform Controlled Substances Act.

Reasons Supporting Proposal: Amending the rule will correct an error and align the rule with federal rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Lisa Salmi, 1300 Quince Street S.E., Olympia, WA 98504-7863, (360) 236-4828; and Enforcement: Donald Williams, 1300 S.E. Quince Street S.E., Olympia, WA 98504-7863.

Name of Proponent: Department of Health, Washington State Board of Pharmacy, 1300 S.E. Quince Street, P.O. Box 47863, Olympia, WA 98504-7863, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule lists drugs that have been designated as Schedule III controlled substances. The proposed amendment will remove dehydroepiandrosterone from this listing. Dehydroepiandrosterone was erroneously listed as a Schedule III controlled Substance. The proposed amendment will correct this error.

Proposal Changes the Following Existing Rules: Removes Dehydroepiandrosterone from the listing of Schedule III controlled substances.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lisa Salmi, Department of Health, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, AND RECEIVED BY August 20, 2002.

April 15, 2002
 D. H. Williams
 Executive Director

AMENDATORY SECTION (Amending WSR 00-10-113, filed 5/3/00)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

- (2) Any suppository dosage form containing:
 - (i) Amobarbital;
 - (ii) Secobarbital;
 - (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;

(5) Ketamine, its salts, isomers, and salts of isomers—some other names for ketamine: (<plus-minus>)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;

- (6) Lysergic acid;
- (7) Lysergic acid amide;
- (8) Methypylon;
- (9) Sulfondiethylmethane;
- (10) Sulfonethylmethane;
- (11) Sulfonmethane;
- (12) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepam 7 (1H)-one flupyrzapon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;
- (2) Chlorotestosterone;
- (3) Clostebol;
- (4) Dehydrochloromethyltestosterone;
- (5) (~~Dehydroepiandrosterone~~;
- ~~(6))~~ Dihydrotestosterone;
- ~~((7))~~ (6) Drostanolone;
- ~~((8))~~ (7) Ethylestrenol;
- ~~((9))~~ (8) Fluoxymesterone;
- ~~((10))~~ (9) Formebolone (Formebolone);
- ~~((11))~~ (10) Mesterolone;
- ~~((12))~~ (11) Methandienone;
- ~~((13))~~ (12) Methandranone;
- ~~((14))~~ (13) Methandriol;
- ~~((15))~~ (14) Methandrostenolone;
- ~~((16))~~ (15) Methenolone;
- ~~((17))~~ (16) Methyltestosterone;
- ~~((18))~~ (17) Mibolerone;
- ~~((19))~~ (18) Nandrolone;
- ~~((20))~~ (19) Norethandrolone;
- ~~((21))~~ (20) Oxandrolone;
- ~~((22))~~ (21) Oxymesterone;
- ~~((23))~~ (22) Oxymetholone;
- ~~((24))~~ (23) Stanolone;
- ~~((25))~~ (24) Stanozolol;
- ~~((26))~~ (25) Testolactone;
- ~~((27))~~ (26) Testosterone;
- ~~((28))~~ (27) Trenbolone; and
- ~~((29))~~ (28) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Oestradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Trenbolone Acetate	Finaplix-S	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Ivy Laboratories, Inc. Overland Park, KS
Testosterone Propionate, Estradiol Benzoate	Implus	The Upjohn Co. Kalamazoo, MI
Trenbolone Acetate, Estradiol	Revalor-s	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Synovex H	Syntex Laboratories Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTRIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics Laboratories Gardena, CA

EXPEDITED

Ingredients	Trade Name	Company
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA
Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Testosterone propionate 25 mg Estradiol benzoate 2.5 mg	Synovex H Pellets in process	Syntex Animal Health Palo Alto, CA
Testosterone propionate 10 parts Estradiol benzoate 1 part	Synovex H Pellets in process, granulation	Syntex Animal Health Palo Alto, CA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testagen	Clint Pharmaceutical Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Best Generics No. Miami Beach, FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Goldline Labs Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estra- diol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanth-ate-Estra- diol Valer-ate Injection	Goldline Labs Ft. Lauderdale FL

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estra- diol Valerate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estra- diol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(h) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved product. (Some other names for dronabinol [6aR-trans]-6a,7,8, 10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d] pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

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

WSR 02-13-092
EXPEDITED RULES
TOBACCO SETTLEMENT AUTHORITY

[Filed June 18, 2002, 2:00 p.m.]

Title of Rule: Description of organization—Public records policy.

Purpose: To implement the rule-making requirements of RCW 34.05.220 (1)(b) and the public records provisions of chapter 42.17 RCW.

Statutory Authority for Adoption: Section 6(H), chapter 365, Laws of 2002.

Statute Being Implemented: Chapter 365, Laws of 2002.

Summary: The proposed rule will assist interested persons dealing with the Tobacco Settlement Authority. The rule describes the organization of the Tobacco Settlement Authority, states its general course and method of operations and sets forth the methods whereby the public may obtain information and make submissions or requests.

Reasons Supporting Proposal: The proposed rule will implement the procedural requirements of RCW 34.05.220 (1)(b) and the public records provisions of chapter 42.17 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Edwards, Deputy Director, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, (206) 464-7139.

Name of Proponent: Tobacco Settlement Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed rule is to implement the rule-making requirements of RCW 34.05.220 (1)(b) and the public records provisions of chapter 42.17 RCW. The proposed rule includes the following components:

- Description of the authority's organization and the general course and method by which the authority's operations are conducted. The proposed rule provides contact information for the authority including address, phone, fax and website information.
- Outline of authority's procedures for making public records available upon request.
- Description of specific procedures for providing copies of public records, for disclosing public records, for protecting exempt materials from disclosure, and for maintaining a public records index.

The anticipated effect of the proposed rule will be to assist persons interested in dealing with the authority by familiarizing such persons with the authority's operations. The proposed rule will also assist persons interested in reviewing or receiving copies of the authority's public records.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS

ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paul Edwards, Deputy Director, Tobacco Settlement Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, AND RECEIVED BY August 19, 2002.

June 17, 2002

Richard S. Swanson

Chair

Title 465 WAC
Tobacco Settlement Authority

Chapter 465-10 WAC

Description of organization—Public records policy

NEW SECTION

WAC 465-10-010 Purpose. The purpose of this chapter is to implement the rule-making requirements of RCW 34.05.220 (1)(b) and the public records provisions of chapter 42.17 RCW.

NEW SECTION

WAC 465-10-020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Act" means chapter 365, Laws of 2002.

(2) "Authority" means the Tobacco Settlement Authority established pursuant to the act. Where appropriate, the term "authority" also refers to the staff and employees of the authority.

(3) "Public Records Act" means chapter 42.17 RCW.

(4) "State" means the state of Washington.

(5) The terms defined in the act and the Public Records Act shall have the same meaning when used in these rules.

NEW SECTION

WAC 465-10-030 Description of organization and operations. The following is a description of the authority's organization and the general course and method by which the authority's operations are conducted.

(1) The authority is a state agency and public instrumentality created by the act.

(2) The authority is created to assist in securitizing the revenue stream from the master settlement agreement between the state and tobacco product manufacturers in order to provide a current and reliable source of revenue for the state. To this end, the authority is authorized to enter into sales agreements with the state for purchase of a portion of the amounts due under the master settlement agreement and to issue bonds secured by revenues derived under any sales agreement.

(3) The authority's powers and duties are described in the act.

(4) Pursuant to the act, the staff of the Washington State Housing Finance Commission under chapter 43.180 RCW provides administrative and staff support to the authority.

(5) The authority's office is located at the offices of the Washington State Housing Finance Commission at 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046.

(6) The authority's telephone number is (206) 464-7139.

(7) The authority's fax number is (206) 587-5113.

(8) The authority's website is at www.tsa-wa.org and e-mails may be sent to the authority by accessing that site. The authority shall accept public records requests only at the locations and through the means described in WAC 465-10-040.

(9) The executive director of the authority is the executive director of the Washington State Housing Finance Commission. As the chief administrative officer of the authority, the executive director is delegated authority over matters affecting the operation of the authority.

(10) The authority conducts its meetings in compliance with the Open Public Meetings Act, chapter 42.30 RCW and chapter 465-20 WAC.

(11) The authority's generally applicable statements of procedure are adopted as authorized by the act and contained in chapter 465-20 WAC.

NEW SECTION

WAC 465-10-040 Where and when public records may be obtained. (1) The authority's hours of operation are from 9:00 a.m. until 12:00 noon, and from 1:00 p.m. until 4:00 p.m., Monday through Friday, excluding legal holidays.

(2) The public may obtain public records during these hours of operation, as follows:

(a) Mail. The public may mail public records requests to the authority at any time. Requests by mail shall be addressed to the authority's mailing address: Tobacco Settlement Authority, c/o Public Records Officer, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046. The front of the envelope shall conspicuously state: "Public Records Request."

(b) Fax. The authority will accept public disclosure requests by fax. Fax requests shall be addressed to the "Tobacco Settlement Authority, c/o Public Records Officer" with the subject line "Public Records Request" and sent to (206) 587-5113.

(c) In person. In person requests shall be made during the authority's hours of operation, at the authority's office.

(d) Telephone. Requests may not be made by telephone.

(e) E-mail. Requests may not be made by e-mail.

NEW SECTION

WAC 465-10-050 Public records available. (1) The public may obtain public records of the authority under these rules, in accordance with chapter 42.17 RCW, and except as otherwise provided by law.

(2) Public records are available for public inspection and copying during the hours of operation of the authority (unless the requesting party and the authority agree on a different

time) at the authority's offices in accordance with the procedures set forth herein.

NEW SECTION

WAC 465-10-060 Public records officer. The authority shall designate a public records officer to have charge of its public records. The public records officer shall be responsible for implementing the authority's public disclosure rules and for coordinating staff and employees in this regard. The public records officer may choose such designees as may be appropriate.

NEW SECTION

WAC 465-10-070 Requests for public records. Chapter 42.17 RCW requires the authority to prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions and unreasonable disruptions of operations. Accordingly, the public may inspect, copy, or obtain copies of public records upon compliance with the following procedures:

(1) A member of the public who seeks a public record shall make a written request. No particular form of writing is required so long as the request contains the following information:

(a) The name, mailing address, and telephone number of the person requesting the record.

(b) The calendar date on which the request is made.

(c) Identification of the record requested with sufficient particularity that the authority can identify the requested record and make it available. Such identifying information might include the title, subject matter, and date of the record.

(d) A signed statement that the records will not be used for commercial purposes if a list of individuals is being requested, or for any other use prohibited by law.

(2) To facilitate processing the request, the person requesting the record may also include:

(a) A fax number.

(b) A reference to the record as it is described in the current public record index maintained by the authority.

(3) The public may make written public records requests to the authority, by mail or fax in accordance with WAC 465-10-040. Members of the public making public records requests in person who have not reduced their request to writing shall be asked to complete a short form with the needed information. The purpose of requiring written requests is to assist the authority in tracking, managing, and responding to requests in a timely and orderly fashion.

(4) The authority shall assist persons making public records requests to appropriately identify the public records being sought. The authority may ask the requesting party to clarify what information is being sought.

NEW SECTION

WAC 465-10-080 Copying and fees. (1) Copying.

(a) The authority shall make copies on the authority's copy equipment when doing so will not unreasonably disrupt

the operations of the authority or cause excessive interference with other essential functions.

(b) Persons requesting public records may use their own copying equipment and paper without charge when the use of such equipment does not cause damage or disorganization to the public records, unreasonably impede the operations of the authority or cause excessive interference with other essential functions. The authority may supervise such copying at all times.

(2) Fees.

(a) The authority shall not charge a fee for locating documents, for making them available, or for inspection of public records by the public.

(b) The authority will charge a fee of 25c per page for providing copies of public records and for use of the authority's equipment. The authority may impose a reasonable fee for mailing costs, postage, delivery costs, and other costs directly incident to copying the records. The authority shall not charge fees that exceed the amount necessary to reimburse the authority for its actual costs.

(c) The authority shall not provide copies to requesting parties unless associated fees have been paid in full by cash, check, or money order. To ensure that copies requested and made are actually paid for, the authority may require payment prior to making the copies.

(d) The authority may agree to provide copies without fee to federal, state, local, or tribal governments, or to others, when doing so is in the best interest of the authority.

NEW SECTION

WAC 465-10-090 Disclosure procedure. (1) The authority shall review the requested public records prior to disclosure.

(2) If the records do not contain materials exempt from public disclosure, the authority shall disclose the records.

(3) If the records contain materials exempt from public disclosure, the authority shall deny disclosure of the exempt materials and disclose any remaining, nonexempt materials. At the time of the denial, the authority shall clearly specify in writing the reasons for the denial, including a statement of the specific exemptions or reason for denial of disclosure.

NEW SECTION

WAC 465-10-100 Review of denials of requests for public records. For the purpose of judicial review, final agency action is deemed to have occurred at the end of the second business day after the requesting party receives notification of a denial of inspection.

NEW SECTION

WAC 465-10-110 Records index. (1) Availability. The authority shall maintain and make available for public inspection and copying an index that provides identifying information for public records falling within the requirements of RCW 42.17.260.

(2) Form and content. The index shall be maintained in electronic form with copies available on paper. The index shall contain topic and subtopic headings.

(3) Location and availability. The index shall be available to the public under the same rules and on the same conditions as are applied to other public records.

(4) Schedule for revisions and updates. The authority will revise and update the index biennially.

WSR 02-13-093

EXPEDITED RULES

TOBACCO SETTLEMENT AUTHORITY

[Filed June 18, 2002, 2:01 p.m.]

Title of Rule: Public meetings policy—Rules of procedure.

Purpose: The proposed rule adopts public meeting procedures for the authority.

Statutory Authority for Adoption: Section 6(H), chapter 365, Laws of 2002.

Statute Being Implemented: Chapter 365, Laws of 2002.

Summary: The proposed rule adopts public meeting procedures for the authority in conformance with the state's Open Public Meeting Act.

Reasons Supporting Proposal: The proposed rule will assist the authority in conducting business at open public meetings, in providing notice of such meetings to interested persons, in fostering public comment on authority operations, and in setting forth reasonable procedures for taking public testimony.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Edwards, Deputy Director, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, (206) 464-7139.

Name of Proponent: Tobacco Settlement Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule adopts public meeting procedures for the authority in conformance with the state's Open Public Meetings Act. The proposed rule states that, other than executive sessions, the authority's meetings are open to the general public. The proposed rule provides that meetings of the authority shall be "special meetings" as defined in chapter 42.30 RCW. The proposed rule provides procedures for the provision of notice of meetings to interested parties. In addition, the proposed rule sets forth procedures to govern the conduct of authority meetings and public hearings. The procedures are designed to foster public comment on authority operations. The proposed rule is designed to, whenever possible, allow any person an opportunity to present written or oral testimony at authority public hearings, upon compliance with reasonable procedures.

The anticipated effect of the proposed rule will be to assist the authority in conducting its business at open public meetings, in providing notice of such meetings to interested persons, in fostering public comment on authority operations,

and in setting forth reasonable procedures for taking public testimony on authority operations.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paul Edwards, Deputy Director, Tobacco Settlement Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, AND RECEIVED BY August 19, 2002.

June 17, 2002

Richard S. Swanson
Chair

Chapter 465-20 WAC

Public meetings policy—Rules of procedure

NEW SECTION

WAC 465-20-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Chair" means the chair of the authority.

(2) "Authority" means the Tobacco Settlement Authority established pursuant to chapter 365, Laws of 2002. Where appropriate, the term "authority" also refers to the staff and employees of the authority.

NEW SECTION

WAC 465-20-020 Meetings. (1) Other than executive sessions, the authority's meetings are open to the general public.

(2) Meetings. The meetings of the authority shall be "special meetings" as defined in chapter 42.30 RCW, the Open Public Meetings Act.

(3) Notice of meetings. The chair or a majority of Authority board members may call a special meeting at any time in accordance with RCW 42.30.080. The authority shall maintain a public notice mailing list and provide notice of its meetings by mail to those parties on such list. Any party may have its name placed on such list by request to the authority in writing, delivered by mail or fax.

(4) Executive sessions. The chair or a majority of Authority board members may call an executive session at any time in accordance with RCW 42.30.110.

(5) Meetings of the authority board may be held at any location within or out of the state, and members of the authority board may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

(6) The authority shall maintain records of proceedings as minutes of the meetings, duly recorded, and maintained at the authority's office.

NEW SECTION

WAC 465-20-030 Conduct of meetings and order of business. (1) All authority meeting business shall be transacted by motion. Motions may be made by any authority board member and shall require a second.

(2) Voting on all motions shall be by voice vote unless a division is called for in which case the executive director shall call the roll in alphabetical order and record the vote of each member present, "yea" or "nay."

(3) The order of authority board meeting business shall be conducted as prescribed by the agenda.

(4) The executive director shall prepare each meeting's agenda in consultation with the chair.

(5) The authority board shall approve the minutes of the preceding meeting as the first act of each meeting.

(6) The chair or any authority board member may modify a meeting's agenda by motion.

(7) Public hearings. The authority seeks to foster public comment on its operations through its public hearing process. The authority will, whenever possible, allow any person an opportunity to present written or oral testimony at its public hearings, upon compliance with reasonable procedures. Such procedures include, but may not be limited to, the following:

(a) Those wishing to present oral testimony shall sign the public testimony roster. The authority will call for public comments in the order appearing on the roster. Elected officials and expert witnesses may be scheduled first because their testimony may help answer pending questions from the public.

(b) To ensure that everyone attending the hearing can hear all oral testimony and questions, commenters shall speak using the microphone, if any, provided for the public, after being recognized by the presiding member of the authority board. The presiding member of the authority board is generally the chair.

(c) Oral testimony and questions should be addressed to the presiding member of the authority board.

(d) Because the authority wants to hear from as many people as possible, the authority board may place reasonable limits on the time allowed for oral testimony. Time for testimony is generally limited to five minutes per person. Answers to questions from the authority board is generally limited to three minutes.

(e) Persons testifying, whether orally or in writing, shall state their name and identify whether they represent an organization. If they represent an organization, they shall identify the organization. At their option, they may also state their address.

(f) Commenters shall briefly describe the identity and nature of any documents referenced in their comments, and indicating where the document can be reviewed or obtained.

WSR 02-13-094

EXPEDITED RULES

TOBACCO SETTLEMENT AUTHORITY

[Filed June 18, 2002, 2:02 p.m.]

Title of Rule: Environmental policy.

Purpose: The proposed rule assists the authority in complying with the State Environmental Policy Act (SEPA).

Statutory Authority for Adoption: Section 6(H), chapter 365, Laws of 2002.

Statute Being Implemented: Chapter 365, Laws of 2002.

Summary: The authority is directed by the state legislature to undertake specific fiscal and administrative responsibilities that are exempt from SEPA. Accordingly, pursuant to the proposed rule the authority concludes that all actions that the authority is authorized to undertake under chapter 365, Laws of 2002 are exempt from SEPA pursuant to WAC 197-11-904(4).

Reasons Supporting Proposal: The proposed rule will assist the authority in complying with SEPA.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Edwards, Deputy Director, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, (206) 464-7139.

Name of Proponent: Tobacco Settlement Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule complies with SEPA. The authority is directed by the state legislature to undertake specific fiscal and administrative responsibilities that are exempt from SEPA. Accordingly, pursuant to the proposed rule the authority concludes that all actions that the authority is authorized to undertake under chapter 365, Laws of 2002 are exempt from SEPA pursuant to WAC 197-11-904(4).

The anticipated effect of the proposed rule will be to assist the authority in complying with SEPA.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paul Edwards, Deputy Director, Tobacco Settlement Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, AND RECEIVED BY August 19, 2002.

June 17, 2002

Richard S. Swanson
Chair

Chapter 465-30 WAC

Environmental policy

NEW SECTION

WAC 465-30-010 Environmental policy. (1) The authority recognizes its responsibilities to adopt rules pertaining to the State Environmental Policy Act (SEPA). The authority has reviewed SEPA and its own operations. The authority concludes that all actions that the authority is authorized to undertake under chapter 365, Laws of 2002 are exempt from SEPA pursuant to WAC 197-11-904(4). The authority is an administrative agency created to issue bonds securitizing revenues from the master settlement agreement between the state and tobacco product manufacturers. The authority's operations will consist of activities in support of and related to this bond issuance responsibility. The issuance of bonds and activities with respect to related financing agreements and approvals constitute administrative, fiscal or personnel activities exempt under WAC 197-11-800 (15)(d).

(2) In accordance with WAC 197-11-904(4), the authority adopts this statement regarding the adoption of rules in compliance with SEPA.

WSR 02-13-095

EXPEDITED RULES

TOBACCO SETTLEMENT AUTHORITY

[Filed June 18, 2002, 2:03 p.m.]

Title of Rule: Ethics policy.

Purpose: The proposed rule adopts ethics standards for the authority, its members and employees in accordance with chapter 42.52 RCW.

Statutory Authority for Adoption: Section 6(H), chapter 365, Laws of 2002.

Statute Being Implemented: Chapter 365, Laws of 2002.

Summary: The proposed rule adopts the legislative declaration in RCW 42.52.900 regarding the central importance of ethics in government. Consistent with this declaration, the proposed rule states that the authority is an agency as defined in RCW 42.52.010(1). The proposed rule states that the authority and its members and employees are subject to the applicable terms and conditions of chapter 42.52 RCW with respect to ethics in public service.

Reasons Supporting Proposal: The proposed rule will assist the authority and its members and employees in adhering to the standards for ethics in public service set forth in chapter 42.52 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Edwards, Deputy Director, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, (206) 464-7139.

Name of Proponent: Tobacco Settlement Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule adopts ethics standards for the

EXPEDITED

authority. The proposed rule adopts the legislative declaration in RCW 42.52.900 regarding the central importance of ethics in government. Consistent with this declaration, the proposed rule states that the authority is an agency as defined in RCW 42.52.010(1) and its members and employees are subject to the applicable terms and conditions of chapter 42.52 RCW with respect to ethics in public service.

The anticipated effect of the proposed rule will be to assist the authority and its members and employees in adhering to the standards for ethics in public service set forth in chapter 42.52 RCW.

Proposal does not change existing rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paul Edwards, Deputy Director, Tobacco Settlement Authority, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, AND RECEIVED BY August 19, 2002.

June 17, 2002

Richard S. Swanson
Chair

Chapter 465-40 WAC Ethics policy

NEW SECTION

WAC 465-40-010 Ethics policy. The authority hereby adopts the declaration of the legislature found in RCW 42.52.900 that ethics in government are the foundation on which the structure of government rests and that state officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are appointed. Paramount in that trust is the principal that public office may not be used for personal gain or private advantage. The authority acknowledges that it is an agency as defined in RCW 42.52.010(1) and its members and employees are subject to the applicable terms and conditions of chapter 42.52 RCW with respect to ethics in public service.



WSR 02-12-056

EMERGENCY RULES

CASCADIA COMMUNITY COLLEGE

[Filed May 30, 2002, 10:05 a.m.]

Date of Adoption: March 20, 2002.

Purpose: To adopt traffic and parking rules specifically for the collocated Cascadia Community College/University of Washington, Bothell campus. Since both institutions share the same campus location and parking infrastructure, the identical new rules are being filed separately - as chapter 132Z-116 WAC for Cascadia Community College and chapter 478-117 WAC for University of Washington, Bothell.

To ensure these rules remain in effect until permanent rules become effective.

Statutory Authority for Adoption: RCW 28B.50.140(10).

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: Cascadia Community [College] files these emergency rules to ensure the rules are in effect until the permanent rules become effective.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 26, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 26, 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 26, Amended 0, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This emergency rule follows a previous emergency rule which went into effect January 18 [February 6], 2002 (see WSR 02-03-089 [02-04-061]). Cascadia Community College has submitted permanent rule making for these rules as evidenced by WSR 02-11-048.

Effective Date of Rule: Immediately.

May 28, 2002

Victoria Munoz Richart, Ed.D.

President

Chapter 132Z-116 WAC

Parking and Traffic Rules of
the Cascadia Community CollegeNEW SECTION

WAC 132Z-116-005 Authority. RCW 28B.50.140(10) authorizes the board of trustees of Cascadia Community College to adopt rules for pedestrian and vehicular traffic on the college campus. RCW 28B.10.560 similarly authorizes the board of regents of the University of Washington to adopt rules governing pedestrian and vehicular traffic and parking upon lands and facilities of the university. The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the two institutions.

NEW SECTION

WAC 132Z-116-010 Objectives of parking and traffic rules. The objectives of these rules are:

(1) To protect and control pedestrian and vehicular traffic on the campus of University of Washington, Bothell and Cascadia Community College.

(2) To assure access at all times for emergency equipment.

(3) To minimize traffic disturbances.

(4) To facilitate the operation of the institutions by assuring access to vehicles.

(5) To allocate limited parking space for the most efficient use.

(6) To protect state property.

NEW SECTION

WAC 132Z-116-020 Definitions. The following definitions apply to this chapter:

(1) Campus: The co-located campus of University of Washington, Bothell and Cascadia Community College.

(2) College: Cascadia Community College, and collectively those responsible for its control and operations.

(3) Employee: An employee of the college or the university.

(4) Institutions: The college and the university.

(5) Public safety officers: Employees of the college or the university who are responsible for campus security, safety, and parking and traffic control.

(6) Student: A person enrolled in the college or the university.

(7) University: The University of Washington, Bothell, and collectively those responsible for its control and operations.

(8) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.

(9) Visitor: A person who is neither an employee nor a student of the college or the university.

NEW SECTION

WAC 132Z-116-030 Applicable parking and traffic rules. The applicable parking and traffic rules upon the campus are:

- (1) The motor vehicle and other traffic laws of the state of Washington, Title 46 RCW.
- (2) The traffic code of the city of Bothell.
- (3) The parking and traffic rules in this chapter. If the Washington laws or the Bothell traffic code conflicts with these rules, the Washington laws or the Bothell traffic code shall govern.

NEW SECTION

WAC 132Z-116-040 Enforcement of parking and traffic rules. The institutions share responsibility for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the institutions are authorized to enforce these parking and traffic rules.

NEW SECTION

WAC 132Z-116-050 Permits required for vehicles on campus. No person shall park, or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus without a permit issued by the institutions. Permission to park on campus will be shown by display of a valid permit.

- (1) A valid permit is:
 - (a) A current vehicle permit displayed in accordance with WAC 132Z-116-110. Vehicle permits are valid until revoked.
 - (b) A temporary permit authorized by the institutions and displayed in accordance with instructions. Temporary permits are valid through the date or time on the permit.
 - (c) A parking permit issued by a gate attendant and displayed on the vehicle in accordance with instructions.
 - (d) A parking permit dispensed by machine at the campus and displayed in accordance with instructions.
- (2) Parking permits are not transferable, except as provided in WAC 132Z-116-060 and 132Z-116-090.
- (3) The college and university reserve the right to refuse to issue parking permits.
- (4) This section does not apply to vehicles that the institutions own or operate.
- (5) The institutions may allow persons without permits to drive through the campus without parking.
- (6) A public safety officer may require visitors to wait at the entrances to the campus when pedestrian or vehicular traffic congestion is above normal.

NEW SECTION

WAC 132Z-116-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the institutions for each carpool. This permit is transferable only among the registered members of the carpool. This permit must be displayed in accordance with the instructions pro-

vided with the permit. A carpool is a group of two or more employees or students who commute to the campus in the same vehicle.

(2) The institutions provide parking for the disabled in accordance with the requirements of federal and state law, including parking spots reserved for persons who display a state of Washington disabled driver permit.

NEW SECTION

WAC 132Z-116-070 Permit revocations. Parking permits are the property of the institutions, and may be recalled by the issuer for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used by an unauthorized individual.
- (3) Falsification on a parking permit application.
- (4) Multiple or continued violations of parking rules.
- (5) Counterfeiting or altering permits.
- (6) Failure to comply with a final decision of the citation review committee, or institutional hearing officer.

NEW SECTION

WAC 132Z-116-080 Right to appeal revocation. Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 132Z-116-320.

NEW SECTION

WAC 132Z-116-090 Transfer of permits limited. (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but is not limited to, the wrongful sale, lending, or transfer of a parking permit.

(2) Permits displaying license plate numbers shall be used only in the vehicles whose license number is written on the permit.

NEW SECTION

WAC 132Z-116-100 Responsibility of person to whom permit issued. The person to whom a permit is issued is responsible for the vehicle upon which the permit is affixed. He or she shall be held responsible for all violations of this chapter charged to that vehicle. However, the operator of a vehicle will not be relieved of responsibility for violating any rule of this chapter simply because he or she is not also the holder of the permit.

NEW SECTION

WAC 132Z-116-110 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror or displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(2) When applicable, the area designator (numeral, letter or combination) shall be affixed to the vehicle permit and shall be fully visible from the exterior of the motor vehicle.

(3) Motorcycle and scooter permits shall be registered with the affiliated institution.

(4) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

NEW SECTION

WAC 132Z-116-200 Parking fees. The institutions' governing boards shall adopt parking fees, specifying the charge per day, quarter, and year. Each institution may set its own rates for quarterly and yearly permits, but the rates for daily parking permits must be uniform for both institutions. Each institution shall sell quarterly and yearly permits to the employees and students only of its own institution. Each institution may also sell quarterly and yearly permits in its discretion to regular visitors to that institution.

NEW SECTION

WAC 132Z-116-210 Allocation of parking spaces. The parking space available on the campus shall be allocated in a manner that will best attain the objectives of these rules.

During special occasions causing additional or heavy traffic and during emergencies, the institutions may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION

WAC 132Z-116-220 Parking within designated spaces. (1) No motor vehicle shall be parked on the campus except in areas designated as parking areas.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not excuse a violation of this section.

NEW SECTION

WAC 132Z-116-230 Parking—Operator's responsibility. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first:

(1) Stopping the engine, locking the ignition, and removing the key.

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 132Z-116-240 Regulatory signs, markings, barricades, etc. (1) The institutions may erect signs, barricades, and other structures, and paint marks and other directions upon the streets and parking areas within the campus. Drivers of vehicles shall obey the signs, barricades, structures, markings, and directions. Drivers of vehicles shall comply with directions given to them by public safety officers in the control and regulation of traffic. Drivers shall also

comply with directions given to them by the traffic guides or parking checkers in the assignment of parking space and in the collection of parking fees.

(2) No person without authorization from the institutions shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

WAC 132Z-116-250 Speed. No vehicle shall be operated on the campus at a speed in excess of posted limits. If no limit is posted, no vehicle shall exceed twenty miles per hour or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 132Z-116-260 Pedestrian's right of way. (1) The operator of a vehicle shall yield right of way to any pedestrian. However, no pedestrian may suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass that vehicle.

(3) Where a sidewalk is provided, pedestrians shall proceed upon the sidewalk.

NEW SECTION

WAC 132Z-116-270 Motorcycles, bicycles, scooters.

(1) Motorcycles, bicycles, and scooters are subject to all traffic rules controlling other motor vehicles.

(2) Motorcycles and motorized scooters may be parked in designated areas in addition to the regular parking lots.

(3) Motorcycles and motorized scooters are not permitted on paths, sidewalks, or authorized bicycle or pedestrian areas, or in buildings at any time.

(4) Bicycles shall be parked in designated areas only. Improperly parked bicycles may be impounded and a citation and fine imposed upon the owner.

(5) No bicycles or foot-propelled devices shall be operated on campus corridors, hallways, or buildings unless their use is required as part of the educational process in an authorized program, or authorized by campus personnel. A "foot-propelled device" is a wheeled device designed or used for recreation or transportation, including but not limited to skateboards, roller skates, and roller blades.

NEW SECTION

WAC 132Z-116-280 Distribution of literature. No person may distribute literature by placing it on motor vehicles parked on the campus. Literature includes but is not limited to pamphlets, flyers, and stickers.

NEW SECTION

WAC 132Z-116-300 Issuance of traffic citations. Upon probable cause to believe that a violation of these rules has occurred, a public safety officer or designated contractor may issue a citation setting forth the date, the approximate time, the locality, the nature of the violation, the permit number, license number, infraction, officer, and the amount of fine(s). The citation shall be served on the person responsible for the violation by: attaching a copy of the citation to, or placing it prominently within, the vehicle allegedly involved in the violation; mailing a copy of the citation to the person responsible; or serving a copy of the citation personally on the person responsible.

NEW SECTION

WAC 132Z-116-310 Fines and impounding. (1) The current schedule of fines shall be published by the institutions and made available for review in the Central Plant Building.

(2) All fines must be paid as designated on the citation within twenty calendar days from the date of the citation. Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. If any citation has neither been paid nor appealed after twenty calendar days from the date of the citation, the institution shall impose an additional fine of ten dollars per offense and may:

- (a) Withhold the violator's degrees, transcripts, grades, refunds, or credits until all fines are paid.
- (b) Delay registration for the following quarter.
- (c) Impound the violator's vehicle.
- (d) Deny future parking privileges to the violator.
- (e) Refuse to issue keys to a violator who is an employee or student.

(3) In addition to imposing fines, public safety officers may impound or immobilize any vehicle parked on campus in violation of these rules. The expenses of impounding, immobilization, and storage shall be charged to the owner or operator, or both, of the vehicle and must be paid before the vehicle's release. Grounds for impounding vehicles shall include, but not be limited to the following:

- (a) Blocking a roadway so as to impede the flow of traffic.
- (b) Blocking a walkway so as to impede the flow of pedestrian traffic.
- (c) Blocking a fire hydrant or fire lane.
- (d) Creating a safety hazard.
- (e) Blocking another legally parked vehicle.
- (f) Parking in a marked "tow-away" zone.
- (g) Leaving a vehicle unattended on campus for longer than two days.
- (h) Failing to pay a fine imposed under this chapter.

Not more than twenty-four hours after impoundment of any vehicle, the institution shall mail a notice to the registered owner of the vehicle and to any other person who claims the right to possession of the vehicle, if those persons can be identified. The institutions shall not be liable for loss or damage of any kind resulting from impounding, immobilization,

or storage. Impounding a vehicle does not remove the obligation for any fines associated with the violation.

(4) An accumulation of traffic violations by a student may be cause for discipline under the student conduct code of the student's institution.

NEW SECTION

WAC 132Z-116-320 Appeals of fines and impoundments. (1) Any impoundment or fine under this chapter may be appealed in writing within twenty calendar days from the date of the citation or the notice of impoundment. The notice of appeal must be addressed to the location indicated on the citation or notice of impoundment. The institutions will make appeal forms available at the university's cashiers office in Room UW1 176 and at the college's cashiers office in Room CC1 103. The notice of appeal must explain the reasons for contesting the citation or impoundment. If the person who files a notice of appeal desires an opportunity to make an oral statement in the appeal, the request to make an oral statement must be included in the notice of appeal.

(2) The hearing on the appeal shall be a brief adjudicative hearing as provided by RCW 34.05.482 et seq. If a request for an oral statement was made, the presiding officer or officers shall provide reasonable notice of the time and place for receiving the oral statement. The presiding officer(s) shall review the notice of appeal and provide a written decision to the person submitting the appeal within ten days of taking action. If the appeal is denied, the decision shall include a brief statement of its reasons and information about the opportunity for further review. Any fine owed on a written decision that is not further appealed as provided in subsection (3) of this section shall be paid within twenty-one days after service of the decision.

(3) A person wishing to contest the written decision may request a review by contacting the institution in writing within twenty-one days after service of the decision. The request for review shall explain why the decision was incorrect. The reviewing officer shall, within twenty days of the date of the request, review the matter and render a final written decision, which shall include a brief statement of its reasons and information about the opportunity to appeal the decision to the district court. Any final decision of the reviewing officer not appealed as provided in subsection (4) of this section shall be paid within ten days after service of the decision.

(4) A person wishing to appeal a final decision of the citation hearing office to the district court may, within ten days of service of the final decision, file a written notice with the institution. Documents relating to the appeal shall immediately be forwarded to the district court, which shall have jurisdiction to hear the appeal de novo. No appeal to the district court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

NEW SECTION

WAC 132Z-116-400 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to

EMERGENCY

either or both vehicles of \$500, shall within twenty-four hours report such accident to the campus security department. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within twenty-four hours after such accident.

NEW SECTION

WAC 132Z-116-410 Liability of institutions. Except for vehicles that the institutions own or operate, the institutions assume no liability under any circumstances for vehicles on the campus.

**WSR 02-13-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-113—Filed June 6, 2002, 8:42 a.m., effective June 7, 2002, 6:00 a.m.]

Date of Adoption: June 5, 2002.

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: This emergency regulation is necessary to continue closures for softshell crab in Puget Sound. Dungeness crab meet or exceed hard shell criteria and are available for recreational harvest in Marine Areas 4, 5, 6, 8-1, 8-2, 9, 10, and 12. The daily restrictions in Marine Areas 8-1 and 8-2 are to maintain allocation goals. 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: June 7, 2002, 6:00 a.m.

June 5, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-56-33000L Crab—Areas and seasons. Notwithstanding the provisions of WAC 220-56-330, effective immediately until further notice, it is unlawful to fish for crab for personal use in all waters of Puget Sound except as provided herein:

(1) Effective immediately until further notice, it is lawful to fish for crab for personal use in Marine Areas 9 and 12.

(2) Effective 6:00 a.m. June 7, 2002 until further notice, it is lawful to fish for crab for personal use in Marine Areas 8-1 and 8-2. The fishery is open Fridays through Mondays.

(3) Effective 6:00 a.m. June 7, 2002 until further notice, it is lawful to fish for crab for personal use in Marine Area 10.

