

Washington State Register

August 7, 2002

OLYMPIA, WASHINGTON

ISSUE 02-15



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of August 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

Gary Reid
Chief Assistant Code Reviser

Kerry S. Radcliff
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following eight sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

4. EFFECTIVE DATE OF RULES

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

5. EDITORIAL CORRECTIONS

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

2002-2003

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³	Expedited Adoption ⁴
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS ² or 10 p. max. Non-OTS			
<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>
02 - 15	Jun 26, 02	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 27, 02	Sep 24, 02
02 - 16	Jul 10, 02	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 10, 02	Oct 8, 02
02 - 17	Jul 24, 02	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 24, 02	Oct 22, 02
02 - 18	Aug 7, 02	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 8, 02	Nov 5, 02
02 - 19	Aug 21, 02	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 22, 02	Nov 19, 02
02 - 20	Sep 4, 02	Sep 18, 02	Oct 2, 02	Oct 16, 02	Nov 5, 02	Dec 3, 02
02 - 21	Sep 25, 02	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 26, 02	Dec 24, 02
02 - 22	Oct 9, 02	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 10, 02	Jan 7, 03
02 - 23	Oct 23, 02	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 24, 02	Jan 22, 03
02 - 24	Nov 6, 02	Nov 20, 02	Dec 4, 02	Dec 18, 02	Jan 7, 03	Feb 4, 03
03 - 01	Nov 21, 02	Dec 5, 02	Dec 19, 02	Jan 2, 03	Jan 22, 03	Feb 19, 03
03 - 02	Dec 5, 02	Dec 19, 02	Jan 2, 03	Jan 15, 03	Feb 4, 03	Mar 4, 03
03 - 03	Dec 26, 02	Jan 8, 03	Jan 22, 03	Feb 5, 03	Feb 25, 03	Mar 25, 03
03 - 04	Jan 8, 03	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 11, 03	Apr 8, 03
03 - 05	Jan 22, 03	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 25, 03	Apr 22, 03
03 - 06	Feb 5, 03	Feb 19, 03	Mar 5, 03	Mar 19, 03	Apr 8, 03	May 6, 03
03 - 07	Feb 19, 03	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 22, 03	May 20, 03
03 - 08	Mar 5, 03	Mar 19, 03	Apr 2, 03	Apr 16, 03	May 6, 03	Jun 3, 03
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03 - 16	Jul 9, 03	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 9, 03	Oct 7, 03
03 - 17	Jul 23, 03	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 23, 03	Oct 21, 03
03 - 18	Aug 6, 03	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 7, 03	Nov 4, 03
03 - 19	Aug 20, 03	Sep 3, 03	Sep 17, 03	Oct 1, 03	Oct 21, 03	Nov 18, 03
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03 - 22	Oct 8, 03	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 9, 03	Jan 6, 04
03 - 23	Oct 22, 03	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 23, 03	Jan 20, 04
03 - 24	Nov 5, 03	Nov 19, 03	Dec 3, 03	Dec 17, 03	Jan 6, 04	Feb 3, 04

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

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

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

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

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

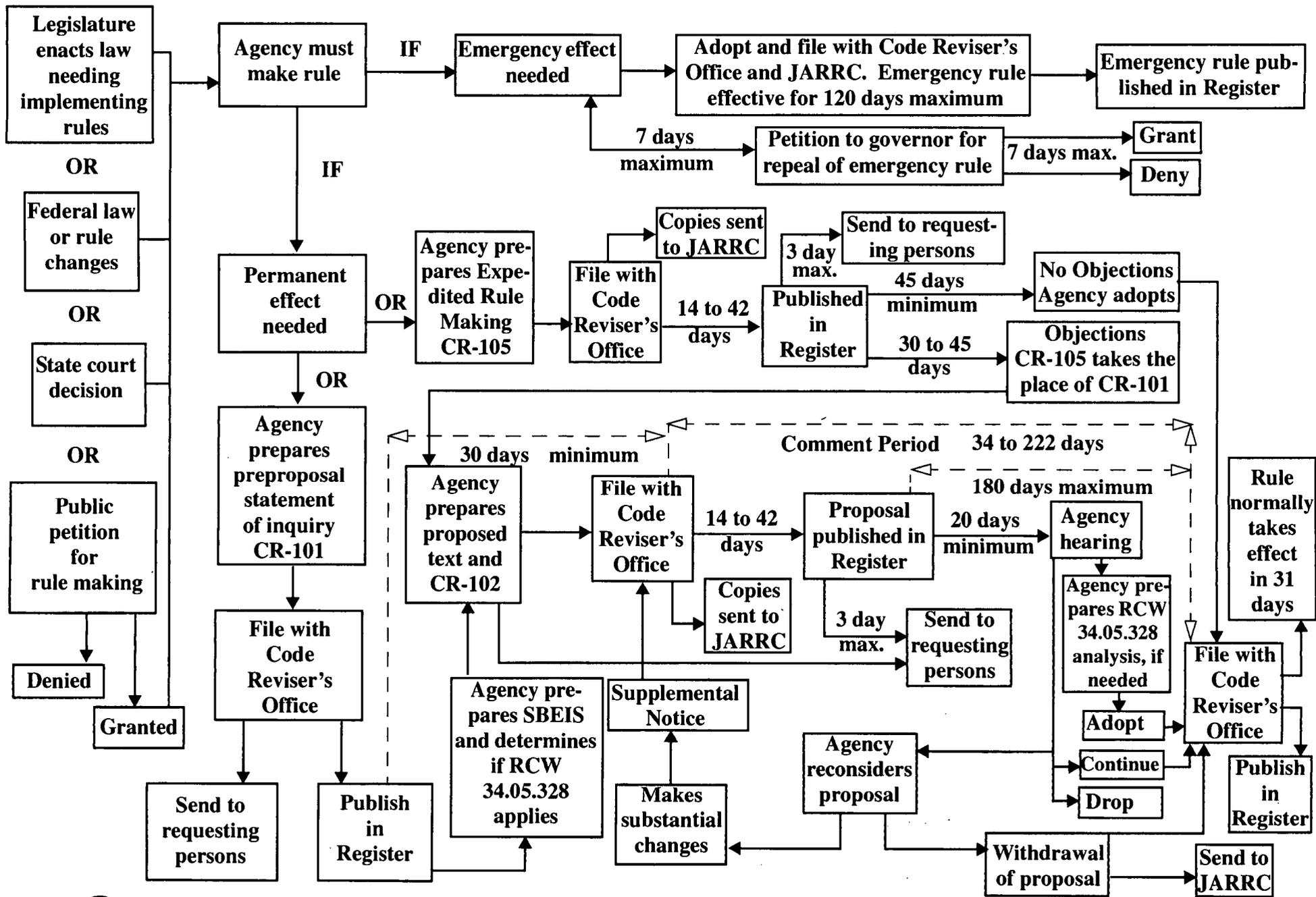
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 02-15-017**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING**

[Filed July 8, 2002, 11:32 a.m.]

Subject of Possible Rule Making: Amend rules for course approval and distance education delivery method approval. Will amend WAC 308-124H-025 and 308-124H-029.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.85.040(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Will require that course providers demonstrate how a real estate continuing education course is related to the practice of real estate. Will require that distance education providers demonstrate how they will determine that a student has completed the required number of clock hours. Current rules do not clearly require this information from the providers and have resulted in many alleged abuses of the continuing education clock hour requirement.

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

Process for Developing New Rule: Negotiated rule making; and agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana L. Jones, Assistant Administrator, Real Estate Program, Department of Licensing, P.O. Box 9015, Olympia, WA 98507-9015, phone (360) 664-6524, fax (360) 586-0998.

July 8, 2002

Jana L. Jones

Assistant Administrator

ldavis@ospi.wednet.edu. For telephone assistance, contact Larry Davis at (360) 725-6025.

July 8, 2002

Larry Davis

WSR 02-15-027**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 10, 2002, 11:47 a.m.]

Subject of Possible Rule Making: Chapter 180-85 WAC, Professional education—Continuing education requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Allow recognition of certain programs and courses as qualifying toward the continuing education requirement of one hundred fifty clock hours every five years.

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 sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631, ldavis@ospi.wednet.edu. For telephone assistance, contact Larry Davis at (360) 725-6025.

July 8, 2002

Larry Davis

WSR 02-15-026**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 10, 2002, 11:45 a.m.]

Subject of Possible Rule Making: WAC 180-50-135 Physical education—Grade school and high school requirement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.040 and [28A.230.]050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Bring the rule into alignment with other policies supporting a performance-based education system.

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 sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631,

WSR 02-15-028**PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION**

[Filed July 10, 2002, 11:49 a.m.]

Subject of Possible Rule Making: New policy WAC 180-78A-700 Pilot project—Native American language certification program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.130 and 28A.410.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Recognize the unique importance of native language to Native American tribes and create a pilot project for the certification of teachers of Native American languages.

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 sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631,

ldavis@ospi.wednet.edu. For telephone assistance, contact Larry Davis at (360) 725-6025.

July 8, 2002
Larry Davis

WSR 02-15-056
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)

[Filed July 11, 2002, 4:16 p.m.]

Subject of Possible Rule Making: To revise and reorganize sections of WAC 388-15-650 through 388-15-662, Adult day services. Revised sections will be incorporated into chapter 388-71 WAC. As a result, WAC 388-15-650 through 388-15-662 will be repealed. This notice replaces the prenotice inquiry filed as WSR 00-08-049 on March 31, 2000. The earlier notice is superseded in response to a rule-making petition filed by adult day service providers on June 18, 2002.

Statutes Authorizing the Agency to Adopt Rules on this Subject: General statutory authority is derived from RCW 74.04.050, 74.04.057, 74.04.200, 74.08.090, 74.09.520, 74.39A.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are needed to ensure that adult day services are provided within available funding as required by law. Rules may be needed to clarify the purpose of adult day care/day health programs; to clarify or amend adult day care/day health services and eligibility requirements; to transfer adult day health eligibility determinations to department/AAA case managers; to clarify the status of adult day centers as contracted providers; to clarify the Administrative Procedure Act hearing rights of clients and providers; to adopt program cost controls; to amend administrative requirements for contracting with the department/area agencies on aging; and to adopt or clarify such other rules as are necessary or appropriate to accomplish these purposes. This adoption is also necessary to comply with regulatory improvement directives of 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: Centers for Medicare and Medicaid Services (CMS) formerly Health Care Financing Authority (HCFA). Aging and Adult Services Administration (AASA) will include them on mailings and invite them to participate in meetings.

Process for Developing New Rule: The department is initiating this rule making in response to a petition for rule making filed by Washington Adult Day Services Association (WADSA) and a number of its member adult day service providers. Both WADSA's proposed new rules and AASA's draft rules will be used as a starting point for further discussions with the petitioners and other interested stakeholders. AASA will schedule informal meetings over a two-month period for the purpose of promoting consensus wherever possible and to allow for additional comment before publishing

proposed rules. Upon filing a notice of proposed rule making, AASA will notify interested parties of the public hearing to adopt rules and how to submit comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marietta Bobba, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2562, TTY (360) 493-2637, fax (360) 438-8633; and Kristi Olson, Aging and Adult Services Administration, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2537, fax (360) 438-8633, e-mail olsonkl2@dshs.wa.gov.

July 10, 2002
Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-15-057
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed July 11, 2002, 4:18 p.m.]

The Economic Services Administration (ESA) is requesting the withdrawal of preproposal statement of inquiry filed as WSR 02-12-044, on May 29, 2002.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-15-058
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)

[Filed July 11, 2002, 4:19 p.m.]

The Aging and Adult Services Administration (AASA) would like to withdraw two preproposal statements of inquiry, filed as WSR 99-24-024 and 00-08-049. A new preproposal statement of inquiry will be filed on the same subject matter.

Brian Lindgren, Manager
Rules and Policies Assistance Unit

WSR 02-15-069
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed July 12, 2002, 9:41 a.m.]

Subject of Possible Rule Making: Update and adoption of North American Securities Administrators Association (NASAA) guidelines and statements of policy. Amendments to WAC 460-16A-205.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 21.20.450.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington Securities Division uses guidelines and policies adopted by NASAA as the basis for regulating certain offerings and licensees. These guidelines and policies are periodically updated and occasionally new guidelines and policies are adopted. This amendment would update Washington's regulations to reflect the latest versions of all previously adopted guidelines. It would also adopt NASAA's risk disclosure guidelines and guidelines for general obligation financing by religious organizations for the first time. This will facilitate greater uniformity with the many other states that rely on NASAA guidelines and policies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Securities and Exchange Commission (SEC) also regulates some of these offerings. Proposed NASAA statements of policy are published for public comment prior to adoption and are generally also shared with the SEC. Comments received from the public and the SEC are considered and incorporated in the proposal as appropriate.

Process for Developing New Rule: Proposed NASAA statements of policy are published for internal and public comment prior to adoption. Comments received from the public and the SEC are considered and incorporated in the proposal as appropriate.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting William M. Beatty, Securities Division, Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033, (360) 902-8760, fax (360) 704-6923, bbeatty@dfi.wa.gov, website <http://www.dfi.wa.gov/sd>.

July 7, 2002
 Deborah R. Bortner
 Director of Securities

WSR 02-15-077
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
 [Filed July 15, 2002, 11:55 a.m.]

Subject of Possible Rule Making: Chapter 308-56A WAC, Certificates of title—Motor vehicles, etc., to include

but not limited to WAC 308-56A-525 Sellers report of sale (new).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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.

July 12, 2002
 D. McCurley, Administrator
 Title and Registration Services

WSR 02-15-078
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE
 [Filed July 15, 2002, 3:17 p.m.]

Subject of Possible Rule Making: WAC 458-20-24003 Tax incentives for high technology businesses.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 82.32.300 and 82.63.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering a new rule to identify and explain the sales and use tax deferrals for high technology businesses provided by chapter 82.63 RCW and the business and occupation tax credit for research and development spending provided by RCW 82.04.4452.

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

Process for Developing New Rule: Modified negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments may be submitted by mail, e-mail, fax, or at the public meeting. Oral comments will be accepted at the public meeting. Written comments may be directed to Greg Potegal, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 570-6132, e-mail gregp@dor.wa.gov, fax (360) 664-0693.

Date and Location of Public Meeting: August 27, 2002, at 1:30 p.m., Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA.

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

July 15, 2002

Alan R. Lynn

Rules Coordinator
Legislation and Policy Division

WSR 02-15-099

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed July 17, 2002, 10:51 a.m.]

Subject of Possible Rule Making: The Office of Manufactured Housing (OMH) (a.k.a. the Office of Mobile Home Affairs) must develop rules to address changes to chapter 59.21 RCW, the mobile home relocation assistance program. Subjects of rule making include establishing allowable relocation reimbursement expenses and defining the criteria for eligibility. Rule making will also address criteria for what constitutes a home that is "not relocatable," and criteria for what constitutes proof of park closure due to "park owner fraud" or "health and safety concerns."

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 59.21 RCW, RCW 43.330.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on the subjects noted above are required due to recent amendments to chapter 59.21 RCW. The rules are necessary to define allowable relocation expenses, to establish criteria for eligibility, and to establish procedures for making distributions from the mobile home relocation assistance fund.

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

Process for Developing New Rule: Draft rules will be mailed to stakeholders. Feedback will be accepted in writing as well as at two public hearings, one in eastern Washington and one in western Washington. OMH will request and consider comments from all affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teri Ramsauer, Office of Manufactured Housing, P.O. Box 48350, Olympia, WA 98504-8350, phone (360) 725-2960, fax (360) 586-5880, e-mail terir@cted.wa.gov. Draft rules will be mailed to stakeholders. Feedback will be accepted in writing or by e-mail as well as at two public hearings, one in eastern Washington and one in western Washington.

July 16, 2002

Martha Choe

Director

WSR 02-15-100

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed July 17, 2002, 10:52 a.m.]

Subject of Possible Rule Making: The Office of Manufactured Housing (OMH) (a.k.a. the Office of Mobile Home Affairs) needs to develop rules to prescribe a form to be utilized by installers to identify work being performed and certification number of certified installer as authorized by RCW 43.63B.060 and to develop criteria for fees and reporting of those forms. OMH must adopt rules to establish and administer a process of approving alternative educational providers as required by RCW 43.63B.035, and must develop criteria for a continuing education program as required by RCW 43.63B.040. Rule making will also address establishing compliance procedures for incompetent installations, updating the current installer program WAC, chapter 365-210 WAC to correct inconsistencies, to reformat existing fee schedule for clarity, and to address changes to the recertification process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.63B RCW, RCW [43.63B.]050, [43.63B.]060, [43.63B.]035, [43.63B.]800, 43.330.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 43.63B.060 authorizes OMH to prescribe a form to be utilized by installers to identify work being performed and certification number of certified installer. No current method exists for tracking number and quality of installations. Fees will be assessed and criteria developed for implementation of a serialized installer tag system that will require installers to report work performed on a particular home. This will allow tracking of installations and allow OMH to address quality issues with education or other actions.

In order to comply with RCW 43.63B.035 and [43.63B.]040, rules must be developed setting out criteria for a method of approving alternative educational providers and for a continuing education program.

No criteria exists for issuing a notice of correction and other compliance procedures for addressing incompetent installations. Rule writing will set that criteria.

The current installer program chapter 365-210 WAC, needs changes to correct inconsistencies; to reformat existing fee schedule for clarity; and to address changes to the recertification process.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Department of Housing and Urban Development, Washington State Department of Licensing, and the Washington State Department of Labor and Industries. Rules will be coordinated with each agency through meetings and other forms of communication.

Process for Developing New Rule: Draft rules will be mailed to stakeholders. Feedback will be accepted in writing as well as at two public hearings, one in eastern Washington and one in western Washington. OMH will request and consider comments from all affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teri Ramsauer, Office of Manufactured Housing, P.O. Box 48350, Olympia, WA 98504-8350, phone (360) 725-2960, fax (360) 586-5880, e-mail terir@cted.wa.gov. Draft rules will be mailed to stakeholders.

July 16, 2002
Martha Choe
Director

WSR 02-15-101

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed July 17, 2002, 10:52 a.m.]

Subject of Possible Rule Making: The Office of Manufactured Housing (OMH) (a.k.a. the Office of Mobile Home Affairs) is required to administer the Federal State Administrative Agency Program per chapter 43.63A RCW. Subjects of rule making include establishing fees and criteria for performing home manufacturer inspections and administering a mediation program for retailers, home manufacturers, and homeowners.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.63A RCW, RCW [43.63A.]470, [43.63A.]480, [43.63A.]485, 46.70.136, and 43.330.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Fees will be assessed and criteria will be defined for: (1) Mediation services provided to retailers, manufacturers, and homeowners; and (2) for inspections provided to manufacturers. Rules are needed to provide homeowners with additional resources for resolving disputes with retailers and home manufacturers that currently do not exist. Rules will also allow greater monitoring of home manufacturers.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Federal Department of Housing and Urban Development, the Department of Licensing, and the Department of Labor and Industries. Rules will be coordinated with each agency through meetings and other forms of communication.

Process for Developing New Rule: Draft rules will be mailed to stakeholders. Feedback will be accepted in writing as well as at two public hearings, one in eastern Washington and one in western Washington. OMH will request and consider comments from all affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teri Ramsauer, Office of Manufactured Housing, P.O. Box 48350, Olympia, WA 98504-8350, phone (360) 725-2960, fax (360) 586-5880, e-mail terir@cted.wa.gov.

July 16, 2002
Martha Choe
Director

WSR 02-15-103

PREPROPOSAL STATEMENT OF INQUIRY BUILDING CODE COUNCIL

[Filed July 17, 2002, 1:33 p.m.]

Subject of Possible Rule Making: Uniform Building Code WAC 51-40-1004.3.4.5 Elevators and section 905 Smoke control, concerning elevator shaft pressurization as an alternative to elevator lobbies.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington State Building Code Council has been petitioned to review the provisions related to elevator shaft pressurization as an alternate to providing elevator lobbies at each floor where an elevator opens into a corridor. The council is reviewing this rule to ensure that the provisions provide for the safety of building occupants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Elevators are regulated by the Department of Labor and Industries (L&I). The technical advisory group formed to review these rules will include representation from L&I.

Process for Developing New Rule: Technical advisory group (TAG) will be formed to include representatives from stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To be notified of proposed meeting dates for discussion of this item, or to obtain draft information, please contact Tim Nogler, Managing Director, Washington State Building Code Council, P.O. Box 48350, Olympia, WA 98504-8350, phone (360) 725-2966, fax (360) 586-9383, e-mail sbcc@cted.wa.gov, www.sbcc.wa.gov.

July 11, 2002
Tim Nogler
for Jim Lewis
Council Chair

WSR 02-15-111

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF TRANSPORTATION

[Filed July 18, 2002, 9:35 a.m.]

Subject of Possible Rule Making: WAC 468-38-340 Speed limits, is being proposed for change to provide for safer movements of over-dimensional vehicles.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.44.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current WAC requires certain vehicles to move at speeds less than that of posted truck speeds. For carriers to comply they must merge into traffic traveling faster than they are allowed to move and once in traffic they are required to move slower causing congestion and frustration resulting in unsafe moves by surrounding traffic.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington State Patrol (WSP) and the Washington State Department of Transportation traffic office has been consulted, reviewed the proposed changes and concurred with the process.

Process for Developing New Rule: Review of concerns expressed by various industry segments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barry Diseth, Motor Carrier Services, Washington State Department of Transportation, P.O. Box 47367, Olympia, WA 98504-7367, e-mail disethb@wsdot.wa.gov, phone (360) 704-6340, fax (360) 704-6350.

July 17, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

WSR 02-15-117

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF LICENSING

[Filed July 18, 2002, 2:23 p.m.]

Subject of Possible Rule Making: Chapter 308-93 WAC, Vessel registration and certificates of title, to include but not limited to WAC 308-93-276 Vessel seller report of sale (new).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be required as result of this review in accordance with Executive Order 97-02.

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.

July 18, 2002

Deborah McCurley, Administrator

Title and Registration Services

by Lynda Henriksen

WSR 02-15-134

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 22, 2002, 11:05 a.m.]

Subject of Possible Rule Making: The Department of Social and Health Services (DSHS), Economic Services Administration, community services division, will amend and write new WAC that define and describe limited English proficient (LEP) services as they pertain to clients of DSHS.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.025, 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules defining and describing LEP services are needed to help people with limited English proficiency understand how they can receive services from DSHS.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS Medical Assistance Administration, Management Services Administration.

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. At a later date, DSHS will file proposed rules 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 Jason Reed, Community Services Division, P.O. Box 45440, Olympia, WA 98504, phone (360) 413-3223, fax (360) 413-3491.

July 17, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

WSR 02-15-151

PREPROPOSAL STATEMENT OF INQUIRY

SUPERINTENDENT OF

PUBLIC INSTRUCTION

[Filed July 22, 2002, 4:17 p.m.]

Subject of Possible Rule Making: WAC 392-140-900 through 392-140-913, Finance—Special allocations—K-4 staff enhancement.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to implement language in the 2002 supplemental operating budget. These changes will provide for the correct determination of the district's state-funded K-4 certificated instructional staffing ratio.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new,

amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Ross Bunda, (360) 725-6308.

July 19, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

WSR 02-15-160

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed July 23, 2002, 2:12 p.m.]

Subject of Possible Rule Making: WAC 246-817-110 Dental licensure—Initial eligibility and application requirements and 246-817-120 Examination content.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.0365, 18.32.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule will clarify additional options for eligibility criteria for dental licensure and applicants, and will update the division name to Health Professions Quality Assurance.

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 via mailings, enclosures in application packets to new applicants for licensure and an update of rule-making activity on the program website.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments and inquiries may be made to Lisa R. Anderson, Health Services Consultant, Dental Quality Assurance Commission, 1112 S.E. Quince Street, P.O. Box 47867, Olympia, WA 98504-7867, e-mail lisa.anderson@doh.wa.gov, phone (360) 236-4863, fax (360) 664-9077.

July 1, 2002
Gail L. Zimmerman
Executive Director

WSR 02-12-167

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed July 23, 2002, 3:17 p.m.]

Subject of Possible Rule Making: Practice and procedure—Electrical board (chapter 296-13 WAC); Safety stan-

dards—Installing electric wires and equipment—Administrative rules (chapter 296-46A WAC); Certification of competency for journeyman electricians (chapter 296-401B WAC); and Electrical evaluation/certification laboratory accreditation (chapter 296-402A WAC).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 19.28 RCW and chapter 249, Laws of 2002 (ESB 6630).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The purpose of this rule making is to:

- Implement changes resulting from legislation enacted in 2002;
- Combine all of these rules into a single chapter of the Washington Administrative Code;
- Adopt the latest edition of the National Electrical Code; and
- Make substantive, clarifying, and housekeeping changes to these rules.

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

Process for Developing New Rule: An advisory committee and the state Electrical Board (as established by RCW 19.28.311) will be utilized in the development of these rules. Other interested parties and the public may also participate by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Josh Swanson, Department of Labor and Industries, Specialty Compliance Services Division, P.O. Box 44400, Olympia, WA 98504-4400, phone (360) 902-6411, fax (360) 902-5292, e-mail swaj235@lni.wa.gov.

July 22, 2002
Gary Moore
Director

WSR 02-15-170

PREPROPOSAL STATEMENT OF INQUIRY PUBLIC DISCLOSURE COMMISSION

[Filed July 23, 2002, 4:31 p.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to contribution withholding authorizations, enforcement procedures, transfers of surplus funds and major political party organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Public Disclosure Commission will consider new rules and rule amendments to implement chapter 42.17 RCW and chapter 156, Laws of 2002, to clarify enforcement hearing procedures and to update administrative rules consistent with statutory provisions.

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

Process for Developing New Rule: At its meeting on August 27, 2002, the commission is expected to discuss whether to move forward with new and amended rules covering the aforementioned topics. Public comment will be welcome at this meeting.

Interested persons are invited to submit written comments by August 26, 2002, to Doug Ellis, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by Monday, August 19, 2002, will be provided to commissioners in advance of the meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Doug Ellis, Director of Public Outreach, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, e-mail dellis@pdc.wa.gov. A public hearing on these matters may occur on October 22, 2002.

July 23, 2002
Vicki Rippie
Executive Director

WSR 02-15-172
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-05—Filed July 24, 2002, 9:44 a.m.]

Subject of Possible Rule Making: The Rental Car Insurance Limited Agent License Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010, chapter 273, Laws of 2002.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 273, Laws of 2002 (SSB 6481) requires rental car companies to be licensed under chapter 48.17 RCW or comply with the licensing standards of the new law. The commissioner was given the authority to adopt rules to implement the new law. The commissioner will consider all implementation aspects of the new law, including rules that establish the process and fees for licensure of rental car companies and their agents.

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 Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

July 24, 2002
Mike Kreidler
Insurance Commissioner

WSR 02-15-173
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF THE
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2002-06—Filed July 24, 2002, 9:46 a.m.]

Subject of Possible Rule Making: Automobile total loss settlements.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060, 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Automobile total loss settlement is the single largest source of consumer inquiries and complaints received by the property and casualty section of the consumer advocacy division. The commissioner will review WAC 284-30-390 and determine if the current regulation can be clarified, simplified, and made more effective. One goal is to give consumers a greater understanding of their rights and clearer expectations of what may occur in the claims process. Another goal is to create more certainty in the standards for compliance for the industry representatives who administer the claims process.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40255, Olympia, WA 98504-0255, e-mail Kacys@oic.wa.gov, fax (360) 586-3109.

July 24, 2002
Mike Kreidler
Insurance Commissioner

WSR 02-15-182
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 24, 2002, 11:25 a.m.]

Subject of Possible Rule Making: Chapter 296-15 WAC, Workers' compensation self insurance rules and regulations employers, this chapter governs employers who are permitted to self insure their workers compensation obligations pursuant to Title 51 RCW. This filing includes modifications in the following areas: Certification requirements, including both financial requirements and claims administration structure requirements, vocational reporting requirements, including ninety day employability assessment reports and vocational rehabilitation outcome reporting, reporting requirements when initiating and terminating time loss, financial information reporting requirements, submissions of protests to the department, and time frames for payment of penalties.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.14.020, 51.32.190, 51.14.090, and 51.14.095.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Proposed revisions should improve the process by which employers are certified to self insure, enhance understanding of that process, streamline and improve vocational and financial reporting requirements, improve notification to injured workers regarding the status of their compensation, and clarify timeframes for both submission of protests to the department and the payment of penalties.

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

Process for Developing New Rule: Labor and industries will work with representative of the labor and self insurance communities on all changes to the self insurance regulations. A public hearing will be held in Tumwater after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting George Pickett, Department of Labor and Industries, Self Insurance Section, P.O. Box 44892, Olympia, WA 98504-4892, (360) 902-6907, fax (360) 902-6900.

July 24, 2002

Gary Moore

Director

WSR 02-15-184

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed July 24, 2002, 11:31 a.m.]

Subject of Possible Rule Making: WAC 458-20-17803
Use tax on promotional materials.

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: The department adopted WAC 458-20-17803 as an emergency rule effective June 1, 2002. The department is now initiating the rule-making process for the purpose of adopting a permanent WAC 458-20-17803.

WAC 458-20-17803 implements RCW 82.12.010, 82.12.020, and chapter 367, Laws of 2002, to explain how use tax applies when persons distribute or cause the distribution of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. This rule explains what are considered to be promotional materials, who is liable for the use tax, what the measure of tax is, and how to determine the appropriate local use tax rate/jurisdiction.

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

Process for Developing New Rule: Modified negotiated rule making.

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

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 20, 2002, at 10:00 a.m.

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

July 24, 2002

Alan R. Lynn, Rules Coordinator

Legislation and Policy Division

WSR 02-15-185

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed July 24, 2002, 11:32 a.m.]

Subject of Possible Rule Making: WAC 458-20-141
Duplicating (~~industry~~) activities and mailing bureaus.

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: WAC 458-20-141 addresses the B&O and retail sales tax reporting responsibilities of persons engaging in duplicating and mailing bureau activities. The department anticipates revising the rule to recognize legislation that has occurred subsequent to when the rule was last revised. For example, the rule provides incorrect tax reporting instructions to duplicators who both produce and sell products in this state. The tax reporting instructions need to be revised to explain the multiple activities tax credit (MATC) reporting requirements of RCW 82.04.440. Chapter 367, Laws of 2002, imposed a use tax on certain retail services. The rule needs to be revised to explain the tax implications as they apply to mailing bureau services.

The department is also reviewing whether the rule's current instructions concerning postage are consistent with current tax law. Currently, the rule explains that income attributable to postage costs is deductible from the measure of tax when a mailing bureau purchases postage for use in providing services to its customers. Additionally, the department is considering updating the current language and format of the rule to provide the information a more useful manner.

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

Process for Developing New Rule: Modified negotiated rule making.

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

Date and Location of Public Meeting: Capital Plaza Building, 4th Floor Large Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 20, 2002, at 10:00 a.m.

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

July 24, 2002

Alan R. Lynn, Rules Coordinator
Legislation and Policy Division

WSR 02-15-012
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed July 5, 2002, 8:52 a.m.]

Continuance of WSR 02-10-080.

Preproposal statement of inquiry was filed as WSR 02-06-045.

Title of Rule: WAC 478-116-131 Parking for events and other university functions.

Purpose: Continue date of intended adoption from July 19, 2002, to September 20, 2002.

Date of Intended Adoption: September 20, 2002.

July 2, 2002

Rebecca Goodwin Deardorff, Director
 Administrative Procedures Office

WSR 02-15-034
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 11, 2002, 10:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-005.

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

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

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

Statutory Authority for Adoption: RCW 46.01.110.

Summary: Amending WAC 308-56A-500 Definitions and 308-56A-460 Destroyed or wrecked vehicle rebuilt; and new WAC 308-56A-530 Vehicle brands and comments.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02 and chapter 245, Laws of 2002. Implementation of the requirements of SB 6530.

Name of Agency Personnel Responsible for Drafting: Katherine Iyall Vasquez, 1125 Washington Street S.E., Olympia, (360) 902-3718; Implementation and Enforcement: Jim Booker, 1125 Washington Street S.E., Olympia, (360) 902-3680.

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

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

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

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

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

Hearing Location: Highways-Licenses Building, Conference Room 107, 1125 Washington Street S.E., Olympia, WA 98507, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Katherine Iyall Vasquez by August 26, 2002, TTY (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Katherine Iyall Vasquez, Rules Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by August 26, 2002.

Date of Intended Adoption: September 9, 2002.

July 11, 2002

D. McCurley, Administrator
 Title and Registration Services

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.

(3) "Certificate of ownership" (or "title") is a legal document indicating proof of ownership.

~~((3))~~ (4) "Comment" means an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(5) "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))~~ (6) "Department" means the same as described in RCW 46.04.162.

~~((5))~~ (7) "Department temporary permit" is a permit temporarily issued in lieu of permanent registration and license plates when required documentation is unavailable.

~~((6))~~ (8) "Involuntary divestiture" means a change in vehicle ownership without the registered owner's involvement.

~~((7))~~ (9) "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))~~ (10) "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.

(11) "Legal owner" means the same as described in RCW 46.04.270.

~~((9))~~ (12) "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.

(13) "Person" means the same as described in RCW 46.04.405.

~~((10))~~ (14) "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))~~ (15) "Registered owner" means the same as described in RCW 46.04.460.

~~((12))~~ (16) "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))~~ (17) "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 and comments.

(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 are assigned to vehicles by the department?** 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);
- (i) Not eligible for road use as described in RCW 46.09.020.

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:

- (A) Junk;
- (B) Destroyed;
- (C) 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.

The jurisdiction code will be identified as "XX."

(3) **What brands are carried 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.

(7) **What is a comment?** For the purposes of this section a comment is an indication on the certificate of ownership, vehicle title/registration application or vehicle registration certificate that relates to tax liability, type of ownership, title transaction type or a previous condition of the vehicle.

(8) **What comments could the department print on certificates of ownership?**

- (a) Comments relating to the ownership that include: Bonded, leased, JTWR0S.

(b) Comments relating to tax liability that include: Use tax waived - gift, value code, value year.

(c) Comments relating to the type of title transaction, which include duplicate, and reprint.

(d) Miscellaneous comments that include: Safety defect uncorrected, safety defect corrected, nonconformity uncorrected, nonconformity corrected, return to manufacturer, not eligible for road use.

(9) **What brands and/or comments could the department print on vehicle registration certificates?** Brands and/or comments printed on vehicle registration certificates may include, but are not limited to:

(a) "Vehicle Driver And Owner Subject To Federal Drug Program" Title 49 CFR Part 382;

(b) "Rebuilt" or "WA REBUILT";

(c) "CVSEF PAID" or "commercial vehicle safety enforcement fee paid";

(d) "Because scale weight exceeds gross weight, D.O.T. permit also required";

(e) "Commercial vehicle safety enforcement fee not paid";

(f) "Display tab on back license plate" only - front plate is still required;

(g) "*Check vehicle database record for actual expiration date";

(h) "Replica";

(i) "Proof of FHVUT verified";

(j) "Safety defect";

(k) "Safety defect corrected";

(l) "Nonconformity uncorrected";

(m) "Nonconformity corrected";

(n) "No title issued" or "no title issued - ownership in doubt";

(o) "Excise exempt NRM";

(p) "Excise exempt native American";

(q) "Excise exempt van pool";

(r) "Excise exempt rideshare";

(s) "Registration only";

(t) "Prorated gross weight to be more than 16,000";

(u) "Additional owners on record";

(v) "Not eligible for road use";

(w) "Perm plt";

(x) "Use tax waived: Gift";

(y) "Return to mfg.";

(z) "Permanent fleet vehicle";

(aa) "*Perm";

(bb) "Color";

(cc) Comments relating to the ownership; bonded, leased, JTWROS, registration only;

(dd) Tax liability DAV, native American, NRM, value code/year, use tax option, rideshare, POW, tax code 95, double transfer;

(ee) Title transaction type duplicate, reprint, NTI, dual registration, corrected title data, corrected registration;

(ff) Miscellaneous gift, ride, previous plate VIN flag, farm vehicle restrictions, Federal Drug Program (Title 49 CFR Part 382) vehicle color, odometer code, RETURN TO MFG, not eligible for road use (NEFRU).

(10) **What comments would the department carry forward from other jurisdictions?** The department does not carry forward comments assigned by other jurisdictions.

(11) **Why are comments used?** Comments are used for consumer protection, to inform any subsequent owners and vehicle licensing personnel of the current tax liability, type of ownership, or title transaction type.

(12) **Will the department remove a comment?** The department will remove a comment if:

(a) The comment was applied in error; or

(b) The comment no longer applies.

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 when required, 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 when required.

(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 when required.

(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 when required; 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 including 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 when required.~~

(3) What are the "market value threshold amount" and the criteria used to increase the amount? The "market value threshold amount" is six thousand five hundred dollars effective June 13, 2002, as set by RCW 46.12.005. The market value threshold amount will be increased based on any corresponding increase in 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).

((3)) (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 owner must sign 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 ("WAREBUILT") "WA REBUILT" mean on a Washington certificate of ownership? The ("WAREBUILT") "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.

WSR 02-15-042

WITHDRAWAL OF PROPOSED RULES PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 3:47 p.m.]

The Washington Personnel Resources Board hereby withdraws the proposed amendments to WAC 251-18-190 and 251-10-030, originally filed as WSR 02-12-119 on June 5, 2002.

If you have any questions, please contact Connie Goff at 664-6325.

WSR 02-15-072 PROPOSED RULES WASHINGTON STATE PATROL

[Filed July 15, 2002, 8:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-22-103.

Title of Rule: WAC 204-24-030 Standards for studded tires and 204-24-050 Use of tire chains or other traction devices.

Purpose: The Department of Transportation (WSDOT) has deployed new signage for use in the mountain passes. The signage will have significant changes in the verbiage used to communicate to motorists, particularly motor carriers. In order for the signs to have a basis for enforcement the rules need to be amended to reference the new verbiage. Also, there is a need to include additional areas where carrying chains are required, specifically SR 542, Mt. Baker Highway and I-82 between Ellensburg and Selah.

Statutory Authority for Adoption: RCW 46.37.420, 46.12.330, 46.37.005.

Summary: WAC 204-24-030 Standards for studded tires and 204-24-050 Use of tire chains or other traction devices, both reference signs used in the mountain passes that will soon be obsolete. In addition, WAC 204-24-050 lists locations where vehicles over 10,000 GVW are required to carry chains from November 1 to April 1.

Reasons Supporting Proposal: To correct the verbiage in the signs and to ensure enforcement.

Name of Agency Personnel Responsible for Drafting and Implementation: Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504, (360) 753-3697; and Enforcement: Deputy Chief Lowell Porter, P.O. Box 42600, Olympia, WA 98504, (360) 586-2340.

Name of Proponent: Washington State Patrol, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Approval of the amendment.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change verbiage on signs used in the passes regarding usage of chains and also to add additional areas where carrying chains is required.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Statement is not needed.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: General Administration Building, WSP Commercial Vehicle Division, Conference Room, 210 11th Avenue S.W., Olympia, WA 98504, on August 29, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Mr. Michael Palios by August 26, 2002, TDD (360) 536-4270, or (360) 753-5966.

Submit Written Comments to: Ms. Christine Fox, P.O. Box 42614, Olympia, WA 98504, fax (360) 586-8233, by August 26, 2002.

Date of Intended Adoption: September 12, 2002.

July 11, 2002

Ronal W. Serpas
Chief

AMENDATORY SECTION (Amending WSR 00-15-009, filed 7/10/00, effective 8/10/00)

WAC 204-24-030 Standards for studded tires. Studded tires shall meet the following specifications:

(1) Studs shall be metal, tipped with tungsten carbide.

(2) Metal studs shall be inserted only in a new tire or a newly-recapped tire which has molded in the tread the "pin-holes" into which metal studs are to be inserted. Studs shall not be inserted in any new tire or newly-recapped tire after it has been driven on a vehicle.

(3) Metal studs may be installed only by the tire manufacturer, or by a tire dealer or tire jobber who shall install the metal studs in conformance with the manufacturer's specifications.

(4) When a tire is sold or offered for sale as a studded tire or when studs are installed in a new tire or a newly-recapped tire, there shall be a minimum of seventy metal studs evenly spaced around the tread of the tire.

(5) A tire shall contain a minimum of fifty-six metal studs at all times in order to qualify as a "studded tire" or as an approved traction device (~~where traffic control signs marked "approved traction tires required" are posted~~).

(6) Metal studs shall not be installed in any tire of a vehicle which has a gross vehicle weight of ten thousand pounds or over.

(7) School buses and fire department equipment tires are exempt from subsection (6) of this section.

AMENDATORY SECTION (Amending WSR 00-03-081, filed 1/19/00, effective 2/19/00)

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

~~((a))~~ When traffic control signs (~~marked "approved traction tires required"~~) are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires (~~at least one of~~) the traction device(~~s meeting~~) specified by the sign, which must also meet the requirements of WAC 204-24-040.

~~((b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive tires, tire chains meeting the standards in chapter 204-22 WAC.~~

~~((i))~~ Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight rating (GVWR).

When traffic control signs marked (~~"approved traction tires required" or~~) "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its tires, tire chains as follows: Provided, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from the following requirements if such vehicle has sanding capability in front of the drive tires.

(a) Vehicles or vehicle combinations with two to four axles including but not limited to trucks, truck-tractors, buses and school buses: For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, one tire on each side of one of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers; one tire on the last axle of the last trailer or semi-trailer, shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(b) Automobile transporters are any vehicle combination designed and used specifically for the transport of assembled (capable of being driven) highway vehicles. For vehicles with single drive axles, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, one tire on each side of each of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(c) Vehicle combinations with five axles consisting of a truck tractor with dual drive axles and a tandem axled semi-trailer; all tires on one drive axle may be chained or one tire on each side of each of the drive axles may be chained. Chains must be applied to a minimum of four tires on the drive axles. On the tandem axle semi-trailer, the chained tire may be on either of the last two axles.

(d) Vehicle combinations with five axles, consisting of a truck and trailer, or truck tractor and semi-trailer with a single drive axle, or truck tractor, semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. For vehicle combinations including trailers or semi-trailers, one tire on the last axle of the last trailer or semi-trailer shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained tire may be on either of the last two axles.

(e) Vehicle combinations with six or more axles, including but not limited to truck and trailer or truck tractor and semi-trailer or truck tractor semi-trailer and full trailer: For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles where traffic control signs marked "approved traction tires required" are posted, all tires on one of the drive axles shall be chained. For vehicles with dual drive axles where traffic control signs marked "chains required" are posted, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For

vehicle combinations including trailers or semi-trailers, one tire on the last axle shall be chained. For vehicles with tandem axle trailers or semi-trailers, the chained tire may be on either of the last two axles.

(f) All vehicles over 10,000 pounds gross vehicle weight rating (GVWR) shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains or in the event that chains in use are broken or otherwise made useless.

(g) Approved chains for vehicles over 10,000 pounds gross vehicle weight rating (GVWR) shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.

(h) On the following routes all vehicles and combinations of vehicles over 10,000 gross vehicle weight rating (GVWR) pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

- (i) I-90 - between North Bend (MP 32) and Ellensburg (MP 101).
- (ii) SR-97 - between (MP 145) and Junction SR-2.
- (iii) SR-2 - between Dryden (MP 108) and Index (MP 36).
- (iv) SR-12 - between Packwood (MP 135) and Naches (MP 187).
- (v) SR-97 - between the Columbia River (MP 0.00) and Toppenish (MP 59.00).
- (vi) SR-410 - from Enumclaw to Naches.
- (vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342); and SR-20 between Newhalem (MP 120) and Winthrop (MP 192).
- (viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).
- (ix) SR-970 - between (MP 0) and (MP 10).
- (x) SR-14 - between Gibbons Creek (MP 18.00) and (MP 108.40) intersection of Cliffs Road.
- (xi) SR-542 - Mt. Baker highway between (MP 22.91) and (MP 57.26).
- (xii) I-82 - between Ellensburg Exit 3 (MP 3.00) and Selah Exit 26 (MP 26.00).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction ((~~tire~~)) device control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

WSR 02-15-073
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 15, 2002, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-23-077.

Title of Rule: WAC 415-108-445 What compensation can be reported? (PERS).

Purpose: This public employees' retirement system (PERS) WAC explains what compensation can be reported for retirement service credit. The purpose of this filing is to correct an error. At the same time, the Department of Retirement Systems (DRS) is making one grammatical change.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.40.010(8).

Summary: This WAC is being updated to correct an error.

Reasons Supporting Proposal: The current WAC is incorrect.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7291; Implementation and Enforcement: Jack Bryant, P.O. Box 48380, Olympia, WA 98504-8380, (360) 664-7193.

Name of Proponent: Department of Retirement Systems, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom, 3rd Floor, Tumwater, WA, on August 27, 2002, at 9:00 a.m.

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

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on August 27, 2002.

Date of Intended Adoption: No sooner than August 28, 2002.

July 12, 2002
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-445 What compensation can be reported? (1) Compensation earnable:

(a) Compensation earnable must meet the definition in RCW 41.40.010(8) and:

(i) Be earned as a salary or wage for personal services provided during a ~~((fiscal year))~~ payroll period and be paid by an employer to an employee; or

(ii) Qualify as compensation earnable under WAC 415-108-464 through 415-108-470.

(b) The department determines whether payments to an employee are compensation earnable based on the nature, not the name, of the payment. The department considers the reason for the payment and whether the reason brings the payment within the statutory definition of compensation earnable.

Example: "Longevity pay" conditioned on retirement is not for services provided and is therefore not compensation earnable.

(c) "Compensation earnable" is defined in very similar terms for all three PERS plans. Any differences among plans are specifically noted in WAC 415-108-443 through 415-108-488.

(2) Reportable compensation:

(a) Reportable compensation is the compensation paid by an employer to an employee that the employer must report to the department.

(b) An employer must report all of an employee's compensation earnable ~~((of an employee))~~, as defined by RCW 41.40.010(8) and WAC 415-108-445(1), to the department.

(c) An employer must report compensation for the month in which it was earned. Compensation is earned when the service is provided, rather than when payment is made.

Example: A member is paid in July for work performed during June. The employer must report the compensation to the department as "June earnings."

**WSR 02-15-079
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed July 15, 2002, 3:20 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-068.

Title of Rule: WAC 458-40-610 Timber excise tax—Definitions.

Purpose: This rule provides definitions of terms used in WAC 458-40-610 through 458-40-690.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.035.

Summary: This rule provides definitions of terms used in WAC 458-40-610 through 458-40-690, which prescribe the policies and procedures for the taxation of timber harvested from public and private forest lands as required by RCW 84.33.010 through 84.33.096. The Department of Revenue is proposing to clarify when the value of road abandonment activities is considered "other consideration" for purposes of determining taxable stumpage value for competitive sales of public timber.

Reasons Supporting Proposal: Public timber purchase contracts are now requiring timber harvesters to perform additional road abandonment activities to comply with current forest practices. This has increased the need for clarification of when road abandonment activities are considered a cost of harvesting or as "other consideration" paid by a buyer to the seller of public timber stumpage.

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

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule provides definitions of terms used in WAC 458-40-610 through 458-40-690, which prescribe the policies and procedures for the taxation of timber harvested from public and private forest lands as required by RCW 84.33.010 through 84.33.096.

Subsection (27) defines the term "taxable stumpage value" as it applies to timber harvested by small harvesters, public timber, and all other timber. The Department of Revenue is proposing to revise subsection (27)(b)(i), which explains the taxable stumpage value for competitive sales of public timber. The purpose of this revision is to explain that the value of additional services required from the stumpage purchaser by the seller is considered "other consideration" for purposes of determining the taxable stumpage value, if those services are not necessary for the harvesting or marketing of the timber. The rule also explains, for example, that the value of road abandonment activities for roads that existed prior to the stumpage sale is "other consideration" and to be included when determining the taxable stumpage value for public timber.

Proposal Changes the Following Existing Rules: This is an amendment to WAC 458-40-610 Timber excise tax—Definitions, as explained above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule does not impose any new or additional burden or responsibility on any business.

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

Hearing Location: Department of Revenue Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on September 10, 2002, at 10:00 a.m.

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

Submit Written Comments to: Ed Ratcliffe, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail edr@dor.wa.gov, by September 10, 2002.

Date of Intended Adoption: September 17, 2002.

July 15, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

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

WAC 458-40-610 Timber excise tax—Definitions. (1)

Introduction. The purpose of WAC 458-40-610 through 458-40-690 is to prescribe the policies and procedures for the taxation of timber harvested from public and private forest lands as required by RCW 84.33.010 through 84.33.096.

Unless the context clearly requires otherwise, the definitions in this rule apply to WAC 458-40-610 through 458-40-690. In addition to the definitions found in this rule, definitions of technical forestry terms may be found in *The Dictionary of Forestry*, 1998, edited by John A. Helms, and published by the Society of American Foresters.

(2) **Codominant trees.** Trees whose crowns form the general level of the main canopy and receive full light from above, but comparatively little light from the sides.

(3) **Competitive sales.** The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(4) **Cord measurement.** A measure of wood with dimensions of 4 feet by 4 feet by 8 feet (128 cubic feet).

(5) **Damaged timber.** Timber where the stumpage values have been materially reduced from the values shown in the applicable stumpage value tables due to damage resulting from fire, blow down, ice storm, flood, or other sudden unforeseen causes.

(6) **Dominant trees.** Trees whose crowns are higher than the general level of the main canopy and which receive full light from the sides as well as from above.

(7) **Harvest unit.** An area of timber harvest, defined and mapped by the harvester before harvest, having the same stumpage value area, hauling distance zone, harvest adjustments, harvester, and harvest identification. The harvest identification may be a department of natural resources forest practice application number, public agency harvesting permit number, public sale contract number, or other unique identifier assigned to the timber harvest area prior to harvest operations. A harvest unit may include more than one section, but harvest unit may not overlap a county boundary.

(8) **Harvester.** Every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use. The term "harvester" does not include persons performing under contract the necessary labor or mechanical services for a harvester. In cases where the identity of the harvester is in doubt, the department of revenue will consider the owner of the land from which the timber was harvested to be the harvester and the one liable for paying the tax.

The definition above applies except when the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use. When a governmental entity described above fells, cuts, or takes timber, the harvester is the first person, other than another governmental entity as described above, acquiring title to or a possessory interest in such timber.

(9) **Harvesting and marketing costs.** Only those costs directly and exclusively associated with harvesting the timber from the land and delivering it to the buyer. The term includes the costs of slash disposal required to abate extreme fire hazard. Harvesting and marketing costs do not include the costs of reforestation, permanent road construction, or any other costs not directly and exclusively associated with the harvesting and marketing of the timber. The actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of such costs, the deduction for harvesting and marketing costs is thirty-five percent of the gross receipts from the sale of the logs.

(10) **Hauling distance zone.** An area with specified boundaries as shown on the statewide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(11) **Legal Description.** A description of an area of land using government lots and standard general land office subdivision procedures. If the boundary of the area is irregular, the physical boundary must be described by metes and bounds or by other means that will clearly identify the property.

(12) **Log grade.** Those grades listed in the *"Official Log Scaling and Grading Rules"* developed and authored by the Northwest Log Rules Advisory Group (Advisory Group). "Utility grade" means logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the *"Official Log Scaling and Grading Rules"* published by the Advisory Group but are suitable for the production of firm useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

(a) Minimum gross diameter—two inches.

(b) Minimum gross length—twelve feet.

(c) Minimum volume—ten board feet net scale.

(d) Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable chips.

(13) **Lump sum sale.** Also known as a cash sale or an installment sale, it is a sale of timber where all the volume offered is sold to the highest bidder.

(14) **MBF.** One thousand board feet measured in Scribner Decimal C Log Scale Rule.

(15) **Noncompetitive sales.** Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

(16) **Other consideration.** Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. Some examples of permanent improvements are as follows: Construction of permanent roads; installation of permanent bridges; stockpiling of rock intended to be used for construction or reconstruction of permanent roads; installation of gates, cattle guards, or fencing; and clearing and reforestation of property.

(17) **Permanent road.** A road built as part of the harvesting operation which is to have a useful life subsequent to the completion of the harvest.

(18) **Private timber.** All timber harvested from privately owned lands.

(19) **Public timber.** Timber harvested from federal, state, county, municipal, or other government owned lands.

(20) **Remote island.** An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

(21) **Scale sale.** A sale of timber in which the amount paid for timber in cash and/or other consideration is the arithmetic product of the actual volume harvested and the unit price at the time of harvest.

(22) **Small harvester.** A harvester who harvests timber from privately or publicly owned forest land in an amount not exceeding two million board feet in a calendar year.

(23) **Species.** A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following are considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) **Other conifer.** All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) **Other hardwood.** All hardwoods not separately designated in the stumpage value tables. See WAC 458-40-660.

(c) **Special forest products.** The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

(d) **Chipwood.** All timber processed to produce chips or chip products delivered to an approved chipwood destination that has been approved in accordance with the provisions of WAC 458-40-670 or otherwise reportable in accordance with the provisions of WAC 458-40-670.

(e) **Small logs.** All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, purchased by weight measure at designated small log destinations that have been approved in accordance

with the provisions of WAC 458-40-670. Log diameter and length is measured in accordance with USFS scaling rules with length not to exceed twenty feet.

(f) **Sawlog.** For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics: Gross scaling diameter of five inches and a gross scaling length of eight feet.

(g) **Piles.** All logs sold for use or processing as piles that meet the specifications described in the most recently published edition of the *Standard Specification for Round Timber Piles (Designation: D 25)* of the American Society for Testing and Materials.

(h) **Poles.** All logs sold for use or processing as poles that meet the specifications described in the most recently published edition of the *National Standard for Wood Poles—Specifications and Dimensions (ANSI 05.1)* of the American National Standards Institute.

(24) **Stumpage.** Timber, having commercial value, as it exists before logging.

(25) **Stumpage value.** The true and fair market value of stumpage for purposes of immediate harvest.

(26) **Stumpage value area (SVA).** An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

(27) **Taxable stumpage value.** The value of timber as defined in RCW 84.33.035(7), and this chapter. Except as provided below for small harvesters and public timber, the taxable stumpage value is the appropriate value for the species of timber harvested as set forth in the stumpage value tables adopted under this chapter.

(a) **Small harvester option.** Small harvesters may elect to calculate the excise tax in the manner provided by RCW 84.33.073 and 84.33.074. The taxable stumpage value must be determined by one of the following methods as appropriate:

(i) **Sale of logs.** Timber which has been severed from the stump, bucked into various lengths and sold in the form of logs has a taxable stumpage value equal to the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber.

(ii) **Sale of stumpage.** When standing timber is sold and harvested within twenty-four months of the date of sale, its taxable stumpage value is the actual purchase price in cash and/or other consideration for the stumpage for the most recent sale prior to harvest. If a person purchases stumpage, harvests the timber more than twenty-four months after purchase of the stumpage, and chooses to report under the small harvester option, the taxable stumpage value is the actual gross receipts for the logs, less any costs associated with harvesting and marketing the timber. See WAC 458-40-626 for timing of tax liability.

(b) **Public timber.** The taxable stumpage value for public timber sales is determined as follows:

(i) **Competitive sales.** The taxable stumpage value is the actual purchase price in cash and/or other consideration. The value of other consideration is the fair market value of the

other consideration; provided that if the other consideration is permanent roads, the value is the appraised value as appraised by the seller. If the seller does not provide an appraised value for roads, the value is the actual costs incurred by the purchaser for constructing or improving the roads. Other consideration includes additional services required from the stumpage purchaser for the benefit of the seller when these services are not necessary for the harvesting or marketing of the timber. For example, under a single stumpage sale's contract, when the seller requires road abandonment (as defined in WAC 222-24-052(3)) of constructed or reconstructed roads which are necessary for harvesting and marketing the timber, the construction and abandonment costs are not taxable. Abandonment activity on roads that exist prior to a stumpage sale is not necessary for harvesting and marketing the purchased timber and those costs are taxable.

(ii) **Noncompetitive sales.** The taxable stumpage value is determined using the department of revenue's stumpage value tables as set forth in this chapter. Qualified harvesters may use the small harvester option.

(iii) **Sale of logs.** The taxable stumpage value for public timber sold in the form of logs is the actual purchase price for the logs in cash and/or other consideration less appropriate deductions for harvesting and marketing costs. Refer above for a definition of "harvesting and marketing costs."

(iv) **Defaulted sales and uncompleted contracts.** In the event of default on a public timber sale contract, wherein the taxpayer has made partial payment for the timber but has not removed any timber, no tax is due. If part of the sale is logged and the purchaser fails to complete the harvesting, taxes are due on the amount the purchaser has been billed by the seller for the volume removed to date. See WAC 458-40-628 for timing of tax liability.

(28) **Thinning.** Timber removed from a harvest unit located in stumpage value area 1, 2, 3, 4, 5, or 10:

(a) When the total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest; and

(b) The harvester leaves a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

WSR 02-15-086
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (By the Code Reviser's Office)
 [Filed July 16, 2002, 8:20 a.m.]

WAC 220-48-015 and 220-48-029, proposed by the Department of Fish and Wildlife in WSR 02-02-061 appearing in issue 02-02 of the State Register, which was distributed on January 16, 2002, 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 02-15-087
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (By the Code Reviser's Office)
 [Filed July 16, 2002, 8:20 a.m.]

WAC 220-56-255, proposed by the Department of Fish and Wildlife in WSR 02-02-064 appearing in issue 02-02 of the State Register, which was distributed on January 16, 2002, 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 02-15-088
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (By the Code Reviser's Office)
 [Filed July 16, 2002, 8:20 a.m.]

WAC 220-16-760, 220-16-770, 220-16-780, 220-16-790, 220-16-800 and 220-20-100, proposed by the Department of Fish and Wildlife in WSR 02-02-072 appearing in issue 02-02 of the State Register, which was distributed on January 16, 2002, 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 02-15-106
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed July 17, 2002, 2:17 p.m.]

Original Notice.
 Preproposal statement of inquiry was filed as WSR 02-11-145.

Title of Rule: Personal use rules.

Purpose: Amend sport rules.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Allow night crawfish fishing; steelhead release in upper Kalama River and tributaries; close Lewis River power canal.

Reasons Supporting Proposal: Provide crawfish recreational opportunity, steelhead research and resource protection.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2030; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 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: Southwest Washington crawfish fishers traditionally fish at night and anti-theft rules preventing lifting shellfish pots at night are inapplicable. Allowing crawfish pots to be tended at night increases fishing opportunity. The upper Kalama River hatchery steelhead are being used as rebuilding stock, and the fishery is closed to protect the brood stock. There has been a dam failure on the Lewis River powerhouse reducing the water flow, leaving fish stranded in pools and susceptible to snagging.

Proposal Changes the Following Existing Rules: Allow crawfish pot pulling, close portions of Kalama and Lewis rivers.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect sport fishing, not small businesses.

RCW 34.05.328 does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Natural Resources Building, Director's Conference Room, 1111 Washington Street, Olympia, on September 5, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Nancy Burkhart by August 30, 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 August 30, 2002.

Date of Intended Adoption: September 5, 2002.

July 17, 2002

Evan Jacoby
Rules Coordinator

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-56-315 Crabs, shrimp, crawfish—Unlawful acts. (1) It is unlawful to take and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except:

(a) In Puget Sound waters other than Hood Canal Shrimp District it is unlawful to use at any one time more than two units of crab gear and two additional units of shrimp gear.

(b) In Hood Canal Shrimp District it is unlawful to use more than one shrimp pot and a total of two star traps or ring nets during the Hood Canal shrimp season.

(c) It is unlawful for the operator of any boat from which shrimp pots are set or pulled in Catch Record Card Areas 4 through 13 to have on board or to fish more than four shrimp pots.

(d) In the Columbia River it is unlawful to use more than three units of crab gear.

(3) It is unlawful for any person to operate a shellfish pot not attached to a buoy bearing that person's name, except that a second person may assist the pot owner in operation of the gear.

(4) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(5) It is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand operated suction devices or dug by hand.

(8) One unit of gear is equivalent to one ring net or one shellfish pot.

(9) Each unit of gear must be attached to its own buoy line and have a separate buoy for each unit of gear.

(10) No fisher may set or pull shellfish pots except crawfish pots, ring nets or star traps from a vessel in all state waters from one hour after official sunset to one hour before official sunrise.

(11) It is unlawful to possess soft-shelled crab for any personal use purpose. Violation of this subsection shall be an infraction, punishable under RCW 77.15.160.

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 fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: 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 December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only 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 Hvas 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.

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.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. September 1 through October 15: Non-buoyant lure restriction and night closure from Bonneville

Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boating deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. 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) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet

downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

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 Mulhol-land 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.

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.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April 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 Octo-

ber 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.

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. Release steelhead.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. 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.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge except closed from Hatchery Road Bridge to posted sign at hatchery outlet. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green (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 Camp-

ground, 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.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanas 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.

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.))~~ Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream.

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 Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of

land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon, 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.

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.

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.

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.

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, mini-

imum 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.

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.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cutthroat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only 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.

Teanaway 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.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, 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.

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 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, 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 02-15-116**PROPOSED RULES****CENTRAL WASHINGTON UNIVERSITY**

[Filed July 18, 2002, 1:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-116 [02-12-016].

Title of Rule: Parking and traffic regulations.

Purpose: Amend parking and traffic regulations and monetary penalty schedule to reflect procedural changes and provide a greater deterrent to parking infractions. Amend two sections defining the use of skateboards on campus to allow alternative transportation within defined guidelines.

Statutory Authority for Adoption: RCW 28B.10.528 and 28B.35.120(12).

Summary: Editorial changes to various parking regulations, increases in the monetary penalty schedule (approved by the board of trustees, May 10, 2002), and major revisions to two sections regulating alternative transportation on campus.

Reasons Supporting Proposal: Procedures governing parking and traffic have changed necessitating rule amendments. An increase in the monetary penalty schedule will provide a greater deterrent to parking and traffic infractions. In response to input from the university community, modifications governing alternative transportation use are proposed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rich Corona, Mitchell Hall, Room 203, (509) 963-2323.

Name of Proponent: Rich Corona, Vice-President for Business and Financial Affairs, Central Washington University, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules to be amended define Central Washington University's parking and traffic regulations. Proposed changes will enact increased rates approved by the board of trustees, reflect procedural changes in managing parking and traffic on the Ellensburg campus, and provide alternative transportation opportunities.

Proposal Changes the Following Existing Rules: Proposal changes the monetary penalty schedule consistent with governing board adjustments, reflects procedural changes, and provides alternate transportation opportunities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposed changes will not affect small businesses.

RCW 34.05.328 applies to this rule adoption. RCW 34.05.328 (5)(b)(iv), effect of rules is changed. In addition to editorial changes involving procedures and changes to monetary penalties, proposed changes to the rules governing alternative transportation considerably alter the effect of the rules.

Hearing Location: Barge Hall, Room 304, Central Washington University, 400 East 8th Avenue, Ellensburg, WA 98926-7501, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Pam Wilson by August 26, 2002, TDD (509) 963-2143.

Submit Written Comments to: Judy B. Miller, Assistant Rules Coordinator, Central Washington University, 400 East 8th Avenue, Ellensburg, WA 98926-7501, fax (509) 963-3201, by August 27, 2002.

Date of Intended Adoption: August 27, 2002.

July 12, 2002

Jerilyn S. McIntyre
President

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-103 Additional or replacement vehicles. If you have a current CWU parking permit and obtain an additional or different motor vehicle, you must register that vehicle with ~~((the auxiliary services))~~ parking ~~((office, Barge Hall))~~ services.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-201 Permitted parking areas. University-owned parking areas are posted with permitting requirements. Permit requirements will be enforced Monday through Friday, 7:30 a.m. to 4:30 p.m., unless otherwise posted. No parking is permitted from ~~((4:00))~~ 2:00 a.m. to 6:00 a.m. where posted.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-208 Fire lanes and service drives. Parking is not allowed at any time in the service drives or fire lanes of any campus building. Fire lanes and service drives may be used by service and emergency vehicles. After the required load/unload permit has been obtained, vendor and student-owned vehicles may use the service drives to load or unload items. These permits are available at the public safety and police services department or the parking kiosks.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-304 Disability parking permit. Any university employee, student, or visitor who can show physical disability may apply at ~~((the student affairs ADA office))~~ disability support services for a disability parking permit. Certification by a physician may be required. Disability permits issued by the state of Washington in all forms and disability permits issued by other state agencies or institutions shall be honored. Additionally, a CWU parking permit or daily permit is necessary in parking lots normally requiring permits.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-305 General permits. (1) Daily parking permits are available from the automatic ticket dispensers and cashier's office. These permits must be displayed in clear

view on the dash of the vehicle or as instructed on the permit, readable from outside the vehicle.

(2) Thirty-minute "load/unload permits" are available for loading and unloading. Load/unload permits are available to vendors conducting business on campus, service vehicles, and student vehicles. Load/unload permits are available at the public safety and police services department and the parking kiosk.

(3) No permits are available for inoperative or disabled vehicles. Public safety and police services should be contacted if your vehicle becomes disabled in a university-owned parking lot.

(4) Quarterly, academic year, and calendar year permits are available to faculty, staff, students, and alumni through the cashiers' office.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-308 Replacement of parking permit. Lost or stolen parking permits must be reported to the public safety and police services department. Upon verification, the permit may be replaced for a ~~(((\$5.00))~~ \$10.00 processing fee.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-514 Election to forfeit or contest. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to the cashier's office, Barge Hall. Payment will be in cash, check, certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting ~~((the))~~ parking ~~((office, Barge Hall))~~ services, where parking infraction appeal forms are available upon request. The completed form stating the reasons for challenging the validity of the assessed obligation must be filed in the parking office within fifteen days of the date of the infraction notice. The appeal must be reviewed by the university parking appeal board. The parking appeal board will render a decision in good faith.

(3) A person charged with a parking infraction who deems himself or herself aggrieved by the final decision of the university parking appeal board may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the public safety and police services department ~~((or the parking office))~~. Documents relating to the appeal shall immediately be forwarded to the lower Kittitas County district court which shall have jurisdiction over such offense and such appeal shall be heard de novo.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-601 Traffic regulation signs, markings, barricades, etc. (1) The director of the public safety and police services department ~~((and the director of business services and contracts office))~~ or designee are authorized to erect signs, barricades, and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings, and directions shall be so made and placed as to, in the opinion of the ~~((chief))~~ director of public safety and police services ~~((and the director of business services and contracts))~~ or designee, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the ~~((chief))~~ director of public safety and police services.

AMENDATORY SECTION (Amending WSR 98-23-022, filed 11/9/98, effective 12/10/98)

WAC 106-116-603 Monetary penalty schedule.

Offense	Penalty
(1) Improper display of permit	((\$ 5.00)) <u>\$ 15.00</u>
(2) Parking faculty-staff area	((15.00)) <u>25.00</u>
(3) Parking yellow stripe or curb	((15.00)) <u>25.00</u>
(4) Parking outside designated parking area	((15.00)) <u>25.00</u>
(5) Obstructing traffic	((25.00)) <u>30.00</u>
(6) Parking at improper angle or using more than one stall	((7.00)) <u>15.00</u>
(7) Violation of the bicycle parking rules in WAC 106-116-901	((7.00)) <u>15.00</u>
(8) Reserved parking area	((15.00)) <u>25.00</u>
(9) No parking area	((15.00)) <u>25.00</u>
(10) Overtime parking	((10.00)) <u>15.00</u>
(11) Using counterfeit, falsely made, or altered permit	((100.00)) <u>150.00</u>
(12) Illegal use of permit	((100.00)) <u>150.00</u>
(13) No current permit	((12.00)) <u>15.00</u>

PROPOSED

Offense	Penalty
(14) Parking service drive	((15.00)) 25.00
(15) Parking/driving sidewalks, malls	((15.00)) 25.00
(16) Parking/driving lawns	((20.00)) 25.00
(17) Parking fire lane	((25.00)) 30.00
(18) Parking fire hydrant	((25.00)) 30.00
(19) Driving, walking, leading, etc., cer- tain animals on campus without permit (WAC 106-116-10401)	((12.00)) 15.00
(20) Other violations of the objec- tives of the CWU parking and traffic regulations	((7.00 to 12.00)) 15.00 to 25.00
(21) Parking in a space marked "dis- abled person permit only"	((by stat- ute)) 250.00
(22) Continuous parking	((20.00)) 25.00
(23) <u>No parking 2:00 a.m. to 6:00 a.m.</u>	25.00

Parking infraction notices shall qualify for a reduction in monetary penalty if paid to the cashier's office in Barge Hall before close of business on the succeeding work day following issuance of the notice. Parking infraction notices received on the last business day of a week must be paid the first business day of the following week to qualify for a reduction in the monetary penalty. The cashier's office is open Monday through Friday, 8:00 a.m. to 5:00 p.m.

Failure to respond within ~~((fifteen))~~ twenty-eight days will result in ~~((the issuance of an overdue notice and an administrative charge of \$2.00 will be added. If payment has not been received within ten days after issuance of the overdue notice, the original monetary penalty will be doubled except that))~~ doubling of the original monetary penalty and a \$2.00 administrative fee. However, in accordance with RCW 46.63.110(3), the penalty for failure to respond shall not exceed \$25.00 for any single infraction. Further failure to respond may result in one or more of the following sanctions:

- (a) Withholding of transcripts;
- (b) Deduction from payroll checks; ~~((and/or))~~
- (c) Withholding of parking permits; and/or
- (d) Referral to collection agency.

AMENDATORY SECTION (Amending Order CWU AO 72, filed 5/2/94, effective 6/2/94)

WAC 106-116-701 Impounding procedures. (1) Any vehicle parked upon the Central Washington University campus lands in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Ellensburg, may be

impounded and taken to such place for storage as the ~~((chief))~~ director of public safety and police services selects.
 (2) The expense of such impounding and storage shall be charged to the owner or operator of the vehicle and paid prior to the release of the vehicle.
 (3) CWU and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and storage.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-856 ((Skateboard)) Alternative transportation regulations. ~~((Skateboards may not be used on campus.))~~ The use of bicycles, electric bicycles, skateboards, nonmotorized scooters, electric scooters and in-line skates shall be allowed only as a means of transportation on pedestrian malls, sidewalks, walkways and vehicular traffic ways of CWU. Anyone using a bicycle, electric bicycle, skateboard, nonmotorized scooter, electric scooter or in-line skates on CWU property shall give right of way to any pedestrian and shall travel at a reasonable, safe and prudent speed. Under no circumstance will bicycling, skateboarding or in-line skating be allowed on ramps, curbs, benches, steps or stairs or other such structures. The use of bicycles, electric bicycles, skateboards, nonmotorized scooters, electric scooters or in-line skates shall not be permitted inside any building or within twenty feet of a building entrance or exit. While in use, bicycles, skateboards, scooters and in-line skates shall be operated in a safe, reasonable and prudent manner such as all wheels shall remain on the ground.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-859 Enforcement. ~~((A skateboard user who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of chapter 9A.52 RCW.~~

If the user is a student, the student will be asked to remove the skateboard from use on campus.)) A person refusing to abide by these regulations will be asked to leave the campus. Refusal to leave will subject the person to being cited for trespass under the provisions of RCW 9A.52.070 and/or 9A.52.080, the Revised Code of Washington. If the violator is a student, they will be asked to abide by the regulations. If the student refuses, a proceeding may be initiated under chapter 106-120 WAC, the student judicial code.

WSR 02-15-118
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed July 18, 2002, 3:42 p.m.]

Original Notice.

PROPOSED

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

Title of Rule: WAC 388-434-0010 How do I get recertified for food assistance benefits?

Purpose: The Division of Employment and Assistance Programs is amending the rule to comply with federal requirements on clients applying for food assistance after their certification period set in WAC 388-416-0005 has ended.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.14.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 7 C.F.R. 273.14.

Summary: WAC 388-434-0010 explains what actions a client must take to continue receiving food assistance after their first certification period is over. It also explains the timeframes a client has to take these actions as well as the impact of missing the set deadlines.

Reasons Supporting Proposal: The United States Department of Agriculture, Food and Nutrition Service (FNS) requires the department to have clients establish eligibility for food stamp benefits when the client's initial certification period has expired. This rule is necessary to inform clients how the date a client turns in their application can impact their continuing food assistance benefits.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3232.

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

Rule is necessary because of federal law, 7 C.F.R. 273.14.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-434-0010 explains what actions a client must take to continue receiving food assistance after their first certification period is over. It also explains the timeframes a client has to take these actions as well as the impact of missing the set deadlines. This rule is exempt from filing a preproposal statement of inquiry under RCW 34.05.310(4)(c), "rules adopting or incorporating by reference without material change federal statutes or regulations...." The rule adopts federal requirements under 45 C.F.R. 273.14 - Recertification.

Proposal Changes the Following Existing Rules: The change indicates that while a client must be recertified in order to continue receiving food stamp benefits, the department will not prorate the benefits for the first month of new certification period if the client turns in an application by the end of the previous certification period.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes only affect eligibility of department clients for assistance benefits, and as a result these rules do not affect small businesses.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt under RCW 34.05.328 (5)(b)(vii), "Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 23, 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., August 27, 2002.

Date of Intended Adoption: No earlier than August 28, 2002.

July 17, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-15-011, filed 7/6/01, effective 8/1/01)

WAC 388-434-0010 How do I get ~~((recertified for))~~ food assistance benefits after my certification period has ended? To keep getting food assistance benefits after your certification period in WAC 388-416-0005 has ended, we must determine if you are still eligible for benefits. This is called recertification.

(1) ~~To ((complete the recertification process))~~ be recertified for food assistance, you must:

(a) ~~((Submit))~~ Turn in and sign an application for benefits as required under WAC 388-406-0010. If you complete an electronic application, your signature is the password you use to complete the electronic application; ((and))

(b) Complete an interview if you are required to have an interview under WAC 388-452-0005; and

(c) Submit needed proof of your circumstances if we ((the department)) ask for it.

(2) ~~((You have thirty days after your certification period ends to complete the recertification process. However,))~~ If you reapply timely and ((complete the recertification process)) get recertified before your certification period ends, we will keep depositing your benefits ((continue to be deposited)) into your EBT (electronic benefit transfer) account on the same day of the month. To reapply timely, we must get your application ((no later than)) by:

(a) The fifteenth day of the last month of your certification period; or

(b) The fifteenth day after you get ((a notice of eligibility)) your approval letter for food assistance when your certification period is two months or less.

(3) When we decide if you are eligible for benefits, we will send you a letter to tell you that your benefits have been approved or denied as required under chapter 388-458 WAC. If you reapply timely and complete the ((recertification process)) steps required in subsection (1), you get ((a notice of)) the approval or denial letter:

(a) By the end of your current certification period if you completed the steps required in subsection (1) by the fifteenth day of the last month of your certification period; or

(b) By the thirtieth day after you got your last benefit amount ~~((in if))~~ if you were certified for one month.

~~(4) ((If you reapply before your certification period ends, but fail to take a required action such as completing an interview or providing proof of your eligibility, we may deny your benefits:~~

~~(a) At that time; or~~

~~(b) At the end of the certification period; or~~

~~(c) At the end of thirty days)) If you do not turn in an application form by the end of your current certification period, you have not taken the action we require for you to get ongoing food assistance benefits. Your food assistance benefits stop at the end of your certification period.~~

~~(5) If you ((take the required action)) turn in your application before your certification period ends, we start your food assistance from the first of the month of your new certification period ((-~~

~~(6) If you take the required action within thirty days after your certification period ends, we start your food assistance from:~~

~~(a) The first of the month of your new certification period if we caused the delay; or~~

~~(b) The first of the month of your new certification period if we rescheduled a second interview per your request and you attended the rescheduled interview; or~~

~~(c) The date you take the required action.~~

~~(7) If you reapply after your certification period ends, your request is treated like an initial application and will be approved or denied under WAC 388-406-0035.~~

~~(8) See chapter 388-458 WAC for adequate notice and translation requirements)) after we determine if you are eligible for food assistance. If do not reapply timely, your benefits for the first month of your new certification period may be delayed.~~

~~(6) If you turn in your application after your certification period ends, we treat the application as a new application for benefits. We start your food assistance from the date you turned in the application after we determine if you are eligible for food assistance.~~

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 02-15-132

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed July 22, 2002, 9:17 a.m.]

In accordance with RCW 34.05.335(1), the Department of Labor and Industries withdraws the following proposed rule:

Title of the Rule: Improving traffic safety on construction sites and in work zones, filed as WSR 02-05-080 on February 20, 2002, and WSR 02-10-025 on April 24, 2002.

Reason(s) for Withdrawal: Due to the number and nature of the comments received at the public hearing, the department would like to reevaluate the proposal and con-

tinue to work with stakeholders to develop a rule that will cover their concerns.

If you have any questions, please contact Tracy Spencer, Standards Manager, at (360) 902-5530.

Gail Hughes
Senior Program Manager
Standards and Information

WSR 02-15-133

PROPOSED RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed July 22, 2002, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-012.

Title of Rule: Interdistrict registration of students.

Purpose: Update rules regarding interdistrict/concurrent enrollment.

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

Statute Being Implemented: Section 603, chapter 371, Laws of 2002.

Summary: See Title of Rule above.

Reasons Supporting Proposal: Rules need to be revised as a result of changes made in the 2002 legislative session.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Alice Grobins, 319 7th Avenue S.E., Olympia, WA 98504, (360) 704-4381.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The existing WAC was based upon the former community college tuition structure in which there was no additional tuition charge between the 10th and 18th credit hours. In its current form, WAC 131-12-041 is inconsistent with the new tuition structure adopted for Fiscal Year 03 in that the second enrolling college under an interdistrict registration agreement would not be authorized to collect per credit tuition charges between the 10th and 18th credit hours.

In order to treat all students in the same manner, this modification establishes that students who attend a second community college through a concurrent enrollment agreement will pay the same tuition and fees for credit hours between ten and eighteen as students who enroll at only one college.

Proposal Changes the Following Existing Rules: Proposes changes in the method for proposing tuition and fees.

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

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98512, on September 19, 2002, at 10 a.m.

Assistance for Persons with Disabilities: Contact Del-Rae Oderman by September 10, 2002, fax (360) 586-6440.

Submit Written Comments to: Mary Alice Grobins, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, fax (360) 586-4610, by September 13, 2002.

Date of Intended Adoption: September 19, 2002.

July 22, 2002

DelRae Oderman

Executive Assistant

SBCTC Rules Coordinator

shall be required to pay any additional special fees—such as laboratory, supply, use or records fees normally charged to students enrolled at that college.

WSR 02-15-135

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed July 22, 2002, 11:07 a.m.]

AMENDATORY SECTION (Amending WSR 98-15-011, filed 7/2/98, effective 8/2/98)

WAC 131-12-041 Interdistrict registration of students. ~~((Pursuant to authority granted in chapter 28B-50 RCW, the following regulations shall be observed by the community college districts in the interdistrict enrollment of students without the payment of additional tuition and fees as required by RCW 28B-15-500.)) Under the authority of RCW 28B-50.095 the following rule applies to the interdistrict enrollment of students at community colleges. The purpose of this rule is to allow students to concurrently enroll at more than one community college, but pay no more tuition and fees than if the student was enrolled at a single college.~~

(1) Interdistrict registration shall mean the concurrent enrollment of a student in community colleges operated by two or more community college districts.

(2) Interdistrict registration shall occur only on the basis of a specific agreement between the two or more colleges and shall be used only to accommodate students when courses will not be offered in a manner that will enable the timely completion of the student's program of study. Agreements may also include tuition and fee revenue sharing.

(3) ~~((If the student registers and pays (including loans, grants, waivers, and other forms of financial aid) the maximum tuition and fees in one college, a second college may allow such student to register for additional courses without payment of additional fees provided that the courses will not be offered by the first college in a manner that will enable the student to complete his or her program in a timely manner.)) Students shall enroll and pay tuition and fees at the first college. The second college in which the student is enrolled shall charge and collect tuition and fees for those additional credits as if the student was taking all of their credits at the second college.~~

(4) ~~((If the student so enrolled under this interdistrict registration provision has paid less than the maximum amount of tuition and fees required by RCW 28B-15-500, the second college shall assess tuition and fees at the standard rate for the course registrations in that college up to that maximum.)) Withdrawal from the college or reduction of course load in the college of initial registration shall invalidate any ~~((cost-free))~~ reduced tuition and fee registration at a second college unless the appropriate additional tuition and fees are paid.~~

(5) Students enrolled in a second college under the provisions of this regulation shall be required to comply with the regular registration procedure of such second college and

Original Notice.

Preproposal statement of inquiry was filed as WSR 01-18-053.

Title of Rule: Emergency evacuation and safety requirements, new WAC 388-76-76505, 388-76-76510, 388-76-76515 and 388-76-76520; and repealing WAC 388-76-765.

Purpose: Adding new emergency evacuation and safety requirements for adult family homes as a result of changes in the Washington state building codes and updating requirements to ensure resident health and safety. Existing fire safety rules that are outdated will be repealed.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.130, 70.128.140, chapter 43.20A RCW.

Statute Being Implemented: RCW 70.128.040, 70.128.130, 70.128.140.

Summary: These rules reflect new adult family home requirements in the Washington state building code WAC 51-40-0310.14 and update emergency evacuation and safety requirements to ensure resident health and safety.

Reasons Supporting Proposal: The protection of the health and safety of residents receiving care and services in adult family homes is a priority. These rules reflect both best practice and current building code evacuation and safety standards ensuring that this priority is met through adult family home minimum licensing requirements.

Name of Agency Personnel Responsible for Drafting: Robert Stroh, Aging and Adult Services Administration, 640 Woodland Square Loop S.E., P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2587; Implementation and Enforcement: Joyce Stockwell, Aging and Adult Services Administration, (360) 725-2404.

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 proposed rule is being updated for the first time in over six years. During this time, there has been a trend in the adult family home industry of serving residents with chronic medical and cognitive conditions who require significant or total physical assistance. In addition, the state building code requirements for adult family homes in WAC 51-40-0310 changed in 2001. Consequently, these proposed rules reflect changes in the building code and incorporate an updating of emergency evacuation requirements to ensure the protection of the health and safety of residents.

Proposal Changes the Following Existing Rules: The outdated WAC 388-76-765 will be repealed and be replaced with these proposed new rules. These rules require newly licensed adult family homes to meet the requirements in WAC 51-40-0310.14 set forth by the Washington State Building Code Council effective July 1, 2001. In addition, specific emphasis has been placed on defining a resident's evacuation capability. Based on this information, the adult family home provider must ensure that the emergency evacuation plan for the home encompasses the evacuation capability of the total household and that such an evacuation can be done in a safe and timely manner.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Aging and Adult Services Administration residential care services division has analyzed its proposed rules and concluded that the rules do not impose an increase in existing costs, an imposition of a new cost, or a decrease in benefit. New sections provide clarification of existing requirements, or update existing rules to conform to changes in state law in a continuing effort to ensure protection of the health and safety of residents. No new costs to small businesses are incurred.