(4) Effective 6:00 a.m. June 21, 2002 until further notice, it is lawful to fish for crab for personal use in Marine Areas 4, 5, and 6.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000K Crab—Areas and seasons.
(02-113)

**WSR 02-13-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-121—Filed June 6, 2002, 8:45 a.m., effective June 7, 2002, 11:59 p.m.]

Date of Adoption: June 6, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-04000C.

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 chinook quota is projected to have been taken by 11:59 p.m. June 7, 2002. These rules are adopted at the recommendation of the PFMC in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 7, 2002, 11:59 p.m.

June 6, 2002

Evan Jacoby
for Jeff Koenings
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. June 7, 2002:

WAC 220-24-04000C All-citizen commercial
salmon troll. (02-91)

WSR 02-13-005

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Filed June 6, 2002, 2:12 p.m., effective June 13, 2002]

Date of Adoption: June 13 [5], 2002.

Purpose: Chapter 245 of the 2002 regular legislative session. Implementation of the requirements of SB 6530.

Citation of Existing Rules Affected by this Order: Amending WAC 308-56A-460, 308-56A-500, and 308-63-090.

Statutory Authority for Adoption: RCW 46.12.005.

Other Authority: RCW 46.12.070.

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: Implementation of requirements of SB 6530, definition and use of salvage vehicle.

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 3, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: June 13, 2002.

June 5, 2002

Fred Stephens

Director

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

WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt. (1) **What is a destroyed or wrecked vehicle?** For the purposes of this section:

(a) A destroyed vehicle means a vehicle((s)) of any age that ((have)) has been reported wrecked or destroyed by ((the owner)) an insurance company, licensed wrecker, scrap processor or ((insurance company)) the owner and includes a salvage vehicle((s)) as defined in RCW 46.12.005; and

(b) A wrecked vehicle is defined in RCW 46.80-010(((4)))(6).

(2) **Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department?** Destroyed vehicles may be reported to the department by:

(a) Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:

(i) An insurance company in possession of a certificate of ownership for a vehicle that has been destroyed submits to the department the current certificate of ownership indicating the vehicle is "DESTROYED," the insurance company name and address and the date of loss, and for a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount. If this statement is not provided, the department will treat the report as if the insurance company indicated that the market value threshold was met; or

(ii) The Total Loss Claim Settlement form (TD 420 074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section); and

(iii) For a vehicle that is six years through twenty years old, a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section. If this statement is not provided, the department will treat the report as if the insurance company indicated that the market value threshold was met.

(b) Government or self-insured entities: Any government agency or self-insured entity reports the vehicle is a total loss under RCW 46.12.070 by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is "DESTROYED" ((and)), the date of loss and a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided, the department will treat the

reports as if the government or self-insured entity stated that the market value threshold was met.

(c) ~~((Other owners (owner destroyed); and~~

~~A vehicle is considered destroyed by an individual when))~~ Registered or legal owners:

(i) The ~~((individual))~~ registered or legal owner submits to the department the certificate of ownership under RCW 46.12.070, properly released ~~((by the registered and/or legal owner(s), when applicable, and indicates)), indicating~~ on the face of the ownership document "DESTROYED," the date and location of destruction ~~((on the front of the certificate of ownership))~~ and whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided, the department will treat the report as if the owner indicated that the market value threshold was met; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner as (c)(i) of this subsection~~((;))~~ and

~~((;))~~ a written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090 and a statement whether or not the vehicle meets the market value threshold amount as defined in subsection (3) of this section if the vehicle is six years through twenty years old. If this statement is not provided, the department will treat the report as if the report indicated that the market value threshold was met.

(3) What is the "market value threshold amount" and what criteria will be used to increase this amount?

The "market value threshold amount" is six thousand five hundred dollars effective June 13, 2002, as set by RCW 46.12.005 and will be increased based on the expenditure category "used cars and trucks" of the Consumer Price Index for all Urban Consumers compiled by the Bureau of Labor Statistics, United States Department of Labor, or its successor, for the West Region.

(4) Is the market value threshold applied to all motor vehicles that are reported destroyed, wrecked or damaged? No. The market value threshold is applied to motor vehicles that are at least six years old but not more than twenty years old and are incorporated into the Consumer Price Index expenditure category "used cars and trucks" which includes, but is not limited to, used passenger cars, light-duty trucks with a gross weight of 12,000 pounds or less, and sport utility vehicles (SUVs).

~~((;))~~ **(5) After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle?** After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of

the insurer and provide their title of office. The representative's signature need not be notarized or certified.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The bill of sale must be signed by the owner and the owner's signature must be notarized or certified.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

~~((4))~~ **(6) When is an insurance claim considered settled?** For the purpose of this section, those vehicles described in RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

~~((5))~~ **(7) If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain with the vehicle?** Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

~~((6))~~ **(8) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked?** Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

~~((7))~~ **(9) What does ("~~WA REBUILT~~") "WA REBUILT" mean on a Washington certificate of ownership?** The ("~~WA REBUILT~~") "WA REBUILT" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle:

(a) Is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or ~~((46.80.010(4)))~~ 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030; or

(b) Is a used car or truck with a model year at least six years but not more than twenty years before the calendar year

in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.090 and the vehicle has been rebuilt and inspected under RCW 46.12.030 and the vehicle, just prior to the time it was wrecked, destroyed or damaged, met the value requirements as defined in RCW 46.12.005. If this statement is not provided, the department will treat the report as if the market value threshold was met.

~~((8))~~ **(10) Will the certificate of ownership or vehicle registration always indicate "WA REBUILT" for a vehicle described in subsection ((7)) (9) of this section**~~(, will the certificate of ownership and registration always indicate "WA REBUILT")?~~ Yes, the certificate of ownership ~~(and)~~ or vehicle registration certificate shall prominently display a "WA REBUILT" designation on the front of the document unless the brand was applied in error. This designation will continue to appear on every subsequent certificate of ownership ~~(and)~~ or vehicle registration certificate issued for this vehicle.

~~((9))~~ **(11) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total loss and has not been retitled, what documentation and fees are required to ((get)) obtain a certificate of ownership?** The documentation required to obtain a certificate of ownership after the vehicle's destruction is:

(a) All documents and fees required by chapters 46.01, 46.12, and 46.16 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecker or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

Note: Receipts of all parts used for reconstruction of the vehicle need to be kept and made available upon request at the time of inspection.

(d) An odometer statement, if applicable.

AMENDATORY SECTION (Amending WSR 00-13-083, filed 6/20/00, effective 7/21/00)

WAC 308-56A-500 Definitions. The definitions set forth in RCW 65.20.020 shall apply to WAC 308-56A-505. Terms used in chapters 46.12 and 46.16 RCW and this chapter shall have the following meanings except where otherwise defined, and unless where used the context thereof clearly indicates to the contrary:

(1) "Affixed" means attached.

(2) "Brands" means a notation on the certificate of ownership and vehicle registration certificate that records a special circumstance or condition involving a vehicle that stays with the vehicle registration or certificate of ownership.

Brands used by the department include, but are not limited to:

(a) Former exempt, as defined in RCW 46.16.020;

(b) Former for hire, as defined in RCW 46.72.010;

(c) Former taxicab, as described in RCW 46.72.010;

(d) Rebuilt as required in RCW 46.12.075, when a vehicle reported destroyed under RCW 46.12.070 or 46.80.090 and WAC 308-56A-460 meets the definition of salvage vehicle in RCW 46.12.005;

(e) Street rod as defined in RCW 46.04.571;

(f) Nonconformity uncorrected or safety defect uncorrected as defined in RCW 19.118.021 (13) and (18);

(g) Former rental, designation used on a certificate of ownership when a vehicle is removed from a rental fleet and sold as nonrental;

(h) Nonconformity corrected or safety defect corrected as defined in RCW 19.118.021 (13) and (18).

The department will carry forward all brands and jurisdiction codes shown on foreign certificates of ownership/titles. Brands that do not match Washington terminology or that are not listed below will be shown as "nonstandard." Brands carried forward from foreign certificates of ownership/titles may use the same terminology as a Washington brand, but may not have the same definition as the Washington brand. Other brands not used in Washington but carried forward from other jurisdictions are:

(i) Junk;

(ii) Destroyed;

(iii) Salvage.

Vehicles not reported to DOL as destroyed and then sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title will be branded in accordance with RCW 46.12.075 whether or not the vehicle had been reported as destroyed in any other jurisdiction.

(3) "Certificate of ownership" (or "title") is a legal document indicating proof of ownership.

~~((3))~~ (4) "Commercial parking company" means any business directly engaged in providing vehicle parking upon property owned or controlled by the business and approved for public parking of vehicles.

~~((4))~~ (5) "Department" means the same as described in RCW 46.04.162.

~~((5))~~ (6) "Department temporary permit" is a permit temporarily issued in lieu of permanent registration and license plates when required documentation is unavailable.

~~((6))~~ (7) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

~~((7))~~ (8) "Joint tenancy with rights of survivorship" means owners who own a vehicle in joint tenancy with the right to own individually if one of them dies.

~~((8))~~ (9) "Jurisdiction code" means an abbreviation assigned by the department generally based on the U.S. Postal Service designation that indicates state, province, district, or country.

(10) "Legal owner" means the same as described in RCW 46.04.270.

~~((9))~~ (11) "Not eligible for road use" (NEFRU) means a vehicle that does not meet Federal Motor Vehicle Safety standards, other federal and/or state standards for public road use as adopted, applied, and enforced by the Washington state patrol described in RCW 46.37.005.

(12) "Person" means the same as described in RCW 46.04.405.

~~((10))~~ (13) "Personal representative" means:

(a) An individual appointed by the court; or

(b) An individual named in the last will and testament and confirmed by the court to manage the estate of a deceased person.

Personal representative may also include executor, administrator, special administrator, and guardian or limited guardian and special representative as defined in RCW 11.02.005(1).

~~((11))~~ (14) "Registered owner" means the same as described in RCW 46.04.460.

~~((12))~~ (15) "Transferee" means a person to whom a vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee, when applicable.

~~((13))~~ (16) "Transferor" means a person who transfers ownership in a vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor, when applicable.

NEW SECTION

WAC 308-56A-530 Vehicles brands. (1) **What is a brand?** For the purposes of this section a brand is a notation on the certificate of ownership or vehicle registration certificate that records a special circumstance or condition involving a vehicle. More than one brand may appear on the vehicle registration or certificate of ownership.

(2) **What brands does the department assign to vehicles?** Brands used by the department include, but are not limited to: Former exempt, former for hire, former taxicab, rebuilt, street rod, not eligible for road use, nonconformity or safety defect, as defined in WAC 308-56A-500.

Vehicles not reported to DOL as destroyed and sold using an insurance or wrecker bill of sale in lieu of a certificate of ownership/title will be branded in accordance with RCW 46.12.075 whether or not the vehicle had been reported as destroyed in any other jurisdiction.

The jurisdiction code will be identified as "XX."

(3) **What brands does the department carry forward from other jurisdictions?** In addition to the brands listed in subsection (2) of this section, the department will apply the following brands assigned by other jurisdictions together with the applicable jurisdiction code: Destroyed, salvage, junk. Any other brands assigned by another jurisdiction will be identified by the words "nonstandard."

(4) **Why is a brand used?** A brand is used in the circumstances above for consumer protection. The brand is used to inform any subsequent owners of the current or former condition or use of the vehicle.

(5) **Will the department remove a brand?** The department will only remove a brand if:

(a) The brand was applied in error; or

(b) A vehicle branded not eligible for road use has been modified according to the manufacturer specifications and federal and state standards in such a way to qualify the vehicle for highway use;

(c) The lemon law administrator certifies that a vehicle branded nonconformity uncorrected should be branded nonconformity corrected;

(d) The lemon law administrator certifies that a vehicle branded safety defect uncorrected should be branded safety defect corrected.

If a former rental brand was applied prior to the effective date of this rule, it will remain on the certificate of ownership and/or vehicle registration unless applied in error.

(6) **Where are brands located on the documents?** The brand is located in the comments/brands section of the certificate of ownership and vehicle registration. The "WA REBUILT" will show as a banner across the certificate of ownership.

AMENDATORY SECTION (Amending WSR 00-13-019, filed 6/12/00, effective 7/13/00)

WAC 308-63-090 Wreckers—Records and procedures for monthly reports. What records must I keep and how do I handle the monthly report? (1) Wrecker books and files. The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts, except core parts, the vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or part was obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state; or description of the document used in lieu of title, such as an affidavit of sale or a bill of sale for a vehicle or vehicle part; ~~(and)~~

(iv) The name of the state and license number in the state that a vehicle was last registered; and

(v) A statement indicating whether any used car or truck at least six years but not more than twenty years old met the market value threshold amount immediately before it was wrecked, destroyed or damaged, as required by RCW 46.12.070 and WAC 308-56A-460(3). If this statement is not provided, the department will treat the report as if the wrecker indicated that the market value threshold was met.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles entered into the wrecking yard inventory, each wrecker will submit a report on the form prescribed by the department documenting that those vehicles were entered into the wrecking yard inventory during the month. Vehicles being held in the segregated storage area awaiting ownership documents, pursuant to WAC 308-63-070(8), will not be reported. The report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are acquired during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsection (1)(a)(i), (ii), (iii), ~~((and))~~ (iv), and (v) of this section ~~((; it shall))~~. The report must be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates: Provided, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) Identity of vehicles in yard. All vehicles placed in the yard shall be identified by a yard number as assigned in the wrecking records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the yard number of the vehicle shall be remarked in another location on the vehicle.

WSR 02-13-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-120—Filed June 7, 2002, 10:30 a.m.]

Date of Adoption: June 7, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-56-35000L; and amending WAC 220-56-350.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to adjust seasons to accommodate a potential lower level of national security need at WINAS. 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.

June 7, 2002
 Jeff Koenings
 Director
 by Larry Peck

NEW SECTION

WAC 220-56-35000M Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to take, dig for and possess clams, cockles, and mussels taken for personal use from the following public tidelands except during the open periods specified herein:

(1) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bayshore Peninsula between department markers open until further notice.

(2) Dosewallips State Park: Open until further notice, only in area defined by boundary markers and signs posted on the beach.

(3) Duckabush: All state-owned tidelands on the west shore of Hood Canal from Quatsap Point southward to the main channel of the Duckabush River are open until further notice.

(4) Kayak Point County Park: Closed until further notice.

REPEALER

The following section of the Washington State Administrative Code is repealed:

WAC 220-56-35000L Clams other than razor clams—Areas and seasons. (02-82)

WSR 02-13-023
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-122—Filed June 10, 2002, 2:43 p.m., effective June 10, 2002, 6:00 p.m.]

Date of Adoption: June 10, 2002.

Purpose: Amend commercial fishing rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100B and 220-69-24000B; and amending WAC 220-52-051 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: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. 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; 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: June 10, 2002, 6:00 p.m.

June 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100C 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) Effective 6:00 p.m. June 10, 2002 until further notice, all waters of Marine Fish-Shellfish Catch and Reporting Area 23D are open to harvest all shrimp species, except spot shrimp.

(b) All waters of Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, and 23A-S (described in section 1(h)(i)) are open to harvest of all shrimp species until further notice.

(c) All waters of Crustacean Management Regions 1B, 1C, 2, 4, and 6 and Marine Fish-Shellfish Catch and Reporting Area 25A are open to harvest of all shrimp species except spot shrimp until further notice, except as provided below:

(i) Closed until further notice in waters of Lopez Sound (Catch Area 22A) south of a line projected east and west from the northern tip of Trump Island.

(ii) Effective 8:00 p.m., June 16, 2002 until further notice, it is unlawful to harvest shrimp for commercial purposes in Crustacean Management Region 1B.

(d) All waters of Crustacean Management Regions 1A, 1C, 2, 3 (except as provided in section 1 (a) and below), 4, and 6 are open to harvest of all shrimp species effective 8:00 a.m., June 17, 2002 until further notice.

(i) Closed until further notice in Marine Fish-Shellfish Catch and Reporting Area 23A-W (described in section 1(h)(i)).

(e) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1B, 1C, 2 and 4, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 29, or the southwestern 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. It is unlawful to fish for any shrimp while in possession on board the fishing vessel spot shrimp harvested from the previous trip limit accounting week or weeks.

(f) 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.

(g) 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(f) above.

(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 south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be consid-

ered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(i) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59° N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59° N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(j) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(k) For purposes of shrimp harvest allocation, fishing season, and catch reporting, Marine Fish-Shellfish Catch and Reporting Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(2) Shrimp beam trawl gear:

(a) Crustacean Management Region 1B - Open until further notice, except as provided below:

(i) Effective immediately, until 8:00 a.m. June 16, 2002, it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 20B.

(ii) Effective immediately, until further notice it is unlawful to harvest shrimp for commercial purposes in Marine Fish Shellfish Catch and Reporting Area 21A.

(iii) It is unlawful to fish for shrimp in Puget Sound with shellfish beam 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.

(b) Crustacean Management Region 3 - Open 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) 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.

(e) 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) 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 220-69-24000C 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.

(4) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100C section (1)(h)(i).

(5) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100C section (1)(j).

(6) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Marine Fish-Shellfish Management and Catch Reporting Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-05100C section (1)(k).

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

REPEALER

The following sections of the Washington Administrative Code are repealed effective 6:00 p.m. June 10, 2002:

- WAC 220-52-05100B Puget Sound shrimp pot and beam trawl fishery—Seasons and Weekly trip limits. (02-78)
- WAC 220-69-24000B Puget Sound shrimp dealer reporting - required information. (02-78).

WSR 02-13-043
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 12, 2002, 4:04 p.m., effective June 13, 2002]

Date of Adoption: June 11, 2002.

Purpose: To bring the regulations and procedures of the DSHS Division of Child Support (DCS) into agreement with statutory changes in the 2002 legislative session, namely changes to the Uniform Parentage Act (chapter 302, Laws of 2002) and changes regarding the jurisdiction of DCS (chapter 199, Laws of 2002).

Citation of Existing Rules Affected by this Order: Amending WAC 388-14A-3100, 388-14A-3102, 388-14A-3110, 388-14A-3115, 388-14A-3120, 388-14A-3370, and 388-14A-3810.

Statutory Authority for Adoption: RCW 43.05.350 (1)(b), 74.08.090, 34.05.220(1), 74.20A.055, 74.20A.056, and 74.20A.310; chapter 302, Laws of 2002; chapter 199, Laws of 2002.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: (1) Chapter 302, Laws of 2002, amends the Uniform Parentage Act regarding the affidavit or acknowledgment of paternity; and (2) chapter 199, Laws of 2002, amends the statutory jurisdiction of DCS, with effective date of June 13, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 7, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 7, Repealed 0.

Effective Date of Rule: June 13, 2002.

June 11, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3100 How does the division of child support establish a child support obligation when there is no child support order? (1) When there is no order setting the amount of child support a noncustodial parent (NCP) should pay, the division of child support (DCS) serves a support establishment notice on the NCP and the custodial parent. A support establishment notice is an administrative notice that can become an enforceable order for support if nobody requests a hearing on the notice.

(2) DCS may serve a support establishment notice when there is no order that:

(a) Establishes the noncustodial parent's support obligation for the child(ren) named in the notice; or

(b) Specifically relieves the noncustodial parent of a support obligation for the child(ren) named in the notice.

(3) Whether support is based upon an administrative order or a court order, DCS may serve a support establishment notice when parties to a paternity order subsequently marry each other and then separate, or parties to a decree of dissolution remarry each other and then separate. The remaining provisions of the paternity order or the decree of dissolution, including provisions establishing paternity, remain in effect.

(4) Depending on the legal relationship between the NCP and the child for whom support is being set, DCS serves one of the following support establishment notices:

(a) Notice and finding of financial responsibility (NFFR), see WAC 388-14A-3115. This notice is used when the NCP is either the mother or the legal father of the child. WAC 388-14A-3102 describes when DCS uses a NFFR to set the support obligation of a father who has signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)).

(b) Notice and finding of parental responsibility (NFPR), see WAC 388-14A-3120. This notice is used when the NCP was not married to the mother but has filed an affidavit or acknowledgment of paternity. WAC 388-14A-3102 describes when DCS uses a NFPR to set the support obligation of a father who has signed ((a)) an acknowledgment or affidavit of paternity ((affidavit)).

(c) Notice and finding of medical responsibility (NFMFR), see WAC 388-14A-3125. This notice is used when DCS seeks to set only a medical support obligation instead of a monetary child support obligation.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3102 When the parents have signed ((a)) an acknowledgment or affidavit of paternity ((affida-

~~it~~)), which support establishment notice does the division of child support serve on the noncustodial parent? (1) When the parents of a child are not married, they may sign an affidavit of paternity, also called an acknowledgment of paternity. The legal effect of the affidavit or acknowledgment depends on when it is filed, in what state it is filed, and whether both parents were over age eighteen when the affidavit was signed.

(2) For ~~((paternity))~~ affidavits or acknowledgments filed on or before August 14, 1997 with the center for health statistics in the state of Washington, the division of child support (DCS) serves a notice and finding of parental responsibility (NFFR). See WAC 388-14A-3120.

(3) For paternity affidavits filed ~~((on or))~~ after August 14, 1997 with the center for health statistics in the state of Washington, ~~((it depends on how much time has elapsed since filing))~~

~~((a) If less than sixty days have passed since filing, DCS serves a NFFR under WAC 388-14A-3120, because the parents can rescind (withdraw) the affidavit within sixty days of filing and request genetic testing; or~~

~~((b) If sixty or more days have passed since filing))~~ DCS serves a notice and finding of financial responsibility (NFFR) under WAC 388-14A-3115, because the affidavit or acknowledgment has become a conclusive presumption of paternity under ~~((RCW 26.26.040))~~ section 305, chapter 302, Laws of 2002.

(4) For ~~((paternity))~~ acknowledgments or affidavits filed with the vital records agency of another state, DCS determines whether to serve a NFFR or NFFR depending on the laws of the state where the affidavit is filed.

(5) DCS relies on ~~((paternity))~~ the acknowledgment or affidavit(s), even if the mother ~~((and the))~~ or father were eighteen years of age or older at the time they ~~((signed))~~ entered the acknowledgment or affidavit, ((or have reached eighteen years of age since signing the affidavit. A party who was under eighteen at the time the affidavit was signed and filed in Washington after August 14, 1997 has sixty days after their eighteenth birthday to void the affidavit; for affidavits filed in other states, the law of the state of filing determines whether the affidavit is voidable)) under section 304, chapter 302, Laws of 2002.

(6) If the mother was married at the time of the child's birth, but not to the man acknowledging paternity, the man to whom she was married must also have signed ~~((the affidavit to deny))~~ and filed a denial of paternity within ten days of the child's birth.

(7) If the acknowledgment or affidavit is legally deficient in any way, DCS may refer the case for paternity establishment in the superior court.

(8) If the mother is the noncustodial parent, DCS serves a NFFR.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3110 When can a support establishment notice become a final order? (1) The notice and finding of financial responsibility (NFFR), notice and finding of

parental responsibility (NFFR), or notice and finding of medical responsibility (NFMR) becomes a final, enforceable order if neither the custodial parent or the noncustodial parent objects and requests a timely hearing on the notice. An objection is also called a hearing request.

(2) If a timely objection is filed, the division of child support (DCS) cannot enforce the terms of the notice until a final order as defined in this section is entered.

(3) To be timely, the noncustodial parent must object within the following time limits:

(a) Within twenty days of service, if the noncustodial parent was served in Washington state.

(b) Within sixty days of service, if the noncustodial parent was served outside of Washington state.

(4) To be timely, the custodial parent must object within twenty days of service.

(5) An objection to a support establishment notice is a request for hearing on the notice.

(6) The effective date of the hearing request is the date the division of child support (DCS) receives the request for hearing.

(7) When an NFFR is served, the order will not become a final order if either parent requests genetic testing under WAC 388-11-048 (or as later amended) within the following time limits:

(a) The noncustodial parent must request genetic testing within twenty days of service, if the noncustodial parent was served in Washington state ~~((and the affidavit has not yet become a final determination of paternity))~~.

(b) The noncustodial parent must request genetic testing within sixty days of service, if the noncustodial parent was served outside of Washington state ~~((and the affidavit has not yet become a final determination of paternity))~~.

(c) The custodial parent must request genetic testing within twenty days of service ~~((and may request genetic testing only if the affidavit has not yet become a final determination of paternity))~~.

~~((d) For parties who have filed paternity affidavits in Washington after August 14, 1997, a request for genetic testing does not by itself operate to rescind the affidavit))~~ of the notice.

(8) The noncustodial parent or custodial parent must make the hearing request or request for genetic testing, either in writing or orally, at any DCS office. See WAC 388-14-500 (or as later amended) regarding oral requests for hearing.

(9) After a timely request for hearing, the final order is one of the following, whichever occurs latest:

(a) An agreed settlement or consent order under WAC 388-11-150 (or as later amended);

(b) An initial decision for which twenty-one days have passed and no party has filed a petition for review (this includes an order of default if neither party appears for hearing); or

(c) A review decision.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when pater-

nity is not an issue. (1) A notice and finding of financial responsibility (NFFR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.055.

(2) The NFFR:

(a) Advises the noncustodial parent and the custodial parent (who can be either a parent or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFFR fully and fairly advises the parents of their rights and responsibilities under the NFFR.

(b) Includes the information required by WAC 388-11-210 (or as later amended) and RCW 74.20A.055.

(c) Includes the noncustodial parent's health insurance obligation, as required by WAC 388-11-215 (or as later amended).

(d) May include an obligation to provide support for day care or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(e) Warns the noncustodial parent and the custodial parent that at an administrative hearing, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFFR, if necessary for an accurate support order.

(3) After service of the NFFR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(4) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFFR. DCS does not give the NCP credit for payments made to any other party after service of a NFFR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(5) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFFR is a final order. WAC 388-14A-3110 describes when the notice becomes a final order.

(6) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFFR can end sooner or later than age eighteen.

(7) If paternity has been established by an affidavit or acknowledgment of paternity ((filed in Washington state on or after August 14, 1997 becomes a legal finding of paternity under RCW 26.26.040 (1)(e) unless it is rescinded (withdrawn) within sixty days of filing. If sixty days have passed since the affidavit or acknowledgment was filed, DCS may serve a NFFR to establish a support obligation)), DCS attaches a copy of the acknowledgment, affidavit, or certificate of birth record information to the notice. A party wishing to challenge the acknowledgment or denial of paternity may only bring an action in court to rescind or challenge the acknowledgment or denial of paternity under sections 307 and 308, chapter 302, Laws of 2002.

(8) If the parents filed a paternity affidavit or acknowledgment of paternity in another state, and by that state's law paternity is therefore conclusively established, DCS may serve a NFFR to establish a support obligation.

(9) A hearing on a NFFR is for the limited purpose of resolving the NCP's accrued support debt and current support obligation. The NCP has the burden of proving any defenses to liability.

AMENDATORY SECTION (Amending WSR 00-15-016 and 00-20-022, filed 7/10/00 and 9/25/00, effective 11/6/00)

WAC 388-14A-3120 The notice and finding of parental responsibility is used to set child support when the father's duty of support is based upon an affidavit of paternity which is not a conclusive presumption of paternity. (1) A notice and finding of parental responsibility (NFPR) is an administrative notice served by the division of child support (DCS) that can become an enforceable order for support, pursuant to RCW 74.20A.056.

(2) The NFPR differs from a notice and finding of financial responsibility (NFFR)(see WAC 388-14A-3115) because the parties may request genetic testing to contest paternity after being served with a NFPR.

(3) DCS serves a NFPR when:

(a) An affidavit acknowledging paternity is on file with the center for health statistics and was filed before August 14, 1997; or

(b) ~~((An affidavit acknowledging paternity is on file with the center for health statistics and was filed on or after August 14, 1997 but the sixty day period for rescission has not yet passed; or~~

(e)) An affidavit acknowledging paternity is on file with the vital records agency of another state and the laws of that state allow the parents to withdraw the affidavit or challenge paternity.

(4) DCS attaches a copy of the acknowledgment of paternity or certification of birth record information to the NFPR.

(5) The NFPR advises the noncustodial parent and the custodial parent (who is either the mother or the physical custodian of the child) of the support obligation for the child or children named in the notice. The NFPR fully and fairly advises the parents of their rights and responsibilities under the NFPR. The NFPR warns the noncustodial parent and the custodial parent that at an administrative hearing on the notice, the administrative law judge (ALJ) may set the support obligation in an amount higher or lower than, or different from, the amount stated in the NFPR, if necessary for an accurate support order.

(6) The NFPR includes the information required by WAC 388-11-210 (or as later amended), RCW 74.20A.055, and 74.20A.056.

(7) The NFPR includes the noncustodial parent's health insurance obligation, pursuant to WAC 388-11-215 (or as later amended).

(8) The NFPR may include an obligation to provide support for day care expenses or special child-rearing expenses, pursuant to chapter 26.19 RCW.

(9) DCS may not assess an accrued support debt for a period longer than five years before the NFPR is served. This limitation does not apply to the extent that the noncustodial

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parent hid or left the state of Washington for the purpose of avoiding service.

(10) After service of the NFPR, the noncustodial parent and the custodial parent must notify DCS of any change of address, or of any changes that may affect the support obligation.

(11) The noncustodial parent must make all support payments to the Washington state support registry after service of the NFPR. DCS does not give the NCP credit for payments made to any other party after service of the NFPR, except as provided by WAC 388-11-015 and 388-11-280 (or as these sections are later amended).

(12) DCS may take immediate wage withholding action and enforcement action without further notice under chapters 26.18, 26.23, and 74.20A RCW when the NFPR is a final order. See WAC 388-14A-3110 for when the notice becomes a final order.

(13) In most cases, a child support obligation continues until the child reaches the age of eighteen. WAC 388-11-155 (or as later amended) describes when the obligation under the NFPR can end sooner or later than age eighteen.

(14) Either the noncustodial parent, or the mother, if she is also the custodial parent, may request genetic tests under WAC 388-11-048 (or as later amended), notwithstanding the language of WAC 388-11-048, which refers only to the father. A mother who is not the custodial parent may at any time request that DCS refer the case for paternity establishment in the superior court.

(15) DCS does not stop enforcement of the order unless DCS receives a timely request for hearing or a timely request for genetic tests. See WAC 388-14A-3110 for time limits. DCS does not refund any money collected under the notice if the noncustodial parent is later:

- (a) Excluded from being the father by genetic tests; or
- (b) Found not to be the father by a court of competent jurisdiction.

(16) If the noncustodial parent requested genetic tests and was not excluded as the father, he may request within twenty days from the date of service of the genetic tests in Washington, or sixty days from the date of service of the genetic tests outside of Washington:

- (a) A hearing on the NFPR.
- (b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(17) If the noncustodial parent was not excluded as the father, the mother, if she is also the custodial parent, may within twenty days of the date of service of the genetic tests request:

- (a) A hearing on the NFPR; or
- (b) That DCS initiate a parentage action in superior court under chapter 26.26 RCW.

(18) ~~((If the affidavit or acknowledgment was filed in Washington after August 14, 1997, but sixty days have not passed since filing, DCS serves a NFPR. If the NCP wishes to contest paternity he must rescind (withdraw) the acknowledgment at the center for health statistics before the sixty day period ends or there will be a legal finding of paternity under RCW 26.26.040 (1)(e). A request to DCS for genetic testing is not sufficient to withdraw the paternity affidavit.~~

~~(19))~~ If the NCP is excluded by genetic testing, DCS may refer the case for paternity establishment in the superior court.

~~((20))~~ (19) A hearing on a NFPR is for the limited purpose of resolving the accrued support debt, current support obligation and reimbursement to DCS for paternity-related costs. The NCP has the burden of proving any defenses to liability.

NEW SECTION

WAC 388-14A-3122 When the rescission period has not yet passed for an affidavit or acknowledgment filed between August 14, 1997 and June 13, 2002, which support establishment notice does the division of child support serve when the father is the noncustodial parent? (1) The division of child support (DCS) serves a notice and finding of parental responsibility (NFPR) under WAC 388-14A-3120 if:

(a) The parents filed an affidavit or acknowledgment of paternity with the department of health between August 14, 1997 and June 13, 2002;

(b) The sixty-day rescission period has not yet passed; and

(c) The father is the noncustodial parent.

(2) Either the father or the custodial parent may request a hearing on the terms of the NFPR.

(3) The father, or the mother if she is also the custodial parent, may request genetic tests on the NFPR if the acknowledgment or affidavit of paternity has not yet become a final determination of paternity.

(4) A party who requests genetic testing from DCS on an acknowledgment or affidavit of paternity filed with the department of health between August 14, 1997 and June 13, 2002, but within the sixty-day rescission period, must also file a rescission with the department of health. Requesting genetic testing does not stop the acknowledgment or affidavit from becoming final.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3370 What legal defenses are available to a noncustodial parent when DCS seeks to enforce a support obligation? (1) A noncustodial parent (NCP) who objects to a notice and finding of financial, parental, or medical responsibility has the burden of establishing defenses to liability. Defenses include, but are not limited to:

(a) Proof of payment;

(b) The existence of a superior court or administrative order that sets the NCP's support obligation or specifically relieves the NCP of a support obligation for the child(ren) named in the notice;

(c) The party is not a responsible parent as defined by RCW 74.20A.020(7);

(d) The amount requested in the notice is inconsistent with the Washington state child support schedule, Chapter 26.19 RCW;

(e) Equitable estoppel, subject to WAC 388-14A-6500; or

(f) Any other matter constituting an avoidance or affirmative defense.

(2) A dependent child's or a custodial parent's ineligibility to receive public assistance is not a defense to the assessment of a support obligation.

(3) An NCP may be excused from providing support for a dependent child (~~receiving public assistance under chapter 74.12 RCW~~) if the NCP is the legal custodian of the child and has been wrongfully deprived of physical custody of the child. The NCP may be excused only for any period during which the NCP was wrongfully deprived of custody. The NCP must establish that:

(a) A court of competent jurisdiction of any state has entered an order giving legal and physical custody of the child to the NCP;

(b) The custody order has not been modified, superseded, or dismissed;

(c) The child was taken or enticed from the NCP's physical custody and the NCP has not subsequently assented to deprivation. Proof of enticement requires more than a showing that the child is allowed to live without certain restrictions the NCP would impose; and

(d) Within a reasonable time after deprivation, the NCP exerted and continues to exert reasonable efforts to regain physical custody of the child.

AMENDATORY SECTION (Amending WSR 01-03-089, filed 1/17/01, effective 2/17/01)

WAC 388-14A-3810 Once a child support order is entered how long does the support obligation last? (1) A noncustodial parent's obligation to pay support under an administrative order continues until:

- (a) A superior or tribal court order supersedes the order;
- (b) The order is modified under WAC 388-14A-3925;
- (c) The child reaches eighteen years of age;
- (d) The child is emancipated;
- (e) The child marries;
- (f) The child becomes a member of the United States armed forces;
- (g) The child or the responsible parent die;
- (h) A responsible stepparent's marriage is dissolved;

~~((f))~~

(i) The parties to the order marry or remarry, as provided in WAC 388-14A-3100(3); or

(j) A superior court order terminates the responsible parent's liability as provided under RCW 26.16.205.

(2) As an exception to the above rule, a noncustodial parent's obligation to pay support under an administrative order continues and/or may be established for a dependent child who is:

- (a) Under nineteen years of age; and
- (b) A full-time student reasonably expected to complete a program of secondary school or the equivalent level of vocational or technical training before the end of the month in which the student becomes nineteen years of age.

(3) A noncustodial parent's obligation to pay support under an administrative order may be temporarily suspended when the:

(a) Noncustodial parent (NCP) resides with the child for whom support is sought for purposes other than visitation;

(b) NCP reconciles with the child and the custodial parent; or

(c) Child returns to the residence of the NCP from a foster care placement, for purposes other than visitation.

(4) When the NCP's obligation to pay current support on a case is suspended under subsection (3) of this section, the division of child support (DCS) informs the NCP that the obligation is suspended, in writing, sent by regular mail to the NCP's last known address.

(5) If circumstances causing an NCP's support obligation to be temporarily suspended change, the support obligation resumes. DCS sends the NCP a notice that the obligation to make current support payments has resumed.

WSR 02-13-044

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-123—Filed June 12, 2002, 4:29 p.m.]

Date of Adoption: June 12, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500Y; and amending WAC 220-56-255.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is needed to comply with regulations issued by the National Marine Fisheries Service to regulate the halibut fishery in 2002. The final rules were published in the Federal Register on March 20, 2002. The fishery in Areas 3 and 4 will reopen on July 3 as there is a sufficient amount of catch quota remaining in these two areas. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 12, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-25500Z Halibut—Seasons—Daily limits. Notwithstanding the provisions of WAC 220-56-255, it is unlawful to fish for or possess halibut taken for personal use except as provided for in this section:

(1) Catch Record Card Area 1: Closed until further notice

(2) Catch Record Card Area 2:

(a) Those waters south of the Queets River, north of 47°N lat and east of 124°40'W long - Open immediately through September 30.

(b) All other open waters in Area 2 - Open immediately through September 30. Closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(c) The daily bag limit is one halibut of any size

(3) Catch Record Card Areas 3 and 4: Open 12:01 a.m. July 3 through 11:59 p.m. July 4. The following area southwest of Cape Flattery is closed to halibut fishing at all times: those waters within a rectangle defined by the following four corners: 48°18'N, 125°11'W; 48°18'N, 124°59'W; 48°00'N, 125°11'W; 48°00'N, 124°59'W. The daily bag limit is one halibut of any size.

(4) Catch Record Card Area 5: Open through 11:59 p.m. July 26. Closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday. The daily bag limit is one halibut of any size.

(5) Catch Record Card Areas 6-13: Open through 11:59 p.m. July 12. Closed to fishing for halibut 12:01 a.m. of each Tuesday through 11:59 p.m. of each Wednesday. The daily bag limit is one halibut of any size.

(6) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-25500Y Halibut—Seasons—Daily limits. (02-117)

WSR 02-13-045 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-126—Filed June 12, 2002, 4:33 p.m., effective June 13, 2002]

Date of Adoption: June 12, 2002.

Purpose: Adopt duplicate license document fees.

Statutory Authority for Adoption: Chapter 222, Laws of 2002 and 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: Chapter 222, Laws of 2002, require the director to set duplicate license fees at the actual cost of issuance. This interim rule is in place 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 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 13, 2002.

June 12, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-55-20000B Duplicate license fees. (1) The cost of a duplicate license document is seven dollars, plus the automated licensing system processing fee and dealer fee, unless the cost of all licenses on the original license document was less than seven dollars, then the license document cost is the same as the original cost, plus the automated licensing system processing fee and dealer fee. The duplicate license document shall contain all licenses purchased at the time the original license document was issued, including a migratory waterfowl validation if such validation was purchased, but shall not include any game tags issued with the original license.

(2) The cost of a duplicate game tag is seven dollars per game tag, plus the automated licensing system processing fee and the dealer fee.

(3) The department will not issue duplicate two-day fishing licenses issued as a charter stamp, duplicate collector migratory waterfowl stamps, duplicate additional access decals, or duplicate game raffle tickets.

**WSR 02-13-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-127—Filed June 13, 2002, 2:41 p.m., effective June 17, 2002, 12:01 a.m.]

Date of Adoption: June 13, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-88C-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Shore-side processors have made significant investments in capital equipment to help develop this fishery. Allowing at sea deliveries will undermine this capital investment in infrastructure. In addition, at sea deliveries will encourage the participation of nonpermitted and unobserved vessels, make moot catch accounting procedures, and increase the absolute rate of quota attainment. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: June 17, 2002, 12:01 a.m.

June 13, 2002

Jim Lux
for Jeff Koenings
Director

until further notice, it is unlawful to deliver pilchard (sardine) to other than a shore-side location.

**WSR 02-13-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-124—Filed June 13, 2002, 2:45 p.m.]

Date of Adoption: June 13, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-61900S; and amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

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 hatchery escapement goals are expected to be reached for Cowlitz, Klickitat and Lewis rivers. Hatchery summer-run steelhead returns to facilities on the North Fork Lewis River have been strong. Washington hatcheries have been clipping adipose fins on spring chinook to identify them as hatchery fish. 2002 is the first year that all age classes of hatchery spring chinook returning to Washington lower Columbia tributaries will be missing adipose fins. These are interim personal use rules that will be effective until the permanent rules resulting from the North of Falcon proceeding take effect on August 2, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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.

June 13, 2002

Jim Lux
for Jeff Koenings
Director

NEW SECTION

WAC 220-88C-04000A Coastal pilchard fishery—Seasons and lawful catch. Notwithstanding the provisions of WAC 220-88C-040, effective 12:01 a.m. June 17, 2002

EMERGENCY

NEW SECTION

WAC 232-28-61900U Exceptions to statewide rules—Baker, Cispus, Columbia, Cowlitz, Deep, Green Hoh, Kalama, Lewis (including North Fork), Nooksack, Puyallup, Skagit, Skykomish and Toutle (including North Fork) rivers and Lake Scanewa (Cowlitz Falls Reservoir). Notwithstanding the provisions of WAC 232-28-619, it is unlawful to violate the following provisions:

(1) Baker River (Skagit County) - Mouth to Highway 20 Bridge closed through August 31, 2002.

(2) Cispus River (Lewis County) -

(a) Effective immediately until further notice, special daily limit of six salmon no more than one may be an adult in those waters of the Cispus River from posted markers at Lewis County PUD kayak launch upstream to the North Fork.

(b) Effective immediately through July 31, 2002, release wild chinook salmon in those waters of the Cispus River from posted markers at Lewis County PUD kayak launch upstream to the North Fork.

(3) Columbia River -

(a) Buoy 10 Line to Rocky Point-Tongue Point Line - Effective August 1, 2002 until further notice salmon daily limit two fish, both of which may be chinook.

(b) Rocky Point-Tongue Point Line to I-5 Bridge - Effective immediately through July 31, 2002, release all salmon except jack chinook.

(c) I-5 Bridge to Highway 395 Bridge - Effective June 16 through July 31, 2002, release all salmon except jack chinook.

(4) Cowlitz River (Cowlitz/Lewis County)

(a) Effective immediately through June 15, 2002, special daily limit of 6 salmon no more than one adult in those waters of the Cowlitz River from boundary markers at mouth upstream to 400 feet or posted deadline below barrier dam.

(b) Effective June 16, 2002 until further notice, special daily limit of six salmon no more than two may be adults in those waters of the Cowlitz River from boundary markers at mouth upstream to 400 feet or posted markers below barrier dam.

(c) Effective June 16, 2002 until further notice, up to three hatchery steelhead may be retained as part of the trout daily limit in those waters of the Cowlitz River from the boundary markers at the mouth upstream to 400 feet or posted markers below the barrier dam. Wild steelhead and steelhead with missing right ventral fins must be released.

(d) Effective June 16, 2002 until further notice, those waters of the Cowlitz River from Mill Creek to 400 feet or posted deadline below the barrier dam on the south side of the river are re-opened to fishing.

(e) Effective immediately until further notice, special daily limit of six salmon no more than one may be an adult in those waters of the Cowlitz River from the upstream boundary of Lake Scanewa (Cowlitz Falls Reservoir) upstream to the confluence of Muddy and Ohanapecosh rivers.

(5) Lake Scanewa (Cowlitz Falls Reservoir) (Lewis County)

(a) Effective June 16, 2002 until further notice, special daily limit of six salmon no more than one may be an adult in

those waters of Lake Scanewa from Cowlitz Falls Dam upstream to the posted Lewis County PUD sign on Peters Road on the Cowlitz Arm and the posted markers at the Lewis County PUD kayak launch on the Cispus Arm.

(b) Effective June 16 through July 31, 2002, release wild chinook salmon in those waters of Lake Scanewa from Cowlitz Falls Dam upstream to the posted Lewis County PUD sign on Peters Road on the Cowlitz Arm and the posted markers at the Lewis County PUD kayak launch on the Cispus Arm.

(6) Hoh River (Jefferson County) - mouth to Willoughby Creek immediately until further notice, salmon fishing allowed only Wednesday through Sunday of each week and daily limit may contain no more than 1 adult salmon.

(7) Klickitat River (Klickitat County) - Effective June 16, 2002 until further notice, special daily limit of six salmon, no more than two may be adults in those waters of the Klickitat River from 400 feet above #5 fishway upstream to boundary markers just below Klickitat Hatchery.

(8) Lewis River from boundary markers at mouth upstream to mouth of east fork (Clark County)

(a) Effective immediately until further notice, special daily limit of six salmon, no more than two may be adults.

(b) Effective June 16, 2002 until further notice, up to three hatchery steelhead may be retained as part of the trout daily limit. Trout minimum size is 20 inches. Wild steelhead must be released.

(9) North Fork Lewis River from forks to Colvin Creek (Clark County)

(a) Effective immediately until further notice, special daily limit of six salmon, no more than two may be adult salmon.

(b) Effective June 16, 2002 until further notice, up to three hatchery steelhead may be retained as part of the trout daily limit. Trout minimum size is 20 inches. Wild steelhead must be released.

(c) Effective immediately until further notice, those waters of the North Fork Lewis River between Johnson Creek and Colvin Creek are open to boat and bank fishing.

(10) North Fork Lewis River from Colvin Creek to overhead power lines below Merwin Dam (Clark County)

(a) Effective June 16 through September 30, 2002, special daily limit of six salmon, no more than two may be adults. Minimum size 12 inches.

(b) Effective June 16 through September 30, 2002, up to three hatchery steelhead may be retained as part of the trout daily limit. Trout minimum size is 20 inches. Wild steelhead must be released.

(11) Nooksack River (Whatcom County) - Effective August 1 until further notice nonbuoyant lures allowed.

(12) Puyallup River (Pierce County) - Effective August 1 until further notice salmon daily limit may contain no more than 1 adult chinook.

(13) Skagit River (Skagit County) - Gilligan Creek to Bacon Creek salmon fishing closed until further notice.

(14) Skykomish River (Snohomish County) - Lewis Street Bridge in Monroe to mouth of Wallace River open to salmon fishing immediately through July 31 with a daily limit of one hatchery chinook.

(15) Toutle River (Cowlitz County) - Effective August 1, 2002 until further notice lawful to retain chinook in daily

limit in those waters of the Toutle River from mouth to forks. Release chum and wild coho.

(16) North Fork Toutle River (Cowlitz County) - Effective August 1, 2002 until further notice lawful to retain chinook in daily limit in those waters of the North Fork Toutle River from confluence at the forks upstream to posted deadline downstream of the fish collection facility. Release chum and wild coho.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2002:

WAC 232-28-61900S	Exceptions to statewide rules—Baker, Cispus, Columbia, Cowlitz, Deep, Green Hoh, Kalama, Lewis, Nooksack, Puyallup, Skagit, Skykomish and Toutle rivers. (02-116)
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WSR 02-13-053

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed June 13, 2002, 3:12 p.m.]

Date of Adoption: June 13, 2002.

Purpose: This modification is a result of legislative action (SHB 1268).

Citation of Existing Rules Affected by this Order: Amending 1 [WAC 356-56-001].

Statutory Authority for Adoption: RCW 41.06.150.

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: This change is reflected in section 242 of SHB 1268.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Immediately.

June 13, 2002

E. C. Matt, Director

Department of Personnel

AMENDATORY SECTION (Amending WSR 94-01-126, filed 12/17/93, effective 1/18/94)

WAC 356-56-001 Declaration of purpose. (1) The general purpose of this chapter of rules is to establish for the state a system of personnel administration called the Washington management service, as authorized in RCW 41.06.500.

(2) Except as provided in RCW 41.06.070, the director of the department of personnel is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in WAC 356-56-002.

(3) In establishing rules for managers, the director shall adhere to the following goals:

(a) A simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) A compensation system consistent with RCW 41.06.150(~~((17)))~~ (14). The system shall provide flexibility in setting and changing salaries;

(c) A performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthened management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making, and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Provisions that managers may only be reduced, dismissed, suspended, or demoted for cause;

(g) Facilitation of decentralized and regional administration; and,

(h) Ensure that decisions are not based on patronage or political affiliation.

EMERGENCY

WSR 02-13-054
EMERGENCY RULES
PERSONNEL RESOURCES BOARD

[Filed June 13, 2002, 3:15 p.m.]

Date of Adoption: June 13, 2002.

Purpose: SHB 1268 gives the director of personnel exempt authority.

Statutory Authority for Adoption: RCW 41.06.150.

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: This proposal is due to the passage of the civil service reform bill (SHB 1268).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 13, 2002

E. C. Matt, Director

Department of Personnel

NEW SECTION

WAC 356-03-010 Exemptions. (1) The provisions of this chapter do not apply to positions specifically exempted in statute and to the following:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, employees of technical colleges, and state institutions of higher education, and the state board for community and technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of

which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen;

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a parttime basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a fulltime basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the executive officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, parttime, or temporary employees, and parttime professional consultants, as defined by the board;

(i) State and local officials serving ex officio and performing incidental administrative duties in the program of the agency.

(ii) Part-time local health officers.

(iii) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(iv) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(v) Patient and resident help in the covered institutions.

(vi) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(vii) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(v) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(w) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(x) All employees of the marine employees' commission;

(y) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045 (2)(m);

(2) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twentyfive for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, fulltime members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (u) and (x) of this section, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

WSR 02-13-055

EMERGENCY RULES

PERSONNEL RESOURCES BOARD

[Filed June 13, 2002, 3:17 p.m.]

Date of Adoption: June 13, 2002.

Purpose: Due to the passage of the civil service reform bill (SHB 1268).

Citation of Existing Rules Affected by this Order: Repealing WAC 356-56-125.

Statutory Authority for Adoption: RCW 41.06.150.

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: Passage of the civil service reform bill (SHB 1268).

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.

Effective Date of Rule: Immediately.

June 13, 2002

E. C. Matt, Director
Department of Personnel

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-56-125 Salary surveys.

WSR 02-13-056
EMERGENCY RULES
PERSONNEL RESOURCES BOARD

[Filed June 13, 2002, 3:21 p.m.]

Date of Adoption: June 13, 2002.

Purpose: These rules are a result of 2002 legislative action. SB 6372 gives the director of the Department of Personnel authorization to adopt rule for the operation of the Washington combined fund drive.

Statutory Authority for Adoption: RCW 41.06.150.

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: Legislative action (SB 6372).

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 16, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 16, 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 16, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

June 13, 2002

E. C. Matt, Director
Department of Personnel

NEW SECTION

WAC 356-60-010 Committee established. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Senate Bill 6372 and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state employee combined fund drive committee.

(3) The committee shall be composed of not more than twelve state employees appointed by the governor for three

year terms. The members shall be selected from the following groups:

- (a) One member from an employee organization;
- (b) One member from the legislative branch;
- (c) One member from the judicial branch;
- (d) Three members from state agencies;
- (e) Two members from higher education institutions;
- (f) Elected officials;
- (g) Retired public employees;

(h) Other groups as may be recommended by the Director of the Department of Personnel.

(4) The committee shall elect a chairperson annually, and such other officers as may be needed.

(5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.

(6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 356-60-040 and 356-60-050.)

(8) The committee shall annually print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive coordinators, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the state's annual charitable campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

(12) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual Combined Fund Drive campaign within their organization.

(13) The department of personnel shall provide the administrative support for the operation of the committee.

(14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.

NEW SECTION

WAC 356-60-020 Purposes. (1) The following rules are promulgated to implement a payroll deduction plan for the efficient, long-term collection of voluntary employee contributions to qualifying charitable, human health and welfare organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified organizations.

(2) The intent of these regulations is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees may contribute to the efforts of the qualifying voluntary health and welfare organizations providing services in the community or region where the employees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers that multiple charitable fund drives have caused; and

(d) Ensure that recipient agencies are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 356-60-030 Definitions. (1) Committee - The Washington state employee combined fund drive committee described in WAC 356-60-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees conducted annually to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recreation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

(7) Local presence - Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas - Areas outside of the District of Columbia and the fifty states of the United States.

NEW SECTION

WAC 356-60-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determi-

nation letter indicating that it is an exempt organization under Internal Revenue Code Section 501 (c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170 (c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

NEW SECTION

WAC 356-60-050 Required characteristics of eligible federations (umbrella organizations). In addition to meeting the requirements set out in WAC 356-60-040, each federated organization (umbrella organization) must demonstrate the following:

(1) Scope. It is representative of its constituent parts. While it may not accept responsibility for the exact nature of program objectives and administrative and financial procedures of its affiliates, it must be in a position to affirm that the operations and fund-raising of its affiliates comply with the standards and criteria set out in WAC 356-60-040.

(2) It has good will and acceptability within this state, including ability to demonstrate a well recognized service to or in behalf of citizens of this state: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership.

(3) It has sufficient volunteers or staff, or both, to contribute to the organization and conduct of the Washington state employee combined fund drive and has at least six months of prior operation within this state.

(4) It has registered and been approved under chapter 19.09 RCW (Charitable solicitations).

(5) It has at least five organizational members.

(6) It adheres to high standards in services, management and public accountability as required by the standards and criteria set out in WAC 356-60-040.

NEW SECTION

WAC 356-60-055 Determination of eligibility—Procedure for reconsideration. Using the information supplied under this chapter and the standards set forth in WAC 356-60-040 and 356-60-050, the committee will determine which agencies and which federated organizations are eligible to participate in annual state employee combined fund drive campaigns. Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneligibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.

For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.

NEW SECTION

WAC 356-60-057 Decertification and disqualification. (1) Once approved for participation, any health and welfare agency or federated organization may be decertified and disqualified from participation in the state employee combined fund drive campaign by majority vote of the committee for any one or more of the following reasons:

- (a) Failure to comply with the rules contained in this chapter;
- (b) Filing an application to participate in the state employee combined fund drive campaign which contains false or intentionally misleading information;
- (c) An annual contribution pledge from an annual campaign of two hundred fifty dollars or less.
- (2) Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.
- (3) The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.

(4) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.

(5) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 356-60-055.

NEW SECTION

WAC 356-60-060 Qualifications for local campaign manager. In selecting a local campaign manager, the local steering committee must assess the following qualities of an applicant to determine the applicant's capability to manage a successful charitable campaign:

(1) The local manager shall demonstrate the administrative and financial capability to manage and operate a fund-raising campaign with integrity and in an efficient manner yielding contributions comparable to those made by state employees in the past.

(2) The local manager shall demonstrate that a broad base of community support has been established within the state and demonstrate continuing positive relationships with a significant number of the state's charitable organizations.

(3) The local manager shall demonstrate the ability to effectively promote and publicize a charitable fund-raising campaign among the state employee work force.

(4) The local manager shall demonstrate the ability to give guidance to, train, and supervise volunteer solicitors and other state employee volunteers in the campaign.

(5) The local manager shall demonstrate the ability to publish and distribute informational literature and other material relative to the programs of participating agencies in a fair and equitable manner.

(6) The local manager shall demonstrate a history of integrity, and a direct and substantial presence in the local (or regional) community.

(7) The local manager shall demonstrate the intent to cooperate fully with the local steering committee and with state officials.

NEW SECTION

WAC 251-30-010 Committee established. (1) In accordance with RCW 41.04.035, 41.04.036 and 41.04.230 and in order to implement Senate Bill 6372 and Executive Order EO 01-01, a committee is established to conduct a single, annual, consolidated effort to secure funds for distribution to agencies engaged in charitable and public health, welfare and service purposes.

(2) The committee shall be known as the Washington state employee combined fund drive committee.

(3) The committee shall be composed of not more than twelve state employees appointed by the governor for three year terms. The members shall be selected from the following groups:

- (a) One member from an employee organization;
 - (b) One member from the legislative branch;
 - (c) One member from the judicial branch;
 - (d) Three members from state agencies;
 - (e) Two members from higher education institutions;
 - (f) Elected officials;
 - (g) Retired public employees;
 - (h) Other groups as may be recommended by the Director of the Department of Personnel.
- (4) The committee shall elect a chairperson annually, and such other officers as may be needed.

(5) Members of the committee shall serve without additional salary, but shall be reimbursed by their employing agencies for travel, lodging and meals in accordance with state law and regulations.

(6) The committee shall be a policy committee which shall organize and effect one solicitation effort each year.

(7) The committee shall establish standards and criteria for participation in the fund drive. (WAC 251-30-040 and 251-30-050.)

(8) The committee shall annually print and distribute an application form which agencies shall use to apply for participation in the fund drive.

(9) The committee shall evaluate each application, based on its criteria, and determine which agencies engaged in charitable and public health, welfare and social service purposes shall participate in one annual combined effort to secure funds from state employees through payroll deduction or other payment method.

(10) The committee may establish departmental combined fund drive coordinators, local combined fund drive coordinators, local campaign steering committees and local campaign managers to assist in the fund drive.

(11) Agency directors, elected officials, and higher education presidents may allow employees the opportunity to serve as CFD campaign executives to assist in the conduct of the state's annual charitable campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

(12) State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual Combined Fund Drive campaign within their organization.

(13) The department of personnel shall provide the administrative support for the operation of the committee.

(14) All costs such as printing of brochures, preparation of slide presentations, and other promotional costs shall be the responsibility of those organizations designated to participate in the distribution of all funds collected. In circumstances where promotional costs cannot be associated with an individual charitable service organization, the costs shall be shared in a percentage relating to the total funds distributed.

NEW SECTION

WAC 251-30-020 Purposes. (1) The following rules are promulgated to implement a payroll deduction plan for the efficient, long-term collection of voluntary employee contributions to qualifying charitable, human health and welfare organizations. By establishing a uniform policy toward charitable fund raising efforts among state employees, the state hopes to encourage generosity in voluntary financial support for the charitable services of the qualified organizations.

(2) The intent of these regulations is to:

(a) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;

(b) Provide a convenient channel through which state employees may contribute to the efforts of the qualifying voluntary health and welfare organizations providing services in the community or region where the employees live and work and overseas;

(c) Minimize both the disruption of the state work place and the costs to taxpayers that multiple charitable fund drives have caused; and

(d) Ensure that recipient agencies are fiscally responsible in the uses of the moneys so raised.

NEW SECTION

WAC 251-30-030 Definitions. (1) Committee - The Washington state employee combined fund drive committee described in WAC 251-30-010.

(2) State employee combined fund drive campaign - An arrangement by which the committee provides one or more other participating organizations with the opportunity to receive funds contributed to them in the annual campaign, based on their compliance with the regulations herein.

(3) Participating organization - A health and welfare agency whose application has been accepted by the committee.

(4) Annual campaign - The once-a-year period of organized solicitation of state employees conducted annually to obtain voluntary contributions from state employees for charitable commitments to be allocated during the ensuing year of contributions.

(5) Year of contributions - The annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees pursuant to these regulations. The normal, full annual calendar year shall begin with January and end with the ensuing December.

(6) Health and welfare agency - The terms "voluntary agency," "voluntary health and welfare agency," "voluntary charitable agency," and "voluntary charitable health and welfare agency" mean an organization that is organized and operated for the purpose of rendering, or of materially or financially supporting the rendering of, one or more of the following services for the benefit of human beings:

(a) Delivery of health care to ill or infirm individuals;

(b) Education and training of personnel for the delivery of health care to ill or infirm individuals;

(c) Health research for the benefit of ill or infirm individuals;

(d) Delivery of education, training, and care to physically and mentally handicapped individuals;

(e) Treatment, care, rehabilitation, and counseling of juvenile delinquents, criminals, released convicts, persons who abuse drugs or alcohol, persons who are victims of intra-family violence or abuse, persons who are otherwise in need of social adjustment and rehabilitation, and the families of such persons;

(f) Relief of victims of crime, war, casualty, famine, natural disasters, and other catastrophes and emergencies;

(g) Neighborhood and community-wide social services that directly assist needy, poor, and indigent individuals, including provision of emergency relief and shelter, recre-

ation, transportation, the preparation and delivery of meals, educational opportunities, and job training;

(h) Protection of families that, on account of economic or other need, poverty, indigence, or emergency, are in long-term or short-term need of family, child-care, and maternity services, child and marriage counseling, foster care, and guidance or assistance in the management and maintenance of the home and household;

(i) Relief of needy, poor, and indigent infants and children, and of orphans, including the provision of adoption services;

(j) Relief of needy, poor, and indigent adults and of the elderly;

(k) Delivery of services or assistance that conserve, protect, or restore the environment;

(l) Delivery of services or assistance to threatened or endangered species;

(m) Delivery of services in the performing, visual, literary and media arts.

(7) Local presence - Demonstration of direct and substantial presence in the local campaign community:

(a) The availability of services, such as examinations, treatments, inoculations, preventive care, counseling, training, scholarship assistance, transportation, feeding, institutionalization, shelter, and clothing to persons working or residing in the local campaign community.

(b) The presence within the local campaign community, or within reasonable commuting distance thereof, of a facility at which services may be obtained, such as an office, clinic, mobile unit, field agency, or direct provider, or specific demonstrable effects of research, such as personnel or facilities engaged therein or specific local applications thereof.

(c) The availability to persons working or residing in the local campaign community of communication with the voluntary charitable agency by means of home visits, transportation, or telephone calls, provided by the voluntary agency at no charge to the recipient or beneficiary of the service.

(8) Overseas - Areas outside of the District of Columbia and the fifty states of the United States.

NEW SECTION

WAC 251-30-040 Basic standards and criteria for agency membership applicable to all agencies. (1) Basic standards.

(a) Federal exemption. Each charitable organization must submit a copy of the Internal Revenue Service determination letter indicating that it is an exempt organization under Internal Revenue Code Section 501 (c)(3), or is a governmental entity receiving charitable contributions which are entitled to a deduction under Internal Revenue Code Section 170 (c)(1). An advance ruling on its exempt status shall meet this requirement.

(b) Registration and reporting. Each charitable organization shall have registered as a charitable organization with the secretary of state under the provisions of chapter 19.09 RCW (charitable solicitations) and with the attorney general under the provisions of chapter 11.110 RCW (charitable trusts) unless specifically exempt from registration by state law, and

shall have filed all required reports within any established time limits.

(c) Integrity of operations. Each charitable organization must have at least a minimal history of service and demonstrate a real capability to serve. Funds contributed to charitable organizations by state employees must be used for their announced purposes. There shall be no payment of commissions for fund-raising, no mailing of commercial merchandise, and no paid general telephone solicitors.

(d) Finances. The charitable organization must use standards of accounting and a financial system based on generally accepted accounting principles which includes accounting procedures that would be acceptable to the American Institute of Certified Public Accountants. The committee may require an independent audit by a certified public accountant. The charitable organization must conduct its fiscal operations in accordance with a detailed annual program budget which is prepared and approved at the beginning of each fiscal year by the board of directors. Prior authorizations by the board of directors shall be required for any significant variation from the approved budget. The committee may require that the charitable organization prepare and make available to the general public an annual financial report.

(e) Nondiscrimination. The charitable organization shall have a policy and procedure of nondiscrimination in regard to race, color, religion, national origin, handicap, age, or sex applicable to persons served by the charitable organization.

(f) Annual reports. The charitable organization shall prepare an annual report available to the general public which includes a full description of the charitable organization's activities including types of solicitation for contributions, the names of its chief administrative personnel, and a full disclosure of the source and use of contributions.

(g) Agency organization. The charitable organization must maintain an active volunteer board of directors, serving without compensation through regular meetings and exercising satisfactory administrative controls in accordance with the agency's articles of incorporation, bylaws, and, preferably, standards adopted by its national or state affiliate.

(h) Fund-raising costs. Each organization shall disclose to the committee the estimated percentages of the money collected which will be applied to the cost of solicitation and to the charitable purpose. The information thus provided will be disclosed to state employees during the campaign.

(i) Application deadline. Completed applications must be received before the closing date established annually by the committee.

(2) Criteria.

(a) Service programs. Each charitable agency must have a substantial local presence in a Washington state community with a history of providing programs aimed toward direct services, research, and education in an effort to meet human health, welfare, or social service needs within a Washington state community: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership; and each must be able to

comply with integrity and other applicable standards that such services are indeed provided.

(b) Participation in eligible federations.

(i) No charitable organization may participate in more than one eligible federation (umbrella organization) in a county.

(ii) No charitable organization may participate both individually and as a member of an eligible federation (umbrella organization) within a county.

(iii) Applications submitted on behalf of eligible federations (umbrella organizations) shall include a certification that all participating constituent agencies meet the basic standards and criteria, and agree to comply with rules and regulations as set forth by the committee.

NEW SECTION

WAC 251-30-050 Required characteristics of eligible federations (umbrella organizations). In addition to meeting the requirements set out in WAC 251-30-040, each federated organization (umbrella organization) must demonstrate the following:

(1) Scope. It is representative of its constituent parts. While it may not accept responsibility for the exact nature of program objectives and administrative and financial procedures of its affiliates, it must be in a position to affirm that the operations and fund-raising of its affiliates comply with the standards and criteria set out in WAC 251-30-040.

(2) It has good will and acceptability within this state, including ability to demonstrate a well recognized service to or in behalf of citizens of this state: Provided, That voluntary charitable health and welfare agencies whose services are rendered exclusively or in substantial preponderance overseas, and that meet all the criteria set forth except for the requirement of direct and substantial presence in the local campaign community, shall be eligible for agency membership.

(3) It has sufficient volunteers or staff, or both, to contribute to the organization and conduct of the Washington state employee combined fund drive and has at least six months of prior operation within this state.

(4) It has registered and been approved under chapter 19.09 RCW (Charitable solicitations).

(5) It has at least five organizational members.

(6) It adheres to high standards in services, management and public accountability as required by the standards and criteria set out in WAC 251-30-040.

NEW SECTION

WAC 251-30-055 Determination of eligibility—Procedure for reconsideration. Using the information supplied under this chapter and the standards set forth in WAC 251-30-040 and 251-30-050, the committee will determine which agencies and which federated organizations are eligible to participate in annual state employee combined fund drive campaigns. Any agency or federated organization determined not to be eligible may, within fifteen days after receiving notice of noneligibility, request reconsideration in writing, submitting responsive materials relating to the noneli-

gibility notice in support of the request at the same time. The committee will duly reconsider the eligibility of the requesting agency or federated organization and will issue written notice of its final decision on eligibility within thirty days of receiving the request. Any decision on reconsideration will be a final determination of eligibility.

For the purposes of this section, any written requests or notices will be presumed to be received no more than three business days after mailing.

NEW SECTION

WAC 251-30-057 Decertification and disqualification. (1) Once approved for participation, any health and welfare agency or federated organization may be decertified and disqualified from participation in the state employee combined fund drive campaign by majority vote of the committee for any one or more of the following reasons:

(a) Failure to comply with the rules contained in this chapter;

(b) Filing an application to participate in the state employee combined fund drive campaign which contains false or intentionally misleading information;

(c) An annual contribution pledge from an annual campaign of two hundred fifty dollars or less.

(2) Any decertified health and welfare agency or federated organization shall be disqualified from participating in the next state employee combined fund drive campaign.

(3) The committee may order that the annual net estimated contribution for any health and welfare agency or federated organization receiving an annual pledge of two hundred fifty dollars or less in an annual campaign may be made in a lump sum at the end of the year of contributions.

(4) Any health and welfare agency or federated organization decertified under subsection (1)(a) or (b) of this section shall have any further payment of contributions terminated. The committee shall determine the method of disbursement of any future payments originally pledged in an annual campaign to such health and welfare agency or federated organization.

(5) Any decertified health and welfare agency or federated organization may request reconsideration of the committee's action using the procedures described under WAC 251-30-055.

NEW SECTION

WAC 251-30-060 Qualifications for local campaign manager. In selecting a local campaign manager, the local steering committee must assess the following qualities of an applicant to determine the applicant's capability to manage a successful charitable campaign:

(1) The local manager shall demonstrate the administrative and financial capability to manage and operate a fund-raising campaign with integrity and in an efficient manner yielding contributions comparable to those made by state employees in the past.

(2) The local manager shall demonstrate that a broad base of community support has been established within the

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state and demonstrate continuing positive relationships with a significant number of the state's charitable organizations.

(3) The local manager shall demonstrate the ability to effectively promote and publicize a charitable fund-raising campaign among the state employee work force.

(4) The local manager shall demonstrate the ability to give guidance to, train, and supervise volunteer solicitors and other state employee volunteers in the campaign.

(5) The local manager shall demonstrate the ability to publish and distribute informational literature and other material relative to the programs of participating agencies in a fair and equitable manner.

(6) The local manager shall demonstrate a history of integrity, and a direct and substantial presence in the local (or regional) community.

(7) The local manager shall demonstrate the intent to cooperate fully with the local steering committee and with state officials.

WSR 02-13-082

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed June 17, 2002, 1:43 p.m., effective July 1, 2002]

Date of Adoption: June 17, 2002.

Purpose: WAC 458-20-185 explains the tax reporting responsibilities of tobacco distributors.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-185 Tax on tobacco products.

Statutory Authority for Adoption: RCW 82.32.300.

Other Authority: Section 5, chapter 325, Laws of 2002.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 325, Laws of 2002, amended chapter 82.26 RCW, Tax on tobacco products, by adding definitions, adding a new class of tobacco distributor, and explaining the obligations applicable to the new class of tobacco distributor. A revision of this rule is necessary to provide immediate information to taxpayers, tax practitioners, and department staff to use in determining the tax liability of tobacco distributors. There is insufficient time to adopt a permanent rule before the July 1, 2002, effective date of the legislation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: July 1, 2002.

June 17, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 94-10-061, filed 5/3/94, effective 6/3/94)

WAC 458-20-185 Tax on tobacco products. (1) **Introduction.** This (~~section~~) rule explains the tax liabilities of persons engaged in business as a distributor or subjobber of tobacco products. It addresses only those taxes which apply exclusively to tobacco products. See WAC ~~458-20-186~~ for tax liabilities associated with taxes which apply exclusively to cigarettes.

Recent changes to the tobacco products tax program include the following:

(a) Initiative 773, which imposed a surtax on tobacco products effective January 1, 2002. The rate of the surcharge is set forth in RCW 82.26.028; and

(b) Chapter 325, laws of 2002, which is effective July 1, 2002. This legislation:

(i) Added a new class of distributor, see subsection (2)(b)(iv) of the rule;

(ii) Provided a definition of person specific to the tobacco products tax, see subsections (2)(g) and (h) of the rule;

(iii) Added a new taxable event regarding the handling of tobacco products upon which the tax has not been imposed, see subsection (3) of the rule; and

(iv) Provided for invoice requirements to be established by rule, see subsection (4)(b) of the rule.

(2) Definitions.

(a) "Tobacco products" means all tobacco products except cigarettes. The term includes cigars, cheroots, stogies, periques; granulated, plug cut, crimp cut, ready rubbed or other smoking tobacco; snuff, snuff flour, cavendish, plug, twist, fine cut, or other chewing tobacco; shorts, refuse scraps, clippings, cuttings, sweepings, or other kinds or forms of tobacco.

(b) "Distributor" means

(i) Any person engaged in the business of selling tobacco products in this state who brings or causes to be brought into this state from without the state any tobacco products for sale, or

(ii) Any person who makes, manufactures, or fabricates tobacco products in state for sale in this state, or

(iii) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state.

(iv) Any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(c) "Subjobber" means any person, other than a tobacco manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers.

(d) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever by any person for a consideration. It includes all gifts by persons selling tobacco products.

(e) "Wholesale sales price" means the established manufacturer's price to the distributor, exclusive of any discount or other reduction.

(f) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(g) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(h) "Indian country" means the same as defined WAC 458-20-192 (2)(b).

(3) Nature of tax. The Washington state tobacco products tax is an excise tax levied on the value of the wholesale sales price on all tobacco products sold, used, consumed, handled, or distributed within the state. The rate of tax is a combination of statutory percentage rates found in RCW 82.26.020, 82.26.025, and 82.26.028. Charts with current rates are available from the special programs division at the department of revenue. The tax is to be paid by the distributor at the time the distributor brings or causes to be brought into this state from without the state tobacco products for sale or handles for sale any tobacco products that are within this state but upon which tax has not been imposed. A retailer who fails to keep invoices as required in chapter 82.32 RCW is liable for the tax on any uninvoiced tobacco products.

(4) Books and records. Since the tobacco products tax is paid on returns as computed by the taxpayer rather than by affixing of stamps or decals, the law contains stringent provisions requiring that accurate and complete records be maintained and preserved for five years for examination by the department of revenue.

(a) The records to be kept by distributors include itemized invoices of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state or shipped or transported to retailers in this state, and of all sales (including customers' names and addresses) of tobacco products except retail sales. All other pertinent

papers and documents relating to purchase, sale, or disposition of tobacco products must be retained.

(b) Retailers and subjobbers must secure and retain legible and itemized invoices of all tobacco products purchased, showing name and address of the seller and the date of purchase.

(c) Records of all deliveries or shipments (including ownership, quantities) of tobacco products from any public warehouse of first destination in this state must be kept by the warehouse.

(5) Reports and returns. The tax is reported on the combined excise tax return, Form REV 40 2406, to be filed according to the reporting frequency assigned by the department. Detailed instructions for preparation of these returns may be secured from the department. Out-of-state wholesalers or distributors selling directly to retailers in Washington should apply for a certificate of registration, and the department will furnish returns for reporting the tax.

(6) Interstate and sales to U.S. The tax does not apply to tobacco products sold to federal government agencies, nor to deliveries to retailers or wholesalers outside the state for resale by such retailers or wholesalers, and a credit may be taken for the amount of tobacco products tax previously paid on such products.

(7) Returned or destroyed goods. A credit may also be taken for tobacco products destroyed or returned to the manufacturer on which tax was previously paid, but returns on which such credits are claimed must be accompanied by appropriate affidavits or certificates conforming to those illustrated below:

(a) Certificate of taxpayer.

Claim for Credit on Tobacco Products
Tax Merchandise Destroyed

The undersigned certifies under penalty of perjury under the laws of the state of Washington that the following is true and correct to the best of his/her knowledge:

That he/she is (Title) of the (Business Name), a dealer in tobacco products; that the dealer has destroyed merchandise unfit for sale, said tobacco products having a wholesale sales price of \$; that tobacco tax had been paid on such tobacco products; that the tobacco products were destroyed in the following manner and in the presence of an authorized agent of the department of revenue:

.....
(State date and manner of destruction)

Attested to:
Date

By
Signature of Taxpayer or
Authorized Representative.

.....
Position with Dealer

.....
Dealer

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relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); ((and)) sections 7, 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 41.58.050, 28B.52.080 and 41.56.090, respectively); and section 232, chapter 354, Laws of 2002 (RCW 41.06.340), 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 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-25-001 Scope—Contents—Other rules.

This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-25-070 and 391-25-090;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-25-390, 391-25-391, 391-25-590, 391-25-630, 391-25-650, 391-25-660, and 391-25-670; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-25-150, 391-25-220, 391-25-230, and 391-25-250.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-25-002 Sequence and numbering of rules—Special provisions.

This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—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 354, Laws of 2002 (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

AMENDATORY SECTION (Amending WSR 96-07-105, filed 3/20/96, effective 4/20/96)

WAC 391-25-011 Special provision—Optional coverage of classified employees of institutions of higher education under chapter 41.56 RCW. The commission acquires jurisdiction ~~((over))~~ under chapter 41.56 RCW with respect to bargaining units of classified employees of institutions of higher education defined in RCW 41.56.030(8) by a voluntary recognition process consisting of two stages completed prior to July 1, 2003.