RCW 34.05.328 does not apply to this rule adoption. A review has been completed and the department has determined that the proposed rules do not "make significant amendments to a policy or regulatory program" and therefore are not "significant" as defined by the legislature. Also, the proposed rules adopt without material change rules of another Washington state agency (state building code requirements for adult family homes contained in WAC 51-40-0310.14), and therefore are exempt under RCW 34.05.328 (5)(b)(iii). Therefore, the proposed changes in chapter 388-76 WAC, Adult family home minimum licensing requirements, are exempt from requiring a cost-benefit analysis.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 23, 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., August 27, 2002.

Date of Intended Adoption: Not earlier than August 28, 2002.

July 17, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY EVACUATION AND SAFETY REQUIREMENTS

NEW SECTION

WAC 388-76-76505 What physical structure requirements must the provider ensure that the home

meets? (1) Each adult family home must meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family dwelling.

(2) It is the responsibility of the provider to check with local authorities to ensure all local codes are met.

(3) Effective July 1, 2001, the following must meet requirements in WAC 51-40-0310.14 Requirements for group R occupancies, adult family homes as established by the Washington state building code council:

(a) Any single-family dwelling that has been newly constructed meeting all current applicable building codes, that has never been occupied, and that has a pending adult family home license application with the department;

(b) Any single-family dwelling being converted for use as an adult family home.

(4) WAC 51-40-0310 does not apply to adult family homes licensed before July 1, 2001, that are being sold or transferred for the purpose continuing the operation of a licensed adult family home under new ownership.

(5) Windows in every room used by residents must be free of obstructions.

(6) When resident bedroom windows are fitted with storm windows, the provider must equip the storm windows with release mechanisms that are easily opened from the inside without the use of a key or special knowledge or effort.

(7) The provider must ensure that every occupied area used by residents receiving care and services has access to one or more exit and must not pass through a room, garage, or other space subject to being locked or blocked from the opposite side.

(8) Every occupied area used by residents must not be accessible only by ladder, folding stairs, or trap door.

(9) The provider must ensure that every bathroom door lock opens from the outside in an emergency.

(10) The provider must ensure that every closet door opens from the inside and outside.

(11) The provider must ensure that exit doors leading to the outside will open from the inside without the use of a key or any special knowledge or effort.

NEW SECTION

WAC 388-76-76510 What are the resident emergency evacuation requirements that providers must address?

(1) Before a resident is admitted, the provider must disclose in writing and in a language understood by the prospective resident and/or their representative the following information:

(a) Whether or not the resident bedrooms in the home comply with current building code including evacuation standards;

(b) The source of and plan for on-site fire protection if the home is located outside a public fire district;

(c) All residents must participate in at least one household emergency evacuation drill per year involving a full evacuation from the home to a safe location.

(2) The resident's preliminary service plan (WAC 388-76-61030) and negotiated care plan (WAC 388-76-61500)

must identify the resident's level of evacuation capability as defined by the following:

(a) Level 1: The resident is physically and mentally capable of self-preservation and walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(b) Level 2: The resident is physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

(c) Level 3: The resident physically or mentally is unable to walk or traverse a normal path to safety without the physical assistance of another person.

(3) The provider must ensure that residents who have an evacuation capability of Level 2 or Level 3 have their bedroom located on a grade level floor of the home. This grade level floor must have no less than two means of egress that do not require the use of stairs, elevator, or platform lift to exit.

(4) The provider must not admit or retain any residents who cannot be safely evacuated according to the provider's evacuation plan required under WAC 388-76-76520.

(5) For residents who are hearing and/or visually impaired, the provider must ensure that alternative emergency evacuation protections appropriate for hearing and/or visually impaired are installed.

NEW SECTION

WAC 388-76-76515 What fire safety and emergency requirements must the provider have in the home? (1) The provider must provide and have readily available an approved 2-A:10-B:C rated (five pound) fire extinguisher in proper operating condition on each floor of living space of the adult family home. Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall prevail.

(2) The provider must ensure that each required fire extinguisher is inspected and serviced annually by a qualified inspector.

(3) If the home is not located in a public fire district, the provider must have written verification of adequate fire protection from the county fire authority.

(4) Every adult family home must have an approved automatic smoke detector in the following locations of the home:

- (a) Every bedroom used by a resident;
- (b) In proximity to the area where any resident or caregiver sleeps; and
- (c) On every level of a home that is multi-level.

(5) Smoke detectors must be installed in such a manner so that the fire warning may be audible in all parts of the home upon activation of a single detector.

(6) The provider must ensure that all smoke detectors are maintained and in working condition at all times.

(7) The provider must not locate a stove or heater where the stove or heater blocks a resident's escape.

(8) Portable oil, gas, kerosene, and electric space heaters must not be used in the home except in the case of a power outage and the portable space heater is the home's only safe source of heat.

(9) For any adult family home licensed after September 1, 2002, the location of the adult family home must be accessible at all times for emergency vehicles, department personnel, representatives of the long-term care ombudsman program, and resident family members and/or representatives.

(10) The provider must report to the department any fire and/or emergency evacuation in the adult family home in accordance with WAC 388-76-675 (4)(a).

NEW SECTION

WAC 388-76-76520 What is required of the provider for emergency evacuation drills? (1) The provider must develop a plan for emergency evacuation that reasonably ensures safe evacuation of all residents. The provider will determine the length of time necessary to safely evacuate all residents; however, the length of time shall not exceed five minutes. This emergency plan shall be written and posted and be operational at all times.

(2) All staff, caregivers and residents must be instructed in emergency evacuation procedures at the time of hire or admission.

(3) The provider must ensure that all residents participate in at least one household emergency evacuation drill every calendar year involving full evacuation from the home to a safe location.

(4) The provider must ensure that emergency evacuation drills are conducted at least every two months.

(5) The provider must document emergency evacuation drills recording the following information:

- (a) Names of residents and staff involved including the person conducting the drill;
- (b) Date and time of the drill; and
- (c) The length of time required for evacuating all residents.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-76-765 Fire safety.

WSR 02-15-136
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Children's Administration)
[Filed July 22, 2002, 11:10 a.m.]

Original Notice.

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

Title of Rule: Amending WAC 388-27-0225 What are the current maximum rates available for basic adoption support monthly cash payments and special rate? and 388-27-0375 Will the department reimburse an adoptive parent for nonrecurring adoption expenses?

PROPOSED

PROPOSED

Purpose: WAC 388-27-0225 will amend rates according to the approved budgetary increase for July 1, 2002. WAC 388-27-0375 will be amended by changing "may" to "will" in the sentence, "The department *may* agree to reimburse some or all of an adoptive parent's nonrecurring adoption expenses." This amendment will bring the WAC into compliance with federal rules.

Statutory Authority for Adoption: RCW 74.13.109.

Statute Being Implemented: RCW 74.13.112 and 74.13.130.

Summary: WAC 388-27-0225 is amended to reflect the increase in the maximum rates allowable for basic adoption support monthly cash payments and special rates as of July 2002. WAC 388-27-0375 is amended to incorporate wording in federal rule regarding reimbursement of nonrecurring adoption costs to adoptive families. Wording in WAC 388-27-0375 which states that the department "*may*" is being amended to "*will*."

Reasons Supporting Proposal: RCW 74.13.112 allows the secretary to set maximum payments for adoption support. The Social Security Act 473 (a)(b) and federal rule 45 C.F.R. 1356.41(i) support the change to WAC 388-27-0375.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Children's Administration, Lonnie Locke, 1115 Washington Street S.E., Olympia, 98504, (360) 902-7932.

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

Rule is necessary because of federal law, 45 C.F.R. 1356.41.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-27-0225 will amend rates according to approved budgetary increase for July 1, 2002. WAC 388-27-0375 will be amended by changing "may" to "will" in the sentence, "The department *may* agree to reimburse some or all of an adoptive parent's nonrecurring adoption expenses." This amendment will bring the WAC into compliance with federal rules.

These proposed rules are exempt from filing a preproposal statement of inquiry per RCW 34.05.310 (4)(c) and (f). Amended WAC 388-27-0225 adjusts rates pursuant to budgetary standards. Amended WAC 388-27-0375 adopts without material change the word "will" in federal rule 45 C.F.R. 1356.41(i).

Proposal Changes the Following Existing Rules: WAC 388-27-0225 states the current maximum rate available for basic adoption support monthly cash payments and special rate. The rule will adjust rates according to budgetary standards.

WAC 388-27-0375 allows adoptive parents to be reimbursed for nonrecurring adoption costs. The change in wording from "may" to "will" will have no effect on current department practice.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is adopted per RCW 19.85.025(3) which exempts from preparation of a small business economic impact statement rules described in RCW 34.05.310(4). The proposed WAC 388-27-0375 is exempt under RCW 34.05.310 (4)(c), "rules adopting...

without material change... federal statutes or regulations." WAC 388-27-0375 is amended to conform to federal rule 45 C.F.R. 1356.41(i).

The proposed WAC 388-27-0225 is exempt under RCW 34.05.310 (4)(f), "rules that set or adjust fees or rates pursuant to legislative standards." WAC 388-27-0225 states the current maximum rate as allowed by legislative budgetary standards.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from the significant legislative rules requirements per RCW 34.05.328 (5)(b)(iii), which exempts rules adopting or incorporating by reference without material change federal statutes or regulations; and (v) [RCW 34.05.328 (5)(b)(vi)], which exempt rules that set or adjust fees or rates pursuant to legislative standards.

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 23, 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., August 27, 2002.

Date of Intended Adoption: Not earlier than August 28, 2002.

July 18, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0225 What are the current maximum rates available for basic adoption support monthly cash payments and special rate? Effective July 1, ~~((2000))~~ 2002 the maximum basic monthly adoption support rates as established by the state legislature are:

Age of Child	Maximum Rate
Less than six years old	\$ ((316.62)) <u>328.12</u>
Six through eleven years old	\$ ((390.14)) <u>404.27</u>
Twelve years or older	\$ ((462.24)) <u>479.03</u>
Special rate	\$ ((147.94)) <u>153.31</u>

AMENDATORY SECTION (Amending WSR 01-08-045, filed 3/30/01, effective 4/30/01)

WAC 388-27-0375 Will the department reimburse an adoptive parent for nonrecurring adoption expenses? The department ~~((may))~~ will agree to reimburse some or all of an adoptive parent's nonrecurring adoption expenses if:

- (1) The child has a qualifying factor or condition identified in WAC 388-27-0140(1);

(2) Washington state has determined that the child cannot or should not be returned to the home of the child's biological parent; and

(3) Except where it would be against the best interest of the child, the department or a child placing agency has made a reasonable but unsuccessful effort to place the child with appropriate adoptive parents without the benefit of adoption assistance; and

(4) The child has been placed for adoption according to applicable state and local laws or Tribal laws.

WSR 02-15-139

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed July 22, 2002, 1:12 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 00-15-013.

Title of Rule: Chapter 196-27A WAC, Rules of professional conduct and practice. These rules guide the conduct of engineers and land surveyors in their professional practice.

Purpose: To repeal the original chapter, chapter 196-27 WAC, in its entirety and replace it with a completely new rewritten chapter, chapter 196-27A WAC. The reason for rewriting the chapter was to modernize the language, improve clarity, put the language into a more positive format, establish a set of expectations for engineers and land surveyors to strive for in their professional practice, include issues that are pertinent to current and future practice and include a section that lists "Explicit acts of misconduct."

Other Identifying Information: These rules are being evaluated in accordance with the requirements of the Governor's Executive Order 97-02.

Statutory Authority for Adoption: RCW 18.43.035.

Summary: Chapter 196-27 WAC is being repealed and replaced with a newly written chapter 196-27A WAC. The new chapter incorporates most of the language and intent of the original chapter, but also includes new language to cover a broader range of issues, is written in a more positive tone, establishes a set of expectations for engineers and land surveyors to strive for in their professional practice, and clarifies inappropriate professional and ethical practice by including a section titled "Explicit acts of misconduct."

Reasons Supporting Proposal: It is very critical that engineers and land surveyors have guidance regarding issues related to professional conduct and ethics in their practice. This new chapter 196-27A WAC provides that guidance.

Name of Agency Personnel Responsible for Drafting: Rick Notestine, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1578; Implementation and Enforcement: George Twiss, 405 Black Lake Boulevard, Olympia, WA, (360) 664-1565.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fis-

cal Matters: See Summary and Reasons Supporting Proposal above.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 196-27 WAC will be repealed in its entirety and replaced with a newly written chapter 196-27A WAC, Rules of professional conduct and practice. This new chapter establishes fundamental canons and guidelines for professional conduct and practice, describes a registrant's obligation to employer and clients, their obligation to other registrants and to the board of registration and describes explicit acts of misconduct.

The purpose of the chapter is to help guide the ethical conduct of engineers and land surveyors in their professional practice.

The chapter was rewritten to make it more applicable to current and future practice, to put the language into a more positive tone, to establish a set of expectations for engineers and land surveyors and to improve the clarity and readability of the language. It is anticipated that registrants will find the rules in this chapter easier to read and understand than before and be more applicable to daily practice. This should result in better guidance to, and use by, the engineers and land surveyors in issues related to ethical conduct and practice. It also puts the engineering and land surveying professions on notice as to what the board's expectations are for professional conduct and practice and that the board can take disciplinary action against registrants for failing to adhere to the rules in this chapter.

Proposal Changes the Following Existing Rules: All of the rules in chapter 196-27 WAC, Rules of professional conduct are being repealed. The chapter is being replaced by a newly written chapter 196-27A WAC, Rules of professional conduct and practice. Much of the language in the rules being repealed has been incorporated into the new rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not create either direct or indirect costs for businesses of any size. The rules are to guide and help engineers and land surveyors make "right" and ethical choices and decisions in their professional conduct and practice.

RCW 34.05.328 does not apply to this rule adoption. Neither the Department of Licensing nor the Board of Registration for Professional Engineers and Land Surveyors are one of the named agencies in this statute.

Hearing Location: Department of Licensing, Business and Professions Division, 405 Black Lake Boulevard, Conference Room No. 102, First Floor, Olympia, WA, on August 28, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Kim Chipman by August 26, 2002, TDD (360) 586-2788 or (360) 664-1564.

Submit Written Comments to: Rick Notestine, Project Director, Board of Registration for Professional Engineers and Land Surveyors, P.O. Box 9649, Olympia, WA 98507-9649, fax (360) 664-2551, by August 28, 2002.

Date of Intended Adoption: September 19, 2002.
July 22, 2002
George A. Twiss
Executive Director

Chapter 196-27A WAC

**RULES OF PROFESSIONAL
CONDUCT AND PRACTICE**

NEW SECTION

WAC 196-27A-010 Purpose and applicability. (1) RCW 18.43.110 provides the board of registration for professional engineers and land surveyors (board) with the exclusive power to fine and reprimand registrants and suspend or revoke the certificate of registration of any registrant for violation of any provisions of chapter 18.43 or RCW (chapter 86, Laws of 2002). This includes, as stated in RCW 18.43.105(11), "Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing engineering or land surveying." The purpose of chapter 196-27A WAC is to provide further guidance to registrants with respect to the accepted professional conduct and practice generally expected of those practicing engineering or land surveying.

(2) These rules of professional conduct and practice are applicable to all registrants and engineering/land surveying firms. A registrant is any person holding a certificate or license issued in accordance with chapter 18.43 RCW and an engineering/land surveying firm is one that has been issued a certificate of authorization to practice by the board.

(3) All persons, corporations, joint stock associations and limited liability companies registered under the provisions of chapter 18.43 RCW are charged with having knowledge of, and practicing in accordance with, the provisions of this chapter.

NEW SECTION

WAC 196-27A-020 Fundamental canons and guidelines for professional conduct and practice. Registrants are to safeguard life, health, and property and promote the welfare of the public. To that end, registrants have obligations to the public, their employers and clients, other registrants and the board.

(1) Registrant's obligation to the public.

(a) Registrants are obligated to be honest, fair and timely in their dealings with the public, their clients and other licensed professionals.

(b) Registrants must be able to demonstrate that their final products and work plans conform to accepted standards.

(c) Registrants must inform their clients or employers of the harm that may come to the life, health, property and welfare of the public at such time as their professional judgment is overruled or disregarded. If the harm rises to the level of an imminent threat, the registrant is also obligated to inform the appropriate regulatory agency.

(d) Registrants shall maintain their competency by continuing their professional development throughout their careers and shall provide opportunities for the professional development of those individuals under their supervision.

(e) Registrants shall be objective and truthful in professional documents, reports, public and private statements and testimony; all material facts, and sufficient information to support conclusions or opinions expressed, must be included in said documents, reports, statements and testimony. Registrants shall not knowingly falsify, misrepresent or conceal a material fact in offering or providing services to a client or employer.

(f) Registrants shall offer their services in a truthful, objective, professional manner that effects integrity and fosters public trust in the engineering and land surveying professions.

(g) Registrants should endeavor to extend the public knowledge of engineering and land surveying.

(h) Registrants shall accurately represent their academic credentials, professional qualifications and experience.

(i) Registrants may advertise professional services only in ways that are representative of their qualifications, experience and capabilities.

(j) Registrants shall forbid the use of their name or firm name by any person or firm that is engaging in fraudulent or dishonest business or professional practices.

(2) Registrant's obligation to employer and clients.

(a) Registrants are expected to strive with the skill, diligence and judgment exercised by the prudent practitioner, to achieve the goals and objectives agreed upon with their client or employer. They are also expected to promptly inform the client or employer of progress and changes in conditions that may affect the appropriateness or achievability of some or all of the goals and objectives of the client or employer.

(b) Registrants and their clients should have a clear and documented understanding and acceptance of the work to be performed by the registrant for the client. The registrant should maintain good records throughout the duration of the project to document progress, problems, changes in expectations, design modifications, agreements reached, dates and subject of conversations, dates of transmittals and other pertinent records consistent with prudent professional practice.

(c) Registrants shall seal only documents prepared by them or under their direct supervision as required by RCW 18.43.070.

(d) Registrants shall be competent in the technology and knowledgeable of the codes and regulations applicable to the services they perform.

(e) Registrants must be qualified by education or experience in the technical field of engineering or land surveying applicable to services performed.

(f) Registrants may accept primary contractual responsibility requiring education or experience outside of their own fields of competence, provided, their services are restricted to those parts and aspects of the project in which they are qualified. Other qualified registrants shall perform and stamp the work for other parts and aspects of the project.

(g) Registrants shall act as faithful agents or trustees in professional matters for each employer or client.

PROPOSED

(h) Registrants shall advise their employers or clients in a timely manner when, as a result of their studies and their professional judgment, they believe a project will not be successful.

(i) Registrants shall avoid conflicts of interest, or the appearance of a conflict of interest, with their employers or clients. Registrants must promptly inform their employers or clients of any business association, interest, or circumstances that could influence their judgment or the quality of their services or would give the appearance that an existing business association, interest, or circumstances could result in influencing their judgment or the quality of their services.

(j) Registrants shall accept compensation from only one party for services rendered on a specific project, unless the circumstances are fully disclosed and agreed to by the parties of interest.

(3) Registrant's obligation to other registrants.

(a) If registrants issue statements, critiques, evaluations or arguments on engineering or land surveying matters, they shall clearly indicate on whose behalf the statements are made.

(b) Registrants shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of services required.

(c) Registrants shall respond to inquiries from other registrants regarding their work in a timely, fair and honest manner as would be expected from a prudent practitioner.

(4) Registrant's obligation to the board.

(a) Registrants shall cooperate with the board by providing, in a timely manner, all records and information requested in writing by the board, or their designee.

(b) Registrants shall respond to, or appear before the board at the time, date and location so stated in a legally served board order.

(c) Registrants shall notify the board of suspected violations of chapter 18.43 or RCW (chapter 86, Laws of 2002) or of these rules by providing factual information in writing to convey the knowledge or reason(s) to believe another person or firm may be in violation.

NEW SECTION

WAC 196-27A-030 Explicit acts of misconduct. In addition to any failure to conform with the requirements of chapter 18.43 RCW, RCW (chapter 86, Laws of 2002) or this chapter, the following acts and any act or condition listed in RCW (section 114, chapter 86, Laws of 2002), are explicitly defined as misconduct in the practice of engineering and/or land surveying.

(1) Aiding or abetting the unsupervised practice of engineering or land surveying in the state by a person or firm that is not registered in accordance with chapter 18.43 RCW, or, aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required.

(2) The practice of engineering or land surveying by a registrant when the registrant's license is retired (see WAC 196-25-100(6)), expired, suspended or revoked.

(3) Failing to comply with the terms and conditions of an order issued by the board.

(4) Failing to provide relevant information on plans and surveys in a clear manner consistent with prudent practice.

(5) Failing to comply with the provisions of the Survey Recording Act, chapter 58.09 RCW and the survey standards, chapter 332-130 WAC.

(6) Failing to respond to inquiries from clients, or other professionals regarding conflicts with the registrant's work products, opinions or procedures, in a manner that would be expected from a prudent practitioner.

(7) Failing to correct engineering or land surveying documents or drawings known to contain substantive errors.

(8) Failing to notify a client or employer that a project could not, or would not, be completed once that assessment is made.

(9) Modifying another licensee's work without notifying that licensee, and clearly delineating the modifications and sealing and signing the modifications made; EXCEPT where the plans, maps, or documents are modified by the owner to reflect changes over time for their own purposes and are not used for submittals or bid documents.

(10) Offering or accepting money, goods or other favors as inducement to receive favorable consideration for a professional assignment, or as an inducement to approve, authorize or influence the granting of a professional assignment.

(11) Soliciting or accepting gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with clients or employers in connection with work for which the registrant is responsible.

(12) Using privileged information coming to registrants in the course of their assignments as a means of making personal profit beyond their professional compensation.

(13) Requesting, proposing, or accepting professional commissions on a contingent basis under circumstances in which the registrant's integrity may be compromised.

(14) Willfully attempting to interfere with a board investigation by falsifying records, making false statements and intimidating or influencing witnesses.

(15) Willfully attempting to suborn another person to violate the law or administrative code, public policy or their code of professional ethics.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 196-27-010	Purpose and definitions.
WAC 196-27-020	Fundamental canons and guidelines for professional practice.

**WSR 02-15-142
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed July 22, 2002, 2:45 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-122.

Title of Rule: Chapter 458-57 WAC, Estate and Transfer Tax Act. Amending WAC 458-57-005 Nature of estate tax, definitions, 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax, 458-57-025 Determining the tax liability of nonresidents, 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment and 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates; and new section WAC 458-57-017 Property subject to generation-skipping tax, how to calculate the tax, allocation of generation-skipping transfer exemption.

Purpose: These rules clarify the application of Washington's estate tax imposed by chapter 83.100 RCW.

Statutory Authority for Adoption: RCW 83.100.200.

Statute Being Implemented: Chapter 83.100 RCW.

Summary: These rules explain the nature of the estate tax, how property is valued, what property is subject to estate tax, how to calculate the tax, how to determine the tax liability of nonresidents, how to file the estate tax return and remit payment of the tax, and how the tax is administered.

Reasons Supporting Proposal: Chapter 83.100 RCW, Estate and Transfer Tax Act, relies heavily on the federal estate and gift tax statutes and refers to several sections of the Internal Revenue Code (IRC). When these rules were last adopted, Washington's estate tax statutes reflected the current IRC. In June 2001, congress amended the IRC making significant changes to the federal estate tax program. These significant changes include the reduction of the graduated state death tax credit by 25% per year starting in 2002 and different filing thresholds. The federal credit for state death taxes is eliminated for deaths occurring after December 31, 2004. Although the Washington's estate tax statutes have historically been updated to reflect the current IRC, they have not been revised to reflect the changes congress made to the IRC in June 2001.

Name of Agency Personnel Responsible for Drafting: Cindy Evans, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6134; **Implementation:** Alan Lynn, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6125; 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: Chapter 458-57 WAC clarifies the application of Washington's estate tax imposed by chapter 83.100 RCW. The department is considering revising chapter 458-57 WAC to clarify:

- When an estate tax return must be filed with Washington but not with the federal government;
- The due date for a state tax return and under what conditions an extension of such due date is available when an estate is required to file a state estate return but not a federal estate return;

- That under Washington law 100% of the state death tax credit is to be collected; and
- What property is subject to the generation-skipping transfer tax and the calculation of the tax.

Proposal Changes the Following Existing Rules: The department is proposing to revise chapter 458-57 WAC, as explained above.

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 and proposed amendments do not impose any requirements or burdens upon small businesses that are not already required by statute.

RCW 34.05.328 does not apply to this rule adoption. These are interpretive rules 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 August 27, 2002, at 9:30.

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: Cindy Evans, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail CindyEV@dor.wa.gov, by August 22, 2002.

Date of Intended Adoption: August 30, 2002.

July 22, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 99-15-095, filed 7/21/99, effective 8/21/99)

WAC 458-57-005 Nature of estate tax, definitions. (1)

Introduction. This rule describes the nature of Washington state's estate tax as it is imposed by chapter 83.100 RCW (Estate and Transfer Tax Act). It also defines terms that will be used throughout chapter 458-57 WAC (Washington Estate and Transfer Tax Reform Act Rules).

(2) **Nature of Washington's estate tax.** The estate tax is neither a property tax nor an inheritance tax. It is a tax imposed on the transfer of the entire taxable estate and not upon any particular legacy, devise, or distributive share. ~~((Washington's estate tax is structured so that if an estate does not exceed the unified credit allowed by the Internal Revenue Service (IRS), it will not owe any estate tax to the state of Washington. The state tax effectively shifts a portion of the federal estate tax obligation to the state. Details of the federal estate tax can be found in part 20, subchapter B, chapter I, title 26, Code of Federal Regulations (or chapter 11 of subtitle B of the Internal Revenue Code).))~~

(a) The state of Washington operates under RCW 83.100.020, which references the Internal Revenue Code (IRC) as it existed January 1, 2001. Federal estate tax law changes enacted after January 1, 2001, do not apply to the reporting requirements of Washington's estate tax. For deaths occurring January 1, 2002, and after, Washington has different estate tax reporting requirements than those of the

federal government. There will be estates that must file an estate tax return with the state of Washington, even though they are not required to file with the federal government. Washington will continue to collect 100% of the available state death tax credit under the 2001 IRC for all estates that must file a Washington return. The Washington State Estate and Transfer Tax Return and the instructions for completing the return can be found on the department's website at <http://www.dor.wa.gov/> under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-753-5547 or 360-753-7518 or by writing to the following address:

State of Washington
Department of Revenue
Special Programs Division
P.O. Box 448
Olympia, WA 98507-0448

(b) The estate tax does not apply to completed absolute lifetime transfers. Section 2035(d) of the 2001 Internal Revenue Code generally exempts such transfers. To the extent permitted by this provision, lifetime transfers are not subject to Washington estate tax. The state of Washington does not have a gift tax.

(3) **Definitions.** The following terms and definitions are applicable throughout chapter 458-57 WAC:

(a) "Decedent" means a deceased individual;

(b) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;

(c) "Escheat" of an estate means that whenever any person dies, whether a resident of this state or not, leaving property in an estate subject to the jurisdiction of this state and without being survived by any person entitled to that same property under the laws of this state, such estate property shall be designated escheat property and shall be subject to the provisions of RCW 11.08.140 through 11.08.280.

(d) "Federal credit" means the maximum amount of the credit for state taxes allowed by section 2011 of the 2001 Internal Revenue Code. This credit is calculated using an "adjusted taxable estate" figure, which is simply the taxable estate, less sixty thousand dollars. However, when the term "federal credit" is used in reference to a generation-skipping transfer (GST), it means the maximum amount of the credit for state taxes allowed by section 2604 of the 2001 Internal Revenue Code;

(e) "Federal return" means any tax return required by chapter 11 (Estate tax) or chapter 13 (Tax on generation-skipping transfers) of the 2001 Internal Revenue Code;

(f) "Federal tax" means tax under chapter 11 (Estate tax) of the 2001 Internal Revenue Code. However, when used in reference to a GST, "federal tax" means the tax under chapter 13 (Tax on generation skipping transfers) of the 2001 Internal Revenue Code;

(g) "Generation-skipping transfer" or "GST" means a "generation-skipping transfer" as defined and used in section 2611 of the 2001 Internal Revenue Code;

(h) "Gross estate" means "gross estate" as defined and used in section 2031 of the 2001 Internal Revenue Code;

(i) "Internal Revenue Code" or "IRC" means the United States Internal Revenue Code of 1986, as amended or renumbered on January 1, ((1995)) 2001;

(j) "Nonresident" means a decedent who was domiciled outside Washington at the time of death;

(k) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(l) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the 2001 Internal Revenue Code, such as the personal representative of an estate, a transferor, trustee, or beneficiary of a generation-skipping transfer, or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the 2001 Internal Revenue Code;

(m) "Person responsible," means the person responsible for filing the federal and state returns and is the same person described in subsection (l) above;

(n) "Property," when used in reference to an estate tax transfer, means property included in the gross estate. However, when used in reference to a generation-skipping transfer, "property" means all real and personal property subject to the federal tax;

(o) "Resident" means a decedent who was domiciled in Washington at time of death;

(p) "State return" means the Washington Estate Tax Return required by RCW 83.100.050;

(q) "Transfer" means "transfer" as used in section 2001 of the 2001 Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A of the 2001 Internal Revenue Code; and

(r) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the 2001 Internal Revenue Code.

AMENDATORY SECTION (Amending WSR 99-15-095, filed 7/21/99, effective 8/21/99)

WAC 458-57-015 Valuation of property, property subject to estate tax, how to calculate the tax. (1) **Introduction.** This rule is intended to help taxpayers determine and pay the correct amount of estate tax with their state return. It explains the necessary steps for determining the tax, and provides examples of how the federal estate tax unified credit relates to the amount that must be reported on the state return. (If a nonresident decedent has property located within Washington at the time of death refer to WAC 458-57-025 to determine the amount of tax payable to Washington.)

(2) **Valuation.** The value of every item of property in a decedent's gross estate is its fair market value. However, the personal representative may elect to use the alternate valuation method under section 2032 of the 2001 Internal Revenue Code (IRC), and in that case the value is the fair market value at that date, including the adjustments prescribed in that section of the IRC.

The valuation of certain farm property and closely held business property, properly made for federal estate tax purposes pursuant to an election authorized by section 2032A of the 2001 IRC, is binding for state estate tax purposes.

(3) **Property subject to estate tax.** The estate tax is imposed on transfers of the taxable estate, as defined in section 2051 of the 2001 IRC.

(a) The first step in determining the value of the decedent's taxable estate is to determine the total value of the gross estate. The value of the gross estate includes the value of all the decedent's tangible and intangible property at the time of death. In addition, the gross estate may include property in which the decedent did not have an interest at the time of death. A decedent's gross estate for federal estate tax purposes may therefore be different from the same decedent's estate for local probate purposes. Sections 2031 through 2046 of the 2001 IRC provide a detailed explanation of how to determine the value of the gross estate. The following are examples of items that may be included in a decedent's gross estate and not in the probate estate:

- (i) Certain property transferred by the decedent during the decedent's lifetime without adequate consideration;
- (ii) Property held jointly by the decedent and others;
- (iii) Property over which the decedent had a general power of appointment;
- (iv) Proceeds of certain policies of insurance on the decedent's life annuities; and
- (v) Dower and curtesy of a surviving spouse or a statutory estate in lieu thereof.

(b) The value of the taxable estate is determined by subtracting the authorized exemption and deductions from the value of the gross estate. Under various conditions and limitations, deductions are allowable for expenses, indebtedness, taxes, losses, charitable transfers, and transfers to a surviving spouse. Sections 2051 through 2056A of the 2001 IRC provide a detailed explanation of how to determine the value of the taxable estate.

(4) **Imposition of Washington's estate tax.** A tax in an amount equal to the federal credit is imposed by RCW 83.100.030 upon the taxable estate of every decedent. Washington's estate tax is due in every case in which the ~~((federal))~~ gross estate tax exceeds the unified credit ~~as specified in section 2010 of the 2001 IRC,~~ and there is credit available to be taken, with the exception that all applicable federal estate tax credits are to be applied to the estate's ~~((federal))~~ tax liability before the state estate tax liability is computed. ~~((In no event will an estate pay more than the amount of the credit available to be taken.))~~

(a) The following tables ~~((is))~~ are taken from the 2001 IRC. ~~((It))~~ They show~~((s))~~ the maximum amount of federal credit available for state death taxes. The amount of federal credit computed is also the amount of Washington estate tax due.

(i)

Worksheet

Adjusted Taxable Estate

1. Taxable estate (from Tax Computation, WA Form REV 85-0046, Line 3) \$.

2. Adjustment \$60,000

3. Adjusted taxable estate. Subtract line 2 from line 1. Use this amount to compute maximum credit for state death taxes in Table (ii).

(ii)

(A)—Taxable estate, equal to or more than...	(B)—and, Taxable estate, less than...	(C)—Base credit on amount in column (A)	(D)—Rate of credit on excess over amount in column (A) (AS A PERCENT)
\$ 0	\$ 40,000	\$ 0	0.0
\$ 40,000	\$ 90,000	\$ 0	0.8
\$ 90,000	\$ 140,000	\$ 400	1.6
\$ 140,000	\$ 240,000	\$ 1,200	2.4
\$ 240,000	\$ 440,000	\$ 3,600	3.2
\$ 440,000	\$ 640,000	\$ 10,000	4.0
\$ 640,000	\$ 840,000	\$ 18,000	4.8
\$ 840,000	\$ 1,040,000	\$ 27,600	5.6
\$ 1,040,000	\$ 1,540,000	\$ 38,800	6.4
\$ 1,540,000	\$ 2,040,000	\$ 70,800	7.2
\$ 2,040,000	\$ 2,540,000	\$ 106,800	8.0
\$ 2,540,000	\$ 3,040,000	\$ 146,800	8.8
\$ 3,040,000	\$ 3,540,000	\$ 190,800	9.6
\$ 3,540,000	\$ 4,040,000	\$ 238,800	10.4
\$ 4,040,000	\$ 5,040,000	\$ 290,800	11.2
\$ 5,040,000	\$ 6,040,000	\$ 402,800	12.0
\$ 6,040,000	\$ 7,040,000	\$ 522,800	12.8
\$ 7,040,000	\$ 8,040,000	\$ 650,800	13.6
\$ 8,040,000	\$ 9,040,000	\$ 786,800	14.4
\$ 9,040,000	\$ 10,040,000	\$ 930,800	15.2
\$ 10,040,000	\$ 1,082,800	16.0

(b) The following are examples of how the estate tax is applied. These examples should be used only as a general guide. The tax status of other situations must be determined after a review of all of the facts and circumstances.

~~((i)) A married woman dies, leaving her husband and children surviving. Her taxable estate, computed after allowance of the marital deduction, is \$700,000. The adjusted taxable estate is \$640,000 (\$700,000 - \$60,000). The Washington state estate tax due is \$18,000 (the base credit shown in column (C) on the first \$640,000).~~

~~((ii)) A married man dies with all of his property passing to his wife, outright under a community property agreement. His marital deduction under section 2056 of the IRC reduces his federal taxable estate to zero. Because his taxable estate is zero, no Washington estate tax is due.~~

~~((iii)) The federal taxable estate of a recent decedent is \$100,000. The adjusted taxable estate is \$40,000 (\$100,000 - \$60,000). No Washington estate tax is due. Section 2011 of the IRC provides for no credit unless the adjusted taxable estate exceeds \$40,000.~~

~~((iv)) One year before a widower's death, he makes an absolute transfer of almost all of his property to his son. The widower's federal tax liability was computed on the basis of an "adjusted taxable gifts" value of \$750,000 (the amount of~~

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the transfer to the son) and a taxable estate of \$3,000 (the remainder of the widower's estate). Since no federal credit is available on an estate valued at \$3,000, no Washington estate tax is due, and there is no Washington gift tax.

(v) A widow dies, leaving a taxable estate of \$290,000. The amount of tax payable to the state of Washington, equivalent to the federal death tax credit, is computed as follows: Taxable estate of \$290,000, less \$60,000, equals an adjusted taxable estate of \$230,000. The unified credit (IRC Section 2011) on the first \$140,000 is \$1,200. The credit for the \$90,000 increment (\$230,000 - \$140,000) is \$2,160 (2.4% of \$90,000). The total Washington estate tax liability is \$3,360 (\$1,200 + \$2,160).

(vi) A widower dies, leaving a taxable estate of \$678,000. The amount of tax payable to the state of Washington, equivalent to the federal credit for state death taxes (section 2011 of the IRC), is computed as follows: Taxable estate of \$678,000, less \$60,000, equals an adjustable taxable estate of \$618,000. The table in subsection (4)(a) of this rule shows that the federal credit for state death taxes on the first \$440,000 is \$10,000. The credit for the \$178,000 increment (\$618,000 - \$440,000) is \$7,120 (.04 x \$178,000). The total Washington estate tax liability appears to be \$17,120 (\$10,000 + \$7,120).

However, when the person responsible calculates the federal estate tax and files the federal estate tax return for this widower's estate, he/she is able to apply other applicable federal estate tax credits before any of the credit for state death taxes is applied. In the end, only \$10,360 of the credit for state death taxes is applied to the federal estate tax, which leaves no payment due on the federal return. Since the amount of state estate tax liability cannot exceed the amount of state death tax credit actually applied to the federal tax, the amount of state estate tax due on the state return is limited to \$10,360.) (i) A married woman dies in the year 2002, leaving her husband and children surviving. Her taxable estate, computed after allowance of the marital deduction, is \$900,000. The adjusted taxable estate is \$840,000 (\$900,000 - \$60,000). The Washington state estate tax due is \$27,600 (the base credit shown in column (C) on the first \$840,000).

(ii) A married man dies with all of his property passing to his wife, outright under a community property agreement. His marital deduction under section 2056 of the 2001 IRC reduces his federal taxable estate below the applicable exclusion amount. Because his taxable estate is below the applicable exclusion amount, no Washington estate tax is due.

(iii) The federal taxable estate of a decedent is \$100,000 (before gifts are added, which place the estate into a taxable category). The adjusted taxable estate is \$40,000 for state estate tax purposes (\$100,000 - \$60,000). No Washington estate tax is due because section 2011 of the 2001 IRC provides for no credit unless the adjusted taxable estate exceeds \$40,000. *Gifts can push an estate into a taxable category.

(iv) A widow dies in 2003, leaving a taxable estate of \$725,000. The amount of tax payable to the state of Washington is computed as follows: Taxable estate of \$725,000 less \$60,000 equals an adjusted taxable estate of \$665,000. The state death tax credit (2001 IRC section 2011) on the first \$640,000 is \$18,000. The state death tax credit for the

\$25,000 increment (\$665,000 - \$640,000) is \$1,200 (4.8% of \$25,000). The total Washington estate tax liability is \$19,200 (\$18,000 + \$1,200) however, the state estate tax cannot exceed the adjusted gross estate tax (line 14) which in this case would be \$9,250. Therefore, the state estate tax would be \$9,250 because it is the lower of the two. This occurs in a small window over the applicable exemption threshold amount.

NEW SECTION

WAC 458-57-017 Property subject to generation-skipping transfer tax, how to calculate the tax, allocation of generation-skipping transfer exemption. (1) **Introduction.** This rule is intended to help taxpayers determine and pay the correct amount of generation-skipping transfer (GST) tax with their state return. It explains what property is subject to the tax, the calculation of the tax, and the allocation of the generation-skipping transfer exemption.

(2) **Property subject to generation-skipping transfer tax.** If real or tangible personal property subject to federal GST tax, as defined and used in section 2611 of the 2001 IRC, is located in this state or if the trust has its principal place of administration in this state at the time of the generation-skipping transfer, a tax in an amount equal to the federal credit provided by section 2604 of the 2001 IRC is imposed on every generation-skipping transfer.

(3) **Calculation of the tax.** The allowable Washington credit equals the federal GST tax on the transfer multiplied by 5% (.05). If state GST tax credit was paid to another state(s), the taxpayer must attach evidence of the credit paid to the Washington return. The Washington State Estate and Transfer Tax Return and the instructions for calculating the GST tax can be found on the department's website at <http://www.dor.wa.gov/> under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-753-5547 or 360-753-7518 or by writing to the following address:

State of Washington
Department of Revenue
Special Programs Division
P.O. Box 448
Olympia, WA 98507-0448

(4) **Allocation of generation-skipping transfer exemption.** The allocation(s) of the GST exemption for Washington purposes will be the same as the allocation(s) made for federal GST exemption purposes up to the amount allowed by section 2631 of the 2001 IRC.

AMENDATORY SECTION (Amending WSR 99-15-095, filed 7/21/99, effective 8/21/99)

WAC 458-57-025 Determining the tax liability of nonresidents. (1) **Introduction.** This rule discusses how property of nonresident decedents is taxed if that property is located within Washington at the time of death.

(2) **Nonresident decedents and Washington's estate tax.** If any decedent has tangible personal property and/or

real property located in Washington state at the time of death, that property is subject to Washington's estate tax.

(a) **The reciprocity exemption.** A nonresident decedent's estate is exempt from Washington's estate tax if the nonresident's state of domicile exempts the property of Washington residents from estate, inheritance, or other death taxes normally imposed by the domicile state. The nonresident decedent must have been a citizen and resident of the United States at the time of death. Also, at the time of death the laws of the domicile state must have made specific reference to this state, or must have contained a reciprocal provision under which nonresidents of the domicile state were exempted from applicable death taxes with respect to property or transfers otherwise subject to the jurisdiction of that state.

In those instances where application of this provision results in loss of available federal credit which would otherwise be allowed for federal tax purposes, Washington will absorb that proportional share which is applicable to property within the jurisdiction of this state. Application of this provision will not act to increase the total tax obligation of the estate.

(b) **Property of a nonresident's estate which is located in Washington.** A nonresident decedent's estate may have either real property or tangible personal property located in Washington at the time of death.