(1) The commission acquires limited jurisdiction ~~((over a bargaining unit of classified employees of an institution of higher education as defined in RCW 41.56.030(8);))~~ under chapter 41.56 RCW upon the filing by the employer and an exclusive bargaining representative certified under chapter 41.06 RCW, of a notice of intent pursuant to RCW 41.56.201 (1)(a).

(a) The executive director shall docket a representation case to preserve a record of the transaction, but shall take no other steps to determine a question concerning representation under this chapter.

(b) The scope of bargaining and conduct of the parties in their negotiations for an initial collective bargaining agreement under chapter 41.56 RCW shall be regulated by the commission under chapter 391-45 WAC.

(c) During the parties' negotiations for an initial collective bargaining agreement under chapter 41.56 RCW, the Washington personnel resources board retains jurisdiction to determine appropriate bargaining units and to certify exclusive bargaining representatives under chapter 41.06 RCW.

(2) The commission acquires full jurisdiction under chapter 41.56 RCW over a bargaining unit ~~((of classified employees of an institution of higher education))~~ which has filed a notice of intent under this section, if the parties execute an initial collective bargaining agreement recognizing the notice of intent.

(a) The transfer of jurisdiction is effective on the first day of the month following the month during which the parties provide notice that they have executed an initial collective bargaining agreement under RCW 41.56.201 (1)(c).

(b) The executive director shall dismiss the representation case docketed upon the filing of the notice of intent, on the basis of "voluntary recognition."

(3) The jurisdiction of the commission under chapter 41.56 RCW ceases if the commission finds that the parties have reached an impasse in negotiations for an initial collective bargaining agreement under chapter 41.56 RCW.

(a) A finding of impasse shall not be made if unfair labor practice proceedings concerning the bargaining unit are pending under subsection (1)(b) of this section.

(b) The executive director shall dismiss the previously docketed representation case as "withdrawn."

(4) Collective bargaining agreements negotiated under this option shall be renewed, extended, or terminated in conformity with RCW 41.56.201(4).

NEW SECTION

WAC 391-25-036 Special provision—State civil service employees. For state civil service employees:

(1) The "window" period specified in WAC 391-25-030(1) shall be computed as not more than one hundred twenty nor less than ninety days prior to the stated expiration date of the collective bargaining agreement.

(2) The "protected" period specified in WAC 391-25-030 (1)(c) shall be computed as ninety days.

NEW SECTION

WAC 391-25-051 Special provision—Individual providers under home care quality authority. This rule consolidates special rules applicable to individual providers under chapter 3, Laws of 2002, Initiative Measure No. 775 (I-775) passed by Washington voters in November of 2001. I-775 extended the coverage of chapter 41.56 RCW to "individual providers" defined as a person, including a personal aide, who has contracted with the department of social and health services to provide personal care or respite care services to functionally disabled persons under the Medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

(1) The showing of interest requirement in WAC 391-25-110 is modified for the bargaining unit affected by I-775, to require a ten percent showing of interest for either a petitioner or an intervenor.

(2) The posting of notice requirement in WAC 391-25-140 is inapplicable to the bargaining unit affected by I-775.

(3) The description of bargaining unit requirement of WAC 391-25-190 is limited to a single, statewide unit of individual providers under I-775.

(4) The description of bargaining unit requirement of WAC 391-25-210(2) is limited to a single, statewide unit of individual providers under I-775.

(5) The provisions of WAC 391-25-210(3) relating to alternative units or mergers of units are inapplicable to the bargaining unit affected by I-775.

(6) The posting requirement in WAC 391-25-220(2), relating to investigation statements, is inapplicable to the bargaining unit affected by I-775.

(7) The posting requirement in WAC 391-25-230(2), relating to election agreements, is inapplicable to the bargaining unit affected by I-775.

(8) The cross-check procedures in WAC 391-25-250, 391-25-391, and 391-25-410 are inapplicable to the bargaining unit affected by I-775.

(9) The unit determination election procedures in WAC 391-25-420 are inapplicable to the bargaining unit affected by I-775.

(10) The requirements of WAC 391-25-430, relating to posting of election notices on the employer's premises, is inapplicable to the bargaining unit affected by I-775.

(11) Any representation election for the bargaining unit affected by I-775 shall be conducted by mail ballot under WAC 391-25-470, with the following modifications:

(a) Together with the procedures for casting ballots, the notice supplied to individual providers may describe the collective bargaining rights established by I-775 and agreements reached by a petitioning union and the employer concerning the election process;

(b) The notice and ballot materials supplied to individual providers shall be set forth in English and Spanish;

(c) The ballot materials supplied to individual providers shall include a card return-addressed to the commission, by which individual providers can request ballot materials in Cambodian, Korean, Mandarin, Russian, Tagalog, Ukrainian, or Vietnamese. Upon receipt of a request from an individual provider, the agency shall supply ballot materials to the individual provider in the requested language.

(d) At least twenty-four days shall be provided between the date on which ballot materials are mailed to individual providers and the deadline for return of cast ballots to the commission.

(e) The executive director shall have discretion to vary tally arrangements and procedures from those customarily used, because of the large size of the bargaining unit involved.

(f) The reference in WAC 391-25-470 to WAC 391-25-140 shall be interpreted in light of subsection (2) of this section.

(12) The procedure for on-site elections in WAC 391-25-490 is inapplicable to the bargaining unit affected by I-775.

NEW SECTION

WAC 391-25-076 Special provision—State civil service employees. All representation cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be transferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

NEW SECTION

WAC 391-25-096 Special provision—State civil service employees. WAC 391-25-090 is inapplicable to petitions regarding state civil service employees covered by chapter 41.06 RCW.

NEW SECTION

WAC 391-25-136 Special provision—State civil service employees. In addition to the information required by WAC 391-25-130, lists of state civil service employees provided in proceedings under the Personnel System Reform Act of 2002, chapter RCW (chapter 354, Laws of 2002), shall also contain the job classification and work location of each employee.

NEW SECTION

WAC 391-25-396 Special provision—State civil service employees. WAC 391-25-391 and the practices and precedents applicable under chapter 41.56 RCW shall also be applicable to state civil service employees.

NEW SECTION

WAC 391-25-416 Special provision—State civil service employees. As to state civil service employees covered by chapter 41.06 RCW, authorization cards dated within the preceding six months shall be honored for purposes of WAC 391-25-410.

NEW SECTION

WAC 391-25-496 Special provision—State civil service employees. If the executive director conducts an election involving state civil service employees by on-site balloting procedures, absentee ballots shall be allowed as prescribed in this section.

(1) Upon the request of an individual employee, the agency shall provide a notice and absentee ballot to the individual employee.

(2) To be counted, the absentee ballot must be received at the Olympia office of the commission:

(a) Directly from the employee or from the employee via the United States Postal Service; and

(b) Prior to the close of business on the last day the polls are open for the on-site election.

(3) Whenever absentee ballots are issued, the tally of ballots shall be delayed for one or more days after the last day on which the polls are open for the on-site election, and shall then be conducted in the commission's Olympia office in a manner which preserves the secrecy of the absentee ballots.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-35-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on petitions for clarification of

existing bargaining units under all chapters of the Revised Code of Washington (RCW) administered by the commission and contains some well-established unit determination standards in a subchapter of rules beginning at WAC 391-35-300. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-35-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-35-210 and 391-35-250; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-35-070.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-45 WAC, which regulates unfair labor practice proceedings.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-35-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC 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 354, Laws of 2002 (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 49.08 RCW (private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

NEW SECTION

WAC 391-35-026 Special provision—State civil service employees. Until July 1, 2004, when RCW 41.xx.xxx (section 306, chapter 354, Laws of 2002) and RCW 41.xx.xxx (section 309, chapter 354, Laws of 2002) take effect, WAC 391-35-020 and the practices and precedents applicable under chapter 41.56 RCW shall not be applicable to petitions filed and processed under this rule.

(1) Bargaining units of state civil service employees in existence on June 13, 2002, shall be subject to being "divided" into separate units of supervisors and nonsupervisory employees under this section.

(a) A petition to have an existing unit divided may be filed by the exclusive bargaining representative, by the employer, or by those parties jointly.

(b) The separation of bargaining units shall be implemented on or before July 1, 2004.

(2) Bargaining units of state civil service employees in existence on June 13, 2002, shall be subject to being "perfected" under this section.

(a) A petition to have an existing bargaining unit perfected may be filed by the exclusive bargaining representative, or by the employer and exclusive bargaining representative jointly.

(b) All of the unit determination criteria set forth in RCW 41.xx.xxx (section 308, chapter 354, Laws of 2002) shall be applicable to proceedings under this section. The history of bargaining in a unit configuration that is fragmentary and/or was based on narrower considerations shall not preclude creation of a "perfected" bargaining unit as to which a community of interests is demonstrated with regard to:

(i) The duties, skills and working conditions of all positions or classifications to be included in the "perfected" bargaining unit; and

(ii) The extent of organization and avoidance of unnecessary fragmentation shall be implemented to avoid stranding of other positions or classifications in units so small as to prejudice their statutory bargaining rights; and

(iii) The required separation of supervisors and nonsupervisory employees is implemented based on the delegations of authority then in existence; and

(iv) Two or more existing bargaining units can be merged through the procedure set forth in this section; and

(v) The exclusive bargaining representative demonstrates that it has majority support among any employees to be accreted to the bargaining unit(s) being "perfected."

NEW SECTION

WAC 391-35-056 Special provision—State civil service employees. All unit clarification cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be transferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

NEW SECTION

WAC 391-35-326 Special provision—State civil service employees. Confidential exclusions for state civil service employees shall be determined under the Personnel System Reform Act of 2002, chapter RCW (section 321(4), chapter 354, Laws of 2002).

NEW SECTION

WAC 391-35-346 Special provision—State civil service employees. Supervisor exclusions for state civil service employees shall be determined under the Personnel System Reform Act of 2002, chapter RCW (sections 308(1) and 321(13), chapter 354, Laws of 2002).

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-45-001 Scope—Contents—Other rules. This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices under all chapters of the Revised Code of Washington (RCW) administered by the commission. The provisions of this chapter should be read in conjunction with:

(1) Chapter 10-08 WAC, which contains the model rules of procedure promulgated by the chief administrative law judge to regulate adjudicative proceedings under chapter 34.05 RCW, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to office of administrative hearings procedures inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is replaced by detailed requirements in WAC 391-45-350 and 391-45-390; and

(d) WAC 10-08-230, which is replaced by detailed requirements in WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission, and which also replaces some provisions of chapter 10-08 WAC.

(3) Chapter 391-25 WAC, which regulates representation proceedings.

(4) Chapter 391-35 WAC, which regulates unit clarification proceedings and contains some well-established unit

determination standards in a subchapter of rules beginning at WAC 391-35-300.

(5) Chapter 391-55 WAC, which regulates the resolution of impasses in collective bargaining.

(6) Chapter 391-65 WAC, which regulates grievance arbitration and grievance mediation proceedings.

(7) Chapter 391-95 WAC, which regulates union security nonassociation proceedings.

AMENDATORY SECTION (Amending WSR 01-14-009, filed 6/22/01, effective 8/1/01)

WAC 391-45-002 Sequence and numbering of rules—Special provisions. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

~~((2))~~ (3) Special provisions relating to chapter 28B.52 RCW (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 354, Laws of 2002 (Personnel System Reform Act) are set forth in WAC sections numbered six digits greater than the general rule on that subject matter.

(5) Special provisions relating to chapter 49.08 RCW (Private sector and other employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

NEW SECTION

WAC 391-45-056 Special provision—State civil service employees. All unfair labor practice cases pending before the Washington personnel resources board and/or the department of personnel on June 13, 2002, shall be transferred to and acted upon by the commission under this chapter. Documents filed in conformity with Washington personnel resources board and/or department of personnel rules prior to June 13, 2002, shall be acted upon by the commission unless a deficiency notice is issued and a period of at least twenty-one days is provided for a party to cure a noted defect.

EMERGENCY

AMENDATORY SECTION (Amending WSR 99-14-060, filed 7/1/99, effective 8/1/99)

WAC 391-55-200 Interest arbitration—Certification of issues. (1) If a dispute involving a bargaining unit eligible for interest arbitration under RCW 41.56.030(7), 41.56.475 (~~(e)~~), 41.56.492 or 74.39A.270 (2)(c) has not been settled after a reasonable period of mediation, and the mediator is of the opinion that his or her further efforts will not result in an agreement, the following procedure shall be implemented:

(a) The mediator shall notify the parties of his or her intention to recommend that the remaining issues in dispute be submitted to interest arbitration.

(b) Within seven days after being notified by the mediator, each party shall submit to the mediator and serve on the other party a written list (including article and section references to parties' latest collective bargaining agreement, if any) of the issues that the party believes should be advanced to interest arbitration.

(2) The mediator shall review the lists of issues submitted by the parties.

(a) The mediator shall exclude from certification any issues that have not been mediated.

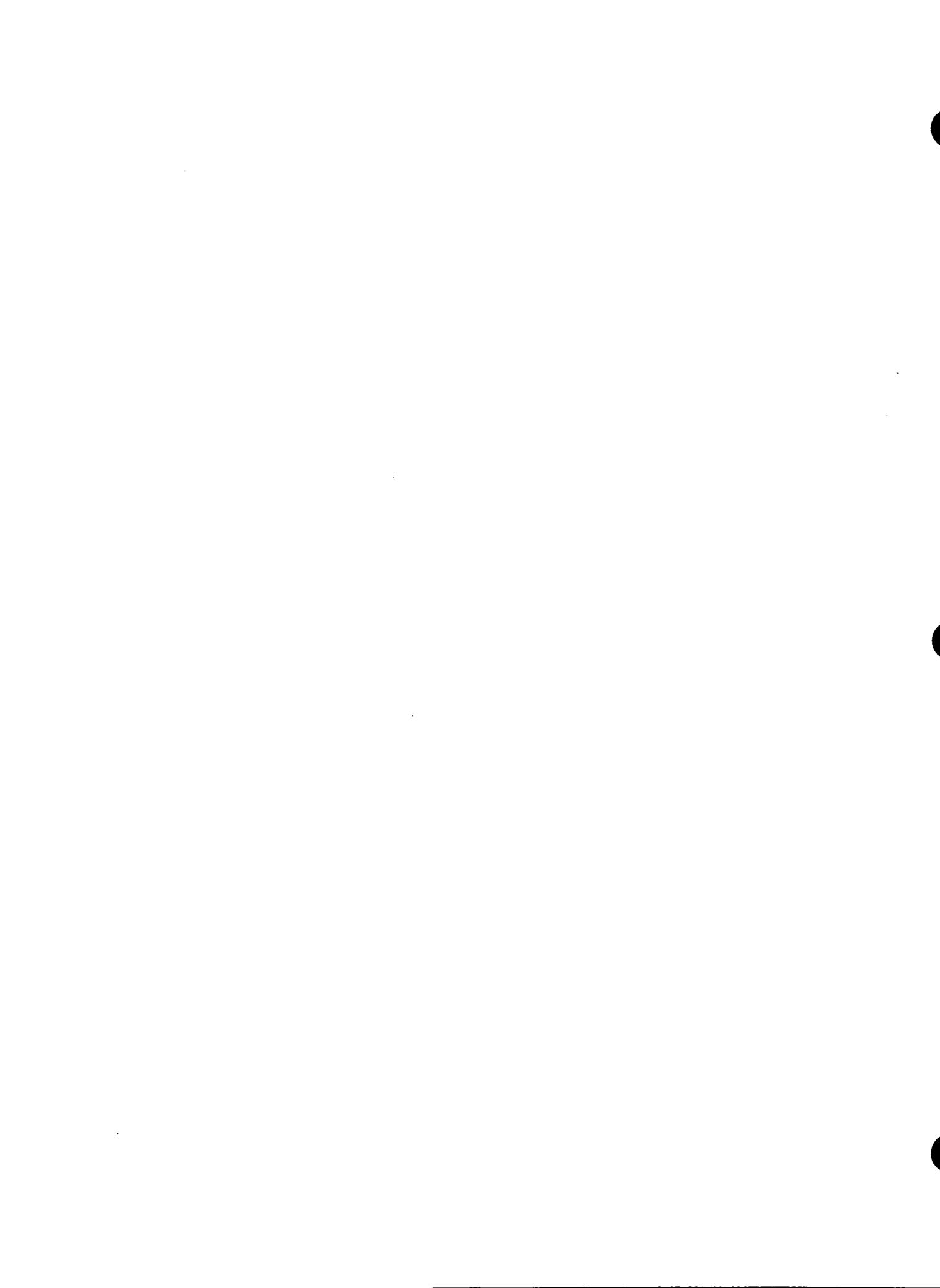
(b) The mediator shall exclude from certification any issues resolved by the parties in bilateral negotiations or mediation, and the parties may present those agreements as "stipulations" in interest arbitration under RCW 41.56.465 (1)(b), 41.56.475 (2)(b), or 41.56.492 (2)(b).

(c) The mediator may convene further mediation sessions and take other steps to resolve the dispute.

(3) If the dispute remains unresolved after the completion of the procedures in subsections (1) and (2) of this section, interest arbitration shall be initiated, as follows:

(a) ~~((For a bargaining unit covered by RCW 41.56.030(7) or 41.56.475))~~ Except as provided in (b) of this subsection, the mediator shall forward his or her recommendation and a list of unresolved issues to the executive director, who shall consider the recommendation of the mediator. The executive director may remand the matter for further mediation. If the executive director finds that the parties remain at impasse, the executive director shall certify the unresolved issues for interest arbitration.

(b) For a bargaining unit covered by RCW 41.56.492, the mediator shall certify the unresolved issues for interest arbitration.



OFFICE OF THE CODE REVISER
 Quarterly Rule-Making Report
 Covering Registers 02-07 through 02-12

Type of Activity	New	Amended	Repealed
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	32	53	1
Number of Rules Adopted as Emergency Rules	8	0	0
Number of Rules Proposed for Permanent Adoption	17	63	4
Number of Rules Withdrawn	2	2	10
Number of Sections Adopted at Request of a Nongovernmental Entity	0	9	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	14	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	17	1	65
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	13	38	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	40	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ATTORNEY GENERAL'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	19	0
Number of Rules Proposed for Permanent Adoption	0	19	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	19	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	20	0
Number of Sections Adopted using Negotiated Rule Making	0	20	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

BELLEVUE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	11	0
Number of Rules Proposed for Permanent Adoption	3	9	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	27	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	11	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	19	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
CASCADIA COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	26	0	0
Number of Rules Adopted as Emergency Rules	26	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	52	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	52	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	52	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CENTRAL WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	38	0	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	38	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CORRECTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	0
Number of Rules Proposed for Permanent Adoption	0	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	7	0
Number of Sections Adopted using Negotiated Rule Making	0	7	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COUNTY ROAD ADMINISTRATION BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	13	6	7

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

CRIMINAL JUSTICE TRAINING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	12	12
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	3	66	35
Number of Rules Withdrawn	103	0	23
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	11	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	13	12
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EDUCATION, STATE BOARD OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	4	20	50
Number of Rules Proposed for Permanent Adoption	2	27	12
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	4	19	49
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	4	19	49
Number of Sections Adopted using Negotiated Rule Making	4	19	49
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EMPLOYMENT SECURITY DEPARTMENT

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	0	1
Number of Rules Adopted as Emergency Rules	4	2	1
Number of Rules Proposed for Permanent Adoption	2	2	6

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	2	0
Number of Sections Adopted on the Agency's own Initiative	6	0	7
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

EXECUTIVE ETHICS BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Rules Proposed for Permanent Adoption	4	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL MANAGEMENT, OFFICE OF

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

FISH AND WILDLIFE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	40	3
Number of Rules Adopted as Emergency Rules	88	0	88
Number of Rules Proposed for Permanent Adoption	4	17	2
Number of Rules Withdrawn	3	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	91	40	89
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FOREST PRACTICES BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	5	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

GAMBLING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	7	5
Number of Rules Proposed for Permanent Adoption	1	3	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	3	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	7	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	7	5
Number of Sections Adopted using Negotiated Rule Making	1	7	5
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
HEALTH CARE AUTHORITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
HEALTH, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	23	52	20
Number of Rules Proposed for Permanent Adoption	85	45	70
Number of Rules Withdrawn	0	0	12
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	43	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	6	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	15	10	24
Number of Sections Adopted on the Agency's own Initiative	2	26	0
Number of Sections Adopted using Negotiated Rule Making	0	3	0
Number of Sections Adopted using Other Alternative Rule Making	17	31	25
Number of Sections Adopted using Pilot Rule Making	0	0	0
HORSE RACING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
INSURANCE COMMISSIONER, OFFICE OF THE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	34	74	48
Number of Rules Proposed for Permanent Adoption	80	72	55
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	33	37	48
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	30	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	15	1
Number of Sections Adopted on the Agency's own Initiative	1	40	14
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	33	77	48
Number of Sections Adopted using Pilot Rule Making	0	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	21	40	5
Number of Rules Proposed for Permanent Adoption	13	33	3
Number of Rules Withdrawn	0	7	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	21	32	5
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	1	0
Number of Sections Adopted on the Agency's own Initiative	21	26	5
Number of Sections Adopted using Negotiated Rule Making	1	16	0
Number of Sections Adopted using Other Alternative Rule Making	2	23	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR CONTROL BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	11	0
Number of Sections Adopted at Request of a Nongovernmental Entity	3	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	11	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	1	0
Number of Sections Adopted on the Agency's own Initiative	0	11	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	4	11	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
LOTTERY, WASHINGTON STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	2	0
Number of Rules Proposed for Permanent Adoption	20	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	12	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
MARINE EMPLOYEES' COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	14	5
MILITARY DEPARTMENT			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	8	0
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
NATURAL RESOURCES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0
PERSONNEL, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	11	1
Number of Rules Adopted as Emergency Rules	5	33	32
Number of Rules Proposed for Permanent Adoption	3	37	32
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	4	21	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	25	30
Number of Sections Adopted on the Agency's own Initiative	4	21	1
Number of Sections Adopted using Negotiated Rule Making	0	0	1
Number of Sections Adopted using Other Alternative Rule Making	4	21	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
PILOTAGE COMMISSIONERS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	5	1
Number of Rules Proposed for Permanent Adoption	1	5	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	1
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	5	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	6	1
Number of Rules Proposed for Permanent Adoption	5	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	6	1
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	6	1
Number of Sections Adopted using Pilot Rule Making	0	0	0
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	6	1
Number of Rules Proposed for Permanent Adoption	9	7	1
Number of Rules Withdrawn	0	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	1

MISC.

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	0	3	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	1	8	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SECRETARY OF STATE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	11	28	5
Number of Rules Proposed for Permanent Adoption	4	2	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	7	3
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	7	6	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	4	21	2
Number of Sections Adopted on the Agency's own Initiative	7	7	3
Number of Sections Adopted using Negotiated Rule Making	11	28	5
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SHORELINE COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISC.

Type of Activity	New	Amended	Repealed
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	57	50	5
Number of Rules Adopted as Emergency Rules	22	23	0
Number of Rules Proposed for Permanent Adoption	142	204	35
Number of Rules Withdrawn	6	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	13	40	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	10	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	66	21	3
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	42	3	3
Number of Sections Adopted using Other Alternative Rule Making	35	59	2
Number of Sections Adopted using Pilot Rule Making	0	0	0
TAX APPEALS, BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	0
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UNIVERSITY OF WASHINGTON			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	26	1	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	24	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	26	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	26	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	26	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	53	14	49
Number of Rules Proposed for Permanent Adoption	117	24	52
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	46	5	42
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	46	5	42
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	12	0
Number of Rules Proposed for Permanent Adoption	0	11	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	25	39	8
WESTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	12	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	12	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
TOTALS FOR THE QUARTER:			
Number of Permanent Rules Adopted	363	502	159
Number of Rules Adopted as Emergency Rules	158	81	171
Number of Rules Proposed for Permanent Adoption	578	764	345
Number of Rules Withdrawn	115	16	47
Number of Sections Adopted at Request of a Nongovernmental Entity	5	19	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	215	339	159
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	24	54	65
Number of Sections Adopted in Order to Comply with Federal Statute	11	2	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	145	107	62
Number of Sections Adopted on the Agency's own Initiative	278	338	229
Number of Sections Adopted using Negotiated Rule Making	59	109	63
Number of Sections Adopted using Other Alternative Rule Making	185	289	83
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 02-13-001
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Memorandum—June 5, 2002]

NOTICE OF MEETING CHANGE

The Public Works Board meeting scheduled for July 9, 2002, in SeaTac, Washington, will be conducted as a conference call from the conference room of Suite G-2 in the General Administration Building located as 210 Eleventh Avenue S.W., Olympia, WA. Interested persons may participate by appearing at the above location.

The proposed agenda items will be review and approval of loan requests.

WSR 02-13-006
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed June 6, 2002, 3:52 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-006.

Subject: Quick referral.

Effective Date: May 30, 2002.

Document Description: This memo to DCS staff explains how the Community Services Division will be sending referrals through a new system called quick referral.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sshille@dshs.wa.gov.

June 3, 2002
 Stephanie E. Schiller

WSR 02-13-007
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF REVENUE
 [Filed June 6, 2002, 4:10 p.m.]

CANCELLATION OF
INTERPRETIVE AND/OR POLICY STATEMENT

This announcement of the cancellation of this interpretive and/or policy statement is published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following Interim Audit Guideline (IAG) effective June 5, 2002.

IAG 01.01—Deferred sales tax: This document is incorrect when stating that the measure of use tax for property acquired by purchase is normally the price paid by the buyer less any freight charges separately identified in the contract of sale or sales invoice. The definition of "value of the article used" in RCW 82.12.010 was revised by chapter 367, Laws of 2002, to include the amount of any freight, delivery, or other like transportation charge paid or given by the buyer to the seller. IAG 01 is no longer needed because the information has been updated and incorporated into Excise Tax Advisory (ETA) 2008.08.12.

Questions regarding the cancellation of this document may be directed to Alan R. Lynn, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6125, fax (360) 664-0693, Internet alanl@dor.wa.gov.

Alan R. Lynn
 Rules Coordinator

MISC.

WSR 02-13-008
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed June 6, 2002, 4:10 p.m.]

Issuance of Interpretive Statement

ETA 2008.08.12.178—Deferred sales tax

This announcement of the issuance of this interpretive statement is published in the Washington State Register pursuant to the requirements of RCW 34.05.230.

The Department of Revenue has issued Excise Tax Advisory (ETA) 2008 to explain the difference between deferred sales tax and use tax. This document also discusses the circumstances under which a person may owe deferred sales tax and how to report the tax on the Combined Excise Tax Return.

Requests for copies of this advisory may be directed to, Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6119, fax (360) 664-0693.

Alan R. Lynn
Rules Coordinator

WSR 02-13-009
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
[Memorandum—June 7, 2002]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, June 20, 2002, 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 02-13-010
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ADVANCED TUITION PROGRAM
(Guaranteed Education Tuition Program)
[Memorandum—June 4, 2002]

In accordance with RCW 28B.95.020 and WAC 14-276-030, the advanced college tuition program, known as guaranteed education tuition program established the following committee meeting schedule:

- June 17, 2002 (Special meeting)
- July 15, 2002 (Regular meeting which was moved from July 16, 2002)

The meetings begin at 2 p.m. unless public notice is given prior to the meeting in question establishing a different starting time.

If anyone wishes to request disability accommodations, notice should be given to the guaranteed education tuition program at least ten days in advance of the meeting in question. Notice may be given by any of the following methods:

Phone (360) 753-7860, TDD (360) 753-7809, or fax (360) 704-6260.

WSR 02-13-013
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
[Memorandum—June 5, 2002]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Thursday, June 13, 2002, at 2:00 p.m.** in Room 301, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-13-015
RULES OF COURT
STATE SUPREME COURT
[June 6, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO SPRC 2) NO. 25700-A-736

The Office of Public Defense having recommended the adoption of the proposed amendment to SPRC 2, and the Court having considered the amendment and comments submitted thereto, and having determined that the proposed amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendment as attached hereto is adopted.
- (b) That the amendment will be published in the Washington Reports and will become effective January 1, 2003.

DATED at Olympia, Washington this 6th day of June 2002.

	<u>Sanders, J.</u>
<u>Smith, J.</u>	<u>Alexander, C. J.</u>
<u>Johnson, J.</u>	<u>Bridge, J.</u>
<u>Madsen, J.</u>	<u>Chambers, J.</u>
<u>Ireland, J.</u>	<u>Owens, J.</u>

Suggested Rule Change
SUPERIOR COURT SPECIAL PROCEEDINGS RULES-CRIMINAL
(SPRC 2)

Rule 1. SCOPE OF RULES

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WSR 02-13-016
RULES OF COURT
STATE SUPREME COURT

[June 6, 2002]

(a) Except as otherwise stated, these rules apply to all stages of proceedings in criminal cases in which the death penalty has been or may be decreed.

(b) Except when inconsistent with these rules, the Superior Court Criminal Rules and the Rules of Appellate Procedure shall continue to apply in capital cases.

Rule 2. APPOINTMENT OF COUNSEL

At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial.

A list of attorneys qualified for appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case.

At least one counsel on appeal must have three years' experience in the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience.

Comment

If the period of time for filing the death notice has passed, and the death notice has not been filed, the court may then reduce the number of attorneys to one to proceed with the murder trial.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 5(c)) NO. 25700-A-737

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendment to APR 5(c), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 6th day of June 2002.

Alexander, C.J.
Smith, J. Sanders, J.
Johnson, J. Bridge, J.
Madsen, J. Chambers, J.
Ireland, J. Owens, J.

APR 5(c)

RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO PRACTICE; PAYMENT OF MEMBERSHIP FEE; OATH OF ATTORNEY; RESIDENT AGENT

(c) Oath of Attorney. The Oath of Attorney must be taken before a court of general or appellate jurisdiction judge elected or appointed to an elected position, sitting in open court, in the state of Washington.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 02-13-017
RULES OF COURT
STATE SUPREME COURT
[June 6, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO RALJ 6.3A) NO. 25700-A-738

The Superior Court Judges' Association having recommended the adoption of the proposed amendment to RALJ 6.3A, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 6th day of June 2002.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

Suggested Rule Number Change

RALJ 6.3A.1 TRANSCRIPT OF ELECTRONIC RECORD

(a) - (g) [Unchanged.]

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

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

WSR 02-13-018
RULES OF COURT
STATE SUPREME COURT
[June 6, 2002]

IN THE MATTER OF THE REPEAL OF) ORDER
GR 8) NO. 25700-A-739

The District and Municipal Court Judges' Association having recommended the repeal of GR 8 due to the passage of SB 6292 which becomes effective January 1, 2003, and the Court having determined that the repeal will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That GR 8 is repealed effective January 1, 2003.

DATED at Olympia, Washington this 6th day of June 2002.

Alexander, C.J.

Smith, J.

Sanders, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Ireland, J.

Owens, J.

RULE 8. QUALIFYING EXAMINATION FOR LAY CANDIDATES FOR JUDICIAL OFFICERS

RESERVED, CHAPTER 136, LAWS 2002

RULE 8.1
DEFINITIONS

As used in this rule:

(a) "Judicial officer" shall mean anyone:

(1) Who is not admitted to practice law in the state of Washington;

(2) Who has been appointed or elected as a district court judge, municipal court judge, judge of any court inferior to the superior court which may be hereafter established, court commissioner, or administrator; and

(3) Who hears and disposes of cases.

(b) "Hears and disposes of cases" shall mean but is not limited to signing warrants; issuing summonses; setting bail hearings, trials or other proceedings or determining conditions of release.

[Rule 8 adopted effective January 1, 1981; Rule 8.1 amended effective September 22, 1998.]

RULE 8.2
MANDATORY QUALIFYING EXAMINATION

Every lay candidate for a judicial officer position shall, before initial appointment or election, pass the qualifying examination prepared in accordance with this rule. Reexamination will not be required unless either (1) a break in judicial service for two years or greater should occur, or (2) service as a judicial officer does not begin within two years of passing the examination.

[Rule 8 adopted effective January 1, 1981; Rule 8.2 amended effective March 14, 1986; September 22, 1998.]

RULE 8.3
JUDICIAL OFFICER EXAMINATION COMMITTEE

The qualifying examination for lay candidates for judicial officers shall be prepared and administered by a committee, under the supervision of the Chief Justice of the Supreme Court, composed of the Administrator for the Courts, the President of the Superior Court Judges' Association, and the

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~~President of the Washington Magistrates' Association. The Administrator for the Courts shall chair the committee.~~

~~Rule 8 adopted effective January 1, 1981; Rule 8.3 amended effective May 8, 1987; September 22, 1998.]~~

RULE 8.4

COMMITTEE RESPONSIBILITIES

The committee shall:

~~(a) Examination Fee. Require candidates to pay an examination fee each time they register for the examination. The amount of the fee shall be proposed by the committee and approved by the Supreme Court.~~

~~(b) Study Syllabus. Promulgate syllabi for study by candidates to prepare them for the responsibilities of a judicial officer and the qualifying examination for each jurisdiction. The syllabi shall include, but are not limited to, constitutional and statutory provisions and Supreme Court rules relating to the conduct of courts, state statutes, basic rules of evidence, and rights of a criminal defendant. Persons requesting a copy of the study syllabus may be charged the reasonable costs of producing the syllabus.~~

~~(c) Examination. Prepare qualifying examinations to test on proficiency included in the respective study syllabi. The examinations shall require written responses to written~~

~~(d) Administration. Announce the time and place for the examination and provide for monitoring and security during the examination.~~

~~(e) Grading. Arrange for the grading of the examination papers and determine a level of adequate competence that the candidate shall demonstrate to pass the examination.~~

~~(f) Certification. Certify to the auditor of the county in which the applicant resides the names of those applicants qualified by examination for performing the duties of judicial officer.~~

~~[Rule 8 adopted effective January 1, 1981; Rule 8.4 amended effective September 22, 1998.]~~

RULE 8.5

UNSUCCESSFUL CANDIDATES

A candidate who fails to pass the qualifying examination may, on petition to the committee, be given additional examinations once every 12 months at a time and place set by the committee.

[Rule 8 adopted effective January 1, 1981; Rule 8.5 amended effective September 22, 1998.]

RULE 8.6

SUCCESSFUL CANDIDATES

A candidate who passes the qualifying examination may not act in a judicial capacity and has no judicial authority unless the candidate is appointed or elected as a judicial officer to a court that is authorized to employ non-attorney judicial officers under Washington's constitution or statutes.

[Rule 8.6 adopted effective September 22, 1998.]

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 02-13-019

RULES OF COURT

STATE SUPREME COURT

[June 6, 2002]

IN THE MATTER OF THE ADOPTION OF THE) ORDER
AMENDMENTS TO APR 12, REGULATIONS) NO. 25700-A-740
OF THE LIMITED PRACTICE BOARD, CON-)
TINUING EDUCATION REGULATION, DIS-)
CIPLINARY RULES AND REGULATIONS)

The Limited Practice Board having recommended the adoption of the proposed amendments to APR 12, Regulations of the Limited Practice Board, Continuing Education Regulation, Disciplinary Rules and Regulations, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments to the Regulations of the Limited Practice Board, Continuing Education Regulation, Disciplinary Rules and Regulation will be published in the Washington Register, Washington State Bar Association and Administrative Office of the Court's websites and, in addition to the above, the amendment to APR 12 will also be published in the Washington Reports and become effective July 1, 2002.

DATED at Olympia, Washington this 6th day of June 2002.

Alexander, C.J.

Smith, J.

Ireland, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-15 issue of the Register.

MISC.

WSR 02-13-020
RULES OF COURT
STATE SUPREME COURT
[June 6, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO RALJ 7.2) NO. 25700-A-741

The Superior Court Judges' Association having recommended the adoption of the proposed amendment to RALJ 7.2, and the Court having approved the proposed amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(d), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Lisa.Bausch@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of June 2002.

Gerry L. Alexander
Chief Justice

GR 9 COVER SHEET

RALJ 7.2
TIME FOR FILING BRIEFS

Suggested New Section

(A) Name of Proponent: Superior Court Judges' Association

(B) Spokesperson: Judge Salvatore "Sam" Cozza, Chair, SCJA Criminal Law and Rules Committee

(C) Purpose: The present rule, which was adopted in 1987, states that the appellant's brief shall be served and filed within 45 days after the filing of the notice of appeal. The respondent's brief is due 30 days thereafter.

This time frame is not realistic and invites continuances under RALJ 10.3. Trial transcripts are often late in being prepared, and copies of the tapes of the trial are often received late, as well. Appellate issues are becoming more complex, requiring longer periods of time for briefing.

Further, many larger courts preassign RALJ appeals, as they do other cases. This suggested rule change would allow courts to develop a briefing schedule for a case that is appropriate and realistic, as courts do in other types of cases.

(D) Hearing: None recommended.

(E) Expedited Consideration: This suggested rule change would make the procedure for the determination of

appellate cases in the superior court more efficient for both the court and the parties. It is requested that the Supreme Court consider this rule change at this time.

Suggested Rule Change

RALJ 7.2 TIME FOR FILING BRIEFS

(a) - (c) [No change.]

(d) Briefing Schedule. If an appeal is preassigned to a judicial department, the court may issue a briefing schedule that allows for complete presentation of all significant issues, and is consistent with the Advisory Case Processing Time Standards endorsed by the Board for Judicial Administration.

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

WSR 02-13-029
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:49 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-59 MAA.
Subject: Aetna US Healthcare of WA to discontinue serving Healthy Options, Basic Health Plus, and Children's Health Insurance Program clients.
Effective Date: July 1, 2002.

Document Description: Effective July 1, 2002, Aetna US Healthcare of WA, Inc. will no longer serve Healthy Options, Basic Health Plus, and Children's Health Insurance Program clients. This memorandum explains the options available to clients affected by this change.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website http://maa.dshs.wa.gov (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-030
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:50 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-23 MAA.

MISC.

Subject: Vendor rate increase for blood banks.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2002 additions of current procedural terminology (CPT™) codes;
- Changes to health care financing administration common procedure coding system (HCPCS) Level II codes; and
- A legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-031

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:51 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-33 MAA.

Subject: Vendor rate increase for ambulatory surgery centers.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement a legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-032

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:52 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-34 MAA.

Subject: Vendor rate increase for chiropractors.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- The year 2002 additions of current procedural terminology (CPT™) codes;
- Changes to health care financing administration common procedure coding system (HCPCS) Level II codes; and
- A legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-033

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-35 MAA.

Subject: Vendor rate increase for diabetes education.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement a legislatively appropriated 1.5% vendor rate increase. Updated instructions for billing are also discussed.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-034

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 12, 2002, 3:54 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-36 MAA.
Subject: Vendor rate increase for family planning.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- The Year 2002 additions of current procedural terminology (CPT™) codes;
- Changes to health care financing administration common procedure coding system (HCPCS) Level II codes;
- Technical changes; and
- A legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-035

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 12, 2002, 3:55 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-37 MAA.
Subject: Vendor rate increase for HIV/AIDS case management.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Adminis-

tration (MAA) will implement a legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-036

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 12, 2002, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-38 MAA.
Subject: Vendor rate increase for FQHC interpreter services.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement a legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-037

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed June 12, 2002, 3:57 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-39 MAA.
Subject: Vendor rate increase for medical nutrition therapy.

Effective Date: July 1, 2002.

MISC.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs); and
- A legislatively appropriated 1.5% vendor rate increase. This increase will not be apparent in the rates for medical nutrition therapy, as MAA's previously assigned rates were already higher than the rates established using the RBRVS methodology.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-038

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:58 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-44 MAA.
Subject: Vendor rate increase for prenatal diagnosis genetic counseling.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement a legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-039

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 3:59 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-45 MAA.
Subject: Vendor rate increase for speech/audiology.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement:

- The updated Medicare physician fee schedule data base (MPFSDB) year 2002 relative value units (RVUs);
- The updated Medicare clinical laboratory fee schedule (MCLFS);
- The year 2002 additions of current procedural terminology (CPT™) codes;
- Changes to health care financing administration common procedure coding system (HCPCS) Level II codes; and
- A legislatively appropriated 1.5% vendor rate increase.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-040

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 4:00 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-46 MAA.
Subject: Vendor rate increase for kidney centers.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will implement a 1.5% vendor rate increase as authorized by the 2001-2003 Biennium Appropriations Act.

Retroactive to dates of service on and after January 1, 2002, MAA reimburses for the following new codes for blood units used in outpatient blood transfusions performed by kidney centers. P9045, P9046, P9047, P9048, and P9050 (see descriptions on attached replacement pages).

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordina-

tor, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-041
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 12, 2002, 4:02 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-50 MAA.
Subject: Vendor rate increase for wheelchairs.
Effective Date: July 1, 2002.

Document Description: The Medical Assistance Administration (MAA) has revised the wheelchair fee schedule section in MAA's Wheelchairs, Durable Medical Equipment and Supplies Billing Instructions. The new maximum allowables are **effective for dates of service on and after July 1, 2002**.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 6, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-046
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—June 5, 2002]

Meeting Notice Correction

A meeting of the Washington State Convention and Trade Center board of directors Operating Goals Committee will be held on **Thursday, June 13, 2002, at 2:00 p.m.**, in Room 301, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-13-047
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—June 10, 2002]

A meeting of the Washington State Convention and Trade Center board of directors Design and Construction Committee will be held on **Tuesday, June 18, 2002, at 12:30 p.m.**, in the Administrative Boardroom, 5th Floor of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-13-048
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—June 10, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, June 18, 2002, at 2:00 p.m.**, in Room 303, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-13-049
NOTICE OF PUBLIC MEETINGS
CENTER FOR
INFORMATION SERVICES

[Memorandum—June 10, 2002]

Meetings scheduled at this time (note - this is a tentative calendar not yet approved by WACTC):

CIS Executive Committee Meeting:	9:00 - 11:00 a.m., July 25, 2002 Leavenworth
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., September 26, 2002 Central Washington University
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., October 24, 2002 Spokane Falls Community College
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., December 5, 2002 Lower Columbia Community College
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., January 23, 2003 SBCTC
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., March 6, 2003 The Evergreen State College
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., March 27, 2003 South Puget Sound Community College
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., May 1, 2003 Columbia Basin Community College
CIS Executive Committee Meeting:	9:00 - 11:00 a.m., May 29, 2003 Lake Washington Technical College

These meetings are scheduled as part of WACTC.

MISC.

WSR 02-13-063
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE
 [Memorandum—June 12, 2002]

Change of Public Meeting Time

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of June 19, 2002. It will begin at 2:00 p.m. in the Clyde Hupp Board Room at Bates Technical College, 1101 South Yakima Avenue, Tacoma, WA 98405, and will immediately convene to executive session. The regular meeting will reconvene at 3:00 p.m.

WSR 02-13-064
PROCLAMATION
OFFICE OF THE GOVERNOR
 [June 12, 2002]

WHEREAS, during the early morning hours of April 21, 2002 the collapse of a portion of the South Wall of the Swift power canal between Swift Number 1 and Swift Number 2 powerhouses resulted in heavy damage to a 300 foot section of State Route 503 and continues to impact the citizens and property of Cowlitz County;

WHEREAS, the current damage to state roads has reached an estimated \$900,000. This event has caused extensive damage to the state's transportation infrastructure in Cowlitz County;

WHEREAS, the Washington State Department of Transportation is coordinating resources to repair and clear roadways of debris to alleviate the immediate impacts upon transportation, and is continuing to assess the magnitude of these events. The Washington State Emergency Management Division will assist Cowlitz County in coordinating resources to repair and alleviate the immediate impacts upon the utility infrastructure, and continue to assess the magnitude of these events;

NOW, THEREFORE, I, Gary Locke, Governor of the state of Washington, as a result of the aforementioned situation and under Chapters 38.08, 38.52, and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Cowlitz County and direct the supporting plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to use state resources and to do everything possible to assist affected political subdivisions in an effort to respond to and recover from the event. Additionally, the Washington State Military Department, Emergency Management Division, is instructed to coordinate all event-related assistance to the affected areas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia, this 12th day of June, A.D., Two Thousand Two.

Gary Locke

Governor of Washington

BY THE GOVERNOR:

Steve Excell

Assistant Secretary of State

WSR 02-13-067
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (State Capitol Committee)
 [Memorandum—June 20, 2002]

WHEN: June 20, 2002
TIME: 10:00 a.m. to 12:00 p.m.
LOCATION: General Administration Building,
 Room 207

WSR 02-13-068
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed June 14, 2002, 3:28 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: CN 223.

Subject: Changes to the Uniform Parentage Act.

Effective Date: June 12, 2002.

Document Description: This notice explains to DCS staff the changes that have taken place due to the 2002 legislative revisions to the Uniform Parentage Act.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

June 13, 2002
 Stephanie E. Schiller

WSR 02-13-069
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed June 14, 2002, 3:29 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-60 MAA.

Subject: Copayment for emergency room visits.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration will require certain clients to pay a \$3.00 copayment for visits to hospital emergency rooms when:

1. The client is not found to have an emergency medical condition; and
2. Reasonable alternative access to care was available.

To receive a copy of the interpretive or policy statement, contact Kevin Sullivan, Regulatory Improvement Coordinator, Department of Social and Health Services, Medical Assistance Administration, Division of Program Support, P.O. Box 45533, Olympia, WA 98504-5533, phone (360) 725-1344 or go to website <http://maa.dshs.wa.gov> (click on Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail <mailto:sullikm@dshs.wa.gov>.

June 12, 2002
E. A. Myers, Manager
Rules and Publications Section

WSR 02-13-077
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY

[Memorandum—June 17, 2002]

BOARD OF TRUSTEES

June 21, 2002

Open Public Meeting at 9:00 a.m.
Executive Session at 12:00 p.m.
Open Public Meeting at 1:00 p.m.
(Budget Approval)

PUB 263-5-7

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities.

DEPARTMENT OF LICENSING
RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JULY 2002

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
97-15-037		Vehicle dealers	Change in vehicle dealer temporary permit requirements.
99-12-018		Master licensing	Chapter 308-87 WAC, Limousine carrier businesses.
99-18-126		Title and registration	Chapter 308-57 WAC, Motor vehicle excise tax.
99-18-010		Fuel tax	Chapter 308-97 WAC, Trip permits.
00-08-064		Fuel tax	Chapter 308-78 WAC, Aircraft fuel tax etc., to include but not limited to WAC 308-78-010.
00-08-067		Master licensing	Chapter 308-300 WAC, Consolidated licensing system; specifically WAC 308-300-010 through 308-300-200.
00-10-029		Master licensing	Chapter 308-320 WAC, Commercial telephone solicitation.
00-06-001	01-13-061	Title and registration	WAC 308-97-230.

Requests for such accommodation are welcome and may be made by calling the president's office, (509) 359-6598.

WSR 02-13-078
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE

(Fryer Commission)

[Memorandum—June 13, 2002]

The Washington Fryer Commission has set the revised following schedule for the remainder of its 2002 board meetings. If you have any questions, please contact Sue Hatch at 1-800-743-2449.

Date	Time	Place
August 14	10:00 a.m.	The Silver Cloud Inn 1850 Maple Valley Highway The Cirrus Room Renton, WA 98055
October 22	10:00 a.m.	The Silver Cloud Inn 1850 Maple Valley Highway The Cirrus Room Renton, WA 98055

WSR 02-13-096

AGENDA

DEPARTMENT OF LICENSING

[Filed June 18, 2002, 2:04 p.m.]

Shown below is the rule-making agenda for the Department of Licensing. This agenda is sent as a requirement of RCW 34.05.314.

Feel free to contact Walt Fahrer if you need any assistance concerning this matter at 902-3640.

MISC.

CR-101	CR-102	PROGRAM	SUBJECT
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology.
01-20-101		Timeshare	Update to chapter 308-127 WAC.
01-20-103		Camp resorts	Update to chapter 308-420 WAC.
01-22-059	02-12-082	Timeshare	Fee adjustment, WAC 308-127-160.
01-22-060	02-12-081	Camp resorts	Fee adjustment, chapter 308-420 WAC.
01-22-061		Professional athletics	Fee adjustment, chapters 36-12, 36-13, and 36-14 WAC.
01-22-001	02-08-075	Engineers	Chapter 196-26 WAC, to determine if fee adjustments need to be made to comply with RCW 43.24.086.
01-24-057		Landscape architects	WAC 308-13-150 Landscape architects, fee adjustment.
02-03-087		Funeral	To inform licensees and the public that the board intends to amend existing rules, adopt uniform rules concerning cremation, and adopt new rules concerning board policy.
02-03-088		Cemetery	To inform licensees and the public that the board intends to amend existing rules, adopt uniform rules concerning cremation, and adopt new rules concerning board policy.
02-05-002	02-12-078	Title and registration	WAC 308-96A-046, 308-96A-050, 308-96A-056, 308-96A-057, 308-96A-073, 308-96A-074, and 308-96A-530.
02-05-013		Title and registration	WAC 308-56A-640.
02-05-014		Title and registration	WAC 308-56A-300, 308-56A-305, 308-56A-310, 308-56A-315, 308-56A-320, 308-56A-325, and 308-56A-330.
02-05-015		Title and registration	WAC 308-56A-070 and 308-56A-075.
02-05-016		Title and registration	WAC 308-56A-250, 308-56A-265, 308-56A-270, and 308-56A-275.
02-05-017		Title and registration	WAC 308-56A-640.
02-05-018		Title and registration	WAC 308-56A-140, 308-56A-150, 308-56A-160, 308-56A-200, and 308-56A-215.
02-05-019		Title and registration	WAC 308-56A-030, 308-56A-040, 308-56A-056, 308-56A-060, 308-56A-110, 308-56A-115, 308-56A-210, and 308-56A-295.
02-05-020		Title and registration	WAC 308-96A-080, 308-96A-085, 308-96A-090, and 308-96A-095.
02-05-079	02-09-011	Geologist	Amend WAC 308-15-040 and create a new WAC chapter to implement the rules of professional conduct for geologists licensed in Washington.
02-08-005		Title and registration	WAC 308-56A-460.
02-08-006		Title and registration	WAC 308-93-241, 308-93-242, 308-93-243, and 308-93-244.
02-07-069		Private investigator	WAC 308-17-310 and 308-17-320.
02-08-033	02-12-077	Landscape architect	WAC 308-13-150.
02-09-004	02-12-064	Title and registration	WAC 308-96A-062, 308-96A-064, and 308-96A-005.
02-10-079		Title and registration	Chapter 308-99 WAC, Vehicle reciprocity, to include but not limited to WAC 308-99-040.
02-11-097		Title and registration	Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-230.
02-12-006		Title and registration	Chapter 308-96A WAC, to include but not limited to WAC 308-96A-314 and 308-96A-550.
02-13-012		Title and registration	Chapter 308-63 WAC, Wreckers, to include but not limited to WAC 308-63-090.

Walt Fahrer
Rules Coordinator

WSR 02-13-098
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 18, 2002, 3:56 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: PCM 02-007.
Subject: Creditor/debtor personal property exemptions.
Effective Date: June 7, 2002.

Document Description: This notice explains to DCS staff about 2002 legislative changes made regarding exemptions that a debtor can and cannot claim.

To receive a copy of the interpretive or policy statement, contact Stephanie Schiller, Division of Child Support, P.O. Box 9162, Olympia, WA 98507-9162, phone (360) 664-5230, TDD (360) 753-9122, fax (360) 586-3274, e-mail sschille@dshs.wa.gov.

June 13, 2002
Stephanie E. Schiller

WSR 02-13-105
OFFICE OF THE
INSURANCE COMMISSIONER

[Filed June 18, 2002, 4:05 p.m.]

In the Matter of the Merger of NORTH-)
ERN LIFE INSURANCE COMPANY Into) No. G 2002 - 38
RELIASTAR LIFE INSURANCE COM-) NOTICE OF HEARING
PANY)

TO: Thomas J. McInerney, President
Northern Life Insurance Company
PO Box 12530
Seattle, WA 98101

Chris D. Schreier, President
ReliaStar Life Insurance Company
Box 20
Minneapolis, MN 55401

AND TO: James R. Mumford
ING Americas US Legal Services
Des Moines Site
909 Locust Site
Des Moines, IA 50309

Mike Kreidler, Insurance Commissioner
Michael G. Watson, Chief Deputy Commissioner
James T. Odiorne, Deputy Commissioner, Company Supervision
James Tompkins, Holding Company Manager, Company Supervision
Office of the Insurance Commissioner
PO Box 40259
Olympia, WA 98504-0259

On May 24, 2002, the Insurance Commissioner, by and through James Tompkins, filed its request for hearing con-

cerning the proposed merger of Northern Life Insurance Company with and into ReliaStar Life Insurance Company. Together with this request, which is in the form of a memorandum dated May 23, 2002, the Commissioner forwarded a copy of a letter dated May 3, 2002 from James R. Mumford, Counsel to ING, concerning this proposed merger and draft documents concerning this proposed merger.

Northern Life Insurance Company is a Washington domestic insurance company. ReliaStar Life Insurance Company is a Minnesota domiciled insurance Company.

Northern Life Insurance Company proposed to merge with and into ReliaStar Life Insurance Company with ReliaStar Life Insurance Company being the surviving company.

The merger of a domestic Washington insurance company is controlled by RCW 48.31.010. Pursuant to RCW 48.31.010, a plan of merger has been submitted to the Insurance Commissioner on May 6, 2002. The Insurance Commissioner must hold a hearing and decide whether to approve the merger of the companies.

YOU ARE HEREBY NOTIFIED that a hearing will be held commencing **Friday, July 19, 2002, at 9:00 a.m. Pacific Standard Time.** Pursuant to the authority given to the undersigned pursuant to RCW 34.05.449(3), this hearing will be held by telephone, which will include all parties, it being concluded by the undersigned that the rights of the parties will not be prejudiced thereby. The purpose of this hearing is to consider the proposed merger of the Northern Life Insurance Company into the ReliaStar Life Insurance Company. Pursuant to RCW 48.31.010, approval of this proposed merger is conditioned, in part, upon a finding by the undersigned, based upon evidence presented by testimony and documents at the hearing, that there has been reasonable notice given as to this proposed merger and that this proposed merger is fair, equitable, consistent with law, and that no reasonable objections exists.

Please note that any interested individual or entity may indicate his/her or its support, or objection, to this proposed merger by submitting a letter on or before July 18, 2002 to the undersigned at the above address. Interested individuals and entities may include in their letters a request to be included in the hearing by telephone in order to present their positions orally. If any individual or entity believes there is a reason why the hearing should be heard in person rather than by telephone; then that information should also be included in the individual's or entity's letter.

The hearing will be held under the authority granted the Commissioner by Chapter 48.04 RCW and RCW 48.31.010. RCW 48.31.010 lists the findings which must be made before approval can be given to any proposed merger of a Washington domestic insurer.

The basic facts relied upon are those set forth in the Plan and Agreement of Merger and proposed Articles of Merger filed with the Commissioner. The Plan and Agreement of Merger and proposed Articles of Merger will be made part of the record of the hearing. The Commissioner has not taken, and

MISC.

will not take, any position on this matter prior to entry of the hearing order.

All parties may be represented at the hearing. They may examine witnesses and fully respond and present evidence and argument on all issues involved, as required by the Administrative Procedure Act. The hearing will be governed by the Administrative Procedure Act, Chapter

34.05 RCW, and the model rules of procedure contained in Chapter 10-08 WAC. A party who fails to attend or participate in any stage of the proceeding may be held in default in accordance with Chapter 34.05 RCW.

Administrative Law Judge Patricia D. Petersen, who serves as Chief Hearing Officer for the Office of the Insurance Commissioner, has been designated to hear and determine this matter. Her address is Office of the Insurance Commissioner, Post Office Box 40255, Olympia, Washington 98504-0255. Her telephone number is (360) 664-8768. All interested individuals and entities who have questions or concerns concerning this proceeding should direct them to her Administrative Assistant, Charlene Bowman, at the same address. Ms. Bowman's telephone number is (360) 664-8002.

ENTERED AT OLYMPIA, WASHINGTON, this 14th day of June, 2002.

Mike Kreidler
Insurance Commissioner
By:

Patricia D. Petersen
Administrative Law Judge
Chief Hearing Officer

Chapter 236-20A WAC	Display of flags— State capitol grounds	Under EO 97-02, review for need.
Chapter 236-48 WAC	Office of state procurement	Under EO 97-02, update the language for clarity and ease of use.
WAC 236-48-250	Use of credit/charge cards	Review to enhance coordination with other agencies on setting purchase card credit limits.
Chapter 236-56 WAC	Public records	Under EO 97-02, review for need and coordination with other statutes regulating the same subject.
Chapter 236-60 WAC	Suggested design and construction standards of sidewalk and curb ramps for the physically handicapped person without uniquely endangering the blind	Under EO 97-02, review for consistency with statutory intent and coordination with other agencies (State Building Code Council) that regulate similar subjects.
Chapter 236-70 WAC	A rule to facilitate private investment in energy conservation for state-owned facilities	Under EO 97-02, update the language for clarity and ease of use.

For further information, please contact Martin D. Casey, Legislative and Business Relations Manager, Department of General Administration, P.O. Box 41000, Olympia, WA 98504-1000, (360) 902-7208.

WSR 02-13-126
AGENDA
DEPARTMENT OF
GENERAL ADMINISTRATION
[Filed June 19, 2002, 10:45 a.m.]

SEMI-ANNUAL RULEMAKING AGENDA
July 1, 2002 - December 30, 2002

WAC	Title	Proposed Action
Chapter 236-11 WAC	Compliance with state Environmental Policy Act	Under EO 97-02, review for need and coordination with other agencies regulating the same subject.
Chapter 236-12 WAC	State capitol grounds traffic and parking regulations	Under EO 97-02, review effects of 1999 repeal of WAC 236-12-065 Camping.
WAC 236-12-290	Parking fees	Update fees for zone parking on the capitol campus.



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.

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| <p>Symbols:</p> <p>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</p> | <p>Suffixes:</p> <p>-C = Continuance of previous proposal
 -E = Emergency action
 -P = Proposed action
 -S = Supplemental notice
 -W = Withdrawal of proposed action
 -X = Expedited rule making
 -XA = Expedited adoption
 -XR = Expedited repeal
 No suffix means permanent action</p> <p>WAC # Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.</p> <p>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.</p> |
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
4-25-410	AMD	02-04-064	16-154-060	REP-P	02-04-109	16-157-240	NEW-P	02-04-109
4-25-520	AMD	02-04-064	16-154-070	REP-P	02-04-109	16-157-240	NEW	02-10-090
4-25-530	AMD-P	02-13-022	16-154-080	REP-P	02-04-109	16-157-250	NEW-P	02-04-109
4-25-540	AMD	02-04-064	16-154-090	REP-P	02-04-109	16-157-250	NEW	02-10-090
4-25-610	AMD	02-04-064	16-154-100	REP-P	02-04-109	16-157-255	NEW-P	02-04-109
4-25-610	PREP	02-11-007	16-154-110	REP-P	02-04-109	16-157-255	NEW	02-10-090
4-25-620	AMD	02-04-064	16-154-120	REP-P	02-04-109	16-157-260	NEW-P	02-04-109
4-25-626	AMD	02-04-064	16-154-180	REP-P	02-04-109	16-157-260	NEW	02-10-090
4-25-630	AMD	02-04-064	16-156-003	REP-P	02-04-109	16-157-270	NEW-P	02-04-109
4-25-631	AMD	02-04-064	16-156-004	REP-P	02-04-109	16-157-270	NEW	02-10-090
4-25-640	AMD-W	02-04-062	16-156-005	REP-P	02-04-109	16-157-275	NEW-P	02-04-109
4-25-640	PREP	02-04-063	16-156-010	REP-P	02-04-109	16-157-275	NEW	02-10-090
4-25-660	AMD	02-04-064	16-156-020	REP-P	02-04-109	16-157-280	NEW-P	02-04-109
4-25-710	PREP	02-04-063	16-156-030	REP-P	02-04-109	16-157-280	NEW	02-10-090
4-25-710	AMD	02-04-064	16-156-035	REP-P	02-04-109	16-157-290	NEW-P	02-04-109
4-25-720	AMD	02-04-064	16-156-040	REP-P	02-04-109	16-157-290	NEW	02-10-090
4-25-721	AMD	02-04-064	16-156-050	REP-P	02-04-109	16-158-010	REP-P	02-04-109
4-25-730	AMD	02-04-064	16-156-060	REP-P	02-04-109	16-158-020	REP-P	02-04-109
4-25-735	NEW	02-04-064	16-156-070	REP-P	02-04-109	16-158-027	REP-P	02-04-109
4-25-745	AMD	02-04-064	16-157	AMD-C	02-07-117	16-158-028	REP-P	02-04-109
4-25-746	AMD	02-04-064	16-157-010	NEW-P	02-04-109	16-158-030	REP-P	02-04-109
4-25-750	AMD	02-04-064	16-157-010	NEW	02-10-090	16-158-040	REP-P	02-04-109
4-25-752	NEW	02-04-064	16-157-020	NEW-P	02-04-109	16-158-050	REP-P	02-04-109
4-25-756	NEW	02-04-064	16-157-020	NEW	02-10-090	16-158-060	REP-P	02-04-109
4-25-783	AMD	02-04-064	16-157-030	NEW-P	02-04-109	16-158-080	REP-P	02-04-109
4-25-790	AMD	02-04-064	16-157-030	NEW	02-10-090	16-158-090	REP-P	02-04-109
4-25-791	AMD	02-04-064	16-157-100	NEW-P	02-04-109	16-158-100	REP-P	02-04-109
4-25-792	AMD	02-04-064	16-157-100	NEW	02-10-090	16-158-110	REP-P	02-04-109
4-25-793	NEW	02-04-064	16-157-110	NEW-P	02-04-109	16-158-120	REP-P	02-04-109
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4-25-830	AMD	02-04-064	16-157-120	NEW	02-10-090	16-158-150	REP-P	02-04-109
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16-154-010	REP-P	02-04-109	16-157-210	NEW	02-10-090	16-162-034	REP-P	02-04-109
16-154-030	REP-P	02-04-109	16-157-220	NEW-P	02-04-109	16-162-036	REP-P	02-04-109
16-154-040	REP-P	02-04-109	16-157-220	NEW	02-10-090	16-162-037	REP-P	02-04-109
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16-164-037	REP-P	02-04-109	16-302-385	AMD-P	02-09-059	16-324-720	AMD	02-12-010
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16-228-1235	NEW	02-12-017	16-302-490	AMD	02-12-060	16-403-142	AMD-C	02-12-005
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16-228-12352	NEW-P	02-07-080	16-303-200	AMD-P	02-09-060	16-403-280	AMD-P	02-07-118
16-228-12352	NEW-C	02-11-070	16-303-200	AMD	02-12-061	16-403-280	AMD-C	02-12-005
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16-228-1237	NEW-C	02-11-070	16-303-230	PREP	02-03-127	16-462-020	AMD-P	02-08-085
16-228-1237	NEW	02-12-017	16-303-230	AMD-P	02-09-060	16-462-020	AMD	02-11-100
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16-228-12371	NEW-C	02-11-070	16-303-250	PREP	02-05-083	16-462-022	AMD-P	02-08-085
16-228-12371	NEW	02-12-017	16-303-250	AMD-P	02-09-060	16-462-022	AMD	02-11-100
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16-228-1238	NEW-C	02-11-070	16-303-300	PREP	02-03-127	16-462-025	AMD	02-11-100
16-228-1238	NEW-W	02-12-028	16-303-300	AMD-P	02-09-060	16-462-030	AMD-P	02-08-085
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16-302-091	AMD	02-12-060	16-303-330	AMD-P	02-09-060	16-470-820	NEW-P	02-06-131
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16-484-230	AMD-P	02-08-086	16-674-055	NEW-P	02-12-128	44- 10-050	AMD	02-12-093
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16-484-240	AMD-P	02-08-086	16-674-080	REP-P	02-12-128	44- 10-060	AMD	02-12-093
16-484-240	AMD	02-12-009	16-674-090	REP-P	02-12-128	44- 10-070	AMD-P	02-10-060
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16-557-020	REP-C	02-09-005	36- 12-170	AMD	02-03-069	44- 10-310	AMD	02-12-093
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118- 65-081	AMD	02-12-053	132H-410-020	NEW	02-10-070	132Z-116-020	NEW-E	02-04-061
118- 65-090	AMD-P	02-09-072	132H-410-030	NEW-P	02-03-107	132Z-116-020	NEW	02-11-048
118- 65-090	AMD	02-12-053	132H-410-030	NEW	02-10-070	132Z-116-020	NEW-E	02-12-056
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130- 14-010	AMD	02-06-043	132H-410-040	NEW	02-10-070	132Z-116-030	NEW-E	02-04-061
130- 14-030	AMD-P	02-03-131	132H-410-050	NEW-P	02-03-107	132Z-116-030	NEW	02-11-048
130- 14-030	AMD	02-06-043	132H-410-050	NEW	02-10-070	132Z-116-030	NEW-E	02-12-056
130- 14-050	AMD-P	02-03-131	132H-410-060	NEW-P	02-03-107	132Z-116-040	NEW-P	02-03-089
130- 14-050	AMD	02-06-043	132H-410-060	NEW	02-10-070	132Z-116-040	NEW-E	02-04-061
130- 14-060	AMD-P	02-03-131	132H-410-070	NEW-P	02-03-107	132Z-116-040	NEW	02-11-048
130- 14-060	AMD	02-06-043	132H-410-070	NEW	02-10-070	132Z-116-040	NEW-E	02-12-056
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132G-104-020	AMD-P	02-06-127	132H-410-090	NEW	02-10-070	132Z-116-050	NEW-E	02-12-056
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132H-120-030	AMD	02-10-069	132N-144-010	REP	02-04-068	132Z-116-070	NEW	02-11-048
132H-120-050	AMD-P	02-03-106	132N-144-020	REP	02-04-068	132Z-116-070	NEW-E	02-12-056
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132H-120-200	AMD	02-10-069	132N-150-030	NEW	02-04-068	132Z-116-080	NEW	02-11-048
132H-120-220	AMD-P	02-03-106	132N-150-040	NEW	02-04-068	132Z-116-080	NEW-E	02-12-056
132H-120-220	AMD	02-10-069	132N-150-050	NEW	02-04-068	132Z-116-090	NEW-P	02-03-089
132H-120-300	AMD-P	02-03-106	132N-150-060	NEW	02-04-068	132Z-116-090	NEW-E	02-04-061
132H-120-300	AMD	02-10-069	132N-150-070	NEW	02-04-068	132Z-116-090	NEW	02-11-048
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132H-120-350	AMD	02-10-069	132N-150-090	NEW	02-04-068	132Z-116-100	NEW-P	02-03-089
132H-120-410	AMD-P	02-03-106	132N-150-100	NEW	02-04-068	132Z-116-100	NEW-E	02-04-061
132H-120-410	AMD	02-10-069	132N-150-110	NEW	02-04-068	132Z-116-100	NEW	02-11-048
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132H-120-420	AMD	02-10-069	132N-150-130	NEW	02-04-068	132Z-116-110	NEW-P	02-03-089
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132H-120-440	AMD	02-10-069	132N-150-150	NEW	02-04-068	132Z-116-110	NEW	02-11-048
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132H-140-030	AMD-P	02-09-071	132N-150-210	NEW	02-04-068	132Z-116-210	NEW-P	02-03-089
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132H-140-050	AMD-P	02-09-071	132N-150-230	NEW	02-04-068	132Z-116-210	NEW	02-11-048
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132H-140-085	NEW-P	02-09-071	132N-150-280	NEW	02-04-068	132Z-116-220	NEW-E	02-12-056
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132Z-116-250	NEW-E	02-12-056	136-130-070	AMD	02-11-008	173-222-020	REP-W	02-07-098
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132Z-116-260	NEW-E	02-04-061	137- 28-160	AMD-P	02-09-002	173-222-020	REP	02-11-149
132Z-116-260	NEW	02-11-048	137- 28-160	AMD	02-12-023	173-222-030	REP-X	02-07-038
132Z-116-260	NEW-E	02-12-056	137- 28-220	AMD-P	02-09-002	173-222-030	REP-W	02-07-098
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132Z-116-400	NEW-E	02-12-056	173- 50-067	NEW-P	02-11-151	173-222-090	REP-W	02-07-098
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173-303-380	AMD-P	02-11-101	173-700-200	NEW-W	02-12-058	173-700-402	NEW-W	02-12-058
173-303-390	AMD-P	02-11-101	173-700-201	NEW-W	02-12-058	173-700-403	NEW-W	02-12-058
173-303-400	AMD-P	02-11-101	173-700-202	NEW-W	02-12-058	173-700-404	NEW-W	02-12-058
173-303-500	AMD-P	02-11-101	173-700-203	NEW-W	02-12-058	173-700-405	NEW-W	02-12-058
173-303-505	AMD-P	02-11-101	173-700-204	NEW-W	02-12-058	173-700-410	NEW-W	02-12-058
173-303-506	AMD-P	02-11-101	173-700-205	NEW-W	02-12-058	173-700-411	NEW-W	02-12-058
173-303-510	AMD-P	02-11-101	173-700-220	NEW-W	02-12-058	173-700-412	NEW-W	02-12-058
173-303-520	AMD-P	02-11-101	173-700-221	NEW-W	02-12-058	173-700-413	NEW-W	02-12-058
173-303-522	AMD-P	02-11-101	173-700-222	NEW-W	02-12-058	173-700-414	NEW-W	02-12-058
173-303-525	AMD-P	02-11-101	173-700-223	NEW-W	02-12-058	173-700-415	NEW-W	02-12-058
173-303-578	AMD-P	02-11-101	173-700-224	NEW-W	02-12-058	173-700-416	NEW-W	02-12-058
173-303-645	AMD-P	02-11-101	173-700-230	NEW-W	02-12-058	173-700-420	NEW-W	02-12-058
173-303-646	AMD-P	02-11-101	173-700-231	NEW-W	02-12-058	173-700-421	NEW-W	02-12-058
173-303-690	AMD-P	02-11-101	173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058
173-303-691	AMD-P	02-11-101	173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058
173-303-692	AMD-P	02-11-101	173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058
173-303-806	AMD-P	02-11-101	173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058
173-303-830	AMD-P	02-11-101	173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058
173-303-920	NEW-P	02-11-101	173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058
173-312-010	AMD	02-05-070	173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058
173-312-020	AMD	02-05-070	173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058
173-312-040	AMD	02-05-070	173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058
173-312-050	AMD	02-05-070	173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058
173-312-060	AMD	02-05-070	173-700-254	NEW-W	02-12-058	173-700-611	NEW-W	02-12-058
173-312-070	AMD	02-05-070	173-700-255	NEW-W	02-12-058	173-700-612	NEW-W	02-12-058
173-312-080	AMD	02-05-070	173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058
173-312-090	AMD	02-05-070	173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058
173-312-100	AMD	02-05-070	173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058
173-400-075	AMD-X	02-10-107	173-700-300	NEW-W	02-12-058	173-700-710	NEW-W	02-12-058
173-401	PREP	02-05-011	173-700-310	NEW-W	02-12-058	173-700-720	NEW-W	02-12-058
173-401-200	AMD-P	02-10-031	173-700-311	NEW-W	02-12-058	173-700-730	NEW-W	02-12-058
173-401-300	AMD-P	02-10-031	173-700-320	NEW-W	02-12-058	173-700-731	NEW-W	02-12-058
173-401-500	AMD-P	02-10-031	173-700-330	NEW-W	02-12-058	173-700-732	NEW-W	02-12-058
173-401-530	AMD-P	02-10-031	173-700-340	NEW-W	02-12-058	173-700-740	NEW-W	02-12-058
173-401-615	AMD-P	02-10-031	173-700-350	NEW-W	02-12-058	173-700-750	NEW-W	02-12-058
173-401-710	AMD-P	02-10-031	173-700-351	NEW-W	02-12-058	173-700-800	NEW-W	02-12-058
173-401-722	AMD-P	02-10-031	173-700-352	NEW-W	02-12-058	180- 08	PREP	02-08-041
173-422	PREP	02-05-071	173-700-353	NEW-W	02-12-058	180- 10	PREP	02-08-041
173-422-020	AMD-P	02-09-066	173-700-354	NEW-W	02-12-058	180- 16	PREP	02-08-039
173-422-020	AMD	02-12-072	173-700-355	NEW-W	02-12-058	180- 16	PREP	02-08-044
173-422-030	AMD-P	02-09-066	173-700-356	NEW-W	02-12-058	180- 16-002	AMD-E	02-08-038
173-422-030	AMD	02-12-072	173-700-357	NEW-W	02-12-058	180- 16-006	REP-E	02-08-038