(i) All real property physically situated in this state, with the exception of federal trust lands, and all interests in such property, are deemed "located in" Washington. Such interests include, but are not limited to:

- (A) Leasehold interests;
- (B) Mineral interests;
- (C) The vendee's (but not the vendor's) interest in an executory contract for the purchase of real property;
- (D) Trusts (beneficial interest in trusts of realty); and
- (E) Decedent's interest in jointly owned property (e.g., tenants in common, joint with right of survivorship).

(ii) Tangible personal property of a nonresident decedent shall be deemed located in Washington only if:

- (A) At the time of death the property is situated in Washington; and
- (B) It is present for a purpose other than transiting the state.

(iii) For example, consider a nonresident decedent who was a construction contractor doing business as a sole proprietor. The decedent was constructing a large building in Washington. At the time of death, any of the decedent's equipment that was located at the job site in Washington, such as tools, earthmovers, bulldozers, trucks, etc., would be deemed located in Washington for estate tax purposes. Also, the decedent had negotiated and signed a purchase contract for speculative property in another part of Washington. For estate tax purposes, that real property should also be considered a part of the decedents' estate located in Washington.

(c) **Formula to calculate Washington's estate tax for nonresident decedents.** The amount of tax payable to Washington for a nonresident decedent equals the amount of federal credit multiplied by a fraction, the numerator of which is the value of the property located in Washington, and

the denominator of which is the value of the decedent's gross estate. Restated: $\text{Federal Credit} \times (\text{Gross Value of Property in Washington} / \text{Decedent's Gross Estate}) = \text{Amount of Washington Estate Tax Due}$. This formula uses the gross value determined for ((federal)) estate tax purposes of any property located in Washington. No reduction will be allowed for any mortgages, liens, or other encumbrances or debts associated with such property except to the extent allowable in computing the gross estate for ((federal)) estate tax purposes.

AMENDATORY SECTION (Amending WSR 00-19-012, filed 9/7/00, effective 10/8/00)

WAC 458-57-035 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment. (1) **Introduction.** This rule discusses the due date for filing of Washington's estate tax return and payment of the tax due. It explains that a penalty is imposed on the taxes due with the state return when the return is not filed on or before the due date, and that interest is imposed when the tax due is not paid by the due date. The rule also discusses the limited circumstances under which the law allows the department of revenue to cancel or waive the penalty, and the procedure for requesting that cancellation or waiver. The Washington State Estate and Transfer Tax Return and the instructions for completing return can be found on the department's website at <http://www.dor.wa.gov/> under the heading titled forms. The return and instructions can also be obtained by calling the estate tax section at 360-753-5547 or 360-753-7518 or by writing to the following address:

State of Washington
Department of Revenue
Special Programs Division
P.O. Box 448
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(2) **Filing the state return—Payment of the tax due.** The Washington estate tax return (state return) referred to in RCW 83.100.050 and a copy of the federal estate tax return (federal return), if one must be filed ((on or before the date that the federal return is required to be filed)), is due nine months from the date of the decedent's death. The tax due with the state return must be paid on or before the due date ((that the federal estate tax is required to be paid)).

(a) Section 6075 of the 2001 Internal Revenue Code (IRC) requires that the federal return be filed within nine months after the date of the decedent's death. In the case of any estate for which a federal return must be filed under the current IRC, a state return must be filed with the Washington state department of revenue (department) on or before the date on which the federal return is required to be filed. (This may include a federally granted extension of time for filing. See subsection (2)(b).)

(b) **Extensions to file or extensions for payment of tax for estates that must file a federal estate tax return.**

(i) Section 6081 of the 2001 IRC permits the granting of a reasonable extension of time for filing the federal return, generally not to exceed six months from the original due date. If a federal extension of the time to file is granted, the per-

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sonal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.050(2). If the personal representative fails to do so, the department may require the personal representative to file the state return on the date that the federal return would have been due had the federal extension not been granted.

~~((e))~~ (ii) When the personal representative obtains an extension of time for payment of the federal tax, or elects to pay that tax in installments, the personal representative may choose to pay the state estate tax over the same time period and in the same manner as the federal tax. The personal representative is required to file a true copy of that extension with the department on or before the original due date, or within thirty days of the issuance of the federal extension, whichever is later. RCW 83.100.060(2). If the personal representative fails to do so, the department may require the personal representative to pay the state tax on the date that the federal tax would have been due had the federal extension not been granted.

(c) Extensions to file for estates that are not required to file a federal estate tax return. For those estates that are not required to file a federal return, the personal representative may request a one-time automatic six-month extension to file. The request must be in writing and acknowledge that interest will begin to accrue from the original due date of the state return. The written request for the extension must be made prior to the date the state return is due.

(d) Extension to pay tax owed for estates that are not required to file a federal estate tax return. For those estates that are not required to file a federal return, the personal representative may request an extension of time for paying the tax owed when payment of the tax would cause an undue hardship upon the estate or for a payment plan for closely held businesses. The granting of an extension of time to pay the tax owed or for a payment plan for closely held business will not operate to prevent the running of interest. RCW 83.100.070.

(i) Hardship extensions to pay.

(A) In any case in which the department finds that payment, on the due date prescribed, or any part of a deficiency would impose undue hardship upon the estate, the department may extend the time for payment for a period or periods not to exceed one year for any one period and for all periods not to exceed four years from the original due date of payment.

(B) The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that a substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the tax owed at the date payment is due. If a market exists, a sale of property at the current market price is not ordinarily considered as resulting in an undue hardship. No extension will be granted if the deficiency is due to negligence or intentional disregard of rules and regulations or to fraud with intent to evade the tax.

(C) An application for such an extension must be in writing and must contain, or be supported by, information in a

written statement declaring that it is made under penalties of perjury showing the undue hardship that would result to the estate if the extension were refused. The application, with the supporting information, must be filed with the department. When received, it will be examined, and, if possible, within thirty days will be denied, granted, or tentatively granted subject to certain conditions of which the personal representative will be notified. The department will not consider an application for such an extension unless it is applied for on or before the due date for payment. If the personal representative desires to obtain an additional extension, it must be applied for on or before the date of the expiration of the previous extension.

(D) The amount of tax owed for which an extension is granted, along with interest as determined by RCW 83.100.070, shall be paid on or before the expiration of the period of extension without the necessity of notice and demand from the department.

(ii) Payment plans for closely held businesses. The department will abide by the provisions of section 6166 of the 2001 IRC for the granting of payment plans for closely held businesses.

(e) The department shall issue a release when Washington's estate tax has been paid. Upon issuance of a release, all property subject to the tax shall be free of any claim for the tax by the state. RCW 83.100.080.

(3) The late filing penalty. If the state return is not filed by the due date, or any extension of the state return's due date, the person required to file the ~~((federal))~~ return may be subject to a late filing penalty.

(a) When does the penalty apply? This penalty applies if the person required to file the ~~((federal))~~ return has not timely filed the state return with the department prior to being notified by the department, in writing, of the necessity to file the state return. The late payment penalty is equal to five percent of the tax due for each month during which the state return has not been filed, not to exceed the lesser of twenty-five percent of the tax or one thousand five hundred dollars. RCW 83.100.070.

~~((a))~~ **(b) How is the penalty computed?** The penalty is the equivalent of five percent for each month, but is accrued on a daily basis for those periods less than a month. For any portion of a month, it is calculated by taking the five percent monthly rate and dividing it by the number of days from the beginning of the month through the date the return is filed, including the filing date.

For example, assume a state return is due on February 3rd but is not filed until April 20th of the same year. The state return is delinquent starting with February 4th. The amount of tax due with the state return is \$10,000.

(i) The penalty should be computed as follows:

Feb 4-Mar 3	\$10,000 tax at 5% per month	\$500.00
Mar 4-Apr 3	\$10,000 tax at 5% per month	\$500.00
Apr 4-Apr 20	\$10,000 tax at .1667% x 17 days	\$283.39
Total delinquent penalty due on April 20th filing date		\$1,283.39

(ii) In this example, the first two calendar months are complete and incur the full five percent penalty. The last portion of a month is a total of seventeen days, including both April 4th and April 20th. Since April has thirty days total, the five percent monthly rate is divided by the thirty days in April to arrive at a daily rate of .001667 (or .1667 percent). The daily rate is then multiplied by the seventeen days of penalty accrual to arrive at the total percentage of penalty due for that portion of a month (.001667 x 17 days = .028339 or 2.8339 percent).

~~((b) If a federal extension of the due date is requested, the penalty provided for late filing of the state return will be imposed if the state return is filed after the due date and the federal extension is ultimately denied.))~~

(4) **Interest is imposed on late payment.** The department is required by law to impose interest on the tax due with the state return if payment of the tax is not made on or before the due date. RCW 83.100.070. Interest applies to the delinquent tax only, and is calculated from the due date until the date of payment. Interest imposed for periods after December 31, 1996, will be computed at the annual variable interest rate described in RCW 82.32.050(2). Interest imposed for periods prior to January 1, 1997, will be computed at the rate of twelve percent per annum.

(5) **Waiver or cancellation of penalties.** RCW 83.100.070(3) authorizes the department to waive or cancel the penalty for late filing of the state return under limited circumstances.

(a) **Claiming the waiver.** A request for a waiver or cancellation of penalties should contain all pertinent facts and be accompanied by such proof as may be available. The request must be made in the form of a letter and submitted to the department's special programs division. The person responsible bears the burden of establishing that the circumstances were beyond the responsible person's control and directly caused the late filing. The department will cancel or waive the late filing penalty imposed on the state return when the delinquent filing is the result of circumstances beyond the control of the person responsible for filing of the state return. The person responsible for filing the state return is the same person who is responsible for filing the federal return.

(b) **Circumstances eligible for waiver.** In order to qualify for a waiver of penalty the circumstances beyond the control of the person responsible for filing the state return must directly cause the late filing of the return. These circumstances are generally immediate, unexpected, or in the nature of an emergency. Such circumstances result in the person responsible not having reasonable time or opportunity to obtain an extension of their due date (see subsection (2)(b)) or to otherwise timely file the state return. Circumstances beyond the control of the responsible person include, but are not necessarily limited to, the following:

(i) The delinquency was caused by the death or serious illness of the person responsible for filing the state return or a member of the responsible person's immediate family. In order to qualify for penalty waiver, the death or serious illness must directly prevent the person responsible from having reasonable time or opportunity to arrange for timely filing of the state return. Generally, the death or serious illness

must have occurred within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date.

(ii) The delinquency was caused by an unexpected and unavoidable absence of the person responsible. Generally, this absence must be within sixty days prior to the due date, provided that a valid state return is filed within sixty days of the due date. "Unavoidable absence of the person responsible" does not include absences because of business trips, vacations, personnel turnover, or personnel terminations.

(iii) The delinquency was caused by the destruction by fire or other casualty of estate records necessary for completion of the state return.

(iv) An estate tax return was timely filed, but was filed incorrectly with another state due to an issue of the decedent's domicile.

(v) A Washington estate tax return was properly prepared and timely filed, but was sent to the location for filing of the federal estate tax return.

(6) **Waiver or cancellation of interest.** Title 83 RCW (Estate Taxation) does not provide any circumstances that allow for waiver of the interest, even though penalty may be waived under limited circumstances (see subsection (5)).

(7) **Application of payment towards liability.** The department will apply taxpayer payments first to interest, next to penalties, and then to the tax, without regard to any direction of the taxpayer.

AMENDATORY SECTION (Amending WSR 00-19-012, filed 9/7/00, effective 10/8/00)

WAC 458-57-045 Administration of the tax—Releases, amended returns, refunds, heirs of escheat estates. (1) **Introduction.** This rule contains information on releases issued by the department for state estate taxes paid. It explains how and when an amended state return should be filed. The rule also gives several requirements for notification to the department when a claimed heir to an escheat estate is located.

(2) **Releases.** When the state estate taxes have been paid in full, the department will issue a release to the personal representative upon request. The request will include a completed state return and a copy of the completed federal return, if one was filed. The final determination of the amount of taxes due from the estates that have filed federal returns is contingent on receipt of a copy of the final closing letter issued by the Internal Revenue Service (IRS). The department may require additional information to substantiate information provided by ~~((the))~~ those estates that are not required to file federal returns. The release issued by the department will not bind or estop the department in the event of a misrepresentation of facts.

(3) **Amended returns.** An amended state return must be filed with the department within five days after any amended federal return is filed with the IRS and must be accompanied by a copy of the amended federal return. For those estates that are not required to file a federal return, an amended estate tax return must be received within three years from the date

the original estate tax return was filed or within two years of paying the tax, whichever is later.

(a) Any time that the amount of federal tax due is adjusted or when there is a final determination of the federal tax due the person responsible must give written notification to the department. This notification must include copies of any final examination report, any compromise agreement, the state tax closing letter, and any other available evidence of the final determination.

(b) If any amendment, adjustment or final determination results in additional state estate tax due, interest will be calculated on the additional tax due at the annual variable interest rate described in RCW 82.32.050(2).

(4) **Refunds.** Only the personal representative or the personal representative's retained counsel may make a claim for a refund of overpaid tax. If the application for refund, with supporting documents, is filed within four months after an adjustment or final determination of tax liability, the department shall pay interest until the date the refund is mailed. If the application for refund, with supporting documents, is filed after four months after the adjustment or final determination, the department shall pay interest only until the end of the four-month period. Any refund issued by the department will include interest at the existing statutory rate defined in RCW 82.32.050(2), computed from the date the overpayment was received by the department until the date it is mailed to the estate's representative. RCW 83.100.130(2).

(5) **Heirs of escheat estates.** Heirs to an estate may be located after the estate escheats to Washington. The personal representative of an escheat estate or a claimed heir must provide the department with all information and documentary evidence available that supports the heir's claim. All supporting documents must be in the English language when submitted to the department. The English translation of any foreign document shall be authenticated as reasonably required by the department.

(a) In all cases where there is a court hearing or the taking of a deposition on the question of a claimed heir, the personal representative shall give the department twenty days' written notice of such hearing or matter.

(b) The personal representative must give the department at least twenty days' written notice of the hearing on the final account and petition for distribution.

(c) The department has no statutory authority to pay interest on escheat refunds.

WSR 02-15-146
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 [Filed July 22, 2002, 3:56 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-063.

Title of Rule: WAC 388-412-0020 When do I get my benefits? and 388-412-0025 How do I get my benefits?

Purpose: The current rule contains a reference to electronic benefit transfer (EBT) accounts becoming inactive after ninety days of inactivity. The proposed rules would result in a change that, as of August 2001, EBT accounts no longer became inactive after ninety days of inactivity. We have also clarified information on how cash benefits can be claimed after they have been cancelled.

Statutory Authority for Adoption: RCW 74.04.510 and 74.08.090.

Statute Being Implemented: RCW 74.04.510 and 74.08.090.

Summary: These amendments will correct the information regarding when benefits become inactive. They will also clarify how people can claim cash that has been expunged from an EBT account.

Reasons Supporting Proposal: The information in the WAC will support what is actually occurring with EBT accounts. It will also provide information needed to claim expunged benefits.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Valerie Day, 1009 College S.E., Lacey, WA 98504, (360) 413-3357.

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: Rule: WAC 388-412-0020 When do I get my benefits? and 388-412-0025 How do I get my benefits?

Purpose and Effect: As a result of these proposed rules, clients can continue to use their benefits for up to three hundred sixty-five days regardless of whether the account has been active during that time.

Proposal Changes the Following Existing Rules: The current rule contains a reference to electronic benefit transfer (EBT) accounts becoming inactive after ninety days of inactivity. As of August 2001, EBT accounts no longer became inactive after ninety days of inactivity. We have also provided information on how cash benefits can be claimed after they have been expunged.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects financial eligibility of DSHS clients.

RCW 34.05.328 does not apply to this rule adoption. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in part, "[t]his section does not apply to.... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 23, 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 fernaax@dshs.wa.gov, by 5:00 p.m., August 27, 2002.

Date of Intended Adoption: Not sooner than August 28, 2002.

July 18, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0020 When do I get my benefits? (1) If you get your ~~((on-going))~~ cash benefits on an electronic benefits card (EBT), you get your cash benefits issued on the first of ~~((the))~~ each month.

(2) ~~((You get your on-going food assistance within the first ten days of the month. The day of the month that))~~ If you get your cash benefits deposited directly to your bank account, electronic funds transfer (EFT), your money is deposited on the first working day of the month.

(3) If you get food assistance your benefits are issued by the tenth day of each month. The day you get your benefits is the same as the last number of your food assistance AU number. If the last number of your assistance unit (AU) number is zero, you get your benefits on the tenth.

AMENDATORY SECTION (Amending WSR 01-18-054, filed 8/30/01, effective 9/30/01)

WAC 388-412-0025 How do I get my benefits? (1) Your cash benefits are sent to you by:

(a) A check to:

(i) A payee who is not approved for direct deposit; or

(ii) You if you get diversion cash assistance, additional requirements for emergent needs or clothing and personal incidentals (CPI) payments.

(b) Electronic funds transfer (EFT), which is a direct deposit into your own bank account; or

(c) Electronic benefit transfer (EBT);

~~(b) Direct deposit into you own bank account (electronic funds transfer EFT); or~~

~~(e) Warrant if you have a payee who is not approved for direct deposit you receive ADATSA, diversion, additional requirements or clothing and personal incidentals (CPI) payments)~~, electronic benefits card, a DSHS account to give you your benefits.

(2) You use a ~~((quest))~~ debit card to access your benefits in your EBT account. You get a personal identification number (PIN) that you must enter when using this card.

(3) Your food assistance benefits are deposited into your EBT account under time frames in WAC 388-412-0020.

(4) We establish an EBT account for each AU that receives their benefits by EBT.

(5) ~~((Your EBT account becomes inactive when you do not use it for ninety days. If you want to use the account after it becomes inactive, you must contact your local office and ask us to reactivate it.~~

~~((6))~~ Your cash and food assistance are canceled when you do not use your EBT benefits for three hundred sixty-five days. ~~((Your food assistance))~~

(a) Food benefits that have not been used for three hundred sixty-five days cannot be replaced.

~~((7))~~ (b) You have two years to contact department of revenue in order to replace cash benefits that were cancelled because you did not use them for three hundred sixty-five days. After that time, you must contact the state treasurer to claim any cancelled funds.

(6) When you move to a state where you cannot use your EBT account we convert your food assistance to coupons ~~((when you move to a state where you cannot use your EBT account))~~. There may be up to one dollar and ninety-nine cents left in your EBT account after conversion. You must use the remaining balance ~~((left))~~ in your EBT account within seven days after we convert your benefits from EBT to coupons. We cancel these benefits if you do not use them within the seven days.

~~((8-Cash))~~ (7) EBT benefits cannot be converted ~~((to warrants))~~ into checks. You must use your cash benefits from your EBT account.

WSR 02-15-147
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed July 22, 2002, 3:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-060.

Title of Rule: Chapter 388-422 WAC, Child support.

Purpose: The Division of Employment and Assistance Programs is amending these rules to correspond with the Division of Child Support (DCS) rules in revised chapter 388-14A WAC.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090.

Summary: Chapter 388-422 WAC, Child support. WAC 388-422-0005 explains assigning rights to child, spousal and medical support; WAC 388-422-0010 explains who must cooperate with DCS and what happens if cooperation is not met; WAC 388-422-0020 explains when a client is not required to cooperate with DCS; and WAC 388-422-0030 explains that a client is ineligible for TANF when their current child support collected by DCS exceeds the grant payment for two consecutive months.

Reasons Supporting Proposal: These rules were amended to correspond with DCS revisions to chapter 388-14A WAC.

Name of Agency Personnel Responsible for Drafting: Stephanie Del Camp, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3084; Implementation and Enforcement: Pam

Raymond, Division of Employment and Assistance Programs, P.O. Box 45480, Olympia, WA 98504-5480, (360) 413-3087.

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: To amend ESA child support rules to correspond to DCS revisions to chapter 388-14A WAC.

Proposal Changes the Following Existing Rules: WAC 388-422-0005 explains assigning rights to child, spousal and medical support; WAC 388-422-0010 explains who must cooperate with DCS and what happens if cooperation is not met; WAC 388-422-0020 explains when a client is not required to cooperate with DCS; and WAC 388-422-0030 explains that a client is ineligible for TANF when their current child support collected by DCS exceeds the grant payment for two consecutive months.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The changes as a result of these rules do not affect small businesses. They will only affect client eligibility for services.

RCW 34.05.328 does not apply to this rule adoption. These rules are exempt from significant legislative rule requirements per RCW 34.05.328 (5)(b)(vii), "rules of the department of social and health services relating only to client medical or financial eligibility...."

Hearing Location: Blake Office Park (behind Goodyear Courtesy Tire), 4500 10th Avenue S.E., Rose Room, Lacey, WA 98503, on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Andy Fernando, DSHS Rules Coordinator, by August 23, 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 fernaax@dshs.wa.gov, by 5:00 p.m., August 27, 2002.

Date of Intended Adoption: Not earlier than August 28, 2002.

July 18, 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 388-422-0005 ((Assignment of)) What happens to my child, spousal and medical support ((rights)) when I get public assistance? (1) ~~((To receive cash assistance under TANF, SFA, or GA H, each client must assign to the state of Washington all rights to support for each person for whom the client is applying. This includes the rights to any support which has accrued before assignment is made. If a client fails to assign support rights for each person for whom assistance is requested, then cash assistance will be denied to the entire assistance unit.~~

~~(2) To receive medical assistance, each client must assign to the state of Washington all rights to medical support for each person for whom the client is applying. This includes the rights to any medical support which has accrued before assignment is made.~~

~~(3) Assignment is made when a client signs the application or accepts the cash or medical assistance.~~

~~(4) After assignment is made, a client must send any direct support they receive to the division of child support (DCS))~~ The following definitions apply to this chapter:

(a) "We" means the department of social and health services.

(b) "You" means a person applying for or getting benefits from us.

(c) "Benefits" mean family medical and related alien emergency medical (AEM), TANF or SFA cash assistance.

(d) "Support" means the money paid to meet a support order whether it is called child support, spousal support, alimony, maintenance, or medical support.

(e) "Medical support" means either or both:

(i) The set dollar amount for health care costs in a support order; or

(ii) Health insurance coverage for a dependent child.

(f) "Assistance unit" or "AU" means the group of people who live together and whose income and resources we count to decide your eligibility for benefits and the amount of those benefits.

(2) When you apply for TANF or SFA cash benefits, you must assign your rights to support as required under WAC 388-14A-2036. There are two types of assignment that you can make:

(a) Permanently assigned arrears. This is support owed to you but unpaid during any month in which you receive cash benefits. When collected, permanently assigned arrears are retained by the state for reimbursement of benefits paid. WAC 388-14A-2037 tells you more about permanently assigned arrears; and

(b) Temporarily assigned arrears. This is support owed to you but unpaid during any month prior to your applying for cash benefits. When collected, temporarily assigned arrears may be either distributed to you or retained by the state, depending on various conditions. WAC 388-14A-2038 tells you more about temporarily assigned arrears.

(3) You do not have to assign your rights to support when you apply for or get benefits from the following programs:

(a) Pregnancy medical;

(b) Newborn medical;

(c) Medical assistance for children only; or

(d) Family related alien emergency medical (AEM).

(4) You assign your rights to support when you sign the application for benefits, or accept cash or medical benefits.

(5) If you receive any support payments before you assign your rights to support, we count this as unearned income to your AU.

(6) If you receive any direct support payments after you assign your rights to support, you must send the support payments to the division of child support (DCS).

(7) If you keep any support payments you receive after you assign your rights to support, you will owe this money to DCS.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-422-0010 ((Cooperation)) Do I have to cooperate with the division of child support((:)) (DCS)?

(1) When ((applying for or receiving TANF, SFA, GA-H, or Medicaid, the following individuals must cooperate with the DCS in establishing paternity and collecting support as specified in WAC 388-14-201:

(a) All persons for whom benefits are applied for or received; and

(b) The caretaker relative or court appointed guardian of a child for whom benefits are applied for or received.

(2) For TANF and SFA, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, the cash grant paid to the assistance unit will be reduced by twenty-five percent of what they would otherwise have received.

(3) For Medicaid, if a caretaker relative fails to cooperate with DCS without good cause according to WAC 388-422-0020, that individual will be denied medical assistance unless they are pregnant.

(4) Cooperation is determined by DCS)) you get benefits, you must cooperate with DCS as required under WAC 388-14A-2040.

(2) If you are a two-parent household, you and the other parent must help DCS establish paternity for each child in your AU.

(3) DCS determines whether you are cooperating with them. See WAC 388-14A-2041(1) for reasons why DCS might determine that you are not cooperating.

(4) If you get TANF or SFA and do not cooperate with DCS without good cause under WAC 388-422-0020:

(a) We reduce your cash benefits by twenty-five percent; and

(b) We stop your medical benefits unless you are pregnant. The children in your AU will continue to get medical.

(5) If you get family medical and do not cooperate with DCS without good cause, your medical will stop unless you are pregnant. The children in your AU will continue to get medical.

(6) If you are afraid to cooperate with DCS, see WAC 388-422-0020.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-422-0020 ((Good cause for not cooperating)) What if I am afraid to cooperate with the division of child support((:)) (DCS)? (1) ((An individual described under WAC 388-422-0010 is not required to cooperate with DCS if the department finds that cooperation is against the best interest of the child for whom child support is sought. A client has the right to claim good cause for refusing to cooperate and the department must determine if the claim is valid.

(2) Cooperation is against the best interest of the child and cash assistance can be continued when:

(a) The individual's cooperation can reasonably be anticipated to result in serious physical or emotional harm to:

(i) The child; or

(ii) The caretaker relative, if it reduces the caretaker relative's capacity to adequately care for the child; or

(b) Establishing paternity or securing support would be harmful to the child who:

(i) Was conceived as a result of incest or forcible rape; or

(ii) Is the subject of legal adoption proceedings pending before a superior court; or

(iii) Is the subject of ongoing discussions between the parent and a public or licensed child placement agency to decide whether the parent will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.

(3) When cash assistance cannot be continued because a client's claim of good cause does not meet the standard in subsection (2) of this section, medical assistance may be able to be continued. The standard for good cause for medical assistance is broader in that good cause can be based solely on the best interests of the:

(a) Child as in subsection (2) of this section; or

(b) Person who is being asked to cooperate.

(4) A client has twenty days from the date good cause is claimed to provide information and evidence to support the claim, unless it cannot be obtained within such time:

(5) A client has the right to:

(a) Be informed of their right to claim good cause for refusing to cooperate;

(b) Receive a determination of their good cause claim within thirty days of the date the claim is made, as long as the necessary information and evidence was provided to the department within twenty days;

(c) Receive assistance without delay while their good cause claim is pending a determination, if they have provided supportive evidence and information;

(d) Receive information on their right to ask for a fair hearing if the department denies the claim of good cause; and

(6) Approved good cause claims will be reviewed at least every six months to determine if good cause continues to exist)) You can ask to be excused from cooperating with DCS when you have good cause. You have good cause when you can prove that:

(a) Cooperating with DCS would result in serious physical or emotional harm to:

(i) The child; or

(ii) You, if it effects your ability to care for the child.

(b) Establishing paternity or getting support would be harmful to the child who:

(i) Was conceived as a result of incest or rape; or

(ii) Is the subject of legal adoption proceedings pending before a superior court; or

(iii) Is the subject of ongoing discussions between you and a public or licensed child placement agency to decide whether you will keep the child or put the child up for adoption. The discussions cannot have gone on for more than three months.

(2) Once you claim good cause, you have twenty days to give us the information that proves you have good cause not to cooperate with DCS. If you need to, you may ask for:

(a) More time to give proof; or

(b) Help in getting proof.

(3) While we review your good cause claim, DCS will not take any action to establish or enforce support on your case.

(4) You have the right to:

(a) Be told of your right to claim good cause for not cooperating with DCS;

(b) Get assistance while we are deciding your good cause claim, as long as you have given the proof needed to make a decision;

(c) Get a decision within thirty days from the date you made your good cause claim, as long as you have given the proof needed to make a decision within twenty days; and

(d) Get information on your fair hearing rights if we deny your good cause claim.

(5) If we approve your good cause claim, we review the claim at least every six months to decide if good cause still exists.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-422-0030 ((Child)) What happens if my support ((in excess of the)) is more than my TANF ((grant payment)) or SFA cash benefit? ((A TANF recipient is ineligible when current child support collected by the division of child support exceeds the TANF grant payment for two consecutive months)) (1) If DCS collects current support that is more than your TANF or SFA cash benefit for two months in a row, your cash benefit stops at the end of the third month.

(2) See WAC 388-418-0025 for information on continued medical benefits.

WSR 02-15-149
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 22, 2002, 4:11 p.m.]

Supplemental Notice to WSR 01-24-023.

Preproposal statement of inquiry was filed as WSR 01-16-110.

Title of Rule: WAC 392-140-950 through 392-140-967, Finance—Special allocations—Learning improvement days.

Purpose: To revise the state funding formula for learning improvement days for district certificated instructional staff for the 2001-02 school year and thereafter.

Statutory Authority for Adoption: RCW 28A.150-290(1).

Summary: The provisions in these rules govern state funding for up to three learning improvement days for certificated instructional staff in the 2001-02 school year, and up to two days in the 2002-03 school year and thereafter. Begin-

ning with the 2001-02 school year, a uniform base of one hundred eighty days is used to determine eligibility for learning improvement day funding. Also, for the 2002-03 school year, the maximum funded learning improvement days is reduced from three to two days.

Reasons Supporting Proposal: Rule revisions are needed to implement language in the 2001-03 State Operating Appropriations Act and the 2002 Supplemental Operating Appropriations Act. These revisions will provide for the correct calculation of the school district's funded learning improvement days in the 2001-02 school year and thereafter.

Name of Agency Personnel Responsible for Drafting: Linda Harrison, Office of Superintendent of Public Instruction, (360) 725-6130; Implementation: Ross Bunda, Office of Superintendent of Public Instruction, (360) 725-6308; and Enforcement: Mike Bigelow, Office of Superintendent of Public Instruction, (360) 725-6111.

Name of Proponent: Office of Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules are part of the state funding formula for K-12 education. Rule revisions are needed to implement language in the 2001-03 State Operating Appropriations Act and the 2002 Supplemental Operating Appropriations Act. These revisions will provide for the correct calculation of the school district's funded learning improvement days in the 2001-02 school year and thereafter.

Proposal Changes the Following Existing Rules: The 2001 legislature modified the measurement of eligibility for funding. Prior to the 2001-02 school year, districts had to add three days to the number of days in the 1998-99 base contract. Beginning with the 2001-02 school year, a uniform base of one hundred eighty days is used to determine eligibility for learning improvement day funding. This change is codified in section 503(7), chapter 7, Laws of 2001 (the 2001-03 State Operating Appropriations Act). This change affects about one hundred school districts that had more than one hundred eighty days in the base contract in the 1998-99 school year, which was the previous base.

The 2002 legislature reduced the maximum state funded learning improvement days from three to two days. This change is in section 503(7) of ESSB 6387 (the 2002 Supplemental Operating Appropriations Act).

The proposed rules also modify school district annual reporting requirements. After the close of the school year, school districts must report the number of learning improvement days meeting the requirements provided in these rules. A district's funding for learning improvement days will be the lesser of the days calculated under these rules or the number of days reported at the end of the year.

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

RCW 34.05.328 does not apply to this rule adoption. The Superintendent of Public Instruction is not subject to RCW 34.05.328 per subsection (5)(a)(i). Additionally, this rule is not a significant legislative rule per subsection (5)(c)(iii).

Hearing Location: Old Capitol Building, Bruno Conference Room, 2nd Floor, P.O. Box 47200, Olympia, WA 98504-7200, on August 28, 2002, at 9-11 a.m.

Assistance for Persons with Disabilities: Contact Sheila Emery by August 21, 2002, TDD (360) 664-3631, or (360) 725-6271.

Submit Written Comments to: Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, 600 South Washington Street, Olympia, WA 98504-7200, fax (360) 753-4201, by August 21, 2002.

Date of Intended Adoption: August 29, 2002.

July 19, 2002
Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 98-07, filed 9/28/99, effective 9/29/99)

WAC 392-140-950 Learning improvement days—Applicable provisions. The provisions of WAC 392-140-950 through 392-140-967 govern state funding for up to three learning improvement days for certificated instructional staff in the ~~((1999-2000))~~ 2001-02 school year and up to two days in the 2002-03 school year and thereafter.

AMENDATORY SECTION (Amending Order 98-07, filed 9/28/99, effective 9/29/99)

WAC 392-140-955 Learning improvement days—Definition—Learning improvement day. As used in this chapter "learning improvement day" means a scheduled work day during the school year for certificated instructional staff funded by the state for the purpose of improving student learning and implementing education reform.

(1) A learning improvement day is a scheduled work day on a district or school calendar.

(2) The length of a learning improvement day shall not be less ~~((that))~~ than the length of a full work day for certificated instructional staff on a school day during the school year. Provided, That two half days may be scheduled in lieu of one full learning improvement day if the combined work hours equal or exceed hours in a full learning improvement day.

(3) No learning improvement day, or half day, shall be scheduled on a school day as defined in WAC 392-121-033.

(4) A school district may schedule learning improvement days for different school buildings or groups of employees on different calendar days.

(5) Learning improvement days shall be compensated as part of the employee's base contract.

AMENDATORY SECTION (Amending Order 98-07, filed 9/28/99, effective 9/29/99)

WAC 392-140-961 Learning improvement days—Determination of the number of funded learning improvement days in the ~~((1999-2000))~~ 2001-02 school year and thereafter. The superintendent of public instruc-

tion shall separately determine for selected state-funded programs and for institutional education programs the number of funded learning improvement days for each school district for the ~~((1999-2000))~~ 2001-02 school year and for each school year thereafter as follows:

(1) In September through December of each school year, the superintendent will use the number of learning improvement days budgeted by the district and reported on Form F-203.

(2) Monthly, beginning in January of the school year, using current personnel data reported on the S-275 Personnel Report:

(a) Select all certificated instructional staff with assignments in the programs.

(b) ~~((Exclude staff with administrative assignments if the assignment percent is greater than zero.~~

~~((e)))~~ For each employee, subtract one hundred eighty days from the number of days reported in the base contract ~~((; subtract the district's number of days in the base contract for the 1998-99 school year)).~~

~~((d)))~~ (c)(i) For the 2001-02 school year, take the lesser of three days or the result of ~~((e)))~~ (b) of this subsection but not less than zero.

(ii) For the 2002-03 school year and thereafter, take the lesser of two days or the result of (b) of this subsection but not less than zero.

~~((e)))~~ (d) Sum the number of days determined for all employees pursuant to ~~((e)))~~ (b) and ~~((d)))~~ (c) of this subsection.

~~((f)))~~ (e) Divide the result of ~~((e)))~~ (d) of this subsection by the number of employees and round to two decimal places.

~~((g)))~~ (f) The result is the number of funded learning improvement days for the district.

(3) After the close of the school year, the superintendent shall fund the lesser of:

(a) The number of days determined pursuant to subsection (2) of this section; or

(b) The number of days reported by the district pursuant to WAC 392-140-967.

AMENDATORY SECTION (Amending Order 98-07, filed 9/28/99, effective 9/29/99)

WAC 392-140-962 Learning improvement days—Salary allocations for learning improvement days. Using the number of learning improvement days determined pursuant to WAC 392-140-961, the superintendent of public instruction shall adjust salary allocations to school districts as follows:

(1) For general apportionment, the derived base salary allocation for learning improvement days as shown on LEAP Document 12E shall be reduced pro rata for any district with less than three learning improvement days in the 2001-02 school year, or less than two learning improvement days in the 2002-03 school year and thereafter in selected state-funded programs.

(2) Special education allocations shall be adjusted based on adjustments to the unenhanced basic education allocation per full-time equivalent student.

PROPOSED

(3) For transitional bilingual, highly capable, and learning assistance program allocations, the additional state allocation per pupil for three learning improvement days in the 2001-02 school year and for two learning improvement days in the 2002-03 school year and thereafter as calculated by the superintendent shall be reduced pro rata for any district with ~~((less than three))~~ fewer learning improvement days in selected state-funded programs.

(4) For state institutional education programs the salary allocation for three learning improvement days in the 2001-02 school year and for two learning improvement days in the 2002-03 school year and thereafter as calculated by the superintendent shall be reduced pro rata for any district with ~~((less than three))~~ fewer learning improvement days in state institutional education programs. Educational service districts or contractors operating state-funded institutional education programs shall be eligible for learning improvement day funding in the same manner as school districts.

(5) ~~((The superintendent shall reduce or eliminate a district's))~~ Allocations for learning improvement((s)) days ((if the district fails to report as required by WAC 392-140-967, or if the district's report indicates that the activities provided during learning improvement days do not meet the requirements of WAC 392-140-957)) are subject to adjustment or recovery based on findings of the Washington state auditor and chapters 392-115 and 392-117 WAC.

AMENDATORY SECTION (Amending Order 98-07, filed 9/28/99, effective 9/29/99)

WAC 392-140-965 Learning improvement days—School district requests for review and adjustment. A school district may at any time request that the superintendent of public instruction review and adjust data and calculations used to determine funding for learning improvement days pursuant to this chapter.

~~(((1) Requests for adjustment to the number of days in the base contract in the 1998-99 school year shall be considered if the district shows that:~~

~~(a) The April 1999 S-275 data or calculations were in error;~~

~~(b) The district reported days in the base contract for services beyond the regular school calendar for a full-time certificated instructional employee of the district;~~

~~(c) The district had a signed multiyear collective bargaining agreement in April 1999 to reduce the number of days in the base contract in subsequent years; or~~

~~(d) Other bona fide adjustments are necessary.~~

~~((2)))~~ Requests for adjustment to the number of learning improvement days provided in the 1999-2000 school year and thereafter shall be considered if the district shows that the data or calculations are in error, or other bona fide adjustments are necessary.

~~(((3) Requests for adjustment shall be accompanied by the relevant pages of a signed collective bargaining agreement stating the number of days in the base contract in the school district.))~~

AMENDATORY SECTION (Amending Order 98-07, filed 9/28/99, effective 9/29/99)

WAC 392-140-967 Learning improvement days—School district reporting requirements. After the close of the school year, school districts receiving funding for learning improvement days shall report ~~((annually to the superintendent of public instruction according to the superintendent's instructions. The report shall show))~~ the number of learning improvement days provided by the district ~~((and describe the activities on those days))~~ meeting the requirements of WAC 392-140-950 through 392-140-965.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-140-960 Learning improvement days—Determination of the number of days in the base contract in the 1998-99 school year.

**WSR 02-15-152
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
[July 23, 2002, 8:11 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-05-037.

Title of Rule: New section WAC 415-104-374. What are the part-time employment/leave rules for the enforcement officers?

Purpose: To provide a "plain English" explanation of the new LEOFF Plan 2 part-time leave of absence, for law enforcement only, interpreting SB 6378 (chapter 28, Laws of 2002).

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: RCW 41.26.520 (amended effective June 13, 2002).

Summary: Provides a "plain English" explanation of the new LEOFF Plan 2 part-time leave of absence, for law enforcement only, interpreting SB 6378 (chapter 28, Laws of 2002).

Reasons Supporting Proposal: Department of Retirement Systems (DRS) seeks to provide a "plain English" explanation for the benefit of LEOFF Plan 2 law enforcement members.

Name of Agency Personnel Responsible for Drafting: Merry A. Kogut, P.O. Box 48380, Olympia, WA, 98504-8380, (360) 664-7291; Implementation and Enforcement: Zan Johnston, P.O. Box 48380, Olympia, WA, 98504-8380, (360) 664-7049.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides a "plain English" explanation of the new LEOFF Plan 2 part-time leave of absence, for law enforcement only, interpreting SB 6378 (chapter 28, Laws of 2002).

Proposal does not change existing rules.

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 27, 2002, at 9:00 a.m.

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

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on August 27, 2002.

Date of Intended Adoption: No sooner than August 28, 2002.

July 22, 2002
Merry A. Kogut
Rules Coordinator

NEW SECTION

WAC 415-104-374 LEOFF Plan 2 part-time leave of absence. (1) What are the LEOFF Plan 2 part-time leave rules for law enforcement officers?

(a) You must be a current LEOFF Plan 2 *law enforcement* member;

(b) Your employer must authorize you to work part time and go on an unpaid part-time leave of absence;

(c) While in part-time work/part-time leave status, you cannot do any other work for pay for your employer; and

(d) When you return to full-time employment, the employment must be with the same employer who granted you the part-time leave.

(2) May I purchase service credit for periods of part-time leave?

(a) You may purchase service credit for any periods of any type of unpaid leave of absence, but only up to a *lifetime* maximum of two years of service credit.

(b) In purchasing service credit, you must pay the member, employer, and state contributions, plus interest. The contributions required will be based on the average of your basic salary at the time the employer granted your authorized leave of absence and your basic salary at the time you resumed full-time employment.

(c) You must complete the service credit purchase within five years of your return to full-time employment, or prior to your retirement, whichever is earlier.

(d) If you fail to complete the service credit purchase within five years of your return to full-time employment, you may purchase the service credit by paying the amount required under RCW 41.50.165(2) prior to retirement.

WSR 02-15-153
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 23, 2002,, 8:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-06-041.

Title of Rule: Definitions consolidation.

Purpose: Consolidate law enforcement officers' and fire fighters' (LEOFF) WAC 415-104-011 - 415-104-0125 into one section and revise into "plain English" as needed. Consolidate school employees' retirement system (SERS) WAC 415-110-010 - 415-110-0111 into one section and revise into "plain English" as needed. Consolidate teachers' retirement system (TRS) WAC 415-112-015 - 415-112-0167 into one section and revise into "plain English" as needed. Consolidate portability WAC 415-113-030 - 415-113-0309 into one section and revise into "plain English" as needed. Modify all of these WACs by adding a reference to WAC 415-02-030. Modify WAC 415-108-010 by adding a reference to WAC 415-02-030. Update references in other WACs in these chapters so that the references are to the correct citations for the definitions as revised.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapters 41.26, 41.32, 41.35, 41.40, and 41.54 RCW.

Summary: Definitions consolidation.

Reasons Supporting Proposal: 1. Regulatory reform principles dictate that agencies find way to cut down on the total number of WACs.

2. Regulatory reform principles dictate that agencies review their rules periodically and ensure that they are clear and understandable to members of the public.

3. Many of the TRS and LEOFF rules have not been updated in many years. Some of the SERS rules were based on existing rules that are overdue for review.

4. DRS reviewed and updated its public employees' retirement system definitions recently. This rule making provides an opportunity to review the other similar rules for similarities and differences.

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

Name of Proponent: Department of Retirement Systems, governmental.

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

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

Proposal Changes the Following Existing Rules: Consolidate law enforcement officers' and fire fighters' (LEOFF) WAC 415-104-011 - 415-104-0125 into one section and revise into "plain English" as needed. Modify by adding a reference to WAC 415-02-030. Update references in other WACs in the chapter so that the references are to the correct citations for the definitions as revised.

Modify PERS WAC 415-108-010 by adding a reference to WAC 415-02-030. Update references in other WACs in the chapter so that the references are to the correct citations for the definitions as revised.

Consolidate school employees' retirement system (SERS) WAC 415-110-010 - 415-110-0111 into one section and revise into "plain English" as needed. Modify by adding a reference to WAC 415-02-030. Update references in other WACs in the chapter so that the references are to the correct citations for the definitions as revised.

Consolidate teachers' retirement system (TRS) WAC 415-112-015 - 415-112-0167 into one section and revise into "plain English" as needed. Modify by adding a reference to WAC 415-02-030. Update references in other WACs in the chapter so that the references are to the correct citations for the definitions as revised.

Consolidate portability WAC 415-113-030 - 415-113-0309 into one section and revise into "plain English" as needed. Modify by adding a reference to WAC 415-02-030. Update references in other WACs in the chapter so that the references are to the correct citations for the definitions as revised.

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Boardroom, 3rd Floor, Tumwater, WA, on August 27, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator, phone (360) 664-7291, TTY (360) 586-5450, e-mail <mailto:merryk@drs.wa.gov>.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail Merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on August 27, 2002.

Date of Intended Adoption: No sooner than August 28, 2002.

July 22, 2002
Merry A. Kogut
Rules Coordinator

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-104-011 Definitions. All definitions in RCW 41.26.030 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.26 RCW are defined in this chapter.

(1) **Commissioned** means that an employee is employed as an officer of a general authority Washington law enforcement agency and is empowered by that employer to enforce the criminal laws of the state of Washington.

(2) **Director of public safety** means a person who is employed on or after January 1, 1993, by a city or town on a full-time, fully compensated basis to administer the programs and personnel of a public safety department.

This definition applies only to cities or towns in which the population did not exceed ten thousand at the time the person became employed as a director of public safety.

(3) **Elective employer** means the employer of the LEOFF Plan 1 elected official during the member's leave of absence from the LEOFF employer for the purpose of serving in elective office.

(4) **Full time employee** means an employee who is regularly scheduled to earn basic salary from an employer for a minimum of one hundred sixty hours each calendar month.

(5) **Fully compensated employee** means an employee who earns basic salary and benefits from an employer in an amount comparable to the salary received by other full-time employees of the same employer who:

(a) Hold the same or similar rank; and

(b) Are employed in a similar position.

(6) **LEOFF** means the law enforcement officers' and fire fighters' retirement system established by chapter 41.26 RCW.

(7) **LEOFF employer** means the employer, as defined in RCW 41.26.030, who employs the member as a law enforcement officer or fire fighter.

(8) **LEOFF Plan 1 elected official** means a LEOFF Plan 1 member who is a civil service employee on leave of absence because he or she has been elected or appointed to an elective public office and who chooses to preserve retirement rights as an active LEOFF member under the procedure described in this chapter.

(9) **Plan 1 and Plan 2,**

(a) "Plan 1" means the law enforcement officers' and fire fighters' retirement system providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(b) "Plan 2" means the law enforcement officers' and fire fighters' retirement system providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(10) **Public safety officer** means a person who is employed on or after January 1, 1993, on a full-time, fully compensated basis by a city or town to perform both law enforcement and fire fighter duties.

This definition applies only to cities or towns in which the population did not exceed ten thousand at the time the person became employed as a public safety officer.

(11) **Uniformed fire fighter position** means a position which may only be filled by uniformed personnel as that term is defined in RCW 41.56.030 (7)(e) as in effect on July 1, 1995. A position only qualifies as a uniformed fire fighter position if the employer has identified it as such for all purposes. An employer may designate a position as uniformed

regardless of whether the employer is covered by public employees' collective bargaining under chapter 41.56 RCW.

AMENDATORY SECTION (Amending WSR 96-01-045, filed 12/14/95, effective 1/14/96)

WAC 415-104-225 Am I a LEOFF member? If you are employed by an employer as a full-time, fully compensated law enforcement officer or fire fighter, you are required to be a LEOFF member.

(1) Law enforcement officers.

(a) You are a law enforcement officer only if you are commissioned and employed on a full-time, fully compensated basis as a:

- (i) City police officer;
- (ii) Town marshal or deputy marshal;
- (iii) County sheriff;
- (iv) Deputy sheriff, if you passed a civil service exam for deputy sheriff and you possess all of the powers, and may perform any of the duties, prescribed by law to be performed by the sheriff;

(b) Effective January 1, 1994, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a:

- (i) General authority Washington peace officer under RCW 10.93.020(3);
- (ii) Port district general authority law enforcement officer and you are commissioned and employed by a port district general authority law enforcement agency;
- (iii) State university or college general authority law enforcement officer; or

(c) Effective January 1, 1993, "law enforcement officer" also includes commissioned persons employed on a full-time, fully compensated basis as a public safety officer or director of public safety of a city or town if, at the time you first became employed in this position, the population of the city or town did not exceed ten thousand. See RCW 41.26.030(3).

(d) If you meet the requirements of (a), (b) or (c) of this subsection, you qualify as a law enforcement officer regardless of your rank or status as a probationary or permanent employee.

(e) You are not a law enforcement officer if you are employed in either:

- (i) A position that is clerical or secretarial in nature and you are not commissioned; or
- (ii) A corrections officer position and the only training required by the Washington criminal justice training commission for your position is basic corrections training under WAC 139-10-210.

(2) Fire fighters. You are a fire fighter if you are employed in a uniformed fire fighter position by an employer on a full-time, fully compensated basis, and as a consequence of your employment, you have the legal authority and responsibility to direct or perform fire protection activities that are required for and directly concerned with preventing, controlling ~~((e))~~ and extinguishing fires.

(a) "Fire protection activities" may include incidental functions such as housekeeping, equipment maintenance, grounds maintenance, fire safety inspections, lecturing, per-

forming community fire drills and inspecting homes and schools for fire hazards. These activities qualify as fire protection activities only if the primary duty of your position is preventing, controlling ~~((e))~~ and extinguishing fires.

(b) You are a fire fighter if you qualify as supervisory fire fighter personnel.

(c) If your employer requires fire fighters to pass a civil service examination, you must be actively employed in a position that requires passing such an examination in order to qualify as a fire fighter unless you qualify as supervisory fire fighter personnel.

(d) You are a fire fighter if you meet the requirements of this section regardless of your rank or status as a probationary or permanent employee or your particular specialty or job title.

(e) You do not qualify for membership as a fire fighter if you are a volunteer fire fighter or resident volunteer fire fighter.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Commissioned" - WAC ~~((415-104-0111))~~ 415-104-011.

(b) "Director of public safety" - WAC ~~((415-104-0112))~~ 415-104-011.

(c) "Employer" - RCW 41.26.030.

(d) "Fire fighter" - RCW 41.26.030.

(e) "Full time" - WAC ~~((415-104-0114))~~ 415-104-011.

(f) "Fully compensated" - WAC ~~((415-104-0115))~~ 415-104-011.

(g) "Law enforcement officer" - RCW 41.26.030.

(h) "Member" - RCW 41.26.030.

(i) "Public safety officer" - WAC ~~((415-104-0120))~~ 415-104-011.

(j) "Uniformed fire fighter position" - WAC ~~((415-104-0125))~~ 415-104-011.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-104-235 Can I terminate my status as a LEOFF member?-(1) Your membership in the retirement system is terminated if you:

(a) Die;

(b) Separate from service; or

(c) Cease to be employed full time as a law enforcement officer or fire fighter.

(2) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Fire fighter" - RCW 41.26.030 and WAC 415-104-225(2).

(b) "Full-time employee" - WAC ~~((415-104-0114))~~ 415-104-011.

(c) "Law enforcement officer" - RCW 41.26.030 and WAC 415-104-225(1).

(d) "Member" - RCW 41.26.030.

(e) "Service" - RCW 41.26.030.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-104-0111	Commissioned—Definition.
WAC 415-104-0112	Director of public safety—Definition.
WAC 415-104-0113	Elective employer—Definition.
WAC 415-104-0114	Full time—Definition.
WAC 415-104-0115	Fully compensated—Definition.
WAC 415-104-0117	LEOFF employer—Definition.
WAC 415-104-0118	LEOFF Plan I elected official—Definition.
WAC 415-104-0120	Public safety officer—Definition.
WAC 415-104-0121	Plan I and Plan II—Definition.
WAC 415-104-0122	LEOFF—Definition.
WAC 415-104-0125	Uniformed fire fighter position—Definition.

AMENDATORY SECTION (Amending WSR 01-21-090, filed 10/22/01, effective 11/22/01)

WAC 415-108-010 Definitions in the public employees' retirement system. All definitions in RCW 41.40.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.40 RCW are defined in this chapter.

Annual leave means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addition to and different from vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave, covering paid leave for vacation, illness, and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

Level of union organization means a union or a lodge or division of a union.

Normally as used in the definition of eligible position under RCW 41.40.010 means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

Project position means a position, established by an employer, which has a specific goal and end date.

Public corporation means a public corporation created under RCW 35.21.730. A public corporation may be admitted as an "employer" under the definition in RCW 41.40.010(4).

Report means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

Reportable compensation means compensation earnable as that term is defined in RCW 41.40.010(8).

Retirement plan as used in RCW 41.40.023 and in this chapter, means any plan operated wholly or in part by the state or a political subdivision. This includes, but is not limited to:

- The retirement systems listed under RCW 41.50.030;
- The retirement systems of the cities of Seattle, Spokane and Tacoma; or
- Any higher education plan authorized under RCW 28B.10.400.

System acronyms used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "TRS" means the teachers' retirement system.
- "SERS" means the school employees' retirement system.

Union means a labor guild, labor association, and/or labor organization.

Union employer means a union or a union lodge or other division of a union which has verified that it meets the definition of a Plan 1 employer in RCW 41.40.010.

Year means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include, but is not limited to, a school year, calendar year or fiscal year.

Example: An employer has used the twelve consecutive month period from July 1 to June 30 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the July 1 through June 30 period to define a year for the position. Example: If the same employer in the above example hires a person to work in a project position beginning in November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-108-680 Am I eligible for membership? (1) You are eligible for membership if you are employed in an eligible position. Your position is eligible under RCW 41.40.010 if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.** If you are a

member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

(a) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

(b) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.40.010.

(b) "Employer" - RCW 41.40.010.

(c) "Member" - RCW 41.40.010.

(d) "Membership" - RCW 41.40.023.

(e) "Normally" - WAC 415-108-0102.

~~((e))~~ (f) "Project position" - WAC ~~((415-108-0103))~~ 415-108-010.

~~((f))~~ (g) "Year" - WAC ~~((415-108-0108))~~ 415-108-010.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-108-700 Can I qualify for membership if I work in more than one ineligible position with the same employer? (1) All of your monthly work for an employer counts as one position. If you are employed with the same employer in two ineligible positions during a year which, when combined, equate to an eligible position and your employer expects you to continue in this employment for a second consecutive year, your employer will report the total hours you work in both positions to the department as an eligible position.

Example: A person normally works for one employer as a cook for forty hours each month and as a bus driver for forty hours each month. The person is eligible for membership because he works a total of eighty hours each month for at least five months each year and this is the normal pattern of his employment.

Example: A person normally works for one employer for forty hours each month as a cook. For one year only, she takes on extra duties by also working forty hours per month as a bus driver. Although she worked eighty hours each month for five or more months during one year, she is not eligible for membership because these hours are not the normal pattern of her employment.

Example: A person works for one employer for forty hours each month as a cook and also works for another employer for forty hours each month as a bus driver. The person is not eligible for membership because he cannot combine the hours of employment with these separate employers to establish membership.

(2) **You may be reported in TRS if you work in two positions and one position is covered under TRS.** See WAC 415-108-728.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.40.010.

(b) "Employer" - RCW 41.40.010.

(c) "Ineligible position" - RCW 41.40.010.

(d) "Membership" - RCW 41.40.023.

(e) "Normally" - WAC ~~((415-108-0102))~~ 415-108-010.

(f) "Report" - WAC ~~((415-108-0104))~~ 415-108-010.

(g) "Year" - WAC ~~((415-108-0108))~~ 415-108-010.

AMENDATORY SECTION (Amending WSR 02-02-060, filed 12/28/01, effective 1/1/02)

WAC 415-108-710 How will returning to work affect my PERS monthly benefit? (1) You may work for an employer after retirement and continue to receive your retirement allowance if:

(a) You are employed in an ineligible position no sooner than one calendar month after your retirement accrual date;

(b) You are an active member of a higher education retirement plan and are employed no sooner than one calendar month after your retirement benefit accrues;

(c) You are employed as a bona fide independent contractor as defined by WAC 415-02-110;

(d) You are employed as an elected or appointed official directly by the governor under RCW 41.40.150(4) no sooner than one month after your retirement benefit accrues and do not reenter membership;

(e) Your only employment is as an elected official of a city or town and you end your PERS membership under RCW 41.40.023 (3)(b); or

(f) You are employed in an eligible position:

(i) No sooner than one calendar month after your retirement benefit accrues; and

(ii) The time you work does not exceed the "work limit" defined in subsection (2) of this section.

(2) **What is the work limit for eligible positions?**

(a) Plan 1 retiree working for an employer as defined in RCW 41.40.010 (4)(a): Fifteen hundred hours in a calendar year; or

(b) Plan 2 or 3 retiree working in an eligible position as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030: Eight hundred sixty-seven hours in a calendar year.

(c) The Plan 1 limits will be applied to retirees from both a Plan 1 and a Plan 2 or 3 in another pension plan.

(d) The TRS Plan 1 rules will be applied to retirees from both TRS Plan 1 and PERS Plan 1.

(3) **What happens if I work more than the work limit?**

(a) The department will suspend your retirement allowance effective the day after the day in which you exceed the work limit. All hours worked for all covered employers in eligible positions are considered in determining the work limit.

(b) You have the option to return to membership in PERS if you are otherwise eligible. The option to return to membership is prospective from the first day of the month

following the month in which you request to return to membership.

(4) How will the suspension of benefits affect my retirement allowance?

(a) The department will:

(i) Prorate your retirement allowance for the month during which you exceeded the work limit; and

(ii) Suspend all future retirement allowances while you are working until the next calendar year except that it will:

(iii) Adjust for any overpayments made to you for the month(s) in which you exceeded the work limit, as required by RCW 41.50.130.

(b) If you separate from service, your retirement allowance will resume effective the first day of the month following the date of separation.

(5) Can I return to PERS membership?

(a) If you are a PERS retiree, you may choose to return to membership if you are employed by a PERS employer and meet the eligibility criteria. If you return to membership the department will stop your retirement allowance effective from the first of the month during which you return to employment. Membership will be prospective under RCW 41.40.023(12).

(b) If you reenter membership and later choose to retire again, the department will recalculate your retirement allowance under the applicable statutes and regulations.

(c) If you are a retiree from another retirement system that the department administers, and are eligible to enter PERS membership, you may choose to return to membership. The option to return to membership is prospective from the first day of the month following the month in which you request to return to membership.

Example 1:

Kirk is a PERS Plan 2 retiree. He separates from service on August 15th. His accrual date (retirement) is effective September 1st. Kirk returns to work in a PERS Plan 2 eligible position on January 2nd of the following year. On June 1st he realizes that on or about July 8th, he is going to exceed his eight hundred sixty-seven hour limit for the year. On July 5th he notifies his employer in writing that he chooses to reenter PERS Plan 2 membership.

On July 12th, Kirk works his eight hundred sixty-eighth hour. He is no longer eligible for his PERS Plan 2 retirement benefit as of July 12th. The retirement benefit is stopped for the remainder of July. On August 1st, Kirk is returned to membership and resumes making retirement contributions.

Example 2:

Kristal is a PERS Plan 1 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a PERS eligible position the following January. By October 1st, Kristal has exceeded the fifteen hundred hour work limit, and her benefit is suspended. Kristal separates from service on November 15th and her benefit is reinstated December 1st. Kristal qualifies to begin another fifteen hundred hour work period on January 1st.

Example 3:

Millie is a PERS Plan 2 retiree. She separated from service on June 20th. Her accrual date (retirement) is effective July 1st. She begins working in a PERS eligible position on February 1st of the following year. By September 1st, Millie has worked eight hundred sixty-seven hours and continues to work. Millie's benefit is suspended from September 2nd until January 1st if she continues to work.

(6) How soon can I return to work as a retiree? If you return to work sooner than one full calendar month after your accrual date under RCW 41.40.037, your retirement allowance will be reduced by 5.5% for every eight hours worked each month, until you separate for one full calendar month. See RCW 41.40.037.

Example 4:

John's last day of work is September 15th. His accrual date is October 1st. If John wants to return to work after he retires, he will need to wait until at least November 1st to avoid receiving the daily percentage reduction in his retirement allowance.

Example 5:

Tony's last day of work is September 15th. His accrual date is October 1st. Tony returns to work for five work days between October 10th and October 17th. His October retirement allowance will be reduced by five and one-half percent for every eight hours worked in October (RCW 41.40.037); this will be reflected in Tony's November benefit. Tony does not return to work. On December 1st, Tony will qualify to return to work under the work limits described in subsection (2) of this section.

Example 6:

Ruth's last day of work is September 15th. Her accrual date is October 1st. She returns to work on October 10th and continues working. Ruth's retirement benefit will be reduced by 5.5% for each eight hours she works. Under RCW 41.40.037, Ruth's benefit reduction will accrue up to one hundred sixty hours per month. If she stops working, Ruth's full retirement benefit will resume after she remains separated for one full calendar month. Any benefit reduction over one hundred percent will be applied to Ruth's allowance in subsequent months.

(7) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed:

(a) "Accrual date" - RCW 41.40.193, 41.40.680, 41.40.801.

(b) "Eligible position" - RCW 41.40.037(2).

(c) "Employer" - RCW 41.40.010(4).

(d) "Ineligible position" - RCW 41.40.010.

(e) "Law enforcement officer" - RCW 41.26.030.

(f) "Membership" - RCW 41.40.023.

(g) "Report" - WAC ((415-108-0104)) 415-108-010.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-108-725 If I have retired from another retirement plan or am eligible to retire, am I excluded from participating in PERS? (1) If you have retired or are eligible to retire from another retirement system authorized by the laws of this state you cannot participate in PERS membership unless:

(a) You established membership in PERS prior to March 1, 1976; or

(b) You accrued less than fifteen years of service credit in the other retirement plan.

(2) If you are receiving a disability allowance from any retirement system administered by the department you can not participate in PERS unless you established membership in PERS prior to March 1, 1976.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Membership" - RCW 41.40.023.

(b) "Retirement plan" - WAC ((~~415-108-0105~~) 415-108-010).

(c) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-108-726 If I accrue service credit in PERS and another retirement plan at the same time, may I participate in PERS? (1)(a) Yes. You may earn service credit in PERS and any of the following systems at the same time if:

(i) You work for a PERS employer and an employer covered by a retirement system of the city of Seattle, Spokane or Tacoma (First Class City Retirement System); and

(ii) You cannot report service for the First Class City Retirement System in PERS;

(b) The combined service credit under PERS and the retirement system listed in (a) of this subsection may not exceed one month of service for a calendar month of employment.

(c) To qualify for PERS service credit, it is up to the employee to initiate the process by applying under subsection (2) of this section.

Example: A member works part time for the City of Seattle and part time for the University of Washington (UW). She may receive partial service credit in PERS for the UW service since she cannot report the time she works for Seattle under PERS.

Note: The combined service credit under PERS and the City of Seattle Retirement System may not exceed one month of service for a calendar month of employment. To receive PERS service credit she must apply to the department.

(2) How do I apply?

(a) To apply for membership and service credit under subsection (1) of this section you must send the department an application. The application is a statement that you want membership and/or service credit in PERS. Include:

(i) Your name;

(ii) Your SSN;

(iii) All period(s) of service that you want to receive service credit for;

(iv) All PERS and non-PERS employer(s) that you worked for during the periods of service referenced in (a)(iii) of this subsection.

(b) After the department receives your application, it will contact your employer(s) to verify how much service credit you have earned. When the department receives the necessary information, it will determine how much service credit you will receive. At that time the department will send you a bill for member contributions and interest that must be paid in order to establish the service credit.

(3) When should I submit my payment?

You should pay contributions and interest required under subsection (2)(b) of this section within twenty-four consecutive months from the last day of the calendar year for which you claim service credit. After that date, you must pay the actuarial cost of purchasing the service credit under RCW 41.40.104 and 41.50.165.

(4) What if I worked before this WAC became effective?

If you worked for a PERS employer and for one of the retirement systems listed in subsection (1) of this section, before this WAC became effective, you have until December 31, 2000, to apply in order to purchase service credit by paying member contributions plus interest. After December 31, 2000, you must pay the actuarial cost of purchasing the service credit under RCW 41.40.104 and 41.50.165.

(5) You may participate in PERS if you are concurrently employed, as described in WAC 415-113-200, in a SERS position.

(6) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Membership" - RCW 41.40.023.

(b) "Retirement plan" - WAC ((~~415-108-0105~~) 415-108-010).

(c) "Service" - RCW 41.40.010.

(d) "Normally" - WAC ((~~415-108-0102~~) 415-108-010).

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-108-728 If I work in both a PERS position and TRS position during the same school year, which system will I be in? (1) If you work in both a PERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either PERS or TRS according to the following table:

(1) If you work in both a PERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either PERS or TRS according to the following table:

Former TRS Plan 1 Members ^{1/}

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

TRS Plan 1 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

PROPOSED

TRS Plan 2 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ^{3/}
	A TRS employer and non-TRS employer	You must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

Neither TRS Nor PERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

PROPOSED

- 1/ "Former TRS 1 member", as used here, means you terminate your membership by withdrawing your contributions.
- 2/ Means during the same school year.
- 3/ **EXAMPLE:** A TRS 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS 2.

EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.40.010.
- (b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.010 (TRS).
- (c) "Ineligible position" - RCW 41.40.010.
- (d) "Member" - RCW 41.40.010.
- (e) "Membership" - RCW 41.40.023.
- (f) "Report" - WAC ((415-108-0104)) 415-108-010.
- (g) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-010 Definitions. All definitions in RCW 41.35.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.35 RCW are defined in this chapter.

Annual leave means leave provided by an employer for the purpose of taking regularly scheduled work time off with pay. Annual leave does not include leave for illness, personal business if in addition to and different than vacation leave, or other paid time off from work. However, if an employer authorizes only one type of leave to provide paid leave for vacation and illness as well as any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

Normally as used in the definition of eligible position under RCW 41.35.010 means a position is eligible if it is expected to require at least five months of seventy or more hours of compensated service each month during each of two consecutive years. Once a position is determined to be eligible, it will continue to be eligible if it requires at least five months of seventy or more hours of compensated service during at least one year in any two-year period.

Project position means a position, established by an employer, that has a specific goal and end date.

Report means an employer's reporting of an employee's hours of service, compensation and contributions to the department on the monthly transmittal report.

Reportable compensation means compensation earnable as that term is defined in RCW 41.35.010(6).

System acronyms used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "SERS" means the school employees' retirement system.
- "TRS" means the teachers' retirement system.

Year means any twelve consecutive month period established and applied consistently by an employer to evaluate the eligibility of a specific position. The term may include, but is not limited to, a school year, calendar year, or fiscal year.

Example: An employer has used the twelve consecutive month period from September 1 to August 31 to evaluate the eligibility of positions. When the employer hires a new employee to fill an existing position, the employer must continue to use the September 1 through August 31 period to define a year for the position.

Example: If the same employer in the above example hires a person to work in a project position beginning in November, the employer will use the twelve-month period beginning in November to evaluate the eligibility of the new position. The employer must consistently apply this twelve-month period to evaluate the eligibility of this position.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-680 Am I eligible for membership? (1) You are eligible for membership if you are employed in an eligible position. Your position is eligible under RCW 41.35.010 if the position, as defined by your employer, normally requires at least five months of seventy or more hours of compensated service per month during each year.

(2) **If you leave an eligible position to serve in a project position, you may retain eligibility.** If you are a member and you leave employment in an eligible position to serve in a project position, the project position is eligible if:

(a) The position, as defined by the employer, normally requires at least five months of seventy or more hours of compensated service each month; or

(b) The position requires at least seventy hours per month and you take the position with the understanding that you are expected to return to your permanent eligible position at the completion of the project.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.35.010.
- (b) "Employer" - RCW 41.35.010.
- (c) "Member" - RCW 41.35.010.
- (d) "Membership" - RCW 41.35.030.
- (e) "Normally" - WAC ((415-110-0102)) 415-110-010.

(f) "Project position" - WAC (~~(415-110-0103)~~) 415-110-010.

(g) "Year" - WAC (~~(415-110-0108)~~) 415-110-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-690 How is my eligibility evaluated?

(1) **Your eligibility is based on your position. In evaluating whether your position is eligible, your employer will determine only whether the position meets the criteria of an eligible position under RCW 41.35.010.** Your employer will not consider your membership status or individual circumstances unless you:

(a) Leave employment in an eligible position to serve in a project position (see WAC 415-110-680); or

(b) Work in both a SERS and TRS position during the same school year (see WAC 415-110-728).

(2) **Your employer will evaluate your position's eligibility for a particular year at the beginning of the year.**

(3) **Your employer or the department may reclassify your position's eligibility based upon your actual work history.** If your employer declares your position to be ineligible at the beginning of a year and by the end of the year, you have actually worked five or more months of seventy or more hours, your employer will, at that time, review your position's eligibility. If at the end of the first year:

(a) Your employer believes your position meets the requirements for an eligible position and declares the position as eligible, you will enter membership and your employer will report you to the department effective from the date your employer declares the position as eligible; or

(b) Your employer believes that the position will not meet the criteria for an eligible position during the next year, your employer may continue to define your position as ineligible. However, if during the next year the position actually requires you to again work seventy or more hours each month for at least five months, the department will declare your position as eligible. You will enter membership in the retirement system.

(i) Except as provided in (b)(ii) of this subsection, your employer will report you to the department effective from the first month of the first year in which your position required you to work for seventy or more hours.

(ii) If:

(A) Your employer has monitored the work history of your position for eligibility;

(B) Has notified you in writing when you entered the position that the position was not considered eligible; and
You will enter membership prospectively.

(4) **The department will not reclassify your position's eligibility until history of the position shows that it meets the criteria for an eligible position.** If your employer has declared your position ineligible, the department will not reclassify your position as eligible until history of the position shows a period of two consecutive years of at least five months of seventy or more hours of compensated employment each month.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010.

(b) "Employer" - RCW 41.35.010.

(c) "Ineligible position" - RCW 41.35.010.

(d) "Membership" - RCW 41.35.030.

(e) "Project position" - WAC (~~(415-110-0103)~~) 415-110-010.

(f) "Report" - WAC (~~(415-110-0104)~~) 415-110-010.

(g) "Year" - WAC (~~(415-110-0108)~~) 415-110-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-700 Can I qualify for membership if I work in more than one ineligible position with the same employer? (1) All of your monthly work for an employer counts as one position. If you are employed with the same employer in two ineligible positions during a year which, when combined, equate to an eligible position and your employer expects you to continue in this employment for a second consecutive year, your employer will report the total hours you work in both positions to the department as an eligible position.

Example: A person normally works for one employer as a cook for forty hours each month and as a bus driver for forty hours each month. The person is eligible for membership because he works a total of eighty hours each month for at least five months each year and this is the normal pattern of his employment.

Example: A person normally works for one employer for forty hours each month as a cook. For one year only, she takes on extra duties by also working forty hours per month as a bus driver. Although she worked eighty hours each month for five or more months during one year, she is not eligible for membership because these hours are not the normal pattern of her employment.

Example: A person works for one employer for forty hours each month as a cook and also works for another employer for forty hours each month as a bus driver. The person is not eligible for membership because he cannot combine the hours of employment with these separate employers to establish membership.

(2) **You may be reported in TRS if you work in two positions and one position is covered under TRS.** See WAC 415-110-728.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010.

(b) "Employer" - RCW 41.35.010.

(c) "Ineligible position" - RCW 41.35.010.

(d) "Membership" - RCW 41.35.030.

(e) "Normally" - WAC (~~(415-110-0102)~~) 415-110-010.

(f) "Report" - WAC (~~(415-110-0104)~~) 415-110-010.

(g) "Year" - WAC (~~(415-110-0108)~~) 415-110-010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-725 If I have retired from another retirement plan or am eligible to retire, am I excluded from participating in SERS? (1) If you have retired or are eligible to retire from another retirement system authorized by the laws of this state, you cannot participate in SERS membership unless you accrued less than fifteen years of service credit in the other retirement plan.

(2) If you are receiving a disability allowance from any retirement system administered by the department, you cannot participate in SERS.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Membership" - RCW 41.35.030.

(b) "Retirement plan" - WAC ((415-110-0105)) 415-110-010.

(c) "Service" - RCW 41.35.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-728 If I work in both a SERS position and TRS position during the same school year, which system will I be in? (1) If you work in both a SERS and TRS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either SERS or TRS according to the following table:

Former TRS Plan 1 Members ^{1/}

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS - for both positions.
	Separate SERS employers	SERS - for SERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 1 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 2 or 3 Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions. ^{3/}

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SERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS - for both positions.
	Separate SERS employers	SERS - for the SERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125(1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

Neither TRS Nor SERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

- ^{1/} "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.
- ^{2/} Means during the same school year.
- ^{3/} EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in SERS for the SERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Eligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).
- (e) "Membership" - RCW 41.35.030 (SERS).
- (f) "Report" - WAC ((415-110-0104)) 415-110-010.
- (g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

- WAC 415-110-0104 Report—Definition.
- WAC 415-110-0108 Year—Definition.
- WAC 415-110-0109 System acronyms—Definition.
- WAC 415-110-0110 Reportable compensation—Definition.
- WAC 415-110-0111 Annual leave—Definition.

AMENDATORY SECTION (Amending WSR 95-16-053, filed 7/25/95, effective 8/25/95)

WAC 415-112-015 Definitions. (1) All definitions in RCW 41.32.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.32 RCW are defined in this chapter.

(2) ((As used in this chapter, unless a different meaning is plainly required by the context:))

"Annual leave" means leave provided by an employer for the purpose of ((vacation and does not)) taking regularly scheduled work time off with pay. Annual leave does not usually include leave for illness, personal business if in addi-

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-110-0102 Normally—Definition.
- WAC 415-110-0103 Project position—Definition.

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tion to and different than vacation leave, or other paid time off from work (~~(to provide)~~). However, (~~That~~) if an employer authorizes only one type of leave (~~(to provide)~~), covering paid leave for vacation (~~(and)~~), illness, (~~(as well as)~~) and any other excused absence from work, such leave will be considered annual leave for purposes of RCW 41.50.150.

(3) **Contract period** for Plan 1 members as used in RCW 41.32.345 means the period from July 1 to June 30 of the following year.

(4) **Ineligible position** means a position which does not qualify as an eligible position under RCW 41.32.010.

(5) **Pension benefit** means that portion of a retiree's monthly retirement allowance that is funded by the state of Washington and the retiree's former employer or employers.

(6) **Public educational institution** means a school district, the state school for the deaf, the state school for the blind, educational service districts, institutions of higher education, or community colleges.

(7)(a) **Public school** as defined in RCW 41.32.010 includes school districts, educational service districts, the state school for the deaf, and the state school for the blind but does not include the office of the superintendent of public instruction.

(b) As applied to other TRS employers, "public school" means an institution, fifty percent or more of whose employees are "qualified to teach," whose primary function is to educate students. See subsection (8) of this section.

(8) **Qualified to teach** as used under RCW 41.32.010 means either:

(a) Having the authority to provide instruction at a common school as defined under RCW 28A.150.020 pursuant to:

(i) A valid teaching certificate issued by the office of the superintendent of public instruction under WAC 180-75-055; or

(ii) A permit to teach issued by lawful authority of this state under RCW 28A.405.010; or

(b) Being employed under a contract to teach with an institution of higher education as defined in RCW 28A.150.020.

(9) **Reportable compensation** means earnable compensation as that term is defined in RCW 41.32.010(10).

(10)(a) **School year** for Plan 1 members means the fiscal year running from July 1 to June 30.

(b) "School year" for Plan 2 and 3 members means the twelve-month period from September 1 of one year to August 31 of the following year.

(11) **Service in an administrative or supervisory capacity** as used under RCW 41.32.010 and in this chapter:

(a) Means:

(i) Service in a managerial role relating to the administration of a public school; or

(ii) Service involving the exercise of direction over employees of the public school.

(b) Includes, but is not limited to, service as: Principal, assistant principal, superintendent, assistant superintendent, personnel manager and business manager.

(12) **Service in an instructional capacity** means a qualified teacher performing services as a classroom teacher.

(13) **Spousal consent** requires written evidence that the married member's spouse consents to the retirement option selected by the member. The spouse's notarized signature on the retirement application, duly executed and filed with the department, shall constitute "spousal consent."

(14) **System acronyms** used in this chapter are defined as follows:

- "PERS" means the public employees' retirement system.
- "SERS" means the school employees' retirement system.
- "TRS" means the teachers' retirement system.

AMENDATORY SECTION (Amending WSR 00-10-015, filed 4/21/00, effective 5/22/00)

WAC 415-112-125 If I am eligible, how can I establish membership? (1) **If you met the conditions in the following table, you established TRS membership.** Your plan status depends upon the date you established membership, as indicated in the following table:

Period of Service	Type of Employment	Plan
Prior to 10/01/77 ^{1/}	If you were contracted to teach full-time you were mandated into membership. If you were employed under a less than full-time contract and you exercised your option to establish membership prior to 10/01/77, you had the option to apply for membership under RCW 41.32.240, if you worked 90 or more full-time days ^{2/} during a fiscal year.	Plan 1
10/01/77 through 06/06/90	If you were contracted to teach full-time you were required to be a member. If you were employed as a substitute teacher or under a less than full-time contract, you have the option to apply for membership under RCW 41.32.240 if you worked a minimum of 90 full-time days ^{2/} during a school year, provided 1 month had at least 90 hours.	Plan 2

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Period of Service	Type of Employment	Plan
6/07/90 through 08/31/91	<p>You must have been employed in an eligible position as defined in Section 2, Chapter 274, Laws of 1990, (requiring two or more consecutive months of at least 90 hours of compensated employment each month during a school year).</p> <p>For substitute teachers: If you met the above criteria, you may apply for membership and service credit under RCW 41.32.013 and WAC 415-112-140.</p>	Plan 2
9/01/91 forward	<p>You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during a school year).</p> <p>For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.</p>	Plan 2
7/01/96	<p>You must be employed in an eligible position (requiring at least 5 months of 70 hours or more of compensated employment each month during the school year).</p> <p>For substitute teachers: If you meet the above criteria, you may apply for membership/service credit under RCW 41.32.013 and WAC 415-112-140.</p>	Plan 3

PROPOSED

¹ If you previously established Plan 1 membership as detailed above, you may reestablish Plan 1 membership after October 1, 1977.

² "Ninety days of employment," under RCW 41.32.240 and this section means either:

- (a) Ninety full-time calendar days, or the equivalent, during a school year if you were employed as a teacher under a contract; or
- (b) Ninety full-time days of actual, compensated service, or the equivalent, during a school year if you were employed as a substitute teacher.
- (c) The "equivalent" of a full-time day of employment under (a) and (b) of this subsection is the sum of partial days which, when added together, equals one full-time day.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Member" - RCW 41.32.010.
- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Full-time" - RCW 41.32.240
- (e) "Service" - RCW 41.32.010.
- (f) "Substitute teacher" - RCW 41.32.010.
- (g) "Teacher" - RCW 41.32.010.
- (h) "School year" - WAC ((415-112-0161)) 415-112-015.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-130 If I separate from, and then reenter employment, can I continue to participate in TRS? (1) If you are a TRS Plan 1 member, you will participate in TRS Plan 1 if you become reemployed with a TRS employer. If you are a Plan 1 member and have separated from service without withdrawing contributions, you will participate in the system again if you become reemployed with a TRS employer, even if you are not working as a teacher.

(2) If you terminate TRS Plan 1 membership, you will not reenter TRS Plan 1 unless you requalify for membership or repay withdrawn contributions as a dual member. If you were a Plan 1 member and have terminated your mem-

bership, you can reestablish your membership and be eligible to participate in the system again only if you:

- (a) Become reemployed as a teacher in a position or positions meeting the membership eligibility criteria under RCW 41.32.240 and WAC 415-112-125(1); or
- (b) Repaid withdrawn contributions as a dual member under portability. See RCW 41.54.020(2).

(3) If you have service credit in TRS Plan 2, you will only reestablish membership if you work as a teacher in an eligible position. If you were a Plan 2 member who separated from service, you will reestablish membership and be eligible to participate in the system again only if you:

- (a) Become reemployed as a teacher; and
- (b) Render service in a position or positions meeting the membership eligibility criteria under WAC 415-112-125(1) or 415-112-140(1).

(4) If you have service credit in TRS Plan 3, you will only reestablish membership if you work as a teacher in an eligible position. If you were a Plan 3 member who separated from service, you will reestablish membership and be eligible to participate in the system again only if you:

- (a) Become reemployed as a teacher; and
- (b) Render service in a position or positions meeting the membership eligibility criteria under WAC 415-112-125(1) or 415-112-140(1).

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Dual member" - RCW 41.54.010 and WAC 415-113-041.

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- (b) "Eligible position" - RCW 41.32.010.
- (c) "Employer" - RCW 41.32.010.
- (d) "Member" - RCW 41.32.010.
- (e) "Service" - RCW 41.32.010.
- (f) "Service in an administrative or supervisory capacity" - WAC ((415-112-0162)) 415-112-015.
- (g) "Service in an instructional capacity" - WAC 415-112-0163.
- (h) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-135 Can I be a member if I work as an educational staff associate? (1) **You are eligible for membership if you are certificated and employed as an educational staff associate.** You are a teacher for purposes of TRS membership if you:

(a) Possess a valid educational staff associate certificate issued by the office of the superintendent of public instruction under WAC 180-75-055(3); and

(b) Serve in an educational staff associate position.

(2) **Positions which qualify as an educational staff associate.** "Educational staff associate," includes but is not limited to a person employed by a public school in any of the following positions: Communications disorder specialist, occupational therapist, physical therapist, reading resource technician, school counselor, school nurse, school psychologist, school social worker and school librarian.

(3) **If you were enrolled in PERS before June 7, 1984, based on your employment as an educational staff associate, you may remain in PERS.** If you were enrolled in the PERS prior to June 7, 1984, based on employment as an educational staff associate, you will remain in PERS unless you choose either to:

- (a) Transfer your membership to TRS within the time limits established in RCW 41.32.032; or
- (b) Terminate your membership in PERS by withdrawing your accumulated contributions.

(4) **If you were enrolled in PERS prior to June 7, 1984, based on employment as an educational staff associate and converted to SERS you may maintain your SERS membership.** If you were enrolled in the PERS prior to June 7, 1984, based on employment as an educational staff associate, and were converted to SERS membership under RCW 41.40.750, you will remain in SERS unless you choose either to:

(a) Transfer your membership to TRS within the time limits established in RCW 41.32.032; or

(b) Terminate your membership in SERS Plan 2 by withdrawing your accumulated contributions.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member" - RCW 41.32.010.

(b) "Employer" - RCW 41.32.010.

(c) "Public school" - RCW 41.32.010 and WAC ((415-112-0158)) 415-112-015.

(d) "Service" - RCW 41.32.010.

(e) "Teacher" - RCW 41.32.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-155 If I work in both a TRS position and PERS position during the same school year, which system will I be in? (1) If you work in both a TRS and PERS position during the same school year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS or PERS according to the following tables:

Former TRS Plan 1 Members ¹

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a PERS-eligible position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.

PROPOSED

	A TRS employer and non-TRS employer	PERS - for PERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, you must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time teaching position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

TRS Plan 1 Members

Type of Employment ²¹	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	You must elect either to: 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.
A full-time or less than full-time TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions.
	A TRS employer and non-TRS employer	TRS - for the TRS position only; your ineligible PERS position is not reportable.

TRS Plan 2 Members

Type of Employment ²¹	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for TRS position only; your ineligible PERS position is not reported.
	A TRS employer and non-TRS employer	TRS - for TRS position only; your ineligible PERS position is not reported.
An eligible TRS position and an eligible PERS position	Same employer	TRS - for both positions.
	Separate TRS employers	TRS - for both positions. ²¹

TRS Plan 2 Members

Type of Employment ^{1/}	Type of Employer(s)	System You Will Be Reported In
	A TRS employer and non-TRS employer	You must elect either to: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions; <li style="text-align: center;">or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

PERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible PERS position and an ineligible TRS or substitute position	Same employer	PERS - for both positions.
	Separate TRS employers	PERS - for the PERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125 (1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in PERS will be transferred to TRS.
	A TRS employer and non-TRS employer	PERS - for the PERS position only. You will not be reported for the TRS position unless you elect to either: <ol style="list-style-type: none"> 1. Have your TRS service reported in PERS and receive service credit in PERS for both positions:or 2. Have your TRS service reported in TRS and not receive service credit for the PERS position.