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180-16-220	AMD-E	02-08-038	180-55-050	REP-E	02-08-038	180-79A-130	AMD	02-04-018
180-16-227	NEW-E	02-08-038	180-55-070	REP-E	02-08-038	180-79A-140	AMD	02-04-018
180-18	PREP	02-08-039	180-55-075	REP-E	02-08-038	180-79A-140	AMD	02-13-027
180-18-010	AMD-E	02-08-038	180-55-080	REP-E	02-08-038	180-79A-150	AMD	02-04-018
180-18-020	REP-E	02-08-038	180-55-085	REP-E	02-08-038	180-79A-150	PREP	02-10-050
180-20	PREP	02-10-049	180-55-090	REP-E	02-08-038	180-79A-206	PREP	02-05-061
180-20	PREP	02-10-084	180-55-095	REP-E	02-08-038	180-79A-206	AMD-P	02-10-085
180-22	PREP	02-08-045	180-55-100	REP-E	02-08-038	180-79A-211	AMD	02-04-018
180-23	PREP	02-08-045	180-55-105	REP-E	02-08-038	180-79A-231	AMD	02-13-027
180-24	PREP	02-06-052	180-55-110	REP-E	02-08-038	180-79A-250	PREP	02-05-060
180-24-400	AMD-E	02-08-035	180-55-115	REP-E	02-08-038	180-79A-250	AMD-P	02-10-087
180-24-400	AMD-P	02-10-053	180-55-120	REP-E	02-08-038	180-79A-250	AMD-W	02-12-123
180-24-405	REP-E	02-08-035	180-55-125	REP-E	02-08-038	180-81	PREP	02-06-072
180-24-405	REP-P	02-10-053	180-55-130	REP-E	02-08-038	180-82	PREP	02-06-073
180-24-410	AMD-E	02-08-035	180-55-135	REP-E	02-08-038	180-82-105	AMD	02-04-018
180-24-410	AMD-P	02-10-053	180-55-150	NEW-E	02-08-038	180-82-105	PREP	02-10-045
180-24-415	AMD-E	02-08-035	180-72	PREP	02-06-067	180-82-202	AMD	02-04-018
180-24-415	AMD-P	02-10-053	180-77	AMD	02-04-018	180-82-322	AMD	02-04-018
180-25	PREP	02-06-053	180-77	PREP	02-06-068	180-82-346	AMD	02-04-016
180-26	PREP	02-06-054	180-77-002	AMD	02-04-018	180-82-350	AMD	02-04-018
180-27	PREP	02-06-055	180-77-003	AMD	02-04-018	180-82A-002	NEW	02-04-013
180-29	PREP	02-06-056	180-77-005	AMD	02-04-018	180-82A-004	NEW-W	02-13-028
180-31	PREP	02-06-057	180-77-012	AMD	02-04-018	180-82A-200	NEW	02-04-013
180-32	PREP	02-06-058	180-77-014	AMD	02-04-018	180-82A-201	NEW-W	02-13-028
180-33	PREP	02-06-059	180-77-020	AMD	02-04-018	180-82A-202	NEW	02-04-013
180-34	PREP	02-08-046	180-77-025	AMD	02-04-018	180-82A-204	NEW	02-04-013
180-36	PREP	02-06-060	180-77-031	AMD	02-04-018	180-82A-206	NEW	02-04-013
180-37-005	PREP	02-10-051	180-77-041	AMD	02-04-018	180-82A-215	NEW	02-04-013
180-37-010	PREP	02-10-051	180-77-041	PREP	02-10-048	180-83	PREP	02-06-074
180-38	PREP	02-08-043	180-77-068	AMD	02-04-018	180-85	PREP	02-06-075
180-39	PREP	02-06-061	180-77-070	AMD	02-04-018	180-85-035	AMD	02-04-017
180-40	PREP	02-06-062	180-77-075	AMD	02-04-018	180-85-075	AMD	02-04-017
180-41	PREP	02-06-063	180-77-080	AMD	02-04-018	180-85-075	PREP	02-06-081
180-43	PREP	02-08-042	180-77-110	AMD	02-04-018	180-85-075	AMD-P	02-10-086
180-44	PREP	02-06-064	180-77-120	AMD	02-04-018	180-86	PREP	02-06-076
180-46	PREP	02-06-065	180-77-122	AMD	02-04-018	180-86-011	AMD-P	02-10-052
180-50	PREP	02-06-066	180-77A	AMD	02-04-018	180-86-013	AMD-P	02-10-052
180-52-070	NEW-P	02-08-092	180-77A	PREP	02-06-069	180-86-020	PREP	02-03-084
180-52-070	NEW-P	02-10-089	180-77A-004	AMD	02-04-018	180-86-020	REP-P	02-10-052
180-53	PREP	02-08-039	180-77A-006	AMD	02-04-018	180-86-030	AMD-P	02-10-052
180-53-005	REP-E	02-08-038	180-77A-025	AMD	02-04-018	180-86-055	PREP	02-03-084
180-53-010	REP-E	02-08-038	180-77A-029	AMD	02-04-018	180-86-055	REP-P	02-10-052
180-53-020	REP-E	02-08-038	180-77A-030	AMD	02-04-018	180-86-065	AMD-P	02-10-052
180-53-025	REP-E	02-08-038	180-77A-033	AMD	02-04-018	180-86-070	AMD-P	02-10-052
180-53-030	REP-E	02-08-038	180-77A-037	AMD	02-04-018	180-86-075	AMD-P	02-10-052
180-53-035	REP-E	02-08-038	180-77A-040	AMD	02-04-018	180-86-100	AMD-P	02-10-052
180-53-040	REP-E	02-08-038	180-77A-057	AMD	02-04-018	180-86-116	AMD-P	02-10-052
180-53-045	REP-E	02-08-038	180-77A-165	AMD	02-04-018	180-86-130	AMD-P	02-10-052
180-53-050	REP-E	02-08-038	180-77A-180	AMD	02-04-018	180-86-140	AMD-P	02-10-052
180-53-055	REP-E	02-08-038	180-77A-195	AMD	02-04-018	180-86-145	AMD-P	02-10-052
180-53-060	REP-E	02-08-038	180-78A	PREP	02-06-070	180-86-160	AMD-P	02-10-052
180-53-070	REP-E	02-08-038	180-78A-209	AMD	02-04-018	180-86-170	AMD-P	02-10-052
180-55	PREP	02-08-039	180-78A-220	AMD	02-04-014	180-86-180	AMD-P	02-10-052
180-55-005	AMD-E	02-08-038	180-78A-255	AMD	02-04-014	180-86-185	AMD-P	02-10-052
180-55-010	REP-E	02-08-038	180-78A-261	AMD	02-04-014	180-87	PREP	02-06-077
180-55-015	AMD-E	02-08-038	180-78A-264	AMD	02-04-014	180-90	PREP	02-06-078
180-55-020	AMD-E	02-08-038	180-78A-270	AMD	02-04-018	180-90-105	AMD-E	02-08-037
180-55-025	REP-E	02-08-038	180-78A-505	PREP	02-06-051	180-90-105	AMD-P	02-10-088
180-55-030	REP-E	02-08-038	180-78A-505	AMD-P	02-10-085	180-90-110	REP-E	02-08-037
180-55-032	NEW-E	02-08-038	180-79A	PREP	02-06-071	180-90-110	REP-P	02-10-088
180-55-034	NEW-E	02-08-038	180-79A-030	AMD	02-04-015	180-90-112	AMD-E	02-08-037

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180-90-115	REP-E	02-08-037	192-150-060	NEW	02-08-072	208-424-030	NEW-P	02-11-010
180-90-115	REP-P	02-10-088	192-170-050	NEW	02-08-072	208-472	AMD	02-04-094
180-90-119	REP-E	02-08-037	192-180-012	NEW	02-08-072	208-472-010	AMD	02-04-094
180-90-119	REP-P	02-10-088	192-210-005	AMD-P	02-12-126	208-472-012	REP	02-04-094
180-90-120	REP-E	02-08-037	192-210-005	AMD-E	02-12-127	208-472-015	AMD	02-04-094
180-90-120	REP-P	02-10-088	192-210-015	AMD-P	02-12-126	208-472-020	AMD	02-04-094
180-90-123	REP-E	02-08-037	192-210-015	AMD-E	02-12-127	208-472-025	AMD	02-04-094
180-90-123	REP-P	02-10-088	192-210-020	NEW-P	02-12-126	208-472-030	NEW	02-04-094
180-90-125	REP-E	02-08-037	192-210-020	NEW-E	02-12-127	208-472-035	NEW	02-04-094
180-90-125	REP-P	02-10-088	192-240-010	NEW-E	02-03-074	208-472-041	REP	02-04-094
180-90-130	AMD-E	02-08-037	192-240-015	NEW-E	02-03-074	208-472-045	REP	02-04-094
180-90-130	AMD-P	02-10-088	192-240-020	NEW-E	02-03-074	208-472-050	REP	02-04-094
180-90-133	REP-E	02-08-037	192-240-025	NEW-E	02-03-074	208-472-060	REP	02-04-094
180-90-133	REP-P	02-10-088	192-240-030	NEW-E	02-03-074	208-472-065	REP	02-04-094
180-90-135	REP-E	02-08-037	192-240-030	NEW-E	02-07-065	208-472-070	REP	02-04-094
180-90-135	REP-P	02-10-088	192-240-035	NEW-E	02-03-074	208-472-075	REP	02-04-094
180-90-137	REP-E	02-08-037	192-240-040	NEW-E	02-03-074	208-472-080	REP	02-04-094
180-90-137	REP-P	02-10-088	192-240-040	NEW-E	02-07-065	208-620-160	AMD-P	02-12-004
180-90-141	AMD-E	02-08-037	192-240-045	NEW-E	02-07-065	208-660-125	AMD-P	02-12-003
180-90-141	AMD-P	02-10-088	196-09	PREP	02-13-079	212-12-001	PREP	02-07-018
180-90-160	AMD-E	02-08-037	196-24-041	PREP	02-13-079	212-12-001	AMD-P	02-11-038
180-90-160	AMD-P	02-10-088	196-26-020	REP-P	02-08-075	212-12-005	PREP	02-07-018
180-95	PREP	02-06-079	196-26-020	REP	02-13-080	212-12-005	AMD-P	02-11-038
180-96	PREP	02-06-080	196-26-030	REP-P	02-08-075	212-12-010	PREP	02-07-018
180-97	PREP	02-08-040	196-26-030	REP	02-13-080	212-12-010	AMD-P	02-11-038
180-97-003	AMD-E	02-08-034	196-26A-010	NEW-P	02-08-075	212-12-011	PREP	02-07-018
180-97-005	REP-E	02-08-034	196-26A-010	NEW	02-13-080	212-12-011	AMD-P	02-11-038
180-97-010	AMD-E	02-08-034	196-26A-020	NEW-P	02-08-075	212-12-015	PREP	02-07-018
180-97-015	REP-E	02-08-034	196-26A-020	NEW	02-13-080	212-12-015	AMD-P	02-11-038
180-97-020	REP-E	02-08-034	196-26A-025	NEW-P	02-08-075	212-12-020	PREP	02-07-018
180-97-040	AMD-E	02-08-034	196-26A-025	NEW	02-13-080	212-12-020	AMD-P	02-11-038
180-97-050	REP-E	02-08-034	196-26A-030	NEW-P	02-08-075	212-12-025	PREP	02-07-018
180-97-060	AMD-E	02-08-034	196-26A-030	NEW	02-13-080	212-12-025	AMD-P	02-11-038
180-97-070	REP-E	02-08-034	196-26A-035	NEW-P	02-08-075	212-12-030	PREP	02-07-018
180-97-080	AMD-E	02-08-034	196-26A-035	NEW	02-13-080	212-12-030	AMD-P	02-11-038
180-97-090	REP-E	02-08-034	196-26A-040	NEW-P	02-08-075	212-12-035	PREP	02-07-018
180-97-100	REP-E	02-08-034	196-26A-040	NEW	02-13-080	212-12-035	AMD-P	02-11-038
182	PREP	02-11-034	196-26A-045	NEW-P	02-08-075	212-12-040	PREP	02-07-018
182	PREP	02-11-035	196-26A-045	NEW	02-13-080	212-12-040	AMD-P	02-11-038
182-12-230	NEW-P	02-05-078	196-26A-050	NEW-P	02-08-075	212-12-044	PREP	02-07-018
182-12-230	NEW	02-08-047	196-26A-050	NEW	02-13-080	212-12-044	AMD-P	02-11-038
192-16-013	REP-X	02-08-071	196-26A-055	NEW-P	02-08-075	212-12-200	NEW-E	02-03-060
192-16-021	REP	02-08-072	196-26A-055	NEW	02-13-080	212-12-210	NEW-E	02-03-060
192-16-033	REP-E	02-03-074	196-26A-060	NEW-P	02-08-075	212-12-220	NEW-E	02-03-060
192-16-033	PREP	02-07-064	196-26A-060	NEW	02-13-080	212-12-230	NEW-E	02-03-060
192-16-033	REP-E	02-07-065	196-26A-070	NEW-P	02-08-075	212-12-240	NEW-E	02-03-060
192-16-036	REP-E	02-03-074	196-26A-070	NEW	02-13-080	212-12-250	NEW-E	02-03-060
192-16-036	PREP	02-07-064	204-36-030	AMD	02-07-055	212-12-260	NEW-E	02-03-060
192-16-036	REP-P	02-07-065	204-36-040	AMD	02-07-055	212-12-270	NEW-E	02-03-060
192-16-040	REP-E	02-03-074	204-36-060	AMD	02-07-055	212-12-280	NEW-E	02-03-060
192-16-040	PREP	02-07-064	204-91A-010	AMD	02-07-056	212-12-290	NEW-E	02-03-060
192-16-040	REP-P	02-07-065	204-91A-030	AMD	02-07-056	212-12-300	NEW-E	02-03-060
192-16-042	REP-E	02-03-074	204-91A-060	AMD	02-07-056	212-12-310	NEW-E	02-03-060
192-16-042	PREP	02-07-064	204-91A-090	AMD	02-07-056	212-12-320	NEW-E	02-03-060
192-16-042	REP-P	02-07-065	204-91A-120	AMD	02-07-056	212-12-330	NEW-E	02-03-060
192-16-045	REP-E	02-03-074	204-91A-130	AMD	02-07-056	212-12-340	NEW-E	02-03-060
192-16-045	PREP	02-07-064	204-91A-140	AMD	02-07-056	212-12-350	NEW-E	02-03-060
192-16-045	REP-P	02-07-065	204-91A-170	AMD	02-07-056	212-12-360	NEW-E	02-03-060
192-16-047	REP-E	02-03-074	204-91A-180	AMD	02-07-056	212-12-370	NEW-E	02-03-060
192-16-047	PREP	02-07-064	204-95	PREP	02-11-037	212-12-380	NEW-E	02-03-060
192-16-047	REP-P	02-07-065	208-424-010	NEW-P	02-11-010	212-12-390	NEW-E	02-03-060

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212- 12-410	NEW-E	02-03-060	220- 33-01000M	NEW-E	02-08-014	220- 52-07300R	NEW-E	02-03-025
212- 12-420	NEW-E	02-03-060	220- 33-01000M	REP-E	02-08-025	220- 52-07300R	REP-E	02-03-067
220- 12-005	NEW-P	02-13-107	220- 33-01000N	NEW-E	02-08-025	220- 52-07300S	NEW-E	02-03-067
220- 12-090	NEW-P	02-13-107	220- 33-01000N	REP-E	02-08-025	220- 52-07300S	REP-E	02-03-090
220- 16-028	AMD	02-08-048	220- 33-03000S	NEW-E	02-11-014	220- 52-07300T	NEW-E	02-03-090
220- 16-410	AMD-W	02-05-035	220- 33-03000S	REP-E	02-11-014	220- 52-07300T	REP-E	02-04-035
220- 16-480	AMD	02-08-027	220- 33-04000N	REP-E	02-04-072	220- 52-07300U	NEW-E	02-04-035
220- 16-760	NEW	02-08-048	220- 33-04000P	NEW-E	02-04-072	220- 52-07300U	REP-E	02-04-078
220- 16-760	AMD-P	02-13-088	220- 33-04000P	REP-E	02-04-072	220- 52-07300V	NEW-E	02-04-078
220- 16-780	NEW	02-08-048	220- 33-04000P	REP-E	02-04-102	220- 52-07300V	REP-E	02-07-046
220- 16-780	AMD-P	02-13-088	220- 33-04000Q	NEW-E	02-04-102	220- 52-07300W	NEW-E	02-07-092
220- 16-78000A	NEW-E	02-10-118	220- 33-04000Q	REP-E	02-04-102	220- 52-07300W	REP-E	02-07-092
220- 16-790	NEW	02-08-048	220- 33-04000Q	REP-E	02-06-036	220- 52-07500D	NEW-E	02-09-021
220- 16-790	AMD-P	02-13-088	220- 33-04000R	NEW-E	02-06-036	220- 52-07500D	REP-E	02-10-004
220- 16-79000A	NEW-E	02-10-118	220- 33-04000R	REP-E	02-06-036	220- 52-07500E	NEW-E	02-10-004
220- 20-001	NEW-P	02-13-085	220- 40-027	AMD-X	02-11-072	220- 55-001	AMD-P	02-13-084
220- 20-010	AMD	02-08-048	220- 44-05000H	REP-E	02-04-060	220- 55-00100A	NEW-E	02-10-106
220- 20-016	PREP	02-06-107	220- 44-05000I	NEW-E	02-04-060	220- 55-100	AMD-P	02-13-084
220- 20-016	AMD-X	02-11-073	220- 44-05000I	REP-E	02-07-093	220- 55-200	NEW-P	02-12-130
220- 20-025	AMD	02-08-048	220- 44-05000J	NEW-E	02-07-093	220- 55-20000A	REP-P	02-12-130
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220- 20-100	NEW	02-08-048	220- 47-301	AMD-X	02-11-073	220- 56-105	AMD	02-08-048
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220- 24-04000B	REP-E	02-10-078	220- 47-401	AMD-X	02-11-073	220- 56-116	AMD	02-08-048
220- 24-04000B	REP-E	02-10-120	220- 47-411	AMD-X	02-11-073	220- 56-124	AMD-X	02-10-127
220- 24-04000C	NEW-E	02-10-120	220- 47-428	AMD-X	02-11-073	220- 56-128	AMD	02-08-048
220- 24-04000C	REP-E	02-10-120	220- 47-430	AMD-X	02-11-073	220- 56-15600A	NEW-E	02-10-108
220- 24-04000C	REP-E	02-13-003	220- 48-005	AMD	02-08-026	220- 56-193	NEW-P	02-10-124
220- 32-05100K	REP-E	02-04-073	220- 48-029	AMD-P	02-13-108	220- 56-193	NEW	02-13-026
220- 32-05100L	NEW-E	02-04-073	220- 48-032	AMD-P	02-13-108	220- 56-194	NEW-P	02-10-124
220- 32-05100L	REP-E	02-04-073	220- 49-013	AMD	02-08-026	220- 56-194	NEW	02-13-026
220- 32-05100L	REP-E	02-07-011	220- 49-056	AMD	02-08-026	220- 56-195	AMD-X	02-10-127
220- 32-05100M	NEW-E	02-07-011	220- 52-03000R	NEW-E	02-11-043	220- 56-19500I	NEW-E	02-11-086
220- 32-05100M	REP-E	02-07-011	220- 52-03000R	REP-E	02-11-043	220- 56-19500I	REP-E	02-11-086
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220- 32-05100N	REP-E	02-07-044	220- 52-04600B	NEW-E	02-03-024	220- 56-23500L	NEW-E	02-03-002
220- 32-05100P	NEW-E	02-10-042	220- 52-04600B	REP-E	02-03-050	220- 56-23500L	REP-E	02-07-004
220- 32-05100P	REP-E	02-10-042	220- 52-04600C	NEW-E	02-03-050	220- 56-23500M	NEW-E	02-07-004
220- 32-05100Q	NEW-E	02-11-003	220- 52-04600C	REP-E	02-04-093	220- 56-25000D	NEW-E	02-07-025
220- 32-05100Q	REP-E	02-11-003	220- 52-04600D	NEW-E	02-04-093	220- 56-25000D	REP-E	02-07-025
220- 32-05100R	NEW-E	02-11-049	220- 52-04600D	REP-E	02-07-037	220- 56-25500X	NEW-E	02-09-045
220- 32-05100R	REP-E	02-11-049	220- 52-04600E	NEW-E	02-07-037	220- 56-25500X	REP-E	02-12-014
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220- 32-05500E	NEW-E	02-11-146	220- 52-04600G	NEW-E	02-08-070	220- 56-265	AMD	02-08-048
220- 32-05500E	REP-E	02-11-146	220- 52-04600G	REP-E	02-08-070	220- 56-270	AMD	02-08-048
220- 32-05700P	NEW-E	02-11-146	220- 52-050	AMD-W	02-11-026	220- 56-27000L	REP-E	02-06-036
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220-56-31000U	REP-E	02-09-003	220-69	PREP	02-10-105	230-12-330	AMD	02-10-003
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220-56-31500A	NEW-E	02-09-003	220-69-24000A	NEW-E	02-10-004	230-12-340	AMD	02-10-003
220-56-31500A	REP-E	02-09-003	220-69-24000A	REP-E	02-10-043	230-20-002	NEW-P	02-13-111
220-56-31500B	NEW-E	02-11-020	220-69-24000B	NEW-E	02-10-043	230-20-005	NEW-P	02-13-111
220-56-32500T	NEW-E	02-08-028	220-69-24000B	REP-E	02-13-023	230-20-070	AMD-P	02-13-111
220-56-32500T	REP-E	02-09-003	220-69-24000C	NEW-E	02-13-023	230-20-104	AMD-P	02-13-111
220-56-32500U	NEW-E	02-10-028	220-69-241	AMD-P	02-13-134	230-20-111	REP-P	02-07-081
220-56-32500U	REP-E	02-11-013	220-74-020	AMD-P	02-06-109	230-20-111	REP	02-11-084
220-56-32500V	NEW-E	02-11-013	220-74-020	AMD	02-10-023	230-20-125	REP-P	02-07-081
220-56-32500V	REP-E	02-11-041	220-77-020	AMD	02-06-018	230-20-125	REP	02-11-084
220-56-32500W	NEW-E	02-11-041	220-77-040	AMD	02-06-018	230-20-170	AMD-P	02-13-111
220-56-32500W	REP-E	02-11-134	220-77-09000A	NEW-E	02-04-069	230-20-230	REP-P	02-07-081
220-56-32500X	NEW-E	02-11-134	220-77-09000A	REP-E	02-04-089	230-20-230	REP	02-11-084
220-56-32500X	REP-E	02-12-054	220-77-09000B	NEW-E	02-04-089	230-20-244	AMD	02-06-006
220-56-32500Y	NEW-E	02-12-054	220-77-095	AMD-P	02-13-136	230-20-246	AMD	02-06-006
220-56-33000D	NEW-E	02-03-051	220-77-100	NEW-W	02-11-027	230-20-249	AMD	02-06-006
220-56-33000D	REP-E	02-05-001	220-77-105	NEW-W	02-11-027	230-30-033	AMD	02-06-007
220-56-33000E	NEW-E	02-05-001	220-88C-04000	NEW-E	02-13-051	230-30-045	AMD	02-06-007
220-56-33000E	REP-E	02-07-037	220-95-100	AMD-P	02-13-086	230-30-072	AMD	02-06-007
220-56-33000F	NEW-E	02-07-037	220-95-110	AMD-P	02-13-086	230-30-106	AMD-P	02-06-038
220-56-33000F	REP-E	02-07-075	220-130-040	AMD-W	02-02-089	230-30-106	AMD	02-10-003
220-56-33000G	NEW-E	02-07-075	222-10-040	AMD-P	02-05-087	230-40-610	AMD-P	02-12-076
220-56-33000G	REP-E	02-08-070	222-10-040	AMD	02-11-075	230-40-800	AMD-P	02-07-081
220-56-33000H	NEW-E	02-08-070	222-10-041	AMD-P	02-05-087	230-40-800	AMD	02-11-084
220-56-33000H	REP-E	02-11-050	222-10-041	AMD	02-11-075	230-40-897	REP-P	02-07-081
220-56-33000H	REP-E	02-11-094	222-16-050	AMD-E	02-05-086	230-40-897	REP	02-11-084
220-56-33000I	NEW-E	02-11-050	222-16-050	PREP	02-07-023	230-50-010	AMD-P	02-13-111
220-56-33000I	REP-E	02-11-094	222-16-050	AMD-P	02-11-138	232-12-011	AMD-P	02-06-122
220-56-33000J	NEW-E	02-11-094	222-21-010	AMD	02-05-084	232-12-011	AMD	02-08-048
220-56-33000J	REP-E	02-11-132	222-21-020	AMD	02-05-084	232-12-011	AMD	02-11-069
220-56-33000K	NEW-E	02-11-132	222-21-045	AMD	02-05-084	232-12-014	AMD-P	02-06-122
220-56-33000K	REP-E	02-13-002	222-21-050	AMD	02-05-084	232-12-014	AMD	02-11-069
220-56-33000L	NEW-E	02-13-002	222-21-061	NEW	02-05-084	232-12-016	NEW-P	02-13-107
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220-56-35000J	REP-E	02-06-035	226-01-050	AMD	02-08-076	232-12-147	REP	02-08-048
220-56-35000K	NEW-E	02-06-035	226-12-080	AMD-X	02-03-038	232-12-151	REP	02-08-048
220-56-35000K	REP-E	02-10-029	226-12-080	AMD	02-08-076	232-12-168	AMD	02-08-048
220-56-35000L	NEW-E	02-10-029	226-16-160	AMD-X	02-03-038	232-12-16800B	NEW-E	02-07-095
220-56-35000L	REP-E	02-13-011	226-16-160	AMD	02-08-076	232-12-16800B	REP-E	02-07-095
220-56-35000M	NEW-E	02-13-011	226-20-010	AMD-X	02-03-038	232-12-243	AMD-P	02-13-133
220-56-355	AMD	02-08-048	226-20-010	AMD	02-08-076	232-12-245	NEW-W	02-11-025
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220-56-35500B	NEW-E	02-07-076	230-02-145	REP	02-11-084	232-12-253	AMD-P	02-10-125
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220-56-36000L	REP-E	02-03-053	230-04-064	AMD-P	02-06-037	232-12-272	NEW	02-08-048
220-56-36000L	REP-E	02-04-039	230-04-064	AMD	02-10-002	232-12-619	AMD	02-08-048
220-56-36000M	NEW-E	02-04-039	230-04-180	AMD-P	02-13-112	232-12-828	AMD-P	02-13-135
220-56-36000M	REP-E	02-04-039	230-04-202	AMD-W	02-02-090	232-28-02220	AMD-P	02-06-124
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220-56-36000N	REP-E	02-07-012	230-04-203	AMD-P	02-13-111	232-28-02240	AMD-P	02-06-124
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232- 28-273	AMD	02-11-069	232- 28-61900R	NEW-E	02-05-008	246-224-010	REP-P	02-07-021
232- 28-276	AMD-P	02-10-128	232- 28-61900R	REP-E	02-05-008	246-224-0100	NEW-P	02-07-021
232- 28-277	AMD-P	02-06-125	232- 28-61900R	NEW-E	02-11-114	246-224-0110	NEW-P	02-07-021
232- 28-277	REP-P	02-10-128	232- 28-61900R	REP-E	02-11-114	246-224-0120	NEW-P	02-07-021
232- 28-277	AMD	02-11-069	232- 28-61900S	NEW-E	02-05-010	246-224-020	REP-P	02-07-021
232- 28-278	AMD-P	02-06-126	232- 28-61900S	REP-E	02-09-009	246-224-050	REP-P	02-07-021
232- 28-278	AMD	02-11-069	232- 28-61900S	NEW-E	02-12-013	246-224-060	REP-P	02-07-021
232- 28-279	AMD-P	02-06-123	232- 28-61900S	REP-E	02-13-052	246-224-070	REP-P	02-07-021
232- 28-279	AMD	02-11-069	232- 28-61900T	NEW-E	02-05-075	246-224-090	REP-P	02-07-021
232- 28-279	AMD-P	02-13-138	232- 28-61900T	REP-E	02-07-096	246-224-100	REP-P	02-07-021
232- 28-282	NEW-P	02-10-128	232- 28-61900T	NEW-E	02-12-019	246-229-0001	NEW-P	02-07-021
232- 28-299	AMD-P	02-10-128	232- 28-61900T	REP-E	02-12-019	246-229-001	REP-P	02-07-021
232- 28-425	REP-P	02-13-137	232- 28-61900U	REP-E	02-03-022	246-229-0010	NEW-P	02-07-021
232- 28-42500C	NEW-E	02-03-052	232- 28-61900U	NEW-E	02-06-100	246-229-0020	NEW-P	02-07-021
232- 28-42500C	REP-E	02-03-052	232- 28-61900U	REP-E	02-06-100	246-229-0030	NEW-P	02-07-021
232- 28-426	NEW-P	02-13-137	232- 28-61900U	NEW-E	02-13-052	246-229-0040	NEW-P	02-07-021
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232- 28-619	AMD-X	02-10-127	232- 28-61900V	REP-E	02-06-099	246-229-0060	NEW-P	02-07-021
232- 28-619	AMD-P	02-13-088	232- 28-61900W	NEW-E	02-07-061	246-229-0070	NEW-P	02-07-021
232- 28-61900A	NEW-E	02-08-022	232- 28-61900W	REP-E	02-07-061	246-229-0080	NEW-P	02-07-021
232- 28-61900A	REP-E	02-11-001	232- 28-61900X	NEW-E	02-07-019	246-229-0090	NEW-P	02-07-021
232- 28-61900B	NEW-E	02-08-004	232- 28-61900X	REP-E	02-07-019	246-229-0100	NEW-P	02-07-021
232- 28-61900B	REP-E	02-08-004	232- 28-61900Y	NEW-E	02-07-066	246-229-020	REP-P	02-07-021
232- 28-61900C	NEW-E	02-09-023	232- 28-61900Y	REP-E	02-07-066	246-229-030	REP-P	02-07-021
232- 28-61900C	REP-E	02-09-023	232- 28-61900Z	NEW-E	02-07-096	246-229-050	REP-P	02-07-021
232- 28-61900D	REP-E	02-05-075	232- 28-61900Z	REP-E	02-07-096	246-229-060	REP-P	02-07-021
232- 28-61900D	NEW-E	02-09-009	232- 28-620	AMD-X	02-10-127	246-229-070	REP-P	02-07-021
232- 28-61900D	REP-E	02-10-063	232- 28-62000D	NEW-E	02-11-086	246-229-080	REP-P	02-07-021
232- 28-61900E	NEW-E	02-10-024	232- 28-62000D	REP-E	02-11-086	246-229-090	REP-P	02-07-021
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232- 28-61900F	NEW-E	02-10-077	232- 28-621	AMD-X	02-10-127	246-229-110	REP-P	02-07-021
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232- 28-61900I	REP-E	02-03-022	246-100-166	PREP	02-10-066	246-254-090	AMD	02-04-025
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232- 28-61900K	REP-E	02-11-039	246-145-001	NEW	02-11-109	246-320-990	AMD-P	02-10-131
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232- 28-61900L	REP-E	02-03-015	246-145-020	NEW	02-11-109	246-322-990	AMD-P	02-10-131
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232- 28-61900M	NEW-E	02-03-066	246-145-040	NEW	02-11-109	246-323-990	AMD-P	02-13-058
232- 28-61900M	REP-E	02-10-063	246-215-150	AMD-P	02-04-091	246-324-990	AMD-P	02-10-131
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246-327-185	REP-P	02-12-103	246-335-195	NEW-P	02-12-103	246-388-160	REP-P	02-13-075
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246-335-115	NEW-P	02-12-103	246-388-010	REP-P	02-13-075	246-790-090	AMD-P	02-07-020
246-335-120	NEW-P	02-12-103	246-388-020	REP-P	02-13-075	246-790-090	AMD	02-11-107
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246-808-350	REP-W	02-11-105	246-840-050	PREP	02-04-033	246-976-510	AMD	02-12-107
246-808-360	REP-W	02-11-105	246-840-060	PREP	02-04-033	246-976-550	AMD-P	02-09-043
246-808-370	REP-W	02-11-105	246-840-070	PREP	02-04-033	246-976-550	AMD	02-12-107
246-808-380	REP-W	02-11-105	246-840-080	PREP	02-04-031	246-976-560	AMD-P	02-09-043
246-808-390	REP-W	02-11-105	246-840-090	PREP	02-04-031	246-976-560	AMD	02-12-107
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246-809-630	NEW	02-11-108	246-843-150	AMD-P	02-11-106	246-976-650	AMD	02-12-107
246-809-640	NEW	02-11-108	246-843-180	AMD-P	02-11-106	246-976-720	AMD-P	02-09-043
246-809-650	NEW	02-11-108	246-843-220	PREP-W	02-11-105	246-976-720	AMD	02-12-107
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246-810-340	REP	02-09-041	246-851-150	AMD	02-10-065	246-976-770	AMD	02-12-107
246-810-520	REP	02-09-041	246-851-160	AMD-C	02-04-090	246-976-780	AMD-P	02-09-043
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246-810-540	REP	02-09-041	246-851-250	AMD-C	02-04-090	246-976-810	AMD	02-12-107
246-810-600	REP	02-11-108	246-851-250	AMD	02-10-065	246-976-820	AMD-P	02-09-043
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246-810-620	REP	02-11-108	246-851-300	AMD	02-10-065	246-976-886	NEW-P	02-09-043
246-810-630	REP	02-11-108	246-851-310	AMD-C	02-04-090	246-976-886	NEW	02-12-107
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251-14-042	REP-P	02-12-111	259-04-070	AMD	02-06-014	296-24-145	REP-P	02-13-118
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251-14-050	REP-P	02-12-111	260-36-040	AMD	02-10-101	296-24-14503	REP-P	02-13-118
251-14-052	AMD-E	02-12-052	260-48-930	NEW-P	02-05-028	296-24-14505	REP-P	02-13-118
251-14-052	AMD-P	02-12-111	260-48-930	NEW-W	02-05-033	296-24-14507	REP-P	02-13-118
251-14-054	AMD-E	02-12-052	260-48-930	NEW	02-10-100	296-24-14509	REP-P	02-13-118
251-14-054	AMD-P	02-12-111	260-70-500	PREP	02-13-024	296-24-14511	REP-P	02-13-118
251-14-056	AMD-E	02-12-052	260-70-640	PREP	02-13-024	296-24-14513	REP-P	02-13-118
251-14-056	AMD-P	02-12-111	260-70-650	AMD-P	02-05-030	296-24-14515	REP-P	02-13-118
251-14-058	AMD-E	02-12-052	260-70-650	AMD	02-10-102	296-24-14517	REP-P	02-13-118
251-14-058	AMD-P	02-12-111	260-70-650	PREP	02-13-024	296-24-14519	REP-P	02-13-118
251-14-060	AMD-E	02-12-052	260-70-660	PREP	02-05-027	296-24-23003	AMD-X	02-05-077
251-14-060	AMD-P	02-12-111	260-70-700	PREP	02-13-024	296-24-23003	AMD	02-12-098
251-14-070	REP-E	02-12-052	284-04-120	AMD	02-08-019	296-24-405	REP-P	02-07-100
251-14-070	REP-P	02-12-111	292-110-010	AMD	02-07-074	296-24-40501	REP-P	02-07-100
251-14-080	REP-E	02-12-052	292-110-010	AMD-W	02-09-069	296-24-40503	REP-P	02-07-100
251-14-080	REP-P	02-12-111	292-110-060	PREP	02-12-002	296-24-40505	REP-P	02-07-100
251-14-082	REP-E	02-12-052	292-120-030	AMD	02-04-003	296-24-40507	REP-P	02-07-100
251-14-082	REP-P	02-12-111	292-120-035	NEW	02-04-003	296-24-40509	REP-P	02-07-100
251-14-083	REP-E	02-12-052	296-05-007	AMD-X	02-04-004	296-24-40511	REP-P	02-07-100
251-14-083	REP-P	02-12-111	296-05-007	AMD	02-10-083	296-24-40513	REP-P	02-07-100
251-14-085	REP-E	02-12-052	296-05-300	AMD-X	02-04-004	296-24-40515	REP-P	02-07-100
251-14-085	REP-P	02-12-111	296-05-300	AMD	02-10-083	296-24-51009	AMD-X	02-05-077
251-14-086	REP-E	02-12-052	296-05-316	AMD-X	02-04-004	296-24-51009	AMD	02-12-098
251-14-086	REP-P	02-12-111	296-05-316	AMD	02-10-083	296-24-51011	AMD-X	02-05-077
251-14-087	REP-E	02-12-052	296-05-402	AMD-X	02-04-004	296-24-51011	AMD	02-12-098
251-14-087	REP-P	02-12-111	296-05-402	AMD	02-10-083	296-24-51015	AMD-X	02-05-077
251-14-090	REP-E	02-12-052	296-150C	PREP	02-04-106	296-24-51015	AMD	02-12-098
251-14-090	REP-P	02-12-111	296-150F	PREP	02-04-106	296-24-60205	AMD-X	02-05-077
251-14-120	AMD-E	02-12-052	296-150M	PREP	02-04-106	296-24-60205	AMD	02-12-098
251-14-120	AMD-P	02-12-111	296-150P	PREP	02-04-106	296-24-63499	AMD-X	02-05-077
251-17-150	AMD-E	02-12-046	296-150R	PREP	02-04-106	296-24-63499	AMD	02-12-098
251-17-150	AMD-P	02-12-115	296-150V	PREP	02-04-106	296-24-67513	AMD-X	02-05-077
251-17-200	AMD-P	02-04-080	296-17	PREP	02-07-102	296-24-67513	AMD	02-12-098
251-17-200	AMD	02-07-050	296-17	PREP	02-13-117	296-24-67515	AMD-X	02-05-077
251-18-190	AMD-P	02-12-119	296-17-35203	AMD-P	02-03-123	296-24-67515	AMD	02-12-098
251-19-060	AMD-E	02-12-047	296-17-35203	AMD	02-09-093	296-28-001	REP-P	02-07-101
251-19-060	AMD-P	02-12-114	296-17-52140	AMD-P	02-03-123	296-28-005	REP-P	02-07-101
251-19-120	AMD-P	02-04-081	296-17-52140	AMD	02-09-093	296-28-010	REP-P	02-07-101
251-19-120	AMD	02-07-051	296-17-52141	AMD-P	02-03-123	296-28-015	REP-P	02-07-101
251-22-060	AMD-E	02-12-046	296-17-52141	AMD	02-09-093	296-28-020	REP-P	02-07-101
251-22-060	AMD-P	02-12-115	296-17-52150	AMD-P	02-03-123	296-28-025	REP-P	02-07-101
251-22-180	AMD-E	02-12-046	296-17-52150	AMD	02-09-093	296-28-030	REP-P	02-07-101
251-22-180	AMD-P	02-12-115	296-17-52151	AMD-P	02-03-123	296-28-035	REP-P	02-07-101
251-30-010	NEW-E	02-13-056	296-17-52151	AMD	02-09-093	296-28-040	REP-P	02-07-101
251-30-010	NEW-P	02-13-131	296-200A	PREP	02-04-106	296-28-045	REP-P	02-07-101
251-30-020	NEW-E	02-13-056	296-20-135	AMD-P	02-05-076	296-28-050	REP-P	02-07-101
251-30-020	NEW-P	02-13-131	296-20-135	AMD	02-10-129	296-32	AMD-S	02-10-025
251-30-030	NEW-E	02-13-056	296-23-220	AMD-P	02-05-076	296-32-240	AMD-P	02-05-080
251-30-030	NEW-P	02-13-131	296-23-220	AMD	02-10-129	296-32-250	AMD-X	02-05-077
251-30-040	NEW-E	02-13-056	296-23-230	AMD-P	02-05-076	296-32-250	AMD	02-12-098
251-30-040	NEW-P	02-13-131	296-23-230	AMD	02-10-129	296-32-280	AMD-X	02-05-077
251-30-050	NEW-E	02-13-056	296-24	PREP	02-04-107	296-32-280	AMD	02-12-098
251-30-050	NEW-P	02-13-131	296-24	PREP	02-04-108	296-33-010	NEW	02-06-024
251-30-055	NEW-E	02-13-056	296-24	PREP	02-09-091	296-400A	PREP	02-04-106
251-30-055	NEW-P	02-13-131	296-24-012	AMD-X	02-05-077	296-401B	PREP	02-04-106
251-30-057	NEW-E	02-13-056	296-24-012	AMD	02-12-098	296-45	AMD-S	02-10-025
251-30-057	NEW-P	02-13-131	296-24-102	REP-X	02-08-080	296-45-52530	AMD-P	02-05-080
251-30-060	NEW-E	02-13-056	296-24-10203	REP-X	02-08-080	296-46A	PREP	02-04-106