Neither TRS Nor PERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible PERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate employers, TRS or non-TRS	Neither position reported.
A substitute teaching position and an ineligible PERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate employers, TRS or non-TRS	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member", as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

^{3/} EXAMPLE: A TRS 2 member teaches in an eligible position and during the summer, she works for a state agency in an eligible position under PERS. Because the member has established membership in TRS 2 through employment as a teacher, her state agency employer must report her service and compensation from the PERS position to the Department in TRS 2.

EXAMPLE: A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible PERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the PERS position to the Department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in PERS for the PERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

PROPOSED

- (a) "Eligible position" - RCW 41.32.010 (TRS); RCW 41.40.010 (PERS).
- (b) "Employer" - RCW 41.40.010 (PERS); RCW 41.32.010 (TRS).
- (c) "Full time" - RCW 41.32.240.
- (d) "Ineligible position" - WAC ((415-112-0154)) 415-112-015 (TRS); RCW 41.40.010 (PERS).
- (e) "Member" - RCW 41.40.010.
- (f) "Membership" - RCW 41.40.023.
- (g) "Report" - WAC 415-108-0104.
- (h) "Service" - RCW 41.40.010.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-112-156 If I work in both a TRS position and SERS position during the same school year, which system will I be in? (1) If you work in both a TRS and SERS position during the same year, your membership status and the nature of your positions will determine the system your employer will report you in. You will be reported in either TRS and SERS according to the following table:

Former TRS Plan 1 Members ¹

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A substitute or less than full-time teaching position and a SERS-eligible position	Same SERS employer	SERS - for both positions.
	Separate SERS employers	SERS - for SERS position only. Your substitute part-time position is not reported unless you qualify for and elect to establish TRS membership under RCW 41.32.240. If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.
A full-time teaching position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 1 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
A full-time or less than full-time TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.
A full-time or less than full-time TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions.

TRS Plan 2 or 3 Members

Type of Employment ²	Type of Employer(s)	System You Will Be Reported In
An eligible TRS position and an ineligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for TRS position only; your ineligible SERS position is not reported.
An eligible TRS position and an eligible SERS position	Same employer	TRS - for both positions.
	Separate SERS employers	TRS - for both positions. ²

PROPOSED

SERS Members

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An eligible SERS position and an ineligible TRS or substitute position	Same employer	SERS - for both positions.
	Separate SERS employers	SERS - for the SERS position only, unless you qualify for and elect to establish membership in TRS at the end of the school year under WAC 415-112-125 (1). If you elect to establish TRS membership, your employers will report you in TRS for both positions. Any previously reported service credit and compensation in SERS will be transferred to TRS.

Neither TRS Nor SERS Member

Type of Employment ^{2/}	Type of Employer(s)	System You Will Be Reported In
An ineligible TRS and an ineligible SERS position	Same employer	TRS - for both positions if the positions combined, qualify as an eligible position.
	Separate SERS employers	Neither position reported.
A substitute teaching position and an ineligible SERS position	Same employer	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.
	Separate SERS employers	Neither position reported. However, if you qualify, you may elect to establish membership in TRS at the end of the school year for your substitute teaching position under RCW 41.32.013 and WAC 415-112-140.

^{1/} "Former TRS 1 member," as used here, means you terminate your membership by withdrawing your contributions.

^{2/} Means during the same school year.

^{3/} **EXAMPLE:** A TRS 2 member is employed concurrently by School District A in an eligible TRS position and by School District B in an eligible SERS position. Because he is a TRS 2 member, School District B employer must report his service and compensation from the SERS position to the department in TRS 2. If the member terminates his employment in the TRS position with School District A, School District B will report him in SERS for the SERS position.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Eligible position" - RCW 41.35.010(SERS); RCW 41.32.010 (TRS).

(b) "Employer" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(c) "Ineligible position" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(d) "Member" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

(e) "Membership" - RCW 41.35.030 (SERS).

(f) "Report" - WAC ((415-110-0104)) 415-110-010 (SERS).

(g) "Service" - RCW 41.35.010 (SERS); RCW 41.32.010 (TRS).

AMENDATORY SECTION (Amending WSR 02-02-060, filed 12/28/01, effective 1/1/02)

WAC 415-112-541 How will returning to work affect my TRS Plan 1 monthly pension? This section implements RCW 41.32.570, which limits employment for TRS Plan 1 retirees with public educational institutions to fifteen hundred hours regardless of the nature of service.

(1) You may return to any type of service with a public education institution for up to fifteen hundred hours per school year as defined in WAC 415-112-0161 without affecting your TRS Plan 1 monthly pension under RCW 41.32.570, provided you have been retired from service for one full calendar month (see WAC 415-112-520 and 415-112-525 for more information).

(a) Your employer must notify the department when you return to work. Your employer must report hours and compensation.

(b) If you are a TRS Plan 1 retiree and you work more than fifteen hundred hours during a fiscal year, the department will suspend your monthly pension. The pension is suspended until the first of the next fiscal year or termination of your employment, whichever comes first.

(c) The TRS Plan 1 limits will be applied to retirees from both TRS Plan 1 and a Plan 2 or 3 in another pension plan.

(d) The TRS Plan 1 limits will be applied to retirees from both TRS Plan 1 and PERS Plan 1.

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(e) If you are a TRS Plan 1 retiree working for a public education institution as a bona fide independent contractor as determined under WAC 415-02-110, you are not considered an employee of the institution and are not subject to the work limitations.

(2) If the department suspends your benefit because of your reemployment, the department will reinstate the original amount of your pension, less deductions to recover any overpayment, effective the day following your termination of employment, or at the beginning of the next fiscal year, whichever comes first.

(3) You must repay any monthly pension payment that you receive in excess of the amounts allowed under this section.

(4) You may choose to return to membership if you are employed by a public education institution and are otherwise eligible. Membership will be prospective from the month in which you opt into membership.

(5) Defined terms used. Definitions for the following term used in this section may be found in the section listed.

Public educational institution: WAC ((415-112-0157)) 415-112-015.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-112-0151	Contract period—Definition.
WAC 415-112-0154	Ineligible position—Definition.
WAC 415-112-0156	Pension benefit—Definition.
WAC 415-112-0157	Public educational institution—Definition.
WAC 415-112-0158	Public school—Definition.
WAC 415-112-0159	Qualified to teach—Definition.
WAC 415-112-0160	Reportable compensation—Definition.
WAC 415-112-0161	School year—Definition.
WAC 415-112-0162	Service in an administrative or supervisory capacity—Definition.
WAC 415-112-0163	Service in an instructional capacity—Definition.
WAC 415-112-0165	Spousal consent—Definition.
WAC 415-112-0167	System acronyms—Definition.

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-113-030 Definitions for purposes of ((WAC 415-113-035 through 415-113-200)) chapter 415-113 WAC. (1) All definitions in RCW 41.54.010 and WAC 415-02-030 apply to terms used in this chapter. Other terms relevant to the administration of chapter 41.54 RCW are defined in this chapter ((at WAC 415-113-0301 through 415-113-0310)).

(2) Average compensation means the compensation used by a particular retirement system to calculate a dual member's service retirement allowance. The actual meaning of the term varies depending upon the retirement system. With respect to each dual member system, "average compensation" means:

(a) First class city retirement systems: Final compensation as defined in RCW 41.28.010;

(b) LEOFF Plan 2: Final average salary as defined in RCW 41.26.030 (12)(b);

(c) PERS: Average final compensation as defined in RCW 41.40.010(17);

(d) SERS: Average final compensation as defined in RCW 41.35.010(14);

(e) Statewide cities retirement systems: Final compensation as defined in 41.44.030(14).

(f) TRS:

(i) Plan 1: Average earnable compensation as defined in RCW 41.32.497 and 41.32.498;

(ii) Plans 2 and 3: Average final compensation as defined in RCW 41.32.010(30); and

(g) WSPRS: Average final salary as defined in RCW 43.43.120(15).

(3) Dual member system refers to the state and city retirement systems admitted to participate under chapter 41.54 RCW. These systems include:

(a) First class city retirement systems of Seattle, Tacoma and Spokane;

(b) Law enforcement officers' and fire fighters' retirement system (LEOFF) Plan 2;

(c) Public employees' retirement system (PERS) Plans 1, 2 and 3;

(d) School employees' retirement system (SERS) Plans 2 and 3;

(e) Statewide cities employees' retirement system (SCERS);

(f) Teachers' retirement system (TRS) Plans 1, 2 and 3; and

(g) Washington state patrol retirement system (WSPRS) Plans 1 and 2.

(4) First class city retirement systems means the retirement systems for the non-LEOFF member employees of the cities of Seattle, Spokane and Tacoma authorized by chapter 41.28 RCW.

(5) Member participant.

(a) For all dual member systems administered by the department other than TRS Plan 1, "member participant" means a person who is employed for compensation in a dual

member system qualifying position and is admitted into the membership of the system.

(b) For TRS Plan 1, "member participant" includes persons meeting the definition of (a) of this subsection and also includes members who are not employed for compensation but have accumulated contributions standing to their credit with TRS.

(c) This definition may not apply to first class city systems. See RCW 41.54.061 and WAC 415-113-005. If you have a question, you should contact the appropriate first class city system.

(6) Multiple system benefit means retirement allowances from two or more dual member systems calculated under chapter 41.54 RCW.

(7) Multiple system participant means a person who is a participant in two or more dual member systems.

(8) Multiple system retiree means a person who chooses to retire under the provisions of chapter 41.54 RCW.

(9)(a) Nonmember participant means a person who is no longer employed in a dual member system qualifying position but has not withdrawn his or her accumulated employee contributions.

(b) This definition does not apply to TRS Plan 1. A TRS Plan 1 member who meets the criteria of (a) of this subsection is a member participant. See WAC 415-113-0307.

(c) This subsection applies only to the retirement systems listed in RCW 41.50.030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-041 Am I a dual member? You must meet all of the following criteria to be a dual member:

(1) **You must be a participating member of a dual member system.** You must be a current member participant in at least one of the systems listed in WAC 415-113-030 to be a dual member. You may have established dual member status if you are or were a member participant in one of those systems on or after:

(a) July 1, 1988, for current or former members of all plans of PERS, SERS, TRS, SCERS or WSPRS;

(b) July 25, 1993, for current or former members of LEOFF Plan 2; or

(c) January 1, 1994, for current or former members of a first class city retirement system;

(2) **You must also be a former or current member of at least one other system listed in WAC 415-113-0303.**

(3) **You must not have been retired for service from a retirement system.** You are not a dual member if you have ever been retired for service from any retirement system administered by the department of retirement systems or a first class city retirement system.

(4) If you are receiving a disability retirement allowance or disability leave benefits from a dual member system or LEOFF Plan 1, you cannot be a dual member.

(a) If you have received a lump sum disability benefit from PERS Plan 2 or 3, SERS Plan 2 or 3, TRS Plan 2 or 3 or LEOFF Plan 2 you are in receipt of a disability benefit unless the department has found that you are no longer disabled.

(b) You are not receiving a disability retirement allowance or disability leave benefits if you:

(i) Previously received disability benefits and the department has subsequently found that you are no longer disabled, and has terminated your disability benefit; or

(ii) Retired for disability from service from WSPRS Plan 1 or 2.

Example 1: A former PERS Plan 1 member who has never been retired and becomes a member participant in TRS Plan 2 through employment with a TRS employer becomes a dual member.

(5) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4).

(b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(c) "Member participant" - WAC ((415-113-0305)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-042 What can terminate my status as a dual member? (1) **If you terminate your status as a participating member, you also terminate your status as a dual member.** If you are no longer a member participant in any dual member system, you are no longer a dual member. If you later become a member of a dual member system, you again become a dual member.

Example 2: Upon separation from TRS Plan 2 eligible employment, the person in Example 1 (see WAC 415-113-041) is no longer a member of TRS Plan 2 nor a dual member.

(2) **If you retire, you are no longer a dual member.** When you retire from any or all dual member systems, you are no longer a dual member except for the purpose of receiving a deferred retirement allowance under RCW 41.54.030(3) and WAC 415-113-070.

(3) **If you terminate dual membership, you may still be eligible to receive a multiple system benefit if otherwise eligible.** The accrual date of your retirement allowance will vary depending upon the provisions of the particular system. You can find the accrual dates of different dual member systems in the following provisions:

(a) **LEOFF 2:** RCW 41.26.490;

(b) **PERS 1:** RCW 41.40.193;

(c) **PERS 2:** RCW 41.40.680;

(d) **PERS 3:** RCW 41.40.801;

(e) **SERS 2:** RCW 41.35.450;

(f) **SERS 3:** RCW 41.35.640;

(g) **TRS 1:** WAC 415-112-520;

(h) **TRS 2:** RCW 41.32.795;

(i) **TRS 3:** RCW 41.32.855.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(c) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(d) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-045 Can I reestablish service credit in a prior system? (1) **You may reestablish service credit terminated by a withdrawal of contributions from a prior system.** If you repay contributions you withdrew from a prior dual member system plus interest from the date of withdrawal you will recover the service terminated by the withdrawal. To qualify, you must repay the contributions plus interest within twenty-four consecutive months from the date you became a dual member.

(a) The twenty-four-month restoration period continues to run even if you terminate dual member status.

(b) If you terminate your dual member status but later become a dual member again, you have twenty-four consecutive months from the date you regain dual member status to repay withdrawn contributions.

Example 3: A person becomes a dual member on January 1, 1994. She has until December 31, 1995, to restore any previously withdrawn contributions for service credit in a prior system regardless of whether she subsequently loses her status as a dual member.

Example 4: A person becomes a dual member on January 1, 1994, separates from membership on January 1, 1995, and then reenters membership on January 1, 1996. He has until December 31, 1997, twenty-four consecutive months from the date he regained dual member status, to restore withdrawn contributions in any prior system.

(c) If you have previous service in LEOFF Plan 2 or a first class city system:

(i) If you were a dual member on July 25, 1993, and you used to be a member of LEOFF Plan 2, you have until July 24, 1995, to repay your withdrawn contributions.

(ii) If you were a dual member on January 1, 1994, and you used to be a member of a first class city retirement system, you have until December 31, 1995, to repay your withdrawn contributions.

Example 5: A person is a member participant in PERS Plan 2 and has previous service in LEOFF Plan 2. LEOFF Plan 2 was newly admitted to participate under the portability provisions of chapter 41.54 RCW on July 25, 1993. Therefore, the person has until July 24, 1995, to restore her prior LEOFF Plan 2 service.

(2) **You may reestablish TRS Plan 1 membership.** If a PERS member restores withdrawn TRS Plan 1 contributions under this section he or she:

(a) Reestablishes membership in TRS Plan 1; and

(b) Will participate prospectively in TRS Plan 1 if employed by a state agency, school district or other TRS employer.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(c) "First class city retirement system" - WAC ((415-113-0304)) 415-113-030.

AMENDATORY SECTION (Amending WSR 96-20-004, filed 9/19/96, effective 10/20/96)

WAC 415-113-055 Am I eligible for a multiple system benefit? To be eligible for a multiple system benefit, you must meet the criteria listed in this section.

(1) **You may retire for service or disability.** You may retire with a multiple system benefit if you retire from all systems for service. You may also retire with a disability retirement from your current system, other than a benefit provided by RCW 41.40.220 or WSPRS, and a service retirement from your prior system.

(2) **You must retire from all systems.** You may only retire with a multiple system benefit if you retire from all dual member systems that you participate in.

(3) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Accumulated contributions" - WAC ((415-113-0304)) 415-113-030.

(b) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(c) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

AMENDATORY SECTION (Amending WSR 95-03-001, filed 1/4/95, effective 2/4/95)

WAC 415-113-057 Am I required to retire with a multiple system benefit? You are not required to retire with a multiple system benefit. You may elect to retire from a system or systems without the benefits or restrictions of chapter 41.54 RCW. If you choose to retire from more than one system without receiving a multiple system benefit, you are not subject to the maximum benefit limitation of RCW 41.54.070 and WAC 415-113-090(1).

(1) **Waiver of benefits.** If you decide not to receive a multiple system benefit, you waive the right to:

(a) Substitute your base salary between retirement systems for purposes of calculating a retirement allowance; or

(b) Combining your service from each system for purposes of determining retirement eligibility.

(2) **You are not required to retire with a multiple system benefit even if you repaid contributions as a dual**

member. If you repaid previously withdrawn contributions from a prior dual member system under RCW 41.54.020, you may still elect to retire from one or more systems without receiving a multiple system benefit.

(3) **If you decline a multiple system benefit, you may withdraw your contributions.** If you elect to retire without receiving a multiple system benefit, you may withdraw your accumulated contributions from a system in lieu of receiving a retirement allowance, provided that withdrawal is otherwise permissible under the systems' provisions.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Accumulated contributions" - WAC ((415-113-0304)) 415-113-030.

(b) "Base salary" - RCW 41.54.010(1).

(c) "Dual member" - RCW 41.54.010(4), WAC ((415-113-0303)) 415-113-030.

(d) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(e) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-065 Can I substitute salary from one system to another? (1) You can substitute base salary between systems.

(a) If you choose to retire with a multiple system benefit, you may substitute your base salary under one dual member system for your includable compensation in a second dual member system for purposes of computing a retirement allowance from the second system. Using the substituted salary, the department will compute your average compensation under each system's own requirements.

Example 6: At retirement, Sandy is a member participant in PERS Plan 2 and has prior creditable service in TRS Plan 1. She earned her highest compensation during her PERS Plan 2 service. Sandy's PERS Plan 2 retirement allowance will be based on her PERS Plan 2 average compensation. For purposes of computing her TRS average compensation and retirement allowance, Sandy may substitute her PERS Plan 2 base salary earned over two consecutive fiscal years for her earnable compensation in TRS.

Example 7: At retirement, Pat is a member participant in TRS Plan 1 and has prior creditable service in PERS Plan 1. He earned his highest compensation during his membership in TRS Plan 1 and received a sick-leave cashout. Pat may substitute his base salary earned while a member in TRS Plan 1 for his PERS Plan 1 compensation earnable. However, because Pat may substitute only his base salary from TRS Plan 1 for his compensation earnable in PERS, his PERS average compensation will

not include the cashout payments from his TRS employer.

(b) If you do not have sufficient service credit months in one dual member system to complete an average compensation period under that system, the department will substitute the appropriate number of months of base salary from another system to complete the average compensation period.

Example 8: Tim has creditable service in TRS Plan 1 and PERS Plan 2. He retires at age sixty-five after accruing twenty-four months of service in PERS Plan 2. Under PERS Plan 2, a member's average compensation period is the member's highest consecutive sixty-month period of compensation. To compute Tim's PERS Plan 2 retirement allowance, the department will substitute his highest consecutive thirty-six service credit months of TRS base salary to complete the PERS sixty-month average compensation period.

(2) **Adjusted full-time salary is not base salary.** A multiple system retiree's adjusted full-time salary under RCW 41.32.345 shall not constitute base salary for purposes of computing the retiree's multiple system benefit.

(3) **Includable compensation defined.** For purposes of this chapter, "includable compensation" means:

(a) Earnable compensation under TRS Plan 1, 2 or 3 as defined in RCW 41.32.010(10);

(b) Compensation earnable under PERS Plan 1, 2 or 3 as defined in RCW 41.40.010(8);

(c) Basic salary under LEOFF Plan 2 as defined in RCW 41.26.030 (13)(b);

(d) Monthly salary under WSPRS Plan 1 or 2 as defined in RCW 43.43.120(23) ((and WAC 415-103-010)); and

(e) Compensation earnable under SERS Plan 2 or 3 as defined in RCW 41.35.010(6).

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Average compensation" - WAC ((415-113-0302)) 415-113-030.

(b) "Base salary" - RCW 41.54.010(1).

(c) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(d) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(e) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

(f) "Multiple system retiree" - WAC ((415-113-0308)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-070 If I retire as a dual member, must I receive benefits from both systems immediately? (1) If you qualify to retire in one system but not the second system, you may nonetheless choose to retire *from both systems* and receive a multiple system benefit.

(2) If you retire with a multiple system benefit, before you have become eligible in a second system(s), you must either:

(a) Take an actuarial reduction in the retirement allowance you receive from the second system(s); or

(b) Defer receipt of your retirement allowance in the second system(s) under RCW 41.554.030(3).

(3) If you take an actuarial reduction under subsection (2)(a) of this section, the reduction will account for the difference between your age at the time you begin to receive the retirement allowance and the earliest age when you would be fully eligible based on your combined service. You are "fully eligible" when you meet the age and service qualifications for retirement for each system.

(4) If you defer receipt of your retirement allowance under subsection (2)(b) of this section:

(a) You will retain dual member status for the sole purpose of receiving a deferred retirement allowance from the second system(s); and

(b) You may not subsequently withdraw accumulated contributions from the second system(s).

Example 9: A sixty-two year old dual member of PERS Plan 1 and TRS Plan 2 retires. He chooses to receive PERS Plan 1 benefits but defers receipt of a TRS Plan 2 retirement allowance. If he becomes reemployed in a TRS Plan 2 eligible position, he will reenter TRS Plan 2 membership if otherwise eligible and terminate his dual member status, but he will continue to receive his PERS Plan 1 retirement allowance until he works more than the work-limit in a calendar year under WAC 415-108-710. The member's eligibility to retire from TRS Plan 2 will be based solely on his accrued service credit in TRS Plan 2 and his TRS Plan 2 retirement allowance will be based solely on his compensation while he was a member participant in TRS Plan 2.

Example 10: Assume the retiree in Example 9 above became reemployed in a PERS position rather than a TRS Plan 2 position. He could work in this position up to the work-limit in a calendar year under WAC 415-108-710 without having his PERS retirement allowance suspended. If the retiree works over the work-limit:

- The department would suspend his retirement allowance until the next calendar year. He would remain a dual member. He would be able to retire in TRS 2 if otherwise eligible;

- The retiree could choose to reenter PERS Plan 1 membership at any time, if otherwise eligible, and terminate his dual member status. His choice for membership is not retroactive. The effect on the person's right to a TRS Plan 2 benefit is the same as in Example 9. See WAC 415-108-710.

(5) **If you defer your retirement allowance and die before you begin receiving the allowance, your survivor may receive a continuing benefit.** If you defer receipt of your retirement allowance from a system and die before you choose to begin receiving the allowance:

(a) Your surviving spouse, if any, must choose to receive either:

(i) A joint and one hundred percent survivor option from the deferred system. If your surviving spouse selects this option, your base salary under one system may be substituted for your includable compensation in the deferred system to compute the survivor retirement allowance from the deferred system; or

(ii) A refund of your accumulated contributions from the deferred system.

(b) If you do not have a surviving spouse, the department will pay your accumulated contributions from the deferred system to:

(i) Your designated beneficiary or beneficiaries; or

(ii) Your estate, if there are no living beneficiaries.

(6) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(b) "Includable compensation" - WAC 415-113-065(3).

(c) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(d) "Multiple system participant" - WAC ((415-113-0307)) 415-113-030.

(e) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

(f) "System" - RCW 41.54.010(6).

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-080 Can I retire retroactively? You may retire retroactively. If you retire from all dual member systems, your retirement allowance from a prior system will be retroactive back to your accrual date under the prior system.

(1) **Accrual date determined.** The department will determine your accrual date in each system by combining your total service and applying the statute or rule designating accrual dates in the particular system. Your accrual date for purposes of this section is the date that your combined service first makes you eligible for an unreduced benefit.

Example 11: A person is a fifty-five year old member participant in PERS Plan 2 and a nonmember participant in LEOFF Plan 2. The person decides not to retire from LEOFF Plan 2 until he is eligible to retire with full benefits from PERS Plan 2 at age sixty-five. Upon retirement, he will be entitled to a LEOFF Plan 2 retirement allowance effective on his accrual date under LEOFF Plan 2 (i.e., age fifty-five).

Example 12: A person with twenty years of prior service in TRS Plan 1 becomes a member participant in PERS Plan 2 on her fifty-fourth birthday. By

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combining her service in both systems under chapter 41.54 RCW, she will become eligible to retire under TRS Plan 1 at age fifty-nine with twenty-five total years of service. Assume she retires from both systems at age sixty-five. Her TRS Plan 1 retirement allowance will be effective back to the date it accrued under TRS Plan 1 (i.e., the first of month following the month she turns fifty-nine).

(2) You cannot use salary earned after your accrual date in calculating your retroactive benefit. If you retire retroactively from a prior system, the department will not use any of the salary you earned after your accrual date to compute your benefit from the prior system.

Example 13: A PERS Plan 1 member receives a salary of \$3,000 per month. She has 30 years of service credit at age 50 and is eligible to retire with an unreduced (full) benefit.

Subsequently, she is offered a TRS Plan 3 covered position at a monthly salary of \$3,500. If she accepts the TRS Plan 3 position, will she be able to use its higher monthly salary of \$3,500 as base salary to calculate her PERS Plan 1 retirement benefit when she does retire? **No, she will not.** The TRS Plan 3 salary would have been earned

after the PERS Plan 1 accrual date: The date that she first became eligible to retire with an unreduced benefit under PERS Plan 1 rules.

(3) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member system" - WAC ((415-113-0303)) 415-113-030.

(b) "Member participant" - WAC ((415-113-0305)) 415-113-030.

(c) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-082 Could retroactive retirement cancel my membership in a subsequent system? (1) If you retire retroactively from a prior system, you could cancel your membership in a subsequent system. If your membership in a subsequent system would have been prohibited under RCW 41.04.270 but for your status as a dual member, and you retire retroactively from a prior system, the department will cancel your membership and refund your contributions in the subsequent system under RCW 41.54.020(1). Your retroactive retirement from a prior system may cancel your membership in a subsequent system according to the following table:

How much service did you earn in your prior system?	Were you eligible to retire in the prior system before you became a member of your subsequent system?	Will retroactive retirement from your prior system cancel your membership in subsequent system?
15 years or more	No	No (See Example 13)
15 years or more	Yes	Yes, unless you retire from both the prior and subsequent system under RCW 41.54.030(2). (See Example 14)
Less than 15 years	No	No (See Example 15)
Less than 15 years	Yes	No (See Example 15)

See RCW 41.54.020(1) and RCW 41.04.270.

Example 14: A nonmember participant in LEOFF Plan 2 who has accrued sixteen years of service in LEOFF Plan 2 became a member of PERS Plan 2 at age fifty-four. Because she became a member participant of PERS Plan 2 at age fifty-four, prior to attaining retirement eligibility under LEOFF Plan 2 (i.e., age fifty-five), she may later retire retroactively from LEOFF Plan 2, subject to LEOFF Plan 2 criteria, while continuing membership in PERS Plan 2.

Example 15: A nonmember participant in LEOFF Plan 2 with sixteen years of accrued service became a member of PERS Plan 2 at age fifty-five. If he attempts to retire from LEOFF Plan 2 while continuing membership in PERS Plan 2, the department will

cancel his PERS Plan 2 membership and refund his PERS contributions. However, if he retires from both systems, he is entitled to retain the benefits of his PERS Plan 2 membership.

Example 16: Assume either of the retirees in Examples 13 and 14 above had accrued less than fifteen years of service in LEOFF Plan 2. In this case, RCW 41.04.270 would not apply to prevent the retirees from establishing PERS Plan 2 membership. Either person could retire retroactively from the LEOFF Plan 2 without canceling membership and participation in PERS Plan 2.

(2) Defined terms used. Definitions for the following terms used in this section may be found in the sections listed.

(a) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.

(b) "Member participant" - WAC ((~~415-113-0305~~)) 415-113-030.

(c) "Nonmember participant" - WAC ((~~415-113-0309~~)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-084 How will my benefit be computed if I retire retroactively from LEOFF Plan 2? (1) Computation of your retroactive LEOFF Plan 2 retirement allowance. If you retire with a multiple system benefit and one of your retirement allowances is a retroactive LEOFF Plan 2 allowance, the department will compute your LEOFF Plan 2 allowance based upon the greater of:

(a) Your LEOFF Plan 2 final average salary, substituting some or all of your base salary under the second system which you earned prior to the date your LEOFF Plan 2 retirement allowance began to accrue (i.e., age fifty-five); or

(b) An indexed retirement allowance under RCW 41.26.530(2) using your LEOFF Plan 2 average compensation.

Example 17: A person who is a nonmember participant of LEOFF Plan 2 and a member participant of PERS Plan 2 retires from both systems at age sixty-five. If he had accrued twenty-one years of creditable service in LEOFF Plan 2, the multiple system retiree's LEOFF Plan 2 retirement allowance may be based upon either: His substituted PERS Plan 2 base salary which he earned prior to attaining retirement eligibility in LEOFF at age fifty-five; or the LEOFF Plan 2 indexed retirement allowance under RCW 41.26.530(2) using his LEOFF Plan 2 average compensation. The department will use the method which results in the largest retirement allowance.

(2) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

(a) "Member participant" - WAC ((~~415-113-0305~~)) 415-113-030.

(b) "Multiple system benefit" - WAC ((~~415-113-0306~~)) 415-113-030.

(c) "Multiple system retiree" - WAC ((~~415-113-0308~~)) 415-113-030.

(d) "Nonmember participant" - WAC ((~~415-113-0309~~)) 415-113-030.

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-113-090 What is the maximum retirement benefit that I may receive under chapter 41.54 RCW? (1) Your multiple system benefit may not exceed the highest maximum benefit which you would be permitted to receive under any one of the dual member systems from which you are retiring if all of your service had been provided in one system. See RCW 41.54.070.

(2) **The department will compute your maximum multiple system benefit in the following order:**

(a) **Calculate the maximum benefit you could receive under each system.** The department will compute your maximum benefit according to the benefit limitation provisions of each system as if you had earned your total career service and compensation in that system. In computing your maximum benefit under each system, the department will:

(i) Apply the provisions of each system governing the calculation of your average compensation in that system; and
(ii) Assume you earned all of your career service with your last employer for purposes of determining any limitations on the inclusion of leave cashouts in your average compensation.

Example 18: A multiple system retiree retires from TRS Plan 1 state employment with prior creditable PERS Plan 1 service. His PERS employer pays him an accrued sick leave cashout at termination. Because a sick leave cashout from a state agency employer is not includable as TRS earnable compensation, the department will not include the cashout in the retiree's average compensation for purposes of computing either his PERS Plan 1 or TRS Plan 1 maximum benefit.

Example 19: A multiple system retiree retires from PERS Plan 1 local government employment and receives a sick leave cashout. Because a sick leave cashout from a local government employer may be included as earnable compensation, the department will include the sick leave cashout to compute the retiree's maximum benefits under both PERS Plan 1 and TRS Plan 1.

(b) **Determine your retirement allowances from each system.** After computing your maximum benefit, the department will determine the retirement allowances to which you are entitled from each system under chapter 41.54 RCW before making any reduction under RCW 41.54.070. If applicable, the department will then reduce the amount of your retirement allowances provided by either of the dual member systems for:

(i) Your status as a nonmember participant of WSPRS Plan 1 or 2 pursuant to RCW 43.43.280(2); or

(ii) Your choice to retire early from a Plan 2 system under RCW 41.40.630(2), 41.32.765(2), 41.35.420(2), and 41.26.430(2) or Plan 3 system under RCW 41.32.875(2), 41.35.680(2), and 41.40.820(2).

(c) **Compute your total multiple system benefit.** Upon computing your retirement allowances from each system and making any applicable reductions under (b) of this subsection, the department will add the systems' allowances to compute your total multiple system benefit.

(d) **Compare your total multiple system benefit with your maximum benefit and, if necessary, proportionately reduce your retirement allowances.** The department will then compare your total multiple system benefit with your maximum benefit calculated in (a) of this subsection. If your

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total multiple system benefit exceeds your maximum benefit, the department will proportionately reduce your retirement allowances provided by each system as follows:

- (i) Calculate what proportion your total multiple system benefit is provided by each system separately; and
- (ii) Proportionately reduce the benefit provided by each system to account for the excess of your total multiple system benefit over your maximum benefit.

Example 20: A person with twenty-nine years of prior service in TRS Plan 1 and one year of subsequent service in PERS Plan 2 retires from both systems at age sixty-five. The retiree's TRS Plan 1 average compensation is thirty thousand dollars. The TRS Plan 1 maximum benefit is sixty percent of average compensation. The retiree's maximum TRS benefit is eighteen thousand dollars or one thousand five hundred dollars per month. The retiree's PERS Plan 2 average compensation is twenty-eight thousand dollars. The retiree's maximum PERS 2 benefit is sixteen thousand eight hundred dollars or one thousand four hundred dollars per month. The retiree's maximum benefit is the higher of the two amounts, one thousand five hundred dollars per month.

Assume the retiree's accrued service is such that her actual TRS Plan 1 monthly benefit is one thousand four hundred fifty dollars and her PERS Plan 2 monthly benefit is one hundred dollars. The retiree's total multiple system benefit is the sum of her TRS Plan 1 and PERS Plan 2 benefits, or one thousand five hundred fifty dollars. Because the retiree's total multiple system benefit exceeds her maximum benefit by fifty dollars, the department would proportionately reduce her TRS Plan 1 and PERS Plan 2 benefits. Her TRS Plan 1 benefit is 29/30 of her total service or ninety-seven percent, and her PERS Plan 2 benefit is 1/30 of total service, or three percent. The department would reduce her TRS Plan 1 benefit by ninety-seven percent of the overage, or forty-eight dollars and fifty cents (50 x .97) and her PERS Plan 2 benefit by three percent of the overage, or one dollar and fifty cents (50 x .03).

(3) **If you select a benefit payment option, the department will reduce your multiple system benefit to account as appropriate.** After making any applicable maximum benefit reductions, the department will further reduce your benefit if you choose:

- (a) To withdraw your accumulated contributions at the time you retire from TRS Plan 1;
 - (b) A survivor benefit option; or
 - (c) A cost-of-living adjustment (COLA) option.
- (4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed.

- (a) "Average compensation" - WAC ((415-113-0302)) 415-113-030.
- (b) "Dual member" - RCW 41.54.010(4), WAC 415-113-041.
- (c) "Dual member system" - WAC ((415-113-0303)) 415-113-030.
- (d) "First class city system" - WAC ((415-113-0304)) 415-113-030.
- (e) "Member participant" - WAC ((415-113-0305)) 415-113-030.
- (f) "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.
- (g) "Multiple system retiree" - WAC ((415-113-0308)) 415-113-030.
- (h) "Nonmember participant" - WAC ((415-113-0309)) 415-113-030.

AMENDATORY SECTION (Amending WSR 99-22-043, filed 10/29/99, effective 11/29/99)

WAC 415-113-100 Am I eligible for a lump sum retirement allowance? (1) If you retire with a multiple system benefit and one of your retirement allowances is less than fifty dollars per month, you may receive a lump sum payment as allowed under RCW 41.54.090.

(2) Unless you are retiring from TRS Plan 1, the department will use your standard retirement allowance to determine your eligibility for lump sum cashouts under RCW 41.54.090.

(3) If you are retiring from TRS Plan 1, the department will use your maximum retirement allowance under TRS Plan 1 to determine your eligibility for lump sum cashouts under RCW 41.54.090.

(4) **Defined terms used.** Definitions for the following terms used in this section may be found in the sections listed: "Multiple system benefit" - WAC ((415-113-0306)) 415-113-030.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-113-0301	Accumulated contributions—Definition.
WAC 415-113-0302	Average compensation—Definition.
WAC 415-113-0303	Dual member system—Definition and system acronyms.
WAC 415-113-0304	First class city retirement systems—Definition.
WAC 415-113-0305	Member participant—Definition.
WAC 415-113-0306	Multiple system benefit—Definition.
WAC 415-113-0307	Multiple system participant—Definition.

WAC 415-113-0308	Multiple system retiree— Definition.
WAC 415-113-0309	Nonmember participant— Definition.

WSR 02-15-154
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 23, 2002, 8:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-078.

Title of Rule: Actuarial tables, schedules, and factors.

Purpose: The Office of the State Actuary published a 1995 – 2000 actuarial experience study in January 2002 which included updated actuarial factors. The Department of Retirement Systems (DRS) is updating WACs to reflect new actuarial projections. At the same time, DRS is making the WACs easier to understand and including examples to help members, retirees, and beneficiaries understand how to use the charts. DRS is also consolidating the charts into one location in the WACs. DRS has also consolidated the charts, to meet the regulatory reform objective of cutting down on the total number of pages of WACs. The new WACs are WAC 415-02-300, 415-02-320, 415-02-340, 415-02-360, 415-02-380, and 415-103-300. The amended WACs are WAC 415-104-108, 415-108-340, 415-110-340, and 415-112-040.

Statutory Authority for Adoption: RCW 41.50.050(5).

Statute Being Implemented: Chapter 41.45 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

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

Name of Proponent: Department of Retirement Systems, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

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

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

Hearing Location: Department of Retirement Systems, 6835 Capitol Boulevard, Conference Room 115, Tumwater, WA, on August 27, 2002, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact the rules coordinator by seven days before the hearing, if possi-

ble, phone (360) 664-7291, TTY (360) 586-5450, e-mail merryk@drs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Merry A. Kogut, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, e-mail merryk@drs.wa.gov, fax (360) 753-3166, by 5:00 p.m. on August 27, 2002.

Date of Intended Adoption: No sooner than August 28, 2002.

July 22, 2002

Merry A. Kogut

Rules Coordinator

ACTUARIAL TABLES, SCHEDULES, AND FACTORS

NEW SECTION

WAC 415-02-300 How does the department use actuarial tables, schedules, and factors? (1) The department uses actuarial tables, schedules, and factors to calculate optional retirement allowances for members, retirees, and beneficiaries.

(2) The department adopted these tables, schedules, and factors upon the office of the state actuary's (OSA) recommendation, following OSA's investigation into the mortality, service, compensation, and other experience of retirement plan members, retirees, and beneficiaries.

(3) These tables, schedules, and factors may be amended from time to time, based upon subsequent actuarial investigation.

(4) The department uses the tables, schedules, and factors in effect at the time of the member's retirement to calculate the member's retirement allowance.

(5) The department will use these tables, schedules, and factors to process any payments when there is a death in service.

(6) The tables, schedules, and factors in this chapter apply to the calculation of retirement allowances for those who retire on or after September 1, 2002, (until subsequent amendment).

NEW SECTION

WAC 415-02-320 Early retirement factors. (1) **What are early retirement factors (ERF)?** Early retirement factors (ERFs) are the factors the department uses to reduce your normal monthly benefit payments to reflect an earlier starting date of paying benefits and a longer payment schedule.¹

¹The actuarial reduction takes into account that (1), retirees who begin drawing benefits at a younger age generally receive benefits over a longer time, and (2), member and employer contributions intended to provide for the defined benefit at the typical retirement age will be adequate to fund only a smaller benefit at an earlier age.

(2) **What is a "normal" monthly benefit payment?** A "normal" monthly benefit payment is the amount you would receive if you met the plan-specific criteria as to age and length of service before you retire.

(3) **What happens if you die before becoming eligible for a normal monthly benefit payment?**

(a) Generally speaking, within the plans listed in the table in this section, the department may pay a monthly benefit to your surviving spouse or minor children. If you die before being eligible for retirement, or when you are eligible only for retirement with an actuarially reduced benefit, the department will reduce the benefit paid to your surviving spouse or minor children by the ERF corresponding to the

amount of time between your age at death and the age at which you would have been eligible for an unreduced retirement benefit. (Exception: A TRS Plan 1 reduction is based on the earliest date a member would have first qualified if the member had continued in service.)

(b) There are differences among plans; please consult your plan for specific, detailed information.

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LEOFF Plan 2:	RCW 41.26.460	WAC 415-104-211 and 415-104-215
PERS Plan 1:	RCW 41.40.188	WAC 415-108-324 and 415-108-326
PERS Plan 2:	RCW 41.40.660	WAC 415-108-324 and 415-108-326
PERS Plan 3:	RCW 41.40.845	WAC 415-108-324 and 415-108-326
SERS Plans 2/3:	RCW 41.35.220	WAC 415-110-324 and 415-110-326
TRS Plan 1:	RCW 41.32.530	WAC 415-112-710 to 415-112-727
TRS Plan 2:	RCW 41.32.785	WAC 415-112-710 to 415-112-727
TRS Plan 3:	RCW 41.32.851	WAC 415-112-710 to 415-112-727
WSPRS Plan 1:	RCW 43.43.278	WAC 415-103-215
WSPRS Plan 2:	RCW 43.43.271	WAC 415-103-225

(4) Examples

(a) Example (a) (early retirement):

Sandy, a PERS Plan 2 member, applies for retirement at age 56 years and one month with a total of 21.11 years of service. Her average final compensation (AFC) is \$3,500.00. PERS Plan 2 provides for two percent (.02) of AFC per year of service. Within PERS Plan 2, age 65 is the normal retirement age, but an actuarially reduced monthly retirement is available at an age as young as 55 if the member has at least 20 years of service credit. If Sandy retires now, she would be doing so eight years and eleven months early. According to the table, the ERF for retirement eight years and eleven months early is .4025. To determine the reduced monthly benefit, PERS will multiply Sandy's AFC of \$3,500 x .02 x 21.11 (service credit years) x .4025 (ERF). Sandy's monthly retirement benefit will be \$594.77.