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-46A-910	AMD-P	02-09-095	296-52-60115	NEW	02-03-125	296-52-66035	NEW	02-03-125
296-46A-910	AMD	02-12-022	296-52-60120	NEW	02-03-125	296-52-66040	NEW	02-03-125
296-46A-915	AMD-P	02-09-095	296-52-60125	NEW	02-03-125	296-52-66045	NEW	02-03-125
296-46A-915	AMD	02-12-022	296-52-60130	NEW	02-03-125	296-52-66050	NEW	02-03-125
296-52	AMD	02-03-125	296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125
296-52-401	REP	02-03-125	296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125
296-52-405	REP	02-03-125	296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102
296-52-409	REP	02-03-125	296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125
296-52-413	REP	02-03-125	296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102
296-52-417	REP	02-03-125	296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125
296-52-419	REP	02-03-125	296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125
296-52-421	REP	02-03-125	296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125
296-52-423	REP	02-03-125	296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125
296-52-425	REP	02-03-125	296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125
296-52-429	REP	02-03-125	296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125
296-52-433	REP	02-03-125	296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125
296-52-437	REP	02-03-125	296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125
296-52-441	REP	02-03-125	296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125
296-52-445	REP	02-03-125	296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125
296-52-449	REP	02-03-125	296-52-62035	NEW	02-03-125	296-52-67070	NEW	02-03-125
296-52-453	REP	02-03-125	296-52-62040	NEW	02-03-125	296-52-67075	NEW	02-03-125
296-52-457	REP	02-03-125	296-52-62045	NEW	02-03-125	296-52-67080	NEW	02-03-125
296-52-461	REP	02-03-125	296-52-63005	NEW	02-03-125	296-52-67085	NEW	02-03-125
296-52-465	REP	02-03-125	296-52-63010	NEW	02-03-125	296-52-67090	NEW	02-03-125
296-52-469	REP	02-03-125	296-52-63015	NEW-W	02-06-102	296-52-67095	NEW	02-03-125
296-52-477	REP	02-03-125	296-52-63020	NEW	02-03-125	296-52-67100	NEW	02-03-125
296-52-481	REP	02-03-125	296-52-63025	NEW	02-03-125	296-52-67105	NEW	02-03-125
296-52-485	REP	02-03-125	296-52-63030	NEW	02-03-125	296-52-67110	NEW	02-03-125
296-52-487	REP	02-03-125	296-52-64005	NEW	02-03-125	296-52-67115	NEW	02-03-125
296-52-489	REP	02-03-125	296-52-64010	NEW-W	02-06-102	296-52-67120	NEW-W	02-06-102
296-52-493	REP	02-03-125	296-52-64015	NEW-W	02-06-102	296-52-67125	NEW	02-03-125
296-52-497	REP	02-03-125	296-52-64020	NEW	02-03-125	296-52-67130	NEW	02-03-125
296-52-501	REP	02-03-125	296-52-64025	NEW-W	02-06-102	296-52-67135	NEW	02-03-125
296-52-505	REP	02-03-125	296-52-64030	NEW	02-03-125	296-52-67140	NEW	02-03-125
296-52-509	REP	02-03-125	296-52-64035	NEW	02-03-125	296-52-67145	NEW	02-03-125
296-52-510	REP	02-03-125	296-52-64040	NEW	02-03-125	296-52-67150	NEW-W	02-06-102
296-52-550	REP	02-03-125	296-52-64045	NEW	02-03-125	296-52-67155	NEW-W	02-06-102
296-52-552	REP	02-03-125	296-52-64050	NEW	02-03-125	296-52-67160	NEW	02-03-125
296-52-555	REP	02-03-125	296-52-64055	NEW	02-03-125	296-52-67165	NEW	02-03-125
296-52-600	NEW-W	02-06-102	296-52-64060	NEW-W	02-06-102	296-52-67170	NEW	02-03-125
296-52-60005	NEW	02-03-125	296-52-64065	NEW	02-03-125	296-52-67175	NEW-W	02-06-102
296-52-60010	NEW	02-03-125	296-52-64070	NEW-W	02-06-102	296-52-67180	NEW	02-03-125
296-52-60015	NEW	02-03-125	296-52-64075	NEW	02-03-125	296-52-67185	NEW	02-03-125
296-52-60020	NEW	02-03-125	296-52-64080	NEW	02-03-125	296-52-67190	NEW	02-03-125
296-52-60025	NEW-W	02-06-102	296-52-64085	NEW	02-03-125	296-52-67195	NEW	02-03-125
296-52-60030	NEW	02-03-125	296-52-64090	NEW	02-03-125	296-52-67200	NEW	02-03-125
296-52-60035	NEW	02-03-125	296-52-64095	NEW	02-03-125	296-52-67205	NEW-W	02-06-102
296-52-60040	NEW-W	02-06-102	296-52-64100	NEW	02-03-125	296-52-67210	NEW	02-03-125
296-52-60045	NEW	02-03-125	296-52-650	NEW	02-03-125	296-52-67215	NEW	02-03-125
296-52-60050	NEW	02-03-125	296-52-65005	NEW	02-03-125	296-52-67220	NEW	02-03-125
296-52-60055	NEW	02-03-125	296-52-65010	NEW	02-03-125	296-52-67225	NEW	02-03-125
296-52-60060	NEW	02-03-125	296-52-65015	NEW	02-03-125	296-52-67230	NEW	02-03-125
296-52-60065	NEW	02-03-125	296-52-65020	NEW	02-03-125	296-52-67235	NEW	02-03-125
296-52-60070	NEW-W	02-06-102	296-52-65025	NEW	02-03-125	296-52-67240	NEW	02-03-125
296-52-60075	NEW	02-03-125	296-52-65030	NEW	02-03-125	296-52-67245	NEW	02-03-125
296-52-60080	NEW	02-03-125	296-52-660	NEW	02-03-125	296-52-67250	NEW-W	02-06-102
296-52-60085	NEW	02-03-125	296-52-66005	NEW	02-03-125	296-52-68005	NEW-W	02-06-102
296-52-60090	NEW	02-03-125	296-52-66010	NEW	02-03-125	296-52-68010	NEW	02-03-125
296-52-60095	NEW	02-03-125	296-52-66015	NEW	02-03-125	296-52-68015	NEW	02-03-125
296-52-60100	NEW	02-03-125	296-52-66020	NEW	02-03-125	296-52-68020	NEW	02-03-125
296-52-60105	NEW	02-03-125	296-52-66025	NEW-W	02-06-102	296-52-68025	NEW	02-03-125
296-52-60110	NEW-W	02-06-102	296-52-66030	NEW	02-03-125	296-52-68030	NEW	02-03-125

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-52-68035	NEW-W	02-06-102	296-52-71040	NEW	02-03-125	296-62-41025	REP	02-11-141
296-52-68040	NEW	02-03-125	296-52-71045	NEW	02-03-125	296-62-41030	REP	02-11-141
296-52-68045	NEW	02-03-125	296-52-71050	NEW-W	02-06-102	296-62-41031	REP	02-11-141
296-52-68050	NEW	02-03-125	296-52-71055	NEW	02-03-125	296-62-41033	REP	02-11-141
296-52-68055	NEW	02-03-125	296-52-71060	NEW	02-03-125	296-62-41035	REP	02-11-141
296-52-68060	NEW	02-03-125	296-52-71065	NEW	02-03-125	296-62-41040	REP	02-11-141
296-52-68065	NEW	02-03-125	296-52-71070	NEW-W	02-06-102	296-62-41041	REP	02-11-141
296-52-68070	NEW-W	02-06-102	296-52-71075	NEW	02-03-125	296-62-41042	REP	02-11-141
296-52-68075	NEW	02-03-125	296-52-71080	NEW	02-03-125	296-62-41043	REP	02-11-141
296-52-68080	NEW	02-03-125	296-52-71085	NEW-W	02-06-102	296-62-41044	REP	02-11-141
296-52-68085	NEW	02-03-125	296-52-71090	NEW	02-03-125	296-62-41045	REP	02-11-141
296-52-69005	NEW	02-03-125	296-52-71095	NEW	02-03-125	296-62-41046	REP	02-11-141
296-52-69010	NEW	02-03-125	296-52-71100	NEW	02-03-125	296-62-41047	REP	02-11-141
296-52-69015	NEW	02-03-125	296-52-71105	NEW	02-03-125	296-62-41060	REP	02-11-141
296-52-69020	NEW	02-03-125	296-52-720	NEW	02-03-125	296-62-41061	REP	02-11-141
296-52-69025	NEW	02-03-125	296-52-725	NEW	02-03-125	296-62-41063	REP	02-11-141
296-52-69030	NEW	02-03-125	296-62	PREP	02-04-107	296-62-41080	REP	02-11-141
296-52-69035	NEW	02-03-125	296-62	PREP	02-10-130	296-62-41081	REP	02-11-141
296-52-69040	NEW	02-03-125	296-62	PREP	02-13-114	296-62-41082	REP	02-11-141
296-52-69045	NEW	02-03-125	296-62	PREP	02-13-116	296-62-41084	REP	02-11-141
296-52-69050	NEW	02-03-125	296-62-060	AMD-P	02-09-092	296-62-41085	REP	02-11-141
296-52-69055	NEW	02-03-125	296-62-070	AMD-P	02-09-092	296-62-41086	REP	02-11-141
296-52-69060	NEW	02-03-125	296-62-071	PREP	02-11-140	296-78-56501	AMD	02-03-124
296-52-69065	NEW	02-03-125	296-62-07302	AMD-X	02-05-077	296-78-56505	AMD	02-03-124
296-52-69070	NEW	02-03-125	296-62-07302	AMD	02-12-098	296-78-71015	AMD-P	02-07-100
296-52-69075	NEW-W	02-06-102	296-62-07304	AMD-X	02-05-077	296-79-140	AMD-X	02-05-077
296-52-69080	NEW	02-03-125	296-62-07304	AMD	02-12-098	296-79-140	AMD	02-12-098
296-52-69085	NEW	02-03-125	296-62-07312	AMD-X	02-05-077	296-86A-010	REP-P	02-09-095
296-52-69090	NEW	02-03-125	296-62-07312	AMD	02-12-098	296-86A-010	REP	02-12-022
296-52-69095	NEW	02-03-125	296-62-07314	AMD-X	02-05-077	296-86A-020	REP-P	02-09-095
296-52-69100	NEW-W	02-06-102	296-62-07314	AMD	02-12-098	296-86A-020	REP	02-12-022
296-52-69105	NEW	02-03-125	296-62-07421	AMD-X	02-05-077	296-86A-025	REP-P	02-09-095
296-52-69110	NEW	02-03-125	296-62-07421	AMD	02-12-098	296-86A-025	REP	02-12-022
296-52-69115	NEW	02-03-125	296-62-07501	AMD-X	02-05-077	296-86A-028	REP-P	02-09-095
296-52-69120	NEW	02-03-125	296-62-07501	AMD	02-12-098	296-86A-028	REP	02-12-022
296-52-69125	NEW	02-03-125	296-62-07527	AMD-X	02-05-077	296-86A-030	REP-P	02-09-095
296-52-700	NEW	02-03-125	296-62-07527	AMD	02-12-098	296-86A-030	REP	02-12-022
296-52-70005	NEW	02-03-125	296-62-07540	AMD-X	02-05-077	296-86A-040	REP-P	02-09-095
296-52-70010	NEW	02-03-125	296-62-07540	AMD	02-12-098	296-86A-040	REP	02-12-022
296-52-70015	NEW	02-03-125	296-62-080	AMD-P	02-09-092	296-86A-060	REP-P	02-09-095
296-52-70020	NEW	02-03-125	296-62-11021	AMD-P	02-07-100	296-86A-060	REP	02-12-022
296-52-70025	NEW	02-03-125	296-62-130	AMD-P	02-09-092	296-86A-065	REP-P	02-09-095
296-52-70030	NEW	02-03-125	296-62-14105	AMD-X	02-05-077	296-86A-065	REP	02-12-022
296-52-70035	NEW	02-03-125	296-62-14105	AMD	02-12-098	296-86A-070	REP-P	02-09-095
296-52-70040	NEW	02-03-125	296-62-14110	AMD-X	02-05-077	296-86A-070	REP	02-12-022
296-52-70045	NEW	02-03-125	296-62-14110	AMD	02-12-098	296-86A-073	REP-P	02-09-095
296-52-70050	NEW	02-03-125	296-62-14155	AMD-X	02-05-077	296-86A-073	REP	02-12-022
296-52-70055	NEW	02-03-125	296-62-14155	AMD	02-12-098	296-86A-074	REP-P	02-09-095
296-52-70060	NEW	02-03-125	296-62-14171	AMD-X	02-05-077	296-86A-074	REP	02-12-022
296-52-70065	NEW	02-03-125	296-62-14171	AMD	02-12-098	296-86A-075	REP-P	02-09-095
296-52-70070	NEW	02-03-125	296-62-410	REP	02-11-141	296-86A-075	REP	02-12-022
296-52-70075	NEW-W	02-06-102	296-62-41001	REP	02-11-141	296-86A-080	REP-P	02-09-095
296-52-70080	NEW	02-03-125	296-62-41003	REP	02-11-141	296-86A-080	REP	02-12-022
296-52-70085	NEW	02-03-125	296-62-41010	REP	02-11-141	296-96	PREP	02-04-106
296-52-710	NEW	02-03-125	296-62-41011	REP	02-11-141	296-96	PREP	02-09-090
296-52-71005	NEW-W	02-06-102	296-62-41013	REP	02-11-141	296-96-01010	AMD-P	02-09-095
296-52-71010	NEW-W	02-06-102	296-62-41015	REP	02-11-141	296-96-01010	AMD	02-12-022
296-52-71015	NEW	02-03-125	296-62-41017	REP	02-11-141	296-96-01012	NEW-P	02-09-095
296-52-71020	NEW	02-03-125	296-62-41019	REP	02-11-141	296-96-01012	NEW	02-12-022
296-52-71025	NEW	02-03-125	296-62-41020	REP	02-11-141	296-96-01015	REP-P	02-09-095
296-52-71030	NEW-W	02-06-102	296-62-41021	REP	02-11-141	296-96-01015	REP	02-12-022
296-52-71035	NEW	02-03-125	296-62-41023	REP	02-11-141	296-96-01025	AMD-P	02-09-095

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296-96-01025	AMD	02-12-022	296-155-603	NEW-P	02-05-080	296-155-960	AMD-X	02-05-077
296-96-01027	AMD-P	02-09-095	296-155-604	NEW-P	02-05-080	296-155-960	AMD	02-12-098
296-96-01027	AMD	02-12-022	296-155-605	AMD-P	02-05-080	296-200A-080	AMD-P	02-09-095
296-96-01030	AMD-P	02-09-095	296-155-606	NEW-P	02-05-080	296-200A-080	AMD	02-12-022
296-96-01030	AMD	02-12-022	296-155-607	NEW-P	02-05-080	296-200A-900	AMD-P	02-09-095
296-96-01035	AMD-P	02-09-095	296-155-608	NEW-P	02-05-080	296-200A-900	AMD	02-12-022
296-96-01035	AMD	02-12-022	296-155-609	NEW-P	02-05-080	296-305	PREP	02-13-114
296-96-01040	AMD-P	02-09-095	296-155-610	AMD-P	02-05-080	296-305-04001	AMD-X	02-05-077
296-96-01040	AMD	02-12-022	296-155-611	NEW-P	02-05-080	296-305-04001	AMD	02-12-098
296-96-01045	AMD-P	02-09-095	296-155-612	NEW-P	02-05-080	296-305-05003	AMD-X	02-05-077
296-96-01045	AMD	02-12-022	296-155-615	AMD-P	02-05-080	296-305-05003	AMD	02-12-098
296-96-01050	AMD-P	02-09-095	296-155-655	AMD-P	02-05-080	296-307	PREP	02-04-107
296-96-01050	AMD	02-12-022	296-155-66405	AMD-X	02-05-077	296-307-039	AMD-X	02-05-077
296-96-01055	AMD-P	02-09-095	296-155-66405	AMD	02-12-098	296-307-039	AMD	02-12-098
296-96-01055	AMD	02-12-022	296-155-66411	AMD-X	02-05-077	296-307-08009	AMD-X	02-05-077
296-96-01060	AMD-P	02-09-095	296-155-66411	AMD	02-12-098	296-307-08009	AMD	02-12-098
296-96-01060	AMD	02-12-022	296-155-700	REP-P	02-06-114	296-307-14520	PREP	02-07-103
296-96-01065	AMD-P	02-09-095	296-155-700	REP	02-13-115	296-307-452	NEW	02-11-141
296-96-01065	AMD	02-12-022	296-155-701	NEW-P	02-06-114	296-307-45210	NEW	02-11-141
296-104	PREP	02-04-105	296-155-701	NEW	02-13-115	296-307-45220	NEW	02-11-141
296-104	PREP	02-08-090	296-155-702	NEW-P	02-06-114	296-307-45230	NEW	02-11-141
296-104-055	AMD-P	02-09-094	296-155-702	NEW	02-13-115	296-307-45240	NEW	02-11-141
296-104-055	AMD	02-12-021	296-155-703	NEW-P	02-06-114	296-307-45400	NEW	02-11-141
296-104-060	AMD-P	02-09-094	296-155-703	NEW	02-13-115	296-307-45410	NEW	02-11-141
296-104-060	AMD	02-12-021	296-155-704	NEW-P	02-06-114	296-307-45420	NEW	02-11-141
296-104-700	AMD-P	02-09-094	296-155-704	NEW	02-13-115	296-307-45430	NEW	02-11-141
296-104-700	AMD	02-12-021	296-155-705	REP-P	02-06-114	296-307-45440	NEW	02-11-141
296-130	PREP	02-11-139	296-155-705	REP	02-13-115	296-307-45450	NEW	02-11-141
296-150C-0800	AMD-P	02-09-095	296-155-706	NEW-P	02-06-114	296-307-45600	NEW	02-11-141
296-150C-0800	AMD	02-12-022	296-155-706	NEW	02-13-115	296-307-45610	NEW	02-11-141
296-150C-3000	AMD-P	02-09-095	296-155-707	NEW-P	02-06-114	296-307-45620	NEW	02-11-141
296-150C-3000	AMD	02-12-022	296-155-707	NEW	02-13-115	296-307-45800	NEW	02-11-141
296-150M-0020	AMD	02-03-048	296-155-708	NEW-P	02-06-114	296-307-46000	NEW	02-11-141
296-150M-0049	NEW	02-03-048	296-155-708	NEW	02-13-115	296-400A	PREP	02-09-089
296-150M-0140	AMD	02-03-048	296-155-709	NEW-P	02-06-114	296-400A	AMD-P	02-09-096
296-150M-0302	NEW	02-03-048	296-155-709	NEW	02-13-115	296-400A-005	AMD-P	02-09-096
296-150M-0304	NEW-W	02-09-070	296-155-710	REP-P	02-06-114	296-400A-020	AMD-P	02-09-096
296-150P-3000	AMD-P	02-09-095	296-155-710	REP	02-13-115	296-400A-025	AMD-P	02-09-096
296-150P-3000	AMD	02-12-022	296-155-711	NEW-P	02-06-114	296-400A-026	AMD-P	02-09-096
296-150R-3000	AMD-P	02-09-095	296-155-711	NEW	02-13-115	296-400A-030	AMD-P	02-09-096
296-150R-3000	AMD	02-12-022	296-155-714	NEW-P	02-06-114	296-400A-031	AMD-P	02-09-096
296-150T-3000	AMD-P	02-09-095	296-155-714	NEW	02-13-115	296-400A-035	AMD-P	02-09-096
296-150T-3000	AMD	02-12-022	296-155-715	REP-P	02-06-114	296-400A-045	AMD-P	02-09-096
296-150V-0800	AMD-P	02-09-095	296-155-715	REP	02-13-115	296-400A-070	AMD-P	02-09-096
296-150V-0800	AMD	02-12-022	296-155-716	NEW-P	02-06-114	296-400A-100	AMD-P	02-09-096
296-150V-3000	AMD-P	02-09-095	296-155-716	NEW	02-13-115	296-400A-120	AMD-P	02-09-096
296-150V-3000	AMD	02-12-022	296-155-717	NEW-P	02-06-114	296-400A-121	AMD-P	02-09-096
296-155	PREP	02-09-091	296-155-717	NEW	02-13-115	296-400A-122	NEW-P	02-09-096
296-155	AMD-S	02-10-025	296-155-720	REP-P	02-06-114	296-400A-130	AMD-P	02-09-096
296-155-110	AMD-P	02-05-080	296-155-720	REP	02-13-115	296-400A-140	AMD-P	02-09-096
296-155-165	AMD-P	02-05-080	296-155-72401	NEW-P	02-06-114	296-400A-430	NEW-P	02-09-096
296-155-200	AMD-P	02-05-080	296-155-72401	NEW-W	02-13-115	296-401B-700	AMD-P	02-09-095
296-155-24525	AMD-X	02-05-077	296-155-72402	NEW-P	02-06-114	296-401B-700	AMD	02-12-022
296-155-24525	AMD	02-12-098	296-155-72402	NEW-W	02-13-115	296-402A-040	AMD-P	02-09-097
296-155-441	AMD-X	02-05-077	296-155-72403	NEW-P	02-06-114	296-402A-410	AMD-P	02-09-097
296-155-441	AMD	02-12-098	296-155-72403	NEW-W	02-13-115	296-402A-630	AMD-P	02-09-097
296-155-525	AMD-X	02-05-077	296-155-72404	NEW-P	02-06-114	296-403-010	REP-P	02-09-097
296-155-525	AMD	02-12-098	296-155-72404	NEW-W	02-13-115	296-403-020	REP-P	02-09-097
296-155-530	AMD-X	02-05-077	296-155-72405	NEW-P	02-06-114	296-403-030	REP-P	02-09-097
296-155-530	AMD	02-12-098	296-155-72405	NEW-W	02-13-115	296-403-040	REP-P	02-09-097
296-155-601	NEW-P	02-05-080	296-155-72406	NEW-P	02-06-114	296-403-050	REP-P	02-09-097
296-155-602	NEW-P	02-05-080	296-155-72406	NEW-W	02-13-115	296-403-060	REP-P	02-09-097

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296-403-070	REP-P	02-09-097	296-800-370	AMD-P	02-09-092	296-860-10020	NEW-P	02-07-101
296-403-080	REP-P	02-09-097	296-817	PREP	02-13-114	296-860-10025	NEW-P	02-07-101
296-403-090	REP-P	02-09-097	296-824-100	NEW	02-11-141	296-860-10030	NEW-P	02-07-101
296-403-100	REP-P	02-09-097	296-824-110	NEW	02-11-141	296-860-10040	NEW-P	02-07-101
296-403-110	REP-P	02-09-097	296-824-11010	NEW	02-11-141	296-860-10050	NEW-P	02-07-101
296-403-120	REP-P	02-09-097	296-824-11020	NEW	02-11-141	296-860-10060	NEW-P	02-07-101
296-403-130	REP-P	02-09-097	296-824-11050	NEW	02-11-141	296-860-10070	NEW-P	02-07-101
296-403-140	REP-P	02-09-097	296-824-11060	NEW	02-11-141	296-860-10100	NEW-P	02-07-101
296-403-150	REP-P	02-09-097	296-824-12010	NEW	02-11-141	296-878-100	NEW-P	02-13-118
296-403-160	REP-P	02-09-097	296-824-12020	NEW	02-11-141	296-878-10005	NEW-P	02-13-118
296-403A-100	NEW-P	02-09-097	296-824-12030	NEW	02-11-141	296-878-110	NEW-P	02-13-118
296-403A-110	NEW-P	02-09-097	296-824-12040	NEW	02-11-141	296-878-11005	NEW-P	02-13-118
296-403A-120	NEW-P	02-09-097	296-824-12050	NEW	02-11-141	296-878-120	NEW-P	02-13-118
296-403A-130	NEW-P	02-09-097	296-824-12060	NEW	02-11-141	296-878-12005	NEW-P	02-13-118
296-403A-140	NEW-P	02-09-097	296-824-13010	NEW	02-11-141	296-878-130	NEW-P	02-13-118
296-403A-150	NEW-P	02-09-097	296-824-13020	NEW	02-11-141	296-878-13005	NEW-P	02-13-118
296-403A-160	NEW-P	02-09-097	296-824-13030	NEW	02-11-141	296-878-13010	NEW-P	02-13-118
296-403A-170	NEW-P	02-09-097	296-824-14010	NEW	02-11-141	296-878-140	NEW-P	02-13-118
296-403A-180	NEW-P	02-09-097	296-824-15010	NEW	02-11-141	296-878-14005	NEW-P	02-13-118
296-403A-190	NEW-P	02-09-097	296-832-10000	NEW-X	02-08-080	296-878-150	NEW-P	02-13-118
296-403A-195	NEW-P	02-09-097	296-832-10005	NEW-X	02-08-080	296-878-15005	NEW-P	02-13-118
296-403A-200	NEW-P	02-09-097	296-832-10010	NEW-X	02-08-080	296-878-15010	NEW-P	02-13-118
296-403A-210	NEW-P	02-09-097	296-832-10015	NEW-X	02-08-080	296-878-15015	NEW-P	02-13-118
296-403A-220	NEW-P	02-09-097	296-832-10020	NEW-X	02-08-080	296-878-15020	NEW-P	02-13-118
296-403A-230	NEW-P	02-09-097	296-832-10025	NEW-X	02-08-080	296-878-15025	NEW-P	02-13-118
296-403A-240	NEW-P	02-09-097	296-835-100	NEW-P	02-07-100	296-878-160	NEW-P	02-13-118
296-800	PREP	02-04-107	296-835-110	NEW-P	02-07-100	296-878-16005	NEW-P	02-13-118
296-800-110	AMD-P	02-09-092	296-835-11005	NEW-P	02-07-100	296-878-170	NEW-P	02-13-118
296-800-11040	NEW-P	02-09-092	296-835-11010	NEW-P	02-07-100	296-878-17005	NEW-P	02-13-118
296-800-11045	NEW-P	02-09-092	296-835-11015	NEW-P	02-07-100	296-878-180	NEW-P	02-13-118
296-800-130	AMD-P	02-09-092	296-835-11020	NEW-P	02-07-100	296-878-18005	NEW-P	02-13-118
296-800-13005	REP-P	02-09-092	296-835-11025	NEW-P	02-07-100	296-878-18010	NEW-P	02-13-118
296-800-13010	REP-P	02-09-092	296-835-11030	NEW-P	02-07-100	296-878-18015	NEW-P	02-13-118
296-800-13015	REP-P	02-09-092	296-835-11035	NEW-P	02-07-100	296-878-18020	NEW-P	02-13-118
296-800-13020	NEW-P	02-09-092	296-835-11040	NEW-P	02-07-100	296-878-190	NEW-P	02-13-118
296-800-13025	NEW-P	02-09-092	296-835-11045	NEW-P	02-07-100	296-878-19005	NEW-P	02-13-118
296-800-13030	NEW-P	02-09-092	296-835-11050	NEW-P	02-07-100	296-878-19010	NEW-P	02-13-118
296-800-13035	NEW-P	02-09-092	296-835-120	NEW-P	02-07-100	296-878-200	NEW-P	02-13-118
296-800-13040	NEW-P	02-09-092	296-835-12005	NEW-P	02-07-100	296-878-20005	NEW-P	02-13-118
296-800-150	AMD-P	02-09-092	296-835-12010	NEW-P	02-07-100	296-878-20010	NEW-P	02-13-118
296-800-15030	NEW-P	02-09-092	296-835-12015	NEW-P	02-07-100	296-878-20015	NEW-P	02-13-118
296-800-15035	NEW-P	02-09-092	296-835-12020	NEW-P	02-07-100	296-878-210	NEW-P	02-13-118
296-800-15040	NEW-P	02-09-092	296-835-12025	NEW-P	02-07-100	296-878-21005	NEW-P	02-13-118
296-800-16050	AMD-P	02-09-092	296-835-12030	NEW-P	02-07-100	296-878-220	NEW-P	02-13-118
296-800-16070	AMD-P	02-09-092	296-835-12035	NEW-P	02-07-100	308-08-600	AMD	02-11-011
296-800-170	AMD-P	02-09-092	296-835-12040	NEW-P	02-07-100	308-12-010	AMD-P	02-04-114
296-800-17020	AMD-P	02-09-092	296-835-12045	NEW-P	02-07-100	308-12-010	AMD	02-11-082
296-800-17025	AMD-P	02-09-092	296-835-12050	NEW-P	02-07-100	308-12-031	AMD-P	02-04-114
296-800-17030	AMD-P	02-09-092	296-835-12055	NEW-P	02-07-100	308-12-031	AMD	02-11-082
296-800-18010	AMD-P	02-09-092	296-835-12060	NEW-P	02-07-100	308-12-050	AMD-P	02-04-114
296-800-18015	AMD-P	02-09-092	296-835-12065	NEW-P	02-07-100	308-12-050	AMD	02-11-082
296-800-20005	AMD-P	02-09-092	296-835-130	NEW-P	02-07-100	308-12-081	AMD-P	02-04-114
296-800-23010	AMD-P	02-09-092	296-835-13005	NEW-P	02-07-100	308-12-081	AMD	02-11-082
296-800-23020	AMD-P	02-09-092	296-835-13010	NEW-P	02-07-100	308-12-085	AMD-P	02-04-114
296-800-25015	AMD-P	02-09-092	296-835-13015	NEW-P	02-07-100	308-12-085	AMD	02-11-082
296-800-28040	AMD-P	02-09-092	296-835-13020	NEW-P	02-07-100	308-12-115	AMD-P	02-04-114
296-800-28045	AMD-P	02-09-092	296-835-13025	NEW-P	02-07-100	308-12-115	AMD	02-11-082
296-800-32025	AMD-P	02-09-092	296-835-13030	NEW-P	02-07-100	308-12-150	AMD-P	02-04-114
296-800-35030	AMD-P	02-09-092	296-835-140	NEW-P	02-07-100	308-12-150	AMD	02-11-082
296-800-35040	AMD-P	02-09-092	296-860-100	NEW-P	02-07-101	308-12-210	AMD-P	02-04-114
296-800-35056	AMD-P	02-09-092	296-860-10005	NEW-P	02-07-101	308-12-210	AMD	02-11-082
296-800-35076	AMD-P	02-09-092	296-860-10010	NEW-P	02-07-101	308-12-220	AMD-P	02-04-114

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308- 12-230	AMD-P	02-04-114	308- 20-040	AMD	02-04-012	308- 66-120	AMD	02-12-062
308- 12-230	AMD	02-11-082	308- 20-045	REP	02-04-012	308- 90-040	AMD	02-05-073
308- 12-240	AMD-P	02-04-114	308- 20-080	AMD	02-04-012	308- 90-070	AMD	02-05-073
308- 12-240	AMD	02-11-082	308- 20-090	AMD	02-04-012	308- 90-080	AMD	02-05-073
308- 12-320	AMD-P	02-04-114	308- 20-105	AMD	02-04-012	308- 90-090	AMD	02-05-073
308- 12-320	AMD	02-11-082	308- 20-107	AMD	02-04-012	308- 90-100	AMD	02-05-073
308- 12-321	REP-P	02-04-114	308- 20-110	AMD	02-04-012	308- 90-110	AMD	02-05-073
308- 12-321	REP	02-11-082	308- 20-120	AMD	02-04-012	308- 90-130	AMD	02-05-073
308- 12-322	REP-P	02-04-114	308- 20-122	NEW	02-04-012	308- 90-140	AMD	02-05-073
308- 12-322	REP	02-11-082	308- 20-130	REP	02-04-012	308- 90-150	AMD	02-05-073
308- 12-323	REP-P	02-04-114	308- 20-150	REP	02-04-012	308- 90-160	AMD	02-05-073
308- 12-323	REP	02-11-082	308- 20-155	REP	02-04-012	308- 91-030	PREP	02-12-124
308- 12-324	REP-P	02-04-114	308- 20-171	REP	02-04-012	308- 91-040	PREP	02-12-124
308- 12-324	REP	02-11-082	308- 20-172	REP	02-04-012	308- 91-050	PREP	02-12-124
308- 12-325	REP-P	02-04-114	308- 20-210	AMD-P	02-04-088	308- 91-060	PREP	02-12-124
308- 12-325	REP	02-11-082	308- 20-210	AMD	02-09-040	308- 91-080	PREP	02-12-124
308- 12-330	NEW-P	02-04-114	308- 20-310	REP	02-04-012	308- 91-090	PREP	02-12-124
308- 12-330	NEW	02-11-082	308- 20-590	REP	02-04-012	308- 91-095	PREP	02-12-124
308- 13-005	AMD-P	02-04-113	308- 56A-030	PREP	02-05-019	308- 91-120	PREP	02-12-124
308- 13-005	AMD	02-07-047	308- 56A-040	PREP	02-05-019	308- 91-130	PREP	02-12-124
308- 13-020	AMD-P	02-04-113	308- 56A-056	PREP	02-05-019	308- 91-140	PREP	02-12-124
308- 13-020	AMD	02-07-047	308- 56A-060	PREP	02-05-019	308- 91-150	PREP	02-12-124
308- 13-024	AMD-P	02-04-113	308- 56A-070	PREP	02-05-015	308- 91-171	PREP	02-12-124
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388- 14A-2080	PREP	02-03-010	388- 15-057	NEW-P	02-03-118	388- 71-0530	REP	02-10-117
388- 14A-2105	AMD	02-07-091	388- 15-061	NEW-P	02-03-118	388- 71-0535	REP	02-10-117
388- 14A-2107	NEW	02-07-091	388- 15-065	NEW-P	02-03-118	388- 71-0540	AMD	02-10-117
388- 14A-2110	AMD	02-07-091	388- 15-069	NEW-P	02-03-118	388- 71-05910	NEW	02-10-117
388- 14A-2112	NEW	02-07-091	388- 15-073	NEW-P	02-03-118	388- 71-05911	NEW	02-10-117
388- 14A-2114	NEW	02-07-091	388- 15-077	NEW-P	02-03-118	388- 71-05912	NEW	02-10-117
388- 14A-2115	AMD	02-07-091	388- 15-081	NEW-P	02-03-118	388- 71-05913	NEW	02-10-117
388- 14A-2116	NEW	02-07-091	388- 15-085	NEW-P	02-03-118	388- 71-05914	NEW	02-10-117
388- 14A-2120	AMD	02-07-091	388- 15-089	NEW-P	02-03-118	388- 71-05915	NEW	02-10-117
388- 14A-2125	AMD	02-07-091	388- 15-093	NEW-P	02-03-118	388- 71-05916	NEW	02-10-117
388- 14A-2130	NEW	02-07-091	388- 15-097	NEW-P	02-03-118	388- 71-05917	NEW	02-10-117
388- 14A-2135	NEW	02-07-091	388- 15-101	NEW-P	02-03-118	388- 71-05918	NEW	02-10-117
388- 14A-2140	NEW	02-07-091	388- 15-105	NEW-P	02-03-118	388- 71-05919	NEW	02-10-117
388- 14A-3100	PREP	02-13-042	388- 15-109	NEW-P	02-03-118	388- 71-05920	NEW	02-10-117
388- 14A-3100	AMD-E	02-13-043	388- 15-113	NEW-P	02-03-118	388- 71-05921	NEW	02-10-117
388- 14A-3102	PREP	02-13-042	388- 15-117	NEW-P	02-03-118	388- 71-05922	NEW	02-10-117
388- 14A-3102	AMD-E	02-13-043	388- 15-121	NEW-P	02-03-118	388- 71-05923	NEW	02-10-117
388- 14A-3110	PREP	02-13-042	388- 15-125	NEW-P	02-03-118	388- 71-05924	NEW	02-10-117
388- 14A-3110	AMD-E	02-13-043	388- 15-129	NEW-P	02-03-118	388- 71-05925	NEW	02-10-117
388- 14A-3115	PREP	02-13-042	388- 15-130	REP-P	02-03-118	388- 71-05926	NEW	02-10-117
388- 14A-3115	AMD-E	02-13-043	388- 15-131	REP-P	02-03-118	388- 71-05927	NEW	02-10-117
388- 14A-3120	PREP	02-13-042	388- 15-132	REP-P	02-03-118	388- 71-05928	NEW	02-10-117
388- 14A-3120	AMD-E	02-13-043	388- 15-133	NEW-P	02-03-118	388- 71-05929	NEW	02-10-117
388- 14A-3122	NEW-E	02-13-043	388- 15-134	REP-P	02-03-118	388- 71-05930	NEW	02-10-117
388- 14A-3130	AMD-P	02-03-096	388- 15-135	NEW-P	02-03-118	388- 71-05931	NEW	02-10-117
388- 14A-3130	AMD	02-06-098	388- 15-141	NEW-P	02-03-118	388- 71-05932	NEW	02-10-117
388- 14A-3370	PREP	02-13-042	388- 15-194	PREP-W	02-05-066	388- 71-05933	NEW	02-10-117
388- 14A-3370	AMD-E	02-13-043	388- 15-202	PREP	02-04-096	388- 71-05934	NEW	02-10-117
388- 14A-3800	PREP	02-03-010	388- 15-202	PREP-W	02-05-064	388- 71-05935	NEW	02-10-117
388- 14A-3810	PREP	02-03-010	388- 15-202	PREP-W	02-05-065	388- 71-05936	NEW	02-10-117
388- 14A-3810	PREP	02-13-042	388- 15-202	PREP-W	02-05-066	388- 71-05937	NEW	02-10-117
388- 14A-3810	AMD-E	02-13-043	388- 15-203	PREP	02-04-096	388- 71-05938	NEW	02-10-117
388- 14A-3925	AMD-P	02-03-096	388- 15-203	PREP-W	02-05-065	388- 71-05939	NEW	02-10-117
388- 14A-3925	AMD	02-06-098	388- 15-203	PREP-W	02-05-066	388- 71-05940	NEW	02-10-117
388- 14A-4000	PREP	02-03-010	388- 15-204	PREP	02-04-096	388- 71-05941	NEW	02-10-117
388- 14A-4300	PREP	02-03-010	388- 15-204	PREP-W	02-05-066	388- 71-05942	NEW	02-10-117
388- 14A-4301	PREP	02-03-010	388- 15-205	PREP-W	02-05-065	388- 71-05943	NEW	02-10-117
388- 14A-4302	PREP	02-03-010	388- 15-205	PREP-W	02-05-066	388- 71-05944	NEW	02-10-117
388- 14A-4303	PREP	02-03-010	388- 15-207	PREP-W	02-05-064	388- 71-05945	NEW	02-10-117
388- 14A-4304	PREP	02-03-010	388- 15-214	PREP-W	02-05-064	388- 71-05946	NEW	02-10-117
388- 14A-5520	AMD-P	02-03-096	388- 15-215	PREP-W	02-05-064	388- 71-05947	NEW	02-10-117
388- 14A-5520	AMD	02-06-098	388- 15-219	PREP-W	02-05-064	388- 71-05948	NEW	02-10-117
388- 14A-5525	AMD-P	02-03-096	388- 15-600	PREP-W	02-05-064	388- 71-05949	NEW-S	02-11-129
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388- 14A-5530	AMD	02-06-098	388- 15-880	PREP-W	02-05-064	388- 71-05952	NEW	02-10-117
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388- 15-001	NEW-P	02-03-118	388- 71	PREP	02-11-064	388- 71-0600	PREP	02-04-096
388- 15-005	NEW-P	02-03-118	388- 71-0410	PREP	02-04-096	388- 71-0820	PREP	02-04-096
388- 15-009	NEW-P	02-03-118	388- 71-0410	PREP-W	02-05-066	388- 71-0820	AMD-P	02-12-067
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388- 15-013	NEW-P	02-03-118	388- 71-0435	PREP	02-04-096	388- 76-540	PREP	02-04-096
388- 15-017	NEW-P	02-03-118	388- 71-0440	PREP	02-04-096	388- 76-570	AMD-S	02-11-032
388- 15-021	NEW-P	02-03-118	388- 71-0440	PREP-W	02-05-066	388- 76-59100	REP-S	02-11-032
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388-76-64005	NEW-P	02-03-117	388-97-690	NEW-P	02-07-116	388-112-0205	NEW-S	02-11-031
388-76-64010	NEW-P	02-03-117	388-97-695	NEW-P	02-07-116	388-112-0210	NEW-S	02-11-031
388-76-64015	NEW-P	02-03-117	388-98-001	REP-P	02-07-116	388-112-0215	NEW-S	02-11-031
388-76-64020	NEW-P	02-03-117	388-98-003	REP-P	02-07-116	388-112-0220	NEW-S	02-11-031
388-76-64025	NEW-P	02-03-117	388-98-010	REP-P	02-07-116	388-112-0225	NEW-S	02-11-031
388-76-64030	NEW-P	02-03-117	388-98-015	REP-P	02-07-116	388-112-0230	NEW-S	02-11-031
388-76-64035	NEW-P	02-03-117	388-98-020	REP-P	02-07-116	388-112-0235	NEW-S	02-11-031
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388-76-660	AMD-S	02-11-032	388-98-320	REP-P	02-07-116	388-112-0245	NEW-S	02-11-031
388-76-710	AMD-P	02-03-117	388-98-330	REP-P	02-07-116	388-112-0250	NEW-S	02-11-031
388-78A-050	AMD-S	02-11-031	388-98-340	REP-P	02-07-116	388-112-0255	NEW-S	02-11-031
388-78A-060	AMD-W	02-11-059	388-98-700	REP-P	02-07-116	388-112-0260	NEW-S	02-11-031
388-78A-265	PREP	02-09-047	388-98-750	REP-P	02-07-116	388-112-0265	NEW-S	02-11-031
388-79-010	AMD-P	02-11-067	388-98-810	REP-P	02-07-116	388-112-0270	NEW-S	02-11-031
388-79-020	AMD-P	02-11-067	388-98-830	REP-P	02-07-116	388-112-0275	NEW-S	02-11-031
388-79-030	AMD-P	02-11-067	388-98-870	REP-P	02-07-116	388-112-0280	NEW-S	02-11-031
388-79-040	AMD-P	02-11-067	388-98-890	REP-P	02-07-116	388-112-0285	NEW-S	02-11-031
388-96-713	AMD-E	02-04-011	388-110-020	PREP	02-04-096	388-112-0290	NEW-S	02-11-031
388-96-901	AMD-E	02-04-011	388-110-110	REP-S	02-11-032	388-112-0295	NEW-S	02-11-031
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388-97-005	AMD-P	02-07-116	388-110-230	PREP	02-04-096	388-112-0305	NEW-S	02-11-031
388-97-043	AMD-P	02-07-116	388-112-0001	NEW-S	02-11-032	388-112-0310	NEW-S	02-11-031
388-97-07005	AMD-P	02-07-116	388-112-0005	NEW-S	02-11-032	388-112-0315	NEW-S	02-11-031
388-97-07040	AMD-P	02-07-116	388-112-0010	NEW-S	02-11-032	388-112-0320	NEW-S	02-11-031
388-97-07050	AMD-P	02-07-116	388-112-0015	NEW-S	02-11-032	388-112-0325	NEW-S	02-11-031
388-97-076	AMD-P	02-07-116	388-112-0020	NEW-S	02-11-032	388-112-0330	NEW-S	02-11-031
388-97-160	AMD-P	02-07-116	388-112-0025	NEW-S	02-11-032	388-112-0335	NEW-S	02-11-031
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388-97-180	AMD-P	02-07-116	388-112-0035	NEW-S	02-11-032	388-112-0345	NEW-S	02-11-031
388-97-202	AMD-P	02-07-116	388-112-0040	NEW-S	02-11-032	388-112-0350	NEW-S	02-11-031
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388-97-205	AMD-P	02-07-116	388-112-0055	NEW-S	02-11-032	388-112-0365	NEW-S	02-11-031
388-97-260	AMD-P	02-07-116	388-112-0060	NEW-S	02-11-032	388-112-0370	NEW-S	02-11-031
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388-97-565	AMD-P	02-07-116	388-112-0085	NEW-S	02-11-032	388-112-0395	NEW-S	02-11-031
388-97-570	AMD-P	02-07-116	388-112-0090	NEW-S	02-11-032	388-112-0400	NEW-S	02-11-031
388-97-570	PREP	02-11-066	388-112-0095	NEW-S	02-11-032	388-112-0405	NEW-S	02-11-031
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388-97-625	NEW-P	02-07-116	388-112-0140	NEW-S	02-11-032	388-148-0125	PREP	02-06-083
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388-97-655	NEW-P	02-07-116	388-112-0170	NEW-S	02-11-032	388-148-0520	PREP	02-06-083
388-97-660	NEW-P	02-07-116	388-112-0175	NEW-S	02-11-032	388-148-0542	PREP	02-06-083
388-97-665	NEW-P	02-07-116	388-112-0180	NEW-S	02-11-032	388-148-0560	PREP	02-06-083
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388-148-0720	PREP	02-06-083	388-265-1650	REP-P	02-11-131	388-290-0165	PREP	02-04-097
388-148-0722	PREP	02-06-083	388-273-0020	AMD-E	02-12-091	388-290-0165	AMD-P	02-09-064
388-148-0725	PREP	02-06-083	388-273-0020	AMD-S	02-13-072	388-290-0167	NEW-P	02-09-064
388-148-0785	PREP	02-06-083	388-273-0025	AMD-E	02-12-091	388-290-0180	PREP	02-04-097
388-148-0880	PREP	02-06-083	388-273-0025	AMD-S	02-13-072	388-290-0190	PREP	02-04-097
388-148-0892	PREP	02-06-083	388-290-0010	PREP	02-04-097	388-290-0190	AMD-P	02-08-060
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388-148-1070	PREP	02-06-083	388-290-0015	PREP	02-04-097	388-290-0200	PREP	02-04-097
388-148-1076	PREP	02-06-083	388-290-0015	AMD-P	02-08-060	388-290-0200	AMD-P	02-08-060
388-148-1077	PREP	02-06-083	388-290-0015	AMD	02-12-069	388-290-0200	AMD	02-12-069
388-148-1078	PREP	02-06-083	388-290-0020	PREP	02-04-097	388-290-0205	PREP	02-04-097
388-148-1079	PREP	02-06-083	388-290-0020	AMD-P	02-08-060	388-290-0205	AMD-P	02-08-060
388-148-1115	PREP	02-06-083	388-290-0020	AMD	02-12-069	388-290-0205	AMD	02-12-069
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388-148-1220	NEW-E	02-08-031	388-290-0040	AMD-P	02-08-060	388-290-0230	AMD-P	02-08-060
388-148-1225	NEW-E	02-08-031	388-290-0040	AMD	02-12-069	388-290-0230	AMD	02-12-069
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388-148-1280	NEW-E	02-08-031	388-290-0075	AMD-P	02-11-128	388-290-0270	AMD	02-12-069
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388-148-1295	NEW-E	02-08-031	388-290-0085	AMD-E	02-08-032	388-310-0350	NEW-P	02-09-076
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458-53-050	AMD-P	02-10-032	478-108-010	AMD-E	02-04-087	478-117-260	NEW-P	02-03-085
458-53-090	PREP	02-06-108	478-108-010	AMD-E	02-06-042	478-117-260	NEW-E	02-04-087
458-53-090	REP-P	02-10-032	478-108-010	AMD	02-08-023	478-117-260	NEW	02-08-023
458-53-140	PREP	02-06-108	478-108-010	AMD-P	02-08-066	478-117-270	NEW-P	02-03-085
458-53-140	AMD-P	02-10-032	478-108-010	AMD-C	02-13-066	478-117-270	NEW-E	02-04-087
458-57-005	PREP	02-12-122	478-116-131	PREP	02-06-045	478-117-270	NEW	02-08-023
458-57-015	PREP	02-12-122	478-116-131	AMD-P	02-10-080	478-117-280	NEW-P	02-03-085
458-57-017	PREP	02-12-122	478-116-131	AMD-E	02-11-045	478-117-280	NEW-E	02-04-087
458-57-025	PREP	02-12-122	478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023
458-57-035	PREP	02-12-122	478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085
458-57-045	PREP	02-12-122	478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087
460-10A-215	NEW-P	02-13-050	478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023
460-12A-010	NEW-P	02-07-027	478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085
460-12A-010	NEW	02-10-103	478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087
461-08-320	AMD	02-06-008	478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023
461-08-355	AMD	02-06-009	478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085
461-08-500	AMD	02-06-010	478-117-020	NEW	02-08-023	478-117-320	NEW-E	02-04-087
461-08-505	AMD	02-06-010	478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023
465-10-010	NEW-X	02-13-092	478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085
465-10-020	NEW-X	02-13-092	478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087
465-10-030	NEW-X	02-13-092	478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023
465-10-040	NEW-X	02-13-092	478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085
465-10-050	NEW-X	02-13-092	478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087
465-10-060	NEW-X	02-13-092	478-117-050	NEW-P	02-03-085	478-117-410	NEW	02-08-023
465-10-070	NEW-X	02-13-092	478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037
465-10-080	NEW-X	02-13-092	478-117-050	NEW	02-08-023	478-118	NEW-C	02-13-066
465-10-090	NEW-X	02-13-092	478-117-060	NEW-P	02-03-085	478-118-010	NEW-E	02-06-042
465-10-100	NEW-X	02-13-092	478-117-060	NEW-E	02-04-087	478-118-010	NEW-P	02-08-066
465-10-110	NEW-X	02-13-092	478-117-060	NEW	02-08-023	478-118-020	NEW-E	02-06-042
465-20-010	NEW-X	02-13-093	478-117-070	NEW-P	02-03-085	478-118-020	NEW-P	02-08-066
465-20-020	NEW-X	02-13-093	478-117-070	NEW-E	02-04-087	478-118-030	NEW-E	02-06-042
465-20-030	NEW-X	02-13-093	478-117-070	NEW	02-08-023	478-118-030	NEW-P	02-08-066
465-30-010	NEW-X	02-13-094	478-117-080	NEW-P	02-03-085	478-118-040	NEW-E	02-06-042
465-40-010	NEW-X	02-13-095	478-117-080	NEW-E	02-04-087	478-118-040	NEW-P	02-08-066
468-06-040	AMD	02-10-021	478-117-080	NEW	02-08-023	478-118-050	NEW-E	02-06-042
468-38-075	AMD-P	02-03-049	478-117-090	NEW-P	02-03-085	478-118-050	NEW-P	02-08-066
468-38-075	AMD	02-06-106	478-117-090	NEW-E	02-04-087	478-118-060	NEW-E	02-06-042
468-38-120	PREP	02-10-058	478-117-090	NEW	02-08-023	478-118-060	NEW-P	02-08-066
468-38-120	AMD-E	02-10-059	478-117-100	NEW-P	02-03-085	478-118-070	NEW-E	02-06-042
468-38-390	AMD-P	02-03-049	478-117-100	NEW-E	02-04-087	478-118-070	NEW-P	02-08-066
468-38-390	AMD	02-06-106	478-117-100	NEW	02-08-023	478-118-080	NEW-E	02-06-042
468-300-010	AMD-P	02-05-062	478-117-110	NEW-P	02-03-085	478-118-080	NEW-P	02-08-066
468-300-010	AMD	02-09-010	478-117-110	NEW-E	02-04-087	478-118-090	NEW-E	02-06-042
468-300-020	AMD-P	02-05-062	478-117-110	NEW	02-08-023	478-118-090	NEW-P	02-08-066
468-300-020	AMD	02-09-010	478-117-200	NEW-P	02-03-085	478-118-100	NEW-E	02-06-042
468-300-040	AMD-P	02-05-062	478-117-200	NEW-E	02-04-087	478-118-100	NEW-P	02-08-066
468-300-040	AMD	02-09-010	478-117-200	NEW	02-08-023	478-118-200	NEW-E	02-06-042
468-300-220	AMD-P	02-05-062	478-117-210	NEW-P	02-03-085	478-118-200	NEW-P	02-08-066
468-300-220	AMD	02-09-010	478-117-210	NEW-E	02-04-087	478-118-210	NEW-E	02-06-042
468-550	PREP	02-06-004	478-117-210	NEW	02-08-023	478-118-210	NEW-P	02-08-066
468-550-030	AMD-P	02-10-020	478-117-220	NEW-P	02-03-085	478-118-220	NEW-E	02-06-042
468-550-030	AMD	02-13-004	478-117-220	NEW-E	02-04-087	478-118-220	NEW-P	02-08-066
468-550-040	AMD-P	02-10-020	478-117-230	NEW	02-08-023	478-118-230	NEW-E	02-06-042
468-550-040	AMD	02-13-004	478-117-230	NEW-P	02-03-085	478-118-230	NEW-P	02-08-066
468-550-050	AMD-P	02-10-020	478-117-230	NEW-E	02-04-087	478-118-240	NEW-E	02-06-042
468-550-060	AMD-P	02-10-020	478-117-230	NEW	02-08-023	478-118-240	NEW-P	02-08-066
468-550-060	AMD	02-13-004	478-117-240	NEW-P	02-03-085	478-118-250	NEW-E	02-06-042
468-550-070	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087	478-118-250	NEW-P	02-08-066
468-550-070	AMD	02-13-004	478-117-240	NEW	02-08-023	478-118-260	NEW-E	02-06-042
468-550-080	AMD-P	02-10-020	478-117-250	NEW-P	02-03-085	478-118-260	NEW-P	02-08-066
468-550-080	AMD	02-13-004	478-117-250	NEW-E	02-04-087	478-118-270	NEW-E	02-06-042
478-108-010	AMD-P	02-03-085	478-117-250	NEW	02-08-023	478-118-270	NEW-P	02-08-066

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-118-280	NEW-E	02-06-042	480- 75-520	NEW-P	02-12-132	480- 80-210	REP	02-11-081
478-118-280	NEW-P	02-08-066	480- 75-530	NEW-P	02-12-132	480- 80-220	REP	02-11-081
478-118-400	NEW-E	02-06-042	480- 75-540	NEW-P	02-12-132	480- 80-230	REP	02-11-081
478-118-400	NEW-P	02-08-066	480- 75-550	NEW-P	02-12-132	480- 80-240	REP	02-11-081
478-118-410	NEW-E	02-06-042	480- 75-600	NEW-P	02-12-132	480- 80-241	NEW	02-11-081
478-118-410	NEW-P	02-08-066	480- 75-610	NEW-P	02-12-132	480- 80-242	NEW	02-11-081
478-118-420	NEW-E	02-06-042	480- 75-620	NEW-P	02-12-132	480- 80-250	REP	02-11-081
478-118-420	NEW-P	02-08-066	480- 75-630	NEW-P	02-12-132	480- 80-260	REP	02-11-081
478-118-500	NEW-E	02-06-042	480- 75-640	NEW-P	02-12-132	480- 80-270	REP	02-11-081
478-118-500	NEW-P	02-08-066	480- 75-650	NEW-P	02-12-132	480- 80-280	REP	02-11-081
478-118-510	NEW-E	02-06-042	480- 75-660	NEW-P	02-12-132	480- 80-290	REP	02-11-081
478-118-510	NEW-P	02-08-066	480- 75-999	AMD-P	02-12-132	480- 80-300	REP	02-11-081
478-136-012	AMD	02-06-020	480- 80-010	AMD	02-11-081	480- 80-310	REP	02-11-081
478-136-015	AMD	02-06-020	480- 80-015	NEW	02-11-081	480- 80-320	REP	02-11-081
478-136-030	AMD-E	02-03-102	480- 80-020	AMD	02-11-081	480- 80-325	REP	02-11-081
478-136-030	AMD	02-06-020	480- 80-025	NEW	02-11-081	480- 80-326	REP	02-11-081
478-160-125	AMD	02-06-021	480- 80-030	AMD	02-11-081	480- 80-330	REP	02-11-081
478-160-130	AMD	02-06-021	480- 80-031	NEW	02-11-081	480- 80-335	REP	02-11-081
478-160-140	AMD	02-06-021	480- 80-035	REP	02-11-081	480- 80-340	REP	02-11-081
478-160-163	NEW	02-06-021	480- 80-040	REP	02-11-081	480- 80-350	REP	02-11-081
478-160-175	AMD	02-06-021	480- 80-041	REP	02-11-081	480- 80-360	REP	02-11-081
480- 14-999	AMD-X	02-12-131	480- 80-045	REP	02-11-081	480- 80-370	REP	02-11-081
480- 15-999	AMD-X	02-12-131	480- 80-050	REP	02-11-081	480- 80-380	REP	02-11-081
480- 30-999	AMD-X	02-12-131	480- 80-060	REP	02-11-081	480- 90	PREP	02-10-055
480- 31-999	AMD-X	02-12-131	480- 80-070	REP	02-11-081	480- 90-193	AMD	02-11-081
480- 40-999	AMD-X	02-12-131	480- 80-080	REP	02-11-081	480- 90-194	NEW	02-11-081
480- 62-240	AMD-X	02-12-131	480- 80-090	REP	02-11-081	480- 90-195	NEW	02-11-081
480- 62-999	AMD-X	02-12-131	480- 80-100	REP	02-11-081	480- 90-197	NEW	02-11-081
480- 70	PREP	02-10-055	480- 80-101	NEW	02-11-081	480- 90-198	NEW	02-11-081
480- 70-999	AMD-X	02-12-131	480- 80-102	NEW	02-11-081	480- 90-199	NEW	02-11-081
480- 75	AMD-P	02-12-132	480- 80-103	NEW	02-11-081	480- 90-203	AMD-X	02-12-131
480- 75-002	REP-P	02-12-132	480- 80-104	NEW	02-11-081	480- 90-208	AMD-X	02-12-131
480- 75-005	REP-P	02-12-132	480- 80-105	NEW	02-11-081	480- 90-999	AMD-X	02-12-131
480- 75-010	REP-P	02-12-132	480- 80-110	REP	02-11-081	480- 93-240	NEW	02-03-016
480- 75-100	NEW-P	02-12-132	480- 80-111	NEW	02-11-081	480-100	PREP	02-10-055
480- 75-200	NEW-P	02-12-132	480- 80-112	NEW	02-11-081	480-100-148	PREP	02-10-055
480- 75-210	NEW-P	02-12-132	480- 80-121	NEW	02-11-081	480-100-163	AMD-X	02-12-131
480- 75-220	NEW-P	02-12-132	480- 80-122	NEW	02-11-081	480-100-193	AMD	02-11-081
480- 75-223	REP-P	02-12-132	480- 80-123	NEW	02-11-081	480-100-194	NEW	02-11-081
480- 75-230	REP-P	02-12-132	480- 80-124	NEW	02-11-081	480-100-195	NEW	02-11-081
480- 75-240	NEW	02-03-016	480- 80-125	REP	02-11-081	480-100-197	NEW	02-11-081
480- 75-250	NEW-P	02-12-132	480- 80-130	REP	02-11-081	480-100-198	NEW	02-11-081
480- 75-260	NEW-P	02-12-132	480- 80-131	NEW	02-11-081	480-100-199	NEW	02-11-081
480- 75-300	NEW-P	02-12-132	480- 80-132	NEW	02-11-081	480-100-203	AMD-X	02-12-131
480- 75-310	NEW-P	02-12-132	480- 80-133	NEW	02-11-081	480-100-208	AMD-X	02-12-131
480- 75-320	NEW-P	02-12-132	480- 80-134	NEW	02-11-081	480-100-999	AMD-X	02-12-131
480- 75-330	NEW-P	02-12-132	480- 80-140	REP	02-11-081	480-110	PREP	02-10-055
480- 75-340	NEW-P	02-12-132	480- 80-141	NEW	02-11-081	480-110-275	AMD-X	02-12-131
480- 75-350	NEW-P	02-12-132	480- 80-142	NEW	02-11-081	480-110-485	AMD-X	02-12-131
480- 75-360	NEW-P	02-12-132	480- 80-143	NEW	02-11-081	480-110-999	NEW-X	02-12-131
480- 75-370	NEW-P	02-12-132	480- 80-150	REP	02-11-081	480-120-011	AMD-P	02-12-055
480- 75-380	NEW-P	02-12-132	480- 80-160	REP	02-11-081	480-120-015	AMD-P	02-12-055
480- 75-390	NEW-P	02-12-132	480- 80-170	REP	02-11-081	480-120-017	NEW-P	02-12-055
480- 75-400	NEW-P	02-12-132	480- 80-180	REP	02-11-081	480-120-019	NEW-P	02-12-055
480- 75-410	NEW-P	02-12-132	480- 80-190	REP	02-11-081	480-120-021	AMD-P	02-12-055
480- 75-420	NEW-P	02-12-132	480- 80-200	REP	02-11-081	480-120-029	REP-P	02-12-055
480- 75-430	NEW-P	02-12-132	480- 80-201	NEW	02-11-081	480-120-031	REP-P	02-12-055
480- 75-440	NEW-P	02-12-132	480- 80-202	NEW	02-11-081	480-120-032	REP-P	02-12-055
480- 75-450	NEW-P	02-12-132	480- 80-203	NEW	02-11-081	480-120-033	REP-P	02-12-055
480- 75-460	NEW-P	02-12-132	480- 80-204	NEW	02-11-081	480-120-041	REP-P	02-12-055
480- 75-500	NEW-P	02-12-132	480- 80-205	NEW	02-11-081	480-120-042	REP-P	02-12-055
480- 75-510	NEW-P	02-12-132	480- 80-206	NEW	02-11-081	480-120-043	REP	02-11-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-043	REP-P	02-12-055	480-120-198	NEW	02-11-081	480-120-535	REP-P	02-12-055
480-120-045	REP-P	02-12-055	480-120-199	NEW	02-11-081	480-120-541	REP-P	02-12-055
480-120-046	REP-P	02-12-055	480-120-201	NEW-P	02-08-081	480-120-542	REP-P	02-12-055
480-120-051	REP-P	02-12-055	480-120-202	NEW-P	02-08-081	480-120-543	REP-P	02-12-055
480-120-052	REP	02-11-080	480-120-203	NEW-P	02-08-081	480-120-544	REP-P	02-12-055
480-120-056	REP-P	02-12-055	480-120-204	NEW-P	02-08-081	480-120-545	REP-P	02-12-055
480-120-057	REP-P	02-12-055	480-120-205	NEW-P	02-08-081	480-120-999	NEW-P	02-12-055
480-120-058	REP	02-11-080	480-120-206	NEW-P	02-08-081	480-121-010	REP	02-11-080
480-120-061	AMD-P	02-12-055	480-120-207	NEW-P	02-08-081	480-121-011	NEW	02-11-080
480-120-081	REP-P	02-12-055	480-120-208	NEW-P	02-08-081	480-121-015	AMD	02-11-080
480-120-087	REP-P	02-12-055	480-120-209	NEW-P	02-08-081	480-121-016	NEW	02-11-080
480-120-088	REP-P	02-12-055	480-120-211	NEW-P	02-08-081	480-121-017	NEW	02-11-080
480-120-089	REP-P	02-12-055	480-120-212	NEW-P	02-08-081	480-121-018	NEW	02-11-080
480-120-101	REP-P	02-12-055	480-120-213	NEW-P	02-08-081	480-121-020	AMD-S	02-07-041
480-120-102	NEW-P	02-12-055	480-120-214	NEW-P	02-08-081	480-121-020	AMD	02-11-080
480-120-103	NEW-P	02-12-055	480-120-215	NEW-P	02-08-081	480-121-023	REP	02-11-080
480-120-104	NEW-P	02-12-055	480-120-216	NEW-P	02-08-081	480-121-026	AMD	02-11-080
480-120-105	NEW-P	02-12-055	480-120-251	NEW-P	02-12-055	480-121-030	REP	02-11-080
480-120-106	REP-P	02-12-055	480-120-252	NEW-P	02-12-055	480-121-040	AMD	02-11-080
480-120-107	NEW-P	02-12-055	480-120-253	NEW-P	02-12-055	480-121-050	REP	02-11-080
480-120-108	NEW-P	02-12-055	480-120-254	NEW-P	02-12-055	480-121-060	AMD	02-11-080
480-120-112	NEW-P	02-12-055	480-120-255	NEW-P	02-12-055	480-121-061	AMD	02-11-080
480-120-116	REP-P	02-12-055	480-120-256	NEW-P	02-12-055	480-121-062	AMD	02-11-080
480-120-121	REP-P	02-12-055	480-120-257	NEW-P	02-12-055	480-121-063	AMD-S	02-07-041
480-120-122	NEW-P	02-12-055	480-120-261	NEW-P	02-12-055	480-121-063	AMD	02-11-080
480-120-123	NEW-P	02-12-055	480-120-262	NEW-P	02-12-055	480-121-064	AMD	02-11-080
480-120-124	NEW-P	02-12-055	480-120-263	NEW-P	02-12-055	480-121-065	NEW	02-11-081
480-120-125	NEW-P	02-12-055	480-120-264	NEW	02-11-080	480-121-070	REP	02-11-080
480-120-126	REP-P	02-12-055	480-120-265	NEW-P	02-12-055	480-122-010	AMD	02-03-017
480-120-127	NEW	02-11-080	480-120-301	NEW-P	02-12-055	480-122-020	AMD	02-03-017
480-120-128	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055	480-122-030	REP	02-03-017
480-120-131	REP-P	02-12-055	480-120-303	NEW-P	02-12-055	480-122-040	REP	02-03-017
480-120-132	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055	480-122-060	AMD	02-03-017
480-120-133	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055	480-122-070	REP	02-03-017
480-120-136	REP-P	02-12-055	480-120-311	NEW-P	02-12-055	480-122-080	AMD	02-03-017
480-120-138	REP-P	02-12-055	480-120-312	NEW-P	02-12-055	480-122-090	REP	02-03-017
480-120-139	REP-P	02-12-055	480-120-321	NEW-P	02-12-055	495C-120-040	AMD	02-04-022
480-120-141	REP-P	02-12-055	480-120-322	NEW-P	02-12-055	495C-120-041	AMD	02-04-022
480-120-144	REP-P	02-08-081	480-120-323	NEW-P	02-12-055	504- 15-060	REP-P	02-11-092
480-120-146	NEW-P	02-12-055	480-120-340	REP-P	02-12-055	504- 15-100	AMD-P	02-11-092
480-120-147	NEW-P	02-12-055	480-120-350	REP-P	02-12-055	504- 15-200	AMD-P	02-11-092
480-120-148	NEW-P	02-12-055	480-120-401	NEW-P	02-12-055	504- 15-210	AMD-P	02-11-092
480-120-151	REP-P	02-08-081	480-120-402	NEW-P	02-12-055	504- 15-460	AMD-P	02-11-092
480-120-152	REP-P	02-08-081	480-120-411	NEW-P	02-12-055	504- 15-540	AMD-P	02-11-092
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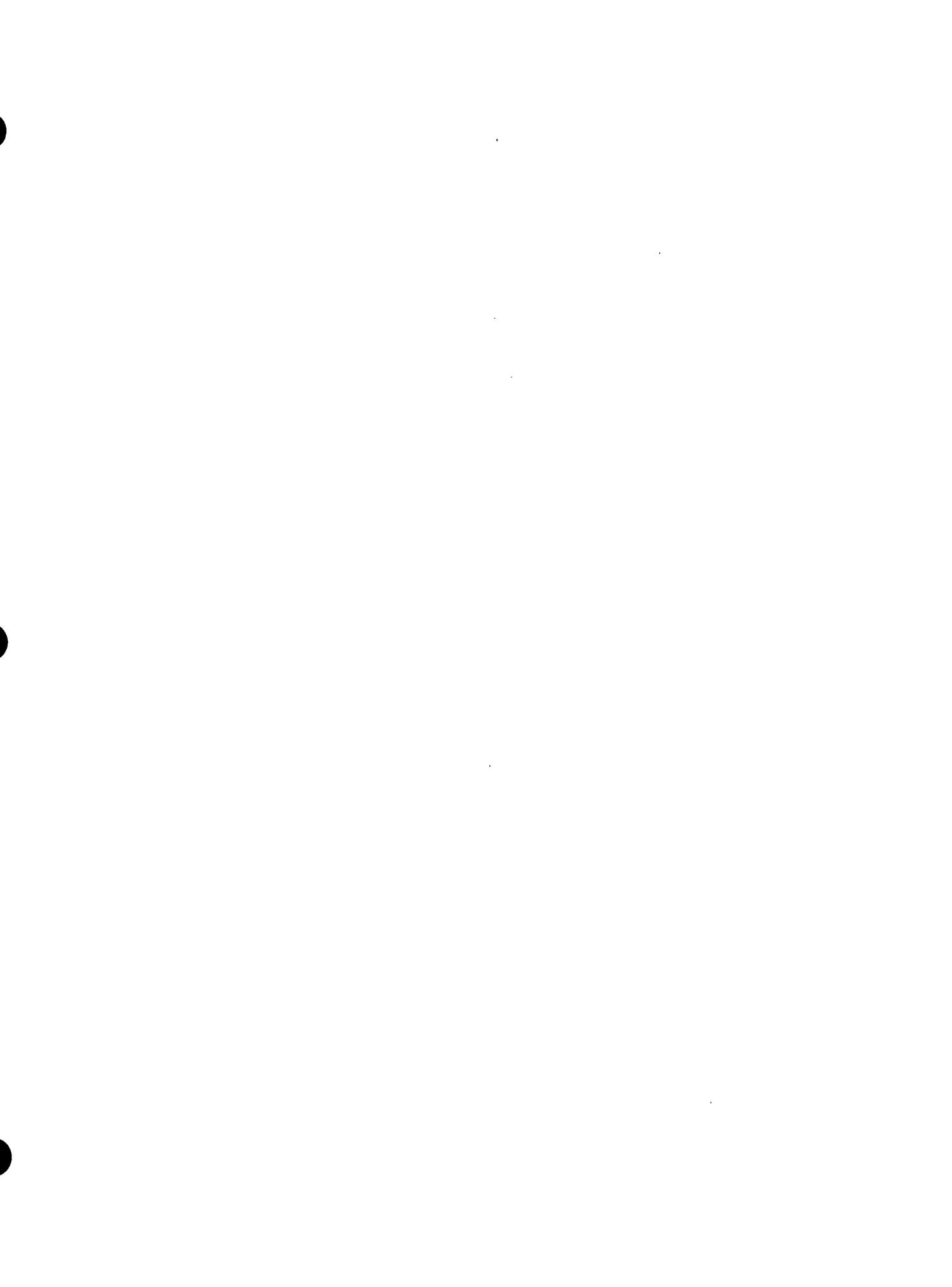
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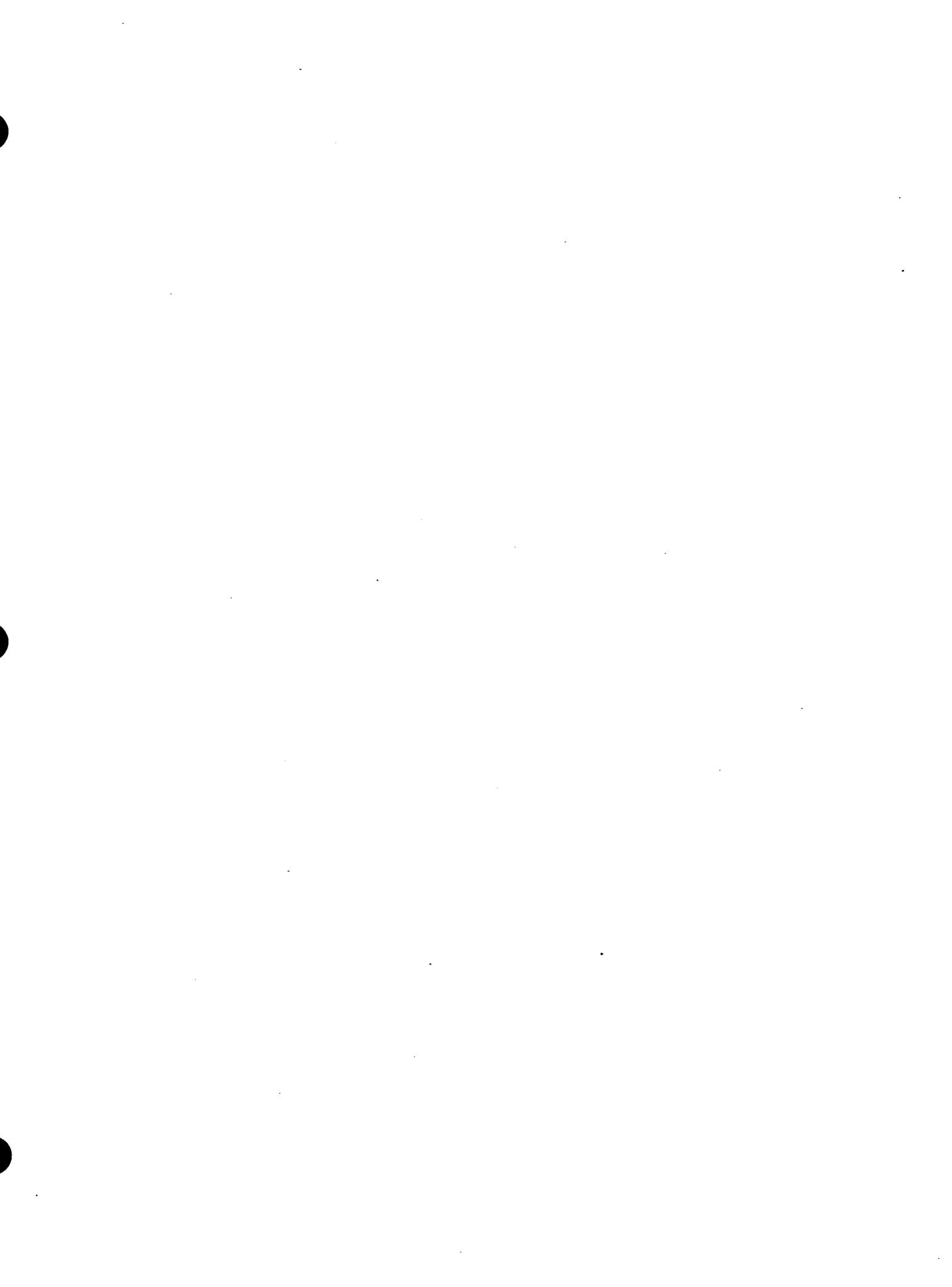
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