(b) Example (b) (member's death):

Robert, a 56-year-old TRS Plan 1 active member, dies April 1, 2003, with 23.17 years of service at two percent (.02) of AFC per year of service. His AFC was \$3,171.74. TRS Plan 1 allows for normal retirement at age 55 with 25 years of

service. Since Robert was not fully qualified for retirement, his wife, Karen, who is 58 years old, is eligible for an actuarially reduced benefit based on the earliest date Robert would have first qualified for the normal retirement benefit, reduced by the Option 2 survivor factor. Survivor factors are based on the age difference between the member and the survivor. Robert was over 55; if he had continued in service, he would be eligible for retirement in one year and ten months, when he would have completed 25 years of service. According to the actuary tables, the ERF for one year and ten months is .8530, and the Option 2 survivor factor for a beneficiary two years older is .913 (see WAC 415-02-380(11)). To determine the reduced monthly benefit to which Karen is entitled, TRS would multiply 23.17 (Robert's service credit years) x .02 x \$3,171.74 (AFC) x .8530 (ERF) x .913 (the Option 2 factor). Karen's monthly benefit will be \$1,144.65.

(5) Table - Early retirement factors (ERF) for these systems/plans: LEOFF Plan 2, WSP Plan 2, PERS Plan 1, TRS Plan 1, and WSP Plan 1 and 2 vested/terminated members:

Yrs Early	Month 0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9933	.9866	.9799	.9732	.9665	.9598	.9531	.9464	.9397	.9330	.9263
1	.9200	.9133	.9066	.8999	.8932	.8865	.8798	.8731	.8664	.8597	.8530	.8463
2	.8400	.8333	.8266	.8199	.8132	.8065	.7998	.7931	.7864	.7797	.7730	.7663
3	.7600	.7558	.7516	.7474	.7432	.7390	.7348	.7306	.7264	.7222	.7180	.7138
4	.7100	.7058	.7016	.6974	.6932	.6890	.6848	.6806	.6764	.6722	.6680	.6638
5	.6600	.6558	.6516	.6474	.6432	.6390	.6348	.6306	.6264	.6222	.6180	.6138
6	.6100	.6058	.6016	.5974	.5932	.5890	.5848	.5806	.5764	.5722	.5680	.5638
7	.5600	.5558	.5516	.5474	.5432	.5390	.5348	.5306	.5264	.5222	.5180	.5138
8	.5100	.5067	.5034	.5001	.4968	.4935	.4902	.4869	.4836	.4803	.4770	.4737
9	.4700	.4667	.4634	.4601	.4568	.4535	.4502	.4469	.4436	.4403	.4370	.4337
10	.4300	.4267	.4234	.4201	.4168	.4135	.4102	.4069	.4036	.4003	.3970	.3937
11	.3900	.3867	.3834	.3801	.3768	.3735	.3702	.3669	.3636	.3603	.3570	.3537
12	.3500	.3467	.3434	.3401	.3368	.3335	.3302	.3269	.3236	.3203	.3170	.3137

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Yrs Early	Month0	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
13	.3100	.3083	.3066	.3049	.3032	.3015	.2998	.2981	.2964	.2947	.2930	.2913
14	.2900	.2883	.2866	.2849	.2832	.2815	.2798	.2781	.2764	.2747	.2730	.2713
15	.2700	.2683	.2666	.2649	.2632	.2615	.2598	.2581	.2564	.2547	.2530	.2513
16	.2500	.2483	.2466	.2449	.2432	.2415	.2398	.2381	.2364	.2347	.2330	.2313
17	.2300	.2283	.2266	.2249	.2232	.2215	.2198	.2181	.2164	.2147	.2130	.2113
18	.2100	.2092	.2084	.2076	.2068	.2060	.2052	.2044	.2036	.2028	.2020	.2012
19	.2000	.1992	.1984	.1976	.1968	.1960	.1952	.1944	.1936	.1928	.1920	.1912
20	.1900	.1892	.1884	.1876	.1868	.1860	.1852	.1844	.1836	.1828	.1820	.1812
21	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712
22	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
23	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
24	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
25	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
26	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
27	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
28	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

(6) Table - Early retirement factors (ERF) for these systems/plans: PERS Plans 2 and 3, SERS Plans 2 and 3, TRS Plans 2 and 3, and PERS Plan 1 vested/terminated members:

Yrs Early	Month 0	Month1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
0	1.000	.9925	.9850	.9775	.9700	.9625	.9550	.9475	.9400	.9325	.9250	.9175
1	.9100	.9025	.8950	.8875	.8800	.8725	.8650	.8575	.8500	.8425	.8350	.8275
2	.8200	.8125	.8050	.7975	.7900	.7825	.7750	.7675	.7600	.7525	.7450	.7375
3	.7300	.7250	.7200	.7150	.7100	.7050	.7000	.6950	.6900	.6850	.6800	.6750
4	.6700	.6650	.6600	.6550	.6500	.6450	.6400	.6350	.6300	.6250	.6200	.6150
5	.6100	.6050	.6000	.5950	.5900	.5850	.5800	.5750	.5700	.5650	.5600	.5550
6	.5500	.5450	.5400	.5350	.5300	.5250	.5200	.5150	.5100	.5050	.5000	.4950
7	.4900	.4850	.4800	.4750	.4700	.4650	.4600	.4550	.4500	.4450	.4400	.4350
8	.4300	.4275	.4250	.4225	.4200	.4175	.4150	.4125	.4100	.4075	.4050	.4025
9	.4000	.3975	.3950	.3925	.3900	.3875	.3850	.3825	.3800	.3775	.3750	.3725
10	.3700	.3675	.3650	.3625	.3600	.3575	.3550	.3525	.3500	.3475	.3450	.3425
11	.3400	.3375	.3350	.3325	.3300	.3275	.3250	.3225	.3200	.3175	.3150	.3125
12	.3100	.3075	.3050	.3025	.3000	.2975	.2950	.2925	.2900	.2875	.2850	.2825
13	.2800	.2783	.2766	.2749	.2732	.2715	.2698	.2681	.2664	.2647	.2630	.2613
14	.2600	.2583	.2566	.2549	.2532	.2515	.2498	.2481	.2464	.2447	.2430	.2413
15	.2400	.2383	.2366	.2349	.2332	.2315	.2298	.2281	.2264	.2247	.2230	.2213
16	.2200	.2183	.2166	.2149	.2132	.2115	.2098	.2081	.2064	.2047	.2030	.2013
17	.2000	.1983	.1966	.1949	.1932	.1915	.1898	.1881	.1864	.1847	.1830	.1813
18	.1800	.1792	.1784	.1776	.1768	.1760	.1752	.1744	.1736	.1728	.1720	.1712

PROPOSED

Yrs Early	Month 0	Month1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11
19	.1700	.1692	.1684	.1676	.1668	.1660	.1652	.1644	.1636	.1628	.1620	.1612
20	.1600	.1592	.1584	.1576	.1568	.1560	.1552	.1544	.1536	.1528	.1520	.1512
21	.1500	.1492	.1484	.1476	.1468	.1460	.1452	.1444	.1436	.1428	.1420	.1412
22	.1400	.1392	.1384	.1376	.1368	.1360	.1352	.1344	.1336	.1328	.1320	.1312
23	.1300	.1292	.1284	.1276	.1268	.1260	.1252	.1244	.1236	.1228	.1220	.1212
24	.1200	.1192	.1184	.1176	.1168	.1160	.1152	.1144	.1136	.1128	.1120	.1112
25	.1100	.1092	.1084	.1076	.1068	.1060	.1052	.1044	.1036	.1028	.1020	.1012
26	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
27	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
28	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
29	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
30	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
31	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
32	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
33	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
34	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
35	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
36	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
37	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
38	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
39	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
40	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
41	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
42	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
43	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
44	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000
45	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000	.1000

NEW SECTION

WAC 415-02-340 Monthly benefit per \$1.00 of accumulation for defined benefit plans. (1) How does the department use the information in the table called "monthly benefit per \$1.00 of accumulation for defined benefit plans"? The department uses this information to:

- (a) Determine what a future lifetime monthly benefit is worth in present-day dollars;
- (b) Determine the equivalent value of a lump sum when compared with monthly payments; and
- (c) Reduce the monthly retirement benefit in TRS Plan 1 if you take a lump sum cash out for some or all of your funds.²

²This option is only available in TRS Plan 1.

(2) What type of information is in this table? The information in this table reflects the expected duration of lifetime payments for recipients over a range of ages. These values differ by system and plan, and all reflect an assumed rate of return of 8.0%.³

³The younger a person is, the longer the anticipated lifetime of payments would be, and the greater the sum required to provide for these payments. Put another way, the amount of monthly lifetime benefit that a present-day dollar buys goes up as the remaining life expectancy of the recipient goes down.

(3) Examples

(a) Example (a):

Celina is a 65-year-old PERS Plan 2 member who is eligible to receive \$45.00 per month. She wants to know how much money she could receive if she accepted a lump sum payment instead. Celina looks at the row in the table for age 65 in the PERS Plan 2 column and learns that \$0.0072458 per month for life is equivalent to one dollar in cash for this system, plan, and age class. Celina divides \$45.00 by 0.0072458 and learns that her lump sum payment would be \$6,210.49.

(b) Example (b):

Fred is a 58-year-old TRS Plan 1 member. The balance in Fred's account is \$124,934.00. Upon retirement, Fred chooses to withdraw the \$124,934.00 (as only members of TRS Plan 1 can do). From the row in the table for age 58 in the TRS Plan 1 column, Fred learns that \$0.0077573 per month for life is the equivalent to one dollar in cash for this system, plan, and age class. Fred multiplies the lump sum cash-out amount of \$124,934.00 by 0.0077573, and learns that his monthly retirement will be reduced by \$969.15 per month because of the lump sum cash out made at retirement.

(4) Table - Monthly benefit per \$1.00 of accumulation for defined benefit plans:

Based on the 1995-2000 actuarial experience study monthly benefit per \$1.00 of accumulation defined benefit (DB) single life pension:

Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
20	0.0039835	0.0043310	0.0065444	0.0043102	0.0042786	0.0065267	0.0042774	0.0043319
21	0.0039997	0.0043459	0.0065518	0.0043243	0.0042911	0.0065329	0.0042897	0.0043469
22	0.0040168	0.0043615	0.0065598	0.0043390	0.0043042	0.0065396	0.0043027	0.0043626
23	0.0040347	0.0043780	0.0065684	0.0043546	0.0043181	0.0065468	0.0043165	0.0043791
24	0.0040535	0.0043955	0.0065778	0.0043710	0.0043327	0.0065546	0.0043309	0.0043966
25	0.0040734	0.0044139	0.0065878	0.0043884	0.0043481	0.0065630	0.0043462	0.0044150
26	0.0040943	0.0044333	0.0065987	0.0044067	0.0043644	0.0065720	0.0043622	0.0044346
27	0.0041163	0.0044539	0.0066105	0.0044261	0.0043816	0.0065818	0.0043792	0.0044552
28	0.0041396	0.0044757	0.0066232	0.0044466	0.0043997	0.0065924	0.0043971	0.0044771
29	0.0041641	0.0044988	0.0066370	0.0044682	0.0044189	0.0066038	0.0044161	0.0045002
30	0.0041899	0.0045231	0.0066517	0.0044911	0.0044391	0.0066162	0.0044361	0.0045246
31	0.0042171	0.0045488	0.0066676	0.0045152	0.0044605	0.0066295	0.0044572	0.0045503
32	0.0042456	0.0045758	0.0066845	0.0045405	0.0044830	0.0066438	0.0044795	0.0045774
33	0.0042755	0.0046042	0.0067025	0.0045672	0.0045067	0.0066592	0.0045031	0.0046059
34	0.0043069	0.0046340	0.0067217	0.0045952	0.0045316	0.0066756	0.0045278	0.0046358
35	0.0043398	0.0046654	0.0067421	0.0046247	0.0045578	0.0066930	0.0045539	0.0046672
36	0.0043745	0.0046984	0.0067639	0.0046558	0.0045854	0.0067116	0.0045812	0.0047004
37	0.0044109	0.0047333	0.0067873	0.0046886	0.0046145	0.0067315	0.0046101	0.0047353
38	0.0044494	0.0047701	0.0068123	0.0047233	0.0046452	0.0067527	0.0046404	0.0047723
39	0.0044900	0.0048091	0.0068393	0.0047600	0.0046777	0.0067754	0.0046725	0.0048114
40	0.0045330	0.0048505	0.0068682	0.0047988	0.0047120	0.0067998	0.0047065	0.0048529
41	0.0045784	0.0048944	0.0068994	0.0048400	0.0047483	0.0068261	0.0047423	0.0048969
42	0.0046266	0.0049409	0.0069329	0.0048837	0.0047868	0.0068543	0.0047803	0.0049436
43	0.0046777	0.0049904	0.0069690	0.0049300	0.0048275	0.0068846	0.0048206	0.0049932
44	0.0047319	0.0050430	0.0070078	0.0049791	0.0048706	0.0069172	0.0048632	0.0050460
45	0.0047894	0.0050989	0.0070495	0.0050312	0.0049163	0.0069523	0.0049084	0.0051021
46	0.0048504	0.0051584	0.0070945	0.0050866	0.0049647	0.0069900	0.0049562	0.0051617
47	0.0049153	0.0052218	0.0071429	0.0051455	0.0050161	0.0070305	0.0050070	0.0052253
48	0.0049844	0.0052894	0.0071953	0.0052082	0.0050707	0.0070740	0.0050609	0.0052932
49	0.0050581	0.0053617	0.0072519	0.0052752	0.0051287	0.0071210	0.0051183	0.0053657
50	0.0051368	0.0054390	0.0073132	0.0053466	0.0051905	0.0071717	0.0051793	0.0054432
51	0.0052210	0.0055218	0.0073796	0.0054231	0.0052564	0.0072265	0.0052444	0.0055264
52	0.0053104	0.0056098	0.0074510	0.0055044	0.0053265	0.0072858	0.0053139	0.0056147
53	0.0054060	0.0057042	0.0075283	0.0055914	0.0054014	0.0073500	0.0053881	0.0057094
54	0.0055084	0.0058054	0.0076121	0.0056846	0.0054813	0.0074191	0.0054671	0.0058110
55	0.0056182	0.0059141	0.0077029	0.0057845	0.0055668	0.0074939	0.0055515	0.0059201
56	0.0057354	0.0060302	0.0078008	0.0058912	0.0056581	0.0075749	0.0056420	0.0060367
57	0.0058601	0.0061539	0.0079058	0.0060049	0.0057557	0.0076627	0.0057388	0.0061608
58	0.0059937	0.0062865	0.0080192	0.0061265	0.0058600	0.0077573	0.0058422	0.0062940
59	0.0061368	0.0064287	0.0081415	0.0062566	0.0059712	0.0078589	0.0059524	0.0064368
60	0.0062900	0.0065812	0.0082732	0.0063959	0.0060901	0.0079685	0.0060703	0.0065898
61	0.0064540	0.0067444	0.0084149	0.0065448	0.0062172	0.0080866	0.0061963	0.0067538
62	0.0066294	0.0069191	0.0085668	0.0067036	0.0063529	0.0082138	0.0063311	0.0069292
63	0.0068167	0.0071058	0.0087294	0.0068729	0.0064976	0.0083506	0.0064751	0.0071168
64	0.0070165	0.0073050	0.0089030	0.0070531	0.0066517	0.0084970	0.0066285	0.0073169
65	0.0072307	0.0075186	0.0090893	0.0072458	0.0068158	0.0086537	0.0067919	0.0075315
66	0.0074600	0.0077474	0.0092891	0.0074517	0.0069903	0.0088208	0.0069657	0.0077614
67	0.0077052	0.0079921	0.0095028	0.0076715	0.0071765	0.0090000	0.0071514	0.0080073
68	0.0079692	0.0082556	0.0097332	0.0079076	0.0073755	0.0091921	0.0073497	0.0082721
69	0.0082539	0.0085400	0.0099823	0.0081620	0.0075879	0.0093974	0.0075612	0.0085580

PROPOSED

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Age	LEOFF 1	LEOFF 2	PERS 1	PERS 2/3	SERS 2/3	TRS 1	TRS 2/3	WSPRS 2
70	0.0085622	0.0088479	0.0102523	0.0084366	0.0078162	0.0096186	0.0077883	0.0088676
71	0.0088938	0.0091793	0.0105419	0.0087308	0.0080615	0.0098577	0.0080327	0.0092008
72	0.0092539	0.0095393	0.0108558	0.0090487	0.0083261	0.0101166	0.0082964	0.0095628
73	0.0096446	0.0099300	0.0111955	0.0093919	0.0086093	0.0103939	0.0085784	0.0099559
74	0.0100684	0.0103538	0.0115628	0.0097624	0.0089142	0.0106939	0.0088826	0.0103824
75	0.0105280	0.0108135	0.0119604	0.0101627	0.0092422	0.0110180	0.0092104	0.0108451
76	0.0110267	0.0113124	0.0123914	0.0105960	0.0095951	0.0113678	0.0095637	0.0113472
77	0.0115688	0.0118547	0.0128599	0.0110662	0.0099757	0.0117460	0.0099450	0.0118933
78	0.0121597	0.0124460	0.0133705	0.0115778	0.0103875	0.0121558	0.0103575	0.0124885
79	0.0128051	0.0130919	0.0139278	0.0121352	0.0108344	0.0126012	0.0108049	0.0131389
80	0.0135111	0.0137984	0.0145368	0.0127433	0.0113202	0.0130863	0.0112914	0.0138505
81	0.0142843	0.0145725	0.0152030	0.0134074	0.0118492	0.0136157	0.0118211	0.0146303
82	0.0151240	0.0154130	0.0159279	0.0141293	0.0124242	0.0141938	0.0123986	0.0154769
83	0.0160353	0.0163252	0.0167162	0.0149136	0.0130497	0.0148256	0.0130286	0.0163958
84	0.0170241	0.0173149	0.0175726	0.0157650	0.0137302	0.0155137	0.0137139	0.0173927
85	0.0180966	0.0183884	0.0185016	0.0166876	0.0144701	0.0162628	0.0144589	0.0184740
86	0.0192583	0.0195513	0.0195059	0.0176841	0.0152736	0.0170771	0.0152680	0.0196456
87	0.0205119	0.0208062	0.0205851	0.0187541	0.0161432	0.0179605	0.0161446	0.0209102
88	0.0218550	0.0221507	0.0217347	0.0198932	0.0170791	0.0189147	0.0170905	0.0222656
89	0.0232781	0.0235752	0.0229444	0.0210916	0.0180779	0.0199388	0.0181048	0.0237021
90	0.0247625	0.0250609	0.0241977	0.0223336	0.0191323	0.0210275	0.0191823	0.0252008
91	0.0262789	0.0265782	0.0254717	0.0235975	0.0202301	0.0221705	0.0203134	0.0267317
92	0.0278427	0.0281429	0.0267640	0.0248804	0.0213620	0.0233525	0.0214834	0.0283116
93	0.0294384	0.0297392	0.0280581	0.0261661	0.0225126	0.0245532	0.0226729	0.0299249
94	0.0310505	0.0313517	0.0293389	0.0274402	0.0236656	0.0257646	0.0238739	0.0315562
95	0.0326651	0.0329665	0.0305940	0.0286908	0.0248057	0.0269704	0.0250708	0.0331914
96	0.0342704	0.0345719	0.0318149	0.0299099	0.0259197	0.0281559	0.0262493	0.0348186
97	0.0358572	0.0361585	0.0329987	0.0310951	0.0269980	0.0293096	0.0273986	0.0364281
98	0.0374173	0.0377185	0.0341503	0.0322517	0.0280348	0.0304239	0.0285118	0.0380114
99	0.0389423	0.0392433	0.0352857	0.0333956	0.0290309	0.0314979	0.0295884	0.0395582

NEW SECTION

WAC 415-02-360 What is the optional cost-of-living adjustment (COLA) for PERS Plan 1 and TRS Plan 1? (1) At the time of retirement, if you are a PERS Plan 1 or TRS Plan 1 member, you can choose initially reduced retirement payment benefits that will provide you with annual cost of living adjustments in the future.

For more information, see:

PERS Plan 1: RCW 41.40.188 (1)(e); WAC 415-108-326(4)

TRS Plan 1: RCW 41.32.530 (1)(d); WAC 415-112-727(4)

(2) By opting to receive a lower dollar amount at the beginning of your retirement, you will receive a progressively higher amount as the payments continue.

(3) Examples

(a) Example (a):

Ernie, a TRS Plan 1 member, retires at age 55 with 30 years of service and chooses the COLA option. TRS Plan 1 provides two percent (.02) of average final compensation (AFC) per year of service. At the time he retires, Ernie's AFC is \$4,295.33. As shown in the "Plan 1 Optional COLA" table below, Ernie would receive 0.7408 of his normal retirement

benefit as the starting amount of the COLA-protected benefit. TRS would calculate the benefit as follows: 30.00 (years of service credit) x .02 x \$4,295.33 (AFC) = \$2,577.20 (monthly benefit without the COLA option). TRS would then multiply \$2,577.20 x .7408 = \$1,909.19 (the COLA-protected starting benefit Ernie would receive).

(b) Example (b):

Tina is a PERS Plan 1 member with 30 years of service credit at age 52 and eight months. Because she has reached 30 years of service, there is no reduction for an early retirement. However, Tina chooses the optional COLA. Tina would receive .7388 of her normal retirement benefit as the starting amount of the COLA-protected benefit. Her normal retirement benefit is \$2,295.00; her COLA-reduced benefit will be \$1,695.55.

(4) **Table - The optional cost-of-living adjustment (COLA) table is based on the 1995-2000 actuarial experience study.**

Use these factors to convert from standard option monthly benefit payments without a COLA to the same option with a COLA.

Plan 1 Optional COLA

Age	PERS 1 Factor	TRS 1 Factor		Age	PERS 1 Factor	TRS 1 Factor
20	0.6586	0.6554		61	0.7778	0.7662
21	0.6600	0.6566		62	0.7825	0.7708
22	0.6615	0.6580		63	0.7873	0.7754
23	0.6630	0.6593		64	0.7922	0.7801
24	0.6645	0.6607		65	0.7972	0.7849
25	0.6661	0.6622		66	0.8022	0.7897
26	0.6678	0.6638		67	0.8073	0.7946
27	0.6696	0.6654		68	0.8124	0.7996
28	0.6714	0.6670		69	0.8176	0.8046
29	0.6732	0.6687		70	0.8229	0.8097
30	0.6752	0.6705		71	0.8282	0.8149
31	0.6772	0.6723		72	0.8335	0.8201
32	0.6793	0.6742		73	0.8389	0.8253
33	0.6814	0.6762		74	0.8443	0.8306
34	0.6836	0.6783		75	0.8497	0.8359
35	0.6859	0.6804		76	0.8551	0.8413
36	0.6883	0.6826		77	0.8605	0.8467
37	0.6908	0.6849		78	0.8659	0.8521
38	0.6933	0.6872		79	0.8713	0.8575
39	0.6960	0.6896		80	0.8766	0.8628
40	0.6987	0.6921		81	0.8819	0.8682
41	0.7015	0.6947		82	0.8871	0.8735
42	0.7044	0.6974		83	0.8922	0.8788
43	0.7074	0.7002		84	0.8971	0.8840
44	0.7105	0.7031		85	0.9020	0.8891
45	0.7137	0.7060		86	0.9066	0.8941
46	0.7170	0.7091		87	0.9111	0.8989
47	0.7204	0.7122		88	0.9153	0.9036
48	0.7238	0.7154		89	0.9192	0.9080
49	0.7274	0.7188		90	0.9230	0.9123
50	0.7311	0.7222		91	0.9264	0.9162
51	0.7349	0.7256		92	0.9296	0.9200
52	0.7388	0.7293		93	0.9326	0.9234
53	0.7427	0.7331		94	0.9353	0.9266
54	0.7468	0.7369		95	0.9378	0.9296
55	0.7510	0.7408		96	0.9401	0.9323
56	0.7552	0.7448		97	0.9423	0.9348
57	0.7595	0.7489		98	0.9444	0.9372
58	0.7640	0.7531		99	0.9464	0.9394
59	0.7685	0.7574				
60	0.7731	0.7618				

PROPOSED

NEW SECTION

WAC 415-02-380 Survivor options factors. (1) **What is a "surviving beneficiary"?** A surviving beneficiary is a person you designate when you retire who will receive benefit payments for the duration of his or her life, beginning at your death.

(2) **Will selecting a surviving beneficiary affect my retirement benefits?** Yes. Retirees who select a surviving beneficiary retirement option receive smaller benefit pay-

LEOFF Plan 2:	RCW 41.26.460(2)	WAC 415-104-211 and 415-104-215
PERS Plan 1:	RCW 41.40.188(2)	WAC 415-108-324 and 415-108-326
PERS Plan 2:	RCW 41.40.660(2)	WAC 415-108-324 and 415-108-326
PERS Plan 3:	RCW 41.40.845(2)	WAC 415-108-324 and 415-108-326
SERS Plans 2/3:	RCW 41.35.220(2)	WAC 415-110-324 and 415-110-326
TRS Plan 1:	RCW 41.32.530(2)	WAC 415-112-710 to 415-112-727
TRS Plan 2:	RCW 41.32.785(2)	WAC 415-112-710 to 415-112-727
TRS Plan 3:	RCW 41.32.851(2)	WAC 415-112-710 to 415-112-727
WSPRS Plan 2:	RCW 43.43.271(2)	WAC 415-103-225

(4) **Why does the surviving beneficiary's age matter?** The surviving beneficiary's age is used in determining the amount of the payments. The younger the surviving beneficiary, the longer he or she is expected to receive payments. The monthly benefit must be reduced accordingly.

(5) **What are the survivor options?** The survivor options are described in detail within each plan. For details, please see the list in subsection (3) of this section.

To summarize:

- Option 2 - Joint and 100 percent survivorship
- Option 3 - Joint and 50 percent survivorship
- Option 4 - Joint and 66.67 percent survivorship

(6) Examples

(a) Example (a):

Kendra, a PERS Plan 2 member, chooses Option 3 (joint and 50 percent survivorship) at retirement. She names her nephew, Steve, as her surviving beneficiary. This means that Steve would receive half of Kendra's benefit amount after Kendra's death. Steve is 30 years younger than Kendra. PERS would use the survivor option factor table ("member older") to calculate the adjustment. With a 30-year age difference (member minus beneficiary), the value correspond-

ments upon retirement than those retirees who do not select this option.

(3) **Does it matter if I am married?** Yes. If you are married, you must provide your spouse's written consent to the option you select. If you are married, and you and your spouse do not give written consent to an option, the department will pay you a joint and fifty percent survivor benefit and record your spouse as the beneficiary. For details, please review:

ing to PERS Plan 2 and Option 3 is 0.753. This value, 0.753, is multiplied against the amount Kendra would have received under Option 1. Kendra's retirement benefits will be reduced to about 75% of her Option 1 level.

(b) Example (b):

Mark, a LEOFF Plan 2 member, chooses Option 2 (joint and 100 percent survivorship) at retirement. He names his wife, Susan, as his surviving beneficiary. This means Susan would receive the same benefit amount Mark had received prior to his death. Mark is five years younger than Susan. LEOFF would use the survivor option factors table ("member younger") to calculate the adjustment for the age difference. With a 5-year age difference (member minus beneficiary), the value corresponding to LEOFF Plan 2 and Option 2 is 0.894. This value, 0.894, will be multiplied against the amount Mark would have received under Option 1. Mark's retirement benefits will be reduced to about 89 percent of his Option 1 level.

(7) Table - Member older (PERS and SERS)

Survivor option factor: Member older than beneficiary
Age difference: Member age minus beneficiary age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
0	.870	.930	.909	.791	.883	.850	.799	.888	.857
1	.862	.926	.904	.778	.875	.840	.773	.872	.836
2	.857	.923	.900	.767	.868	.832	.760	.864	.826
3	.844	.915	.890	.758	.863	.825	.748	.856	.816
4	.840	.913	.887	.751	.858	.819	.741	.851	.811
5	.836	.910	.884	.743	.853	.813	.734	.846	.805
6	.831	.908	.881	.736	.848	.807	.726	.841	.799
7	.818	.900	.871	.728	.843	.801	.719	.836	.793
8	.814	.897	.867	.721	.838	.795	.712	.832	.787
9	.809	.895	.864	.713	.833	.789	.705	.827	.782

PROPOSED

PROPOSED

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
10	.805	.892	.861	.706	.828	.783	.698	.822	.776
11	.802	.890	.858	.699	.823	.777	.692	.818	.771
12	.787	.881	.847	.693	.818	.772	.685	.813	.766
13	.784	.879	.845	.686	.814	.766	.679	.809	.760
14	.780	.876	.842	.680	.809	.761	.673	.805	.755
15	.777	.874	.839	.673	.805	.756	.667	.800	.750
16	.773	.872	.836	.667	.801	.751	.662	.796	.746
17	.770	.870	.834	.662	.796	.746	.656	.792	.741
18	.767	.868	.832	.656	.792	.741	.651	.789	.737
19	.764	.866	.829	.651	.788	.736	.646	.785	.732
20	.762	.865	.827	.645	.785	.732	.641	.781	.728
21	.759	.863	.825	.640	.781	.728	.637	.778	.724
22	.756	.861	.823	.636	.777	.724	.632	.775	.720
23	.754	.860	.821	.631	.774	.720	.628	.771	.717
24	.752	.858	.820	.627	.771	.716	.624	.768	.713
25	.750	.857	.818	.622	.767	.712	.620	.765	.710
26	.748	.856	.817	.618	.764	.709	.616	.762	.707
27	.746	.855	.815	.615	.761	.705	.613	.760	.703
28	.744	.853	.814	.611	.758	.702	.609	.757	.700
29	.743	.852	.812	.607	.756	.699	.606	.755	.697
30	.741	.851	.811	.604	.753	.696	.603	.752	.695
31	.740	.850	.810	.601	.751	.693	.600	.750	.692
32	.738	.849	.809	.598	.748	.690	.597	.748	.690
33	.737	.849	.808	.595	.746	.688	.594	.745	.687
34	.736	.848	.807	.592	.744	.685	.592	.743	.685
35	.735	.847	.806	.589	.742	.683	.589	.741	.683
36	.734	.846	.805	.587	.740	.680	.587	.740	.680
37	.733	.846	.804	.584	.738	.678	.585	.738	.678
38	.732	.845	.804	.582	.736	.676	.582	.736	.677
39	.731	.844	.803	.580	.734	.674	.580	.734	.675
40	.730	.844	.802	.578	.732	.672	.578	.733	.673

(8) Table - Member younger (PERS and SERS)
 Survivor option factors: Member younger than beneficiary
 Age difference: Member age minus beneficiary age

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
-20	.958	.978	.971	.939	.969	.959	.949	.974	.965
-19	.955	.977	.970	.935	.967	.956	.946	.972	.963
-18	.952	.976	.968	.931	.964	.953	.942	.970	.961
-17	.949	.974	.966	.927	.962	.950	.938	.968	.958
-16	.947	.973	.964	.922	.959	.947	.934	.966	.955
-15	.944	.971	.962	.917	.957	.943	.930	.964	.952
-14	.940	.969	.959	.912	.954	.940	.926	.961	.949
-13	.937	.968	.957	.907	.951	.936	.921	.959	.946
-12	.934	.966	.955	.902	.948	.932	.917	.956	.943
-11	.930	.964	.953	.896	.945	.928	.912	.954	.939
-10	.927	.962	.950	.890	.942	.924	.907	.951	.936
-9	.923	.960	.948	.884	.938	.919	.901	.948	.932
-8	.920	.958	.945	.878	.935	.915	.896	.945	.928
-7	.916	.956	.942	.871	.931	.910	.890	.942	.924

PROPOSED

Age Difference	PERS 1 Opt. 2 100%	PERS 1 Opt. 3 50%	PERS 1 Opt. 4 66 2/3%	PERS 2/3 Opt. 2 100%	PERS 2/3 Opt. 3 50%	PERS 2/3 Opt. 4 66 2/3%	SERS 2/3 Opt. 2 100%	SERS 2/3 Opt. 3 50%	SERS 2/3 Opt. 4 66 2/3%
-6	.912	.954	.940	.865	.927	.905	.885	.939	.920
-5	.908	.952	.937	.858	.924	.901	.879	.935	.916
-4	.901	.948	.931	.848	.918	.893	.873	.932	.911
-3	.896	.945	.928	.840	.913	.887	.863	.927	.905
-2	.889	.941	.923	.826	.905	.877	.853	.920	.897
-1	.879	.935	.916	.805	.892	.861	.834	.909	.883
0	.870	.930	.909	.791	.883	.850	.799	.888	.857

(9) Table - Member older (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
0	0.870	0.930	0.909	0.870	0.930	0.909
1	0.865	0.927	0.905	0.865	0.927	0.905
2	0.860	0.924	0.902	0.860	0.924	0.902
3	0.855	0.922	0.898	0.855	0.922	0.898
4	0.850	0.919	0.894	0.850	0.919	0.894
5	0.845	0.916	0.891	0.845	0.916	0.891
6	0.840	0.913	0.887	0.840	0.913	0.887
7	0.835	0.910	0.883	0.835	0.910	0.883
8	0.830	0.907	0.880	0.830	0.907	0.880
9	0.825	0.904	0.876	0.825	0.904	0.876
10	0.821	0.902	0.873	0.821	0.902	0.873
11	0.816	0.899	0.870	0.816	0.899	0.870
12	0.812	0.896	0.866	0.812	0.896	0.866
13	0.808	0.894	0.863	0.808	0.894	0.863
14	0.803	0.891	0.860	0.803	0.891	0.860
15	0.799	0.888	0.857	0.799	0.888	0.857
16	0.795	0.886	0.854	0.795	0.886	0.854
17	0.792	0.884	0.851	0.792	0.884	0.851
18	0.788	0.881	0.848	0.788	0.881	0.848
19	0.784	0.879	0.845	0.784	0.879	0.845
20	0.781	0.877	0.842	0.781	0.877	0.842
21	0.777	0.875	0.840	0.777	0.875	0.840
22	0.774	0.873	0.837	0.774	0.873	0.837
23	0.771	0.871	0.835	0.771	0.871	0.835
24	0.768	0.869	0.832	0.768	0.869	0.832
25	0.765	0.867	0.830	0.765	0.867	0.830
26	0.763	0.865	0.828	0.763	0.865	0.828
27	0.760	0.864	0.826	0.760	0.864	0.826
28	0.757	0.862	0.824	0.757	0.862	0.824
29	0.755	0.860	0.822	0.755	0.860	0.822
30	0.753	0.859	0.820	0.753	0.859	0.820
31	0.750	0.857	0.818	0.750	0.857	0.818
32	0.748	0.856	0.817	0.748	0.856	0.817
33	0.746	0.855	0.815	0.746	0.855	0.815
34	0.744	0.853	0.814	0.744	0.853	0.814
35	0.742	0.852	0.812	0.742	0.852	0.812
36	0.741	0.851	0.811	0.741	0.851	0.811
37	0.739	0.850	0.809	0.739	0.850	0.809

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
38	0.737	0.849	0.808	0.737	0.849	0.808
39	0.736	0.848	0.807	0.736	0.848	0.807
40	0.734	0.847	0.806	0.734	0.847	0.806

(10) Table - Member younger (LEOFF Plan 2 and WSPRS Plan 2)

Survivor option factors: Member younger than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	LEOFF 2 Option 2 100%	LEOFF 2 Option 3 50%	LEOFF 2 Option 4 66 2/3%	WSP 2 Option 2 100%	WSP 2 Option 3 50%	WSP 2 Option 4 66 2/3%
-20	0.953	0.976	0.968	0.953	0.976	0.968
-19	0.950	0.974	0.966	0.950	0.974	0.966
-18	0.947	0.973	0.964	0.947	0.973	0.964
-17	0.944	0.971	0.962	0.944	0.971	0.962
-16	0.940	0.969	0.959	0.940	0.969	0.959
-15	0.937	0.967	0.957	0.937	0.967	0.957
-14	0.933	0.965	0.954	0.933	0.965	0.954
-13	0.929	0.963	0.952	0.929	0.963	0.952
-12	0.925	0.961	0.949	0.925	0.961	0.949
-11	0.921	0.959	0.946	0.921	0.959	0.946
-10	0.917	0.957	0.943	0.917	0.957	0.943
-9	0.913	0.954	0.940	0.913	0.954	0.940
-8	0.908	0.952	0.937	0.908	0.952	0.937
-7	0.904	0.949	0.934	0.904	0.949	0.934
-6	0.899	0.947	0.930	0.899	0.947	0.930
-5	0.894	0.944	0.927	0.894	0.944	0.927
-4	0.890	0.942	0.924	0.890	0.942	0.924
-3	0.885	0.939	0.920	0.885	0.939	0.920
-2	0.880	0.936	0.916	0.880	0.936	0.916
-1	0.875	0.933	0.913	0.875	0.933	0.913
0	0.870	0.930	0.909	0.870	0.930	0.909

(11) Table - Member older (TRS)

Survivor option factors: Member older than beneficiary

Age difference: Member age minus beneficiary age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-20	0.968	0.984	0.979	0.952	0.975	0.967
-19	0.966	0.983	0.977	0.949	0.974	0.965
-18	0.964	0.982	0.976	0.945	0.972	0.963
-17	0.962	0.981	0.974	0.942	0.970	0.960
-16	0.960	0.979	0.973	0.938	0.968	0.958
-15	0.957	0.978	0.971	0.934	0.966	0.955
-14	0.955	0.977	0.969	0.929	0.963	0.952
-13	0.952	0.976	0.968	0.925	0.961	0.949
-12	0.950	0.974	0.966	0.921	0.959	0.946
-11	0.947	0.973	0.964	0.916	0.956	0.942
-10	0.944	0.971	0.962	0.911	0.953	0.939
-9	0.942	0.970	0.960	0.906	0.951	0.935
-8	0.939	0.968	0.958	0.900	0.948	0.931
-7	0.936	0.967	0.956	0.895	0.945	0.927
-6	0.933	0.965	0.954	0.889	0.941	0.923

PROPOSED

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
-5	0.927	0.962	0.950	0.884	0.938	0.919
-4	0.923	0.960	0.947	0.877	0.934	0.914
-3	0.918	0.957	0.944	0.865	0.928	0.906
-2	0.913	0.955	0.941	0.855	0.922	0.899
-1	0.907	0.951	0.936	0.839	0.912	0.887
0	0.898	0.946	0.930	0.815	0.898	0.869

(12) Table - Member younger (TRS)

Survivor option factors: Member younger than beneficiary
Age difference: Member age minus beneficiary age

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
0	0.898	0.946	0.930	0.815	0.898	0.869
1	0.892	0.943	0.925	0.801	0.889	0.858
2	0.888	0.941	0.922	0.790	0.883	0.849
3	0.877	0.935	0.915	0.781	0.877	0.842
4	0.873	0.932	0.912	0.772	0.871	0.835
5	0.869	0.930	0.909	0.765	0.867	0.830
6	0.858	0.924	0.901	0.758	0.862	0.824
7	0.855	0.922	0.898	0.751	0.858	0.819
8	0.851	0.920	0.896	0.744	0.853	0.813
9	0.848	0.918	0.893	0.737	0.849	0.808
10	0.845	0.916	0.891	0.730	0.844	0.802
11	0.842	0.914	0.889	0.724	0.840	0.797
12	0.839	0.912	0.887	0.717	0.835	0.792
13	0.836	0.911	0.884	0.711	0.831	0.787
14	0.824	0.904	0.875	0.705	0.827	0.782
15	0.821	0.902	0.873	0.699	0.823	0.777
16	0.819	0.900	0.871	0.694	0.819	0.773
17	0.816	0.899	0.869	0.688	0.815	0.768
18	0.814	0.897	0.868	0.683	0.812	0.764
19	0.812	0.896	0.866	0.678	0.808	0.760
20	0.809	0.895	0.864	0.673	0.805	0.755
21	0.807	0.893	0.863	0.668	0.801	0.751
22	0.805	0.892	0.861	0.664	0.798	0.748
23	0.803	0.891	0.860	0.660	0.795	0.744
24	0.802	0.890	0.858	0.655	0.792	0.740
25	0.800	0.889	0.857	0.651	0.789	0.737
26	0.798	0.888	0.856	0.648	0.786	0.734
27	0.797	0.887	0.855	0.644	0.783	0.731
28	0.796	0.886	0.854	0.640	0.781	0.728
29	0.794	0.885	0.853	0.637	0.778	0.725
30	0.793	0.885	0.852	0.634	0.776	0.722
31	0.792	0.884	0.851	0.631	0.774	0.719
32	0.791	0.883	0.850	0.628	0.771	0.717
33	0.790	0.882	0.849	0.625	0.769	0.714
34	0.789	0.882	0.848	0.622	0.767	0.712
35	0.788	0.881	0.848	0.620	0.765	0.710
36	0.787	0.881	0.847	0.617	0.763	0.708
37	0.786	0.880	0.846	0.615	0.762	0.706
38	0.785	0.880	0.846	0.613	0.760	0.704

Age Difference	TRS 1 Option 2 100%	TRS 1 Option 3 50%	TRS 1 Option 4 66 2/3%	TRS 2/3 Option 2 100%	TRS 2/3 Option 3 50%	TRS 2/3 Option 4 66 2/3%
39	0.785	0.879	0.845	0.611	0.758	0.702
40	0.784	0.879	0.845	0.609	0.757	0.700

NEW SECTION

WAC 415-103-300 Actuarial tables, schedules, and factors. See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating optional retirement allowances of members of the Washington state patrol retirement system plan 2.

AMENDATORY SECTION (Amending WSR 96-03-100, filed 1/19/96, effective 2/19/96)

WAC 415-104-108 Actuarial tables, schedules, and factors. ((This chapter contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors ((adopted by the director of the department of retirement systems)) the department uses for calculating optional retirement allowances of members of the Washington state law enforcement officers' and fire fighters' retirement system. ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary based upon the actuary's investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of the law enforcement officers' and fire fighters' retirement system.

(1) Except as provided in subsection (2) of this section, the tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring on or after January 1, 1996, until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before January 1, 1996, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement.

(2) The early retirement factors govern the retirement allowances of members retiring on or after January 1, 1993.

(3) Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the effective date of such new tables, schedules, and factors.

LAW- ENFORCEMENT OFFICERS- AND FIRE FIGHTERS- RETIREMENT SYSTEM- PLAN I		LAW- ENFORCEMENT OFFICERS AND- FIRE FIGHTERS RETIREMENT- SYSTEM- PLAN II	
Monthly Benefit per \$1.00 of Accumulation		Monthly Benefit per \$1.00 of Accumulation	
20	.0025142	20	.0039808
21	.0025304	21	.0039997
22	.0025472	22	.0040196
23	.0025647	23	.0040405
24	.0025828	24	.0040624
25	.0026017	25	.0040855

LAW- ENFORCEMENT OFFICERS- AND FIRE FIGHTERS- RETIREMENT SYSTEM- PLAN I		LAW- ENFORCEMENT OFFICERS AND- FIRE FIGHTERS RETIREMENT- SYSTEM- PLAN II	
Monthly Benefit per \$1.00 of Accumulation		Monthly Benefit per \$1.00 of Accumulation	
26	.0026214	26	.0041098
27	.0026418	27	.0041353
28	.0026632	28	.0041622
29	.0026854	29	.0041905
30	.0027086	30	.0042204
31	.0027327	31	.0042518
32	.0027579	32	.0042850
33	.0027842	33	.0043200
34	.0028117	34	.0043569
35	.0028404	35	.0043958
36	.0028704	36	.0044370
37	.0029018	37	.0044805
38	.0029346	38	.0045266
39	.0029690	39	.0045752
40	.0030050	40	.0046267
41	.0030427	41	.0046810
42	.0030823	42	.0047384
43	.0031237	43	.0047988
44	.0031672	44	.0048626
45	.0032128	45	.0049298
46	.0032607	46	.0050007
47	.0033111	47	.0050753
48	.0033640	48	.0051539
49	.0034197	49	.0052369
50	.0034785	50	.0053245
51	.0035404	51	.0054172
52	.0036059	52	.0055155
53	.0036751	53	.0056199
54	.0037485	54	.0057310
55	.0038265	55	.0058496
56	.0039096	56	.0059764
57	.0039981	57	.0061122
58	.0040928	58	.0062578
59	.0041941	59	.0064139
60	.0043026	60	.0065811
61	.0044195	61	.0067600
62	.0045451	62	.0069511
63	.0046805	63	.0071548
64	.0048266	64	.0073714
65	.0049847	65	.0076011
66	.0051560	66	.0078441
67	.0053424	67	.0081009
68	.0055445	68	.0083721
69	.0057645	69	.0086591

PROPOSED

PROPOSED

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN I		LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II		LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II	
Monthly Benefit per \$1.00 of Accumulation		Monthly Benefit per \$1.00 of Accumulation		Early Retirement Factors by Year and Month	
70	.0060046	70	.0089634	3	.8847
71	.0062678	71	.0092866	4	.8777
72	.0065554	72	.0096299	5	.8707
73	.0068706	73	.0099940	6	.8637
74	.0072168	74	.0103786	7	.8567
75	.0075947	75	.0107825	8	.8496
76	.0080069	76	.0112040	9	.8426
77	.0084560	77	.0116408	10	.8356
78	.0089449	78	.0120905	11	.8286
79	.0094696	79	.0125511	0	.8216
80	.0100369	80	.0130204	1	.8153
81	.0106372	81	.0134944	2	.8090
82	.0112701	82	.0139758	3	.8027
83	.0119271	83	.0144609	4	.7964
84	.0126119	84	.0149489	5	.7902
85	.0133170	85	.0154388	6	.7839
86	.0140467	86	.0159282	7	.7776
87	.0147922	87	.0164153	8	.7713
88	.01555623	88	.0168983	9	.7650
89	.0163745	89	.0173754	10	.7587
90	.0172295	90	.0178441	11	.7524
91	.0181323	91	.0183008	0	.7462
92	.0190934	92	.0187436	1	.7405
93	.0201303	93	.0191730	2	.7349
94	.0212247	94	.0195820	3	.7292
95	.0223693	95	.0199697	4	.7236
96	.0235626	96	.0203443	5	.7180
97	.0250062	97	.0207038	6	.7123
98	.0265426	98	.0210462	7	.7067
99	.0282645	99	.0213706	8	.7011
				9	.6954
				10	.6898
				11	.6841
				0	.6785
				1	.6734
				2	.6684
				3	.6633
				4	.6582
				5	.6532
				6	.6481
				7	.6430
				8	.6379
				9	.6329
				10	.6278
				11	.6227
				0	.6177
				1	.6131
				2	.6085
				3	.6040
				4	.5994
				5	.5949
				6	.5903
				7	.5857
				8	.5811
				9	.5765
				10	.5719
				11	.5673
				0	.5627
				1	.5581
				2	.5535
				3	.5489
				4	.5443
				5	.5397
				6	.5351
				7	.5305
				8	.5259
				9	.5213
				10	.5167
				11	.5121
				0	.5075
				1	.5029
				2	.4983
				3	.4937
				4	.4891
				5	.4845
				6	.4799
				7	.4753
				8	.4707
				9	.4661
				10	.4615
				11	.4569
				0	.4523
				1	.4477
				2	.4431
				3	.4385
				4	.4339
				5	.4293
				6	.4247
				7	.4201
				8	.4155
				9	.4109
				10	.4063
				11	.4017
				0	.3971
				1	.3925
				2	.3879
				3	.3833
				4	.3787
				5	.3741
				6	.3695
				7	.3649
				8	.3603
				9	.3557
				10	.3511
				11	.3465
				0	.3419
				1	.3373
				2	.3327
				3	.3281
				4	.3235
				5	.3189
				6	.3143
				7	.3097
				8	.3051
				9	.3005
				10	.2959
				11	.2913
				0	.2867
				1	.2821
				2	.2775
				3	.2729
				4	.2683
				5	.2637
				6	.2591
				7	.2545
				8	.2499
				9	.2453
				10	.2407
				11	.2361
				0	.2315
				1	.2269
				2	.2223
				3	.2177
				4	.2131
				5	.2085
				6	.2039
				7	.1993
				8	.1947
				9	.1901
				10	.1855
				11	.1809
				0	.1763
				1	.1717
				2	.1671
				3	.1625
				4	.1579
				5	.1533
				6	.1487
				7	.1441
				8	.1395
				9	.1349
				10	.1303
				11	.1257
				0	.1211
				1	.1165
				2	.1119
				3	.1073
				4	.1027
				5	.0981
				6	.0935
				7	.0889
				8	.0843
				9	.0797
				10	.0751
				11	.0705
				0	.0659
				1	.0613
				2	.0567
				3	.0521
				4	.0475
				5	.0429
				6	.0383
				7	.0337
				8	.0291
				9	.0245
				10	.0199
				11	.0153
				0	.0107
				1	.0061
				2	.0015
				3	.0000
				4	.0000
				5	.0000
				6	.0000
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				10	.0000
				11	.0000
				0	.0000
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				10	.0000
				11	.0000
				0	.0000
				1	.0000
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				11	.0000
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				11	.0000
				0	.0000
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				9	.0000
				10	.0000
				11	.0000
				0	.0000
				1	.0000
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				10	.0000
				11	.0000
				0	.0000
				1	.0000
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				10	.0000
				11	.0000
				0	.0000
				1	.0000
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				3	.0000
				4	.0000
				5	.0000
				6	.0000
				7	.0000
				8	.0000
				9	.0000
				10	.0000
				11	.0000
				0	.0000
				1	.0000
				2	.0000
				3	.0000
				4	.0000

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors by Year and Month

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors by Year and Month

6	8	.5812
	9	.5766
	10	.5720
	11	.5675
	0	.5629
	1	.5588
	2	.5547
	3	.5506
	4	.5465
	5	.5423
	6	.5382
7	7	.5341
	8	.5300
	9	.5259
	10	.5218
	11	.5177
	0	.5135
	1	.5098
	2	.5061
	3	.5024
	4	.4987
	5	.4950
8	6	.4912
	7	.4875
	8	.4838
	9	.4801
	10	.4764
	11	.4727
	0	.4689
	1	.4656
	2	.4622
	3	.4589
	4	.4555
9	5	.4521
	6	.4488
	7	.4454
	8	.4421
	9	.4387
	10	.4353
	11	.4320
	0	.4286
	1	.4256
	2	.4225
	3	.4195
10	4	.4164
	5	.4134
	6	.4104
	7	.4073
	8	.4043
	9	.4012
	10	.3982
	11	.3951
	0	.3921

	1	.3893
	2	.3866
	3	.3838
	4	.3811
	5	.3783
	6	.3755
	7	.3728
	8	.3700
	9	.3673
	10	.3645
	11	.3617
11	0	.3590
	1	.3565
	2	.3540
	3	.3515
	4	.3490
	5	.3465
	6	.3439
	7	.3414
	8	.3389
	9	.3364
	10	.3339
	11	.3314
	0	.3289
	1	.3266
	2	.3244
	3	.3221
	4	.3198
	5	.3175
	6	.3153
	7	.3130
	8	.3107
	9	.3084
	10	.3061
	11	.3039
	0	.3016
	1	.2995
	2	.2975
	3	.2954
	4	.2933
	5	.2912
	6	.2892
	7	.2871
	8	.2850
	9	.2830
	10	.2809
	11	.2788
	0	.2767
	1	.2748
	2	.2730
	3	.2711
	4	.2692
	5	.2673

PROPOSED

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
by Year and Month

PROPOSED

	6	-2654		11	-1830
	7	-2635	19	0	-1817
	8	-2616		1	-1805
	9	-2598		2	-1793
	10	-2579		3	-1781
	11	-2560		4	-1769
15	0	-2541		5	-1757
	1	-2524		6	-1745
	2	-2507		7	-1733
	3	-2489		8	-1721
	4	-2472		9	-1709
	5	-2455		10	-1697
	6	-2438		11	-1685
	7	-2420	20	0	-1673
	8	-2403		1	-1662
	9	-2386		2	-1651
	10	-2369		3	-1640
	11	-2352		4	-1629
16	0	-2334		5	-1618
	1	-2319		6	-1607
	2	-2303		7	-1596
	3	-2287		8	-1585
	4	-2272		9	-1574
	5	-2256		10	-1563
	6	-2240		11	-1552
	7	-2225	21	0	-1541
	8	-2209		1	-1531
	9	-2193		2	-1521
	10	-2177		3	-1511
	11	-2162		4	-1501
17	0	-2146		5	-1491
	1	-2132		6	-1481
	2	-2117		7	-1470
	3	-2103		8	-1460
	4	-2089		9	-1450
	5	-2074		10	-1440
	6	-2060		11	-1430
	7	-2046	22	0	-1420
	8	-2031		1	-1411
	9	-2017		2	-1402
	10	-2003		3	-1392
	11	-1988		4	-1383
18	0	-1974		5	-1374
	1	-1961		6	-1365
	2	-1948		7	-1356
	3	-1935		8	-1346
	4	-1922		9	-1337
	5	-1908		10	-1328
	6	-1895		11	-1319
	7	-1882	23	0	-1309
	8	-1869		1	-1301
	9	-1856		2	-1292
	10	-1843		3	-1284

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
By Year and Month

0996	9				
0990	10				
0884	11				
0878	0		28		
0872	1				
0866	2				
0861	3				
0855	4				
0850	5				
0844	6				
0839	7				
0833	8				
0828	9				
0822	10				
0816	11				
0811	0		29		
0806	1				
0801	2				
0796	3				
0790	4				
0785	5				
0780	6				
0775	7				
0770	8				
0765	9				
0760	10				
0755	11				
0749	0		30		
0745	1				
0740	2				
0735	3				
0731	4				
0726	5				
0721	6				
0716	7				
0712	8				
0707	9				
0702	10				
0698	11				
0693	0		31		
0689	1				
0684	2				
0680	3				
0676	4				
0671	5				
0667	6				
0663	7				
0658	8				
0654	9				
0649	10				
0645	11				
0641	0		32		
0637	1				

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS RETIREMENT SYSTEM PLAN II

Early Retirement Factors
By Year and Month

1276	4				
1267	5				
1259	6				
1250	7				
1242	8				
1233	9				
1225	10				
1216	11				
1208	0				
1200	1				
1192	2				
1184	3				
1177	4				
1169	5				
1161	6				
1153	7				
1146	8				
1138	9				
1130	10				
1122	11				
1115	0				
1107	1				
1100	2				
1093	3				
1086	4				
1079	5				
1072	6				
1065	7				
1057	8				
1050	9				
1043	10				
1036	11				
1029	0				
1022	1				
1016	2				
1009	3				
1003	4				
0996	5				
0989	6				
0983	7				
0976	8				
0970	9				
0963	10				
0957	11				
0950	0				
0944	1				
0938	2				
0932	3				
0926	4				
0920	5				
0914	6				
0908	7				
0902	8				

PROPOSED

LAW ENFORCEMENT OFFICERS AND FIRE
FIGHTERS RETIREMENT SYSTEM PLAN H
Early Retirement Factors
by Year and Month

LAW ENFORCEMENT OFFICERS AND FIRE
FIGHTERS RETIREMENT SYSTEM PLAN H
Early Retirement Factors
by Year and Month

PROPOSED

	2	.0633		7	.0453
	3	.0629		8	.0450
	4	.0625		9	.0447
	5	.0621		10	.0445
	6	.0617		11	.0442
	7	.0613	37	0	.0439
	8	.0609		1	.0437
	9	.0605		2	.0434
	10	.0601		3	.0432
	11	.0597		4	.0429
33	0	.0593		5	.0426
	1	.0589		6	.0424
	2	.0585		7	.0421
	3	.0582		8	.0419
	4	.0578		9	.0416
	5	.0574		10	.0414
	6	.0571		11	.0411
	7	.0567	38	0	.0409
	8	.0563		1	.0406
	9	.0560		2	.0404
	10	.0556		3	.0401
	11	.0552		4	.0399
34	0	.0548		5	.0397
	1	.0545		6	.0394
	2	.0542		7	.0392
	3	.0538		8	.0390
	4	.0535		9	.0387
	5	.0531		10	.0385
	6	.0528		11	.0382
	7	.0525	39	0	.0380
	8	.0521		1	.0378
	9	.0518		2	.0376
	10	.0514		3	.0373
	11	.0511		4	.0371
35	0	.0508		5	.0369
	1	.0505		6	.0367
	2	.0502		7	.0365
	3	.0499		8	.0362
	4	.0496		9	.0360
	5	.0493		10	.0358
	6	.0490		11	.0356
	7	.0487			
	8	.0484			
	9	.0481			
	10	.0478			
	11	.0475			
36	0	.0472			
	1	.0469			
	2	.0467			
	3	.0464			
	4	.0461			
	5	.0458			
	6	.0456			

PROPOSED

LAW ENFORCEMENT OFFICERS
AND FIRE FIGHTERS RETIREMENT SYSTEM
PLAN II

Age Difference	LEOFF II Survivor Option Factors		
	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
-20	0.928	0.951	0.963
-19	0.923	0.947	0.960
-18	0.918	0.944	0.957
-17	0.912	0.940	0.954
-16	0.906	0.935	0.951
-15	0.899	0.930	0.947
-14	0.892	0.926	0.943
-13	0.885	0.921	0.939
-12	0.877	0.915	0.935
-11	0.869	0.909	0.930
-10	0.861	0.903	0.926
-9	0.854	0.898	0.922
-8	0.846	0.892	0.917
-7	0.838	0.886	0.912
-6	0.830	0.880	0.907
-5	0.823	0.875	0.903
-4	0.814	0.868	0.898
-3	0.806	0.862	0.893
-2	0.798	0.856	0.888
-1	0.790	0.850	0.883

Age Difference	Member Older		
	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
0	0.780	0.842	0.877
1	0.771	0.835	0.871
2	0.760	0.827	0.864
3	0.751	0.820	0.858
4	0.743	0.813	0.853
5	0.735	0.807	0.848
6	0.728	0.801	0.843
7	0.721	0.795	0.838
8	0.714	0.789	0.833
9	0.706	0.783	0.828
10	0.700	0.778	0.824
11	0.694	0.773	0.820
12	0.687	0.768	0.815
13	0.681	0.762	0.811
14	0.673	0.755	0.805
15	0.664	0.748	0.799
16	0.656	0.741	0.793
17	0.650	0.736	0.788
18	0.644	0.731	0.784
19	0.639	0.726	0.780
20	0.634	0.722	0.776
21	0.629	0.718	0.773
22	0.625	0.715	0.770
23	0.620	0.710	0.766

Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
24	0.616	0.707	0.763
25	0.612	0.703	0.760
26	0.608	0.700	0.757
27	0.604	0.696	0.754
28	0.601	0.694	0.751
29	0.598	0.690	0.748
30	0.595	0.688	0.746
31	0.592	0.685	0.744
32	0.589	0.682	0.741
33	0.586	0.680	0.739
34	0.583	0.677	0.737
35	0.581	0.675	0.735
36	0.578	0.673	0.733
37	0.576	0.671	0.731
38	0.574	0.669	0.729
39	0.571	0.666	0.727
40	0.569	0.664	0.725

AGE DIFFERENCE = MEMBER'S AGE MINUS BENEFICIARY AGE

* For converting the Normal Form (Option I) to Option II or III.)

AMENDATORY SECTION (Amending WSR 02-03-120, filed 1/23/02, effective 3/1/02)

WAC 415-108-340 Actuarial tables, schedules, and factors. ((This section contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors the department uses for calculating optional retirement allowances ((and postretirement adjustments)) of members of the Washington state public employees' retirement system ((PERS)). ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary after investigation into the mortality, service, compensation, and other experience of the PERS members and beneficiaries.

(1) These tables, schedules and factors may be amended from time to time, based upon subsequent actuarial investigation.

(2) The department will use the tables, schedules and factors in effect upon the member's retirement to calculate the member's retirement allowance. Accordingly, these values apply to the calculation of retirement allowances for those who retire on or after January 1, 1996 (until subsequent amendment).

(3) The department will use these tables, schedules and factors to calculate postretirement adjustments that become effective on or after January 1, 1996, even though the member's retirement allowance was initially calculated using a prior set of tables, schedules and factors.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN 1

Early Retirement Factors
by Year and Month

0	0	1.0000
	1	.9915
	2	.9830
	3	.9746
	4	.9661
	5	.9576
	6	.9491
	7	.9407
	8	.9322
	9	.9237
	10	.9152
	11	.9068
1	0	.8983
	1	.8908
	2	.8834
	3	.8759
	4	.8685
	5	.8610
	6	.8536
	7	.8461
	8	.8387
	9	.8312
	10	.8238
	11	.8163
2	0	.8089
	1	.8023
	2	.7957
	3	.7892
	4	.7826
	5	.7760
	6	.7694
	7	.7629
	8	.7563
	9	.7497
	10	.7431
	11	.7366
3	0	.7300
	1	.7242
	2	.7183
	3	.7125
	4	.7067
	5	.7009
	6	.6951
	7	.6892

Early Retirement Factors
by Year and Month

	8	.6834
	9	.6776
	10	.6718
	11	.6660
4	0	.6601
	1	.6550
	2	.6498
	3	.6446
	4	.6395
	5	.6343
	6	.6291
	7	.6240
	8	.6188
	9	.6136
	10	.6085
	11	.6033
5	0	.5981
	1	.5935
	2	.5889
	3	.5843
	4	.5797
	5	.5751
	6	.5705
	7	.5659
	8	.5613
	9	.5567
	10	.5521
	11	.5475
6	0	.5429
	1	.5388
	2	.5347
	3	.5306
	4	.5265
	5	.5224
	6	.5182
	7	.5141
	8	.5100
	9	.5059
	10	.5018
	11	.4977
7	0	.4936
	1	.4899
	2	.4862
	3	.4825
	4	.4789
	5	.4752

PROPOSED

Early Retirement Factors
by Year and Month

	6	.4715
	7	.4678
	8	.4642
	9	.4605
	10	.4568
	11	.4531
8	0	.4494
	1	.4461
	2	.4428
	3	.4395
	4	.4362
	5	.4329
	6	.4296
	7	.4263
	8	.4230
	9	.4197
	10	.4164
	11	.4131
9	0	.4098
	1	.4068
	2	.4039
	3	.4009
	4	.3979
	5	.3950
	6	.3920
	7	.3890
	8	.3860
	9	.3831
	10	.3801
	11	.3771
10	0	.3742
	1	.3715
	2	.3688
	3	.3661
	4	.3635
	5	.3608
	6	.3581
	7	.3554
	8	.3528
	9	.3501
	10	.3474
	11	.3447
11	0	.3420
	1	.3396
	2	.3372
	3	.3348

Early Retirement Factors
by Year and Month

	4	.3324
	5	.3300
	6	.3275
	7	.3251
	8	.3227
	9	.3203
	10	.3179
	11	.3154
12	0	.3130
	1	.3108
	2	.3087
	3	.3065
	4	.3043
	5	.3021
	6	.2999
	7	.2977
	8	.2955
	9	.2933
	10	.2912
	11	.2890
13	0	.2868
	1	.2848
	2	.2828
	3	.2808
	4	.2789
	5	.2769
	6	.2749
	7	.2729
	8	.2709
	9	.2689
	10	.2670
	11	.2650
14	0	.2630
	1	.2612
	2	.2594
	3	.2576
	4	.2558
	5	.2540
	6	.2522
	7	.2504
	8	.2486
	9	.2468
	10	.2450
	11	.2432
15	0	.2414
	1	.2398

PROPOSED

Early Retirement Factors
by Year and Month

	2	.2381
	3	.2365
	4	.2348
	5	.2332
	6	.2316
	7	.2299
	8	.2283
	9	.2267
	10	.2250
	11	.2234
16	0	.2218
	1	.2203
	2	.2188
	3	.2173
	4	.2158
	5	.2143
	6	.2128
	7	.2113
	8	.2098
	9	.2084
	10	.2069
	11	.2054
17	0	.2039
	1	.2025
	2	.2012
	3	.1998
	4	.1985
	5	.1971
	6	.1957
	7	.1944
	8	.1930
	9	.1917
	10	.1903
	11	.1890
18	0	.1876
	1	.1864
	2	.1851
	3	.1839
	4	.1826
	5	.1814
	6	.1802
	7	.1789
	8	.1777
	9	.1764
	10	.1752
	11	.1740

Early Retirement Factors
by Year and Month

19	0	.1727
	1	.1716
	2	.1705
	3	.1693
	4	.1682
	5	.1671
	6	.1659
	7	.1648
	8	.1637
	9	.1625
	10	.1614
	11	.1603
20	0	.1591
	1	.1581
	2	.1571
	3	.1560
	4	.1550
	5	.1540
	6	.1529
	7	.1519
	8	.1509
	9	.1498
	10	.1488
	11	.1478
21	0	.1467
	1	.1458
	2	.1448
	3	.1439
	4	.1429
	5	.1420
	6	.1410
	7	.1401
	8	.1391
	9	.1382
	10	.1372
	11	.1363
22	0	.1353
	1	.1345
	2	.1336
	3	.1327
	4	.1319
	5	.1310
	6	.1301
	7	.1293
	8	.1284
	9	.1275

PROPOSED

~~Early Retirement Factors
by Year and Month~~

	10	-.1267
	11	-.1258
23	0	-.1249
	1	-.1241
	2	-.1233
	3	-.1225
	4	-.1217
	5	-.1209
	6	-.1201
	7	-.1193
	8	-.1185
	9	-.1177
	10	-.1169
	11	-.1161
24	0	-.1153
	1	-.1146
	2	-.1139
	3	-.1132
	4	-.1124
	5	-.1117
	6	-.1110
	7	-.1102
	8	-.1095
	9	-.1088
	10	-.1080
	11	-.1073
25	0	-.1066
	1	-.1059
	2	-.1052
	3	-.1046
	4	-.1039
	5	-.1032
	6	-.1025
	7	-.1019
	8	-.1012
	9	-.1005
	10	-.0998
	11	-.0992
26	0	-.0985
	1	-.0979
	2	-.0973
	3	-.0966
	4	-.0960
	5	-.0954
	6	-.0948
	7	-.0942

~~Early Retirement Factors
by Year and Month~~

	8	-.0936
	9	-.0929
	10	-.0923
	11	-.0917
27	0	-.0911
	1	-.0905
	2	-.0899
	3	-.0894
	4	-.0888
	5	-.0882
	6	-.0877
	7	-.0871
	8	-.0865
	9	-.0860
	10	-.0854
	11	-.0848
28	0	-.0842
	1	-.0837
	2	-.0832
	3	-.0827
	4	-.0822
	5	-.0816
	6	-.0811
	7	-.0806
	8	-.0801
	9	-.0795
	10	-.0790
	11	-.0785
29	0	-.0780
	1	-.0775
	2	-.0770
	3	-.0765
	4	-.0760
	5	-.0755
	6	-.0751
	7	-.0746
	8	-.0741
	9	-.0736
	10	-.0731
	11	-.0726
30	0	-.0722
	1	-.0717
	2	-.0713
	3	-.0708
	4	-.0704
	5	-.0699

PROPOSED

PROPOSED

~~Early Retirement Factors
by Year and Month~~

	6	.0695
	7	.0690
	8	.0686
	9	.0682
	10	.0677
	11	.0673
31	0	.0668
	1	.0664
	2	.0660
	3	.0656
	4	.0652
	5	.0648
	6	.0644
	7	.0639
	8	.0635
	9	.0631
	10	.0627
	11	.0623
32	0	.0619
	1	.0615
	2	.0611
	3	.0608
	4	.0604
	5	.0600
	6	.0596
	7	.0592
	8	.0589
	9	.0585
	10	.0581
	11	.0577
33	0	.0573
	1	.0570
	2	.0566
	3	.0563
	4	.0559
	5	.0556
	6	.0552
	7	.0549
	8	.0545
	9	.0542
	10	.0538
	11	.0535
34	0	.0531
	1	.0528
	2	.0525
	3	.0522

~~Early Retirement Factors
by Year and Month~~

	4	.0518
	5	.0515
	6	.0512
	7	.0509
	8	.0506
	9	.0502
	10	.0499
	11	.0496
35	or more	.0493

PUBLIC EMPLOYEES RETIREMENT SYSTEM
Plans 2 and 3 Option 1
Monthly Benefit per \$1.00
of Accumulation

20	.0039357
21	.0039525
22	.0039702
23	.0039887
24	.0040081
25	.0040286
26	.0040500
27	.0040726
28	.0040963
29	.0041213
30	.0041476
31	.0041753
32	.0042044
33	.0042351
34	.0042675
35	.0043015
36	.0043375
37	.0043756
38	.0044157
39	.0044581
40	.0045029
41	.0045502
42	.0046001
43	.0046528
44	.0047084
45	.0047670
46	.0048287
47	.0048939
48	.0049626
49	.0050352
50	.0051120
51	.0051933

		99	.0256785
		Public Employees Retirement System PERS I Optional COLA*	Public Employees Retirement System Plan 1 Option 1 Monthly Benefit per \$1.00 of Accumulation
		Age	
52	.0052795		
53	.0053712		
54	.0054687		
55	.0055727		
56	.0056837		
57	.0058025		
58	.0059296	20	0.6369
59	.0060657	21	0.6386
60	.0062116	22	0.6404
61	.0063676	23	0.6422
62	.0065347	24	0.6441
63	.0067134	25	0.6460
64	.0069044	26	0.6480
65	.0071085	27	0.6501
66	.0073263	28	0.6522
67	.0075587	29	0.6544
68	.0078066	30	0.6567
69	.0080711	31	0.6590
70	.0083537	32	0.6614
71	.0086558	33	0.6639
72	.0089785	34	0.6665
73	.0093230	35	0.6691
74	.0096898	36	0.6718
75	.0100792	37	0.6747
76	.0104910	38	0.6775
77	.0109250	39	0.6805
78	.0113811	40	0.6836
79	.0118589	41	0.6867
80	.0123587	42	0.6899
81	.0128793	43	0.6932
82	.0134243	44	0.6966
83	.0139934	45	0.7001
84	.0145880	46	0.7036
85	.0152103	47	0.7073
86	.0158600	48	0.7111
87	.0165374	49	0.7149
88	.0172413	50	0.7188
89	.0179682	51	0.7229
90	.0187162	52	0.7270
91	.0194835	53	0.7312
92	.0202654	54	0.7355
93	.0210569	55	0.7399
94	.0218459	56	0.7444
95	.0226265	57	0.7490
96	.0234038	58	0.7537
97	.0241752	59	0.7585
98	.0249356	60	0.7633

PROPOSED

PROPOSED

Public Employees Retirement System PERS I Optional COLA*		Public Employees Retirement System Plan 1 Option 1 Monthly Benefit per \$1.00 of Accumulation		PERS I Survivor Option Factors			
Age				Age Difference	Member Younger		
					OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
61	0.7682	61	.0082885	20	0.948	0.965	0.973
62	0.7733	62	.0084509	19	0.945	0.963	0.972
63	0.7783	63	.0086255	18	0.940	0.959	0.969
64	0.7835	64	.0088128	17	0.936	0.956	0.967
65	0.7887	65	.0090135	16	0.933	0.954	0.965
66	0.7939	66	.0092282	15	0.929	0.951	0.963
67	0.7992	67	.0094577	14	0.925	0.949	0.961
68	0.8046	68	.0097029	13	0.921	0.946	0.959
69	0.8099	69	.0099651	12	0.916	0.943	0.956
70	0.8154	70	.0102454	11	0.910	0.938	0.953
71	0.8208	71	.0105455	10	0.906	0.935	0.950
72	0.8263	72	.0108665	9	0.900	0.931	0.948
73	0.8317	73	.0112093	8	0.895	0.928	0.945
74	0.8372	74	.0115744	7	0.889	0.923	0.941
75	0.8426	75	.0119617	6	0.882	0.918	0.937
76	0.8480	76	.0123709	5	0.876	0.914	0.934
77	0.8534	77	.0128014	4	0.868	0.908	0.930
78	0.8588	78	.0132528	3	0.860	0.902	0.925
79	0.8641	79	.0137246	2	0.849	0.894	0.918
80	0.8693	80	.0142169	1	0.836	0.884	0.911
81	0.8745	81	.0147281				
82	0.8796	82	.0152621				
83	0.8846	83	.0158184		Member Older		
84	0.8896	84	.0163986	Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
85	0.8945	85	.0170045	0	.822	0.874	0.902
86	0.8993	86	.0176361	1	0.808	0.863	0.894
87	0.9040	87	.0182936	2	0.796	0.854	0.886
88	0.9086	88	.0189757	3	0.787	0.848	0.881
89	0.9131	89	.0196789	4	0.782	0.844	0.878
90	0.9174	90	.0204015	5	0.778	0.840	0.875
91	0.9216	91	.0211420	6	0.773	0.837	0.872
92	0.9255	92	.0218957	7	0.766	0.831	0.868
93	0.9294	93	.0226575	8	0.757	0.824	0.862
94	0.9329	94	.0234160	9	0.746	0.815	0.854
95	0.9363	95	.0241655	10	0.736	0.807	0.848
96	0.9395	96	.0249116	11	0.729	0.801	0.843
97	0.9424	97	.0256520	12	0.724	0.798	0.840
98	0.9452	98	.0263822	13	0.720	0.794	0.837
99	0.9477	99	.0270961	14	0.715	0.790	0.834
				15	0.711	0.787	0.832
				16	0.708	0.784	0.829
				17	0.704	0.781	0.827
				18	0.702	0.779	0.825

Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
19	0.698	0.776	0.822
20	0.695	0.774	0.820
21	0.692	0.772	0.818
22	0.689	0.769	0.816
23	0.686	0.767	0.814
24	0.683	0.764	0.812
25	0.681	0.763	0.811
26	0.679	0.761	0.809
27	0.677	0.759	0.808
28	0.675	0.758	0.806
29	0.673	0.756	0.805
30	0.671	0.754	0.804
31	0.669	0.753	0.802
32	0.668	0.752	0.801
33	0.667	0.750	0.800
34	0.666	0.749	0.799
35	0.664	0.747	0.798
36	0.663	0.747	0.797
37	0.662	0.746	0.796
38	0.661	0.745	0.796
39	0.660	0.744	0.795
40	0.659	0.743	0.794

Age difference = member's age minus beneficiary's age

PERS Plans 2 and 3 Survivor Option Factors

Member-Younger

Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
-20	0.928	0.951	0.962
-19	0.925	0.949	0.961
-18	0.922	0.946	0.959
-17	0.919	0.945	0.958
-16	0.916	0.942	0.956
-15	0.912	0.940	0.954
-14	0.908	0.937	0.952
-13	0.904	0.933	0.949
-12	0.898	0.930	0.946
-11	0.892	0.925	0.943
-10	0.885	0.920	0.939
-9	0.879	0.916	0.935
-8	0.873	0.911	0.932
-7	0.865	0.906	0.927
-6	0.857	0.900	0.923
-5	0.849	0.894	0.918
-4	0.839	0.887	0.912

Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
-3	0.828	0.878	0.906
-2	0.813	0.867	0.897
-1	0.797	0.855	0.887

Member-Older

Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)
0	0.779	0.841	0.876
1	0.763	0.829	0.866
2	0.748	0.817	0.856
3	0.735	0.807	0.848
4	0.725	0.798	0.841
5	0.716	0.791	0.835
6	0.708	0.785	0.830
7	0.698	0.777	0.823
8	0.687	0.767	0.815
9	0.674	0.757	0.806
10	0.662	0.747	0.797
11	0.653	0.739	0.791
12	0.646	0.733	0.786
13	0.640	0.728	0.781
14	0.634	0.722	0.776
15	0.628	0.717	0.772
16	0.622	0.712	0.767
17	0.616	0.707	0.763
18	0.611	0.702	0.759
19	0.606	0.698	0.755
20	0.602	0.694	0.751
21	0.596	0.689	0.747
22	0.591	0.684	0.743
23	0.587	0.681	0.740
24	0.582	0.676	0.736
25	0.577	0.672	0.732
26	0.573	0.668	0.729
27	0.569	0.665	0.726
28	0.565	0.661	0.722
29	0.562	0.658	0.720
30	0.558	0.655	0.717
31	0.555	0.652	0.714
32	0.552	0.649	0.712
33	0.549	0.647	0.709
34	0.546	0.644	0.707
35	0.543	0.641	0.705
36	0.540	0.638	0.702
37	0.538	0.637	0.700
38	0.535	0.634	0.698

PROPOSED

Age Difference	OPTION II (100%)	OPTION IV (66 2/3%)	OPTION III (50%)	Early Retirement Factors- by Year and Month	
39	0.533	0.632	0.696	2	.7035
40	0.531	0.630	0.695	3	.6975
Age difference = member's age minus beneficiary's age				4	.6914
				5	.6853
				6	.6793
				7	.6732
				8	.6672
				9	.6611
				10	.6551
				11	.6490
				4	0 .6429
				1	.6376
				2	.6322
				3	.6269
				4	.6215
				5	.6162
				6	.6109
				7	.6055
				8	.6002
				9	.5948
				10	.5895
				11	.5841
				5	0 .5788
				1	.5740
				2	.5693
				3	.5646
				4	.5598
				5	.5551
				6	.5504
				7	.5456
				8	.5409
				9	.5362
				10	.5314
				11	.5267
				6	0 .5220
				1	.5178
				2	.5136
				3	.5094
				4	.5052
				5	.5010
				6	.4968
				7	.4926
				8	.4884
				9	.4842
				10	.4800
				11	.4758

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLANS 2 AND 3

Early Retirement Factors-
by Year and Month

0	0	1.0000
	1	.9910
	2	.9821
	3	.9731
	4	.9641
	5	.9551
	6	.9462
	7	.9372
	8	.9282
	9	.9193
	10	.9103
	11	.9013
1	0	.8923
	1	.8845
	2	.8767
	3	.8688
	4	.8610
	5	.8531
	6	.8453
	7	.8374
	8	.8296
	9	.8217
	10	.8139
	11	.8061
2	0	.7982
	1	.7913
	2	.7844
	3	.7776
	4	.7707
	5	.7638
	6	.7569
	7	.7500
	8	.7431
	9	.7363
	10	.7294
	11	.7225
3	0	.7156
	1	.7096

PROPOSED

Early Retirement Factors
by Year and Month

7	0	.4716
	1	.4678
	2	.4641
	3	.4603
	4	.4566
	5	.4529
	6	.4491
	7	.4454
	8	.4416
	9	.4379
	10	.4342
8	11	.4304
	0	.4267
	1	.4234
	2	.4200
	3	.4167
	4	.4134
	5	.4100
	6	.4067
	7	.4033
	8	.4000
	9	.3967
9	10	.3933
	11	.3900
	0	.3867
	1	.3837
	2	.3807
	3	.3777
	4	.3747
	5	.3718
	6	.3688
	7	.3658
	8	.3628
10	9	.3598
	10	.3569
	11	.3539
	0	.3509
	1	.3482
	2	.3456
	3	.3429
	4	.3402
	5	.3375
	6	.3349
	7	.3322
8	.3295	
9	.3269	

Early Retirement Factors
by Year and Month

11	10	.3242
	11	.3215
	0	.3188
	1	.3165
	2	.3141
	3	.3117
	4	.3093
	5	.3069
	6	.3045
	7	.3021
	8	.2997
12	9	.2973
	10	.2949
	11	.2925
	0	.2901
	1	.2879
	2	.2858
	3	.2836
	4	.2815
	5	.2793
	6	.2771
	7	.2750
13	8	.2728
	9	.2707
	10	.2685
	11	.2664
	0	.2642
	1	.2623
	2	.2603
	3	.2584
	4	.2564
	5	.2545
	6	.2526
7	.2506	
14	8	.2487
	9	.2467
	10	.2448
	11	.2429
	0	.2409
	1	.2392
	2	.2374
	3	.2357
	4	.2339
	5	.2322
	6	.2304
7	.2287	

PROPOSED

PROPOSED

Early Retirement Factors
by Year and Month

	8	-.2269
	9	-.2252
	10	-.2234
	11	-.2216
15	0	-.2199
	1	-.2183
	2	-.2167
	3	-.2151
	4	-.2136
	5	-.2120
	6	-.2104
	7	-.2088
	8	-.2072
	9	-.2057
	10	-.2041
	11	-.2025
16	0	-.2009
	1	-.1995
	2	-.1980
	3	-.1966
	4	-.1952
	5	-.1937
	6	-.1923
	7	-.1909
	8	-.1894
	9	-.1880
	10	-.1866
	11	-.1851
17	0	-.1837
	1	-.1824
	2	-.1811
	3	-.1798
	4	-.1785
	5	-.1772
	6	-.1759
	7	-.1746
	8	-.1733
	9	-.1720
	10	-.1707
	11	-.1694
18	0	-.1681
	1	-.1670
	2	-.1658
	3	-.1646
	4	-.1634
	5	-.1623

Early Retirement Factors
by Year and Month

	6	-.1611
	7	-.1599
	8	-.1587
	9	-.1575
	10	-.1564
	11	-.1552
19	0	-.1540
	1	-.1529
	2	-.1519
	3	-.1508
	4	-.1497
	5	-.1487
	6	-.1476
	7	-.1465
	8	-.1455
	9	-.1444
	10	-.1433
	11	-.1422
20	0	-.1412
	1	-.1402
	2	-.1392
	3	-.1383
	4	-.1373
	5	-.1363
	6	-.1353
	7	-.1344
	8	-.1334
	9	-.1324
	10	-.1315
	11	-.1305
21	0	-.1295
	1	-.1286
	2	-.1277
	3	-.1269
	4	-.1260
	5	-.1251
	6	-.1242
	7	-.1233
	8	-.1224
	9	-.1215
	10	-.1207
	11	-.1198
22	0	-.1189
	1	-.1181
	2	-.1173
	3	-.1165

Early Retirement Factors
by Year and Month

	4	-.1157
	5	-.1149
	6	-.1140
	7	-.1132
	8	-.1124
	9	-.1116
	10	-.1108
	11	-.1100
23	0	-.1092
	1	-.1085
	2	-.1077
	3	-.1070
	4	-.1063
	5	-.1055
	6	-.1048
	7	-.1041
	8	-.1033
	9	-.1026
	10	-.1018
	11	-.1011
24	0	-.1004
	1	-.0997
	2	-.0990
	3	-.0984
	4	-.0977
	5	-.0970
	6	-.0963
	7	-.0957
	8	-.0950
	9	-.0943
	10	-.0937
	11	-.0930
25	0	-.0923
	1	-.0917
	2	-.0911
	3	-.0905
	4	-.0898
	5	-.0892
	6	-.0886
	7	-.0880
	8	-.0874
	9	-.0868
	10	-.0862
	11	-.0856
26	0	-.0849
	1	-.0844

Early Retirement Factors
by Year and Month

	2	-.0838
	3	-.0833
	4	-.0827
	5	-.0821
	6	-.0816
	7	-.0810
	8	-.0804
	9	-.0799
	10	-.0793
	11	-.0788
27	0	-.0782
	1	-.0777
	2	-.0772
	3	-.0767
	4	-.0761
	5	-.0756
	6	-.0751
	7	-.0746
	8	-.0741
	9	-.0736
	10	-.0731
	11	-.0725
28	0	-.0720
	1	-.0716
	2	-.0711
	3	-.0706
	4	-.0701
	5	-.0697
	6	-.0692
	7	-.0687
	8	-.0683
	9	-.0678
	10	-.0673
	11	-.0668
29	0	-.0664
	1	-.0659
	2	-.0655
	3	-.0651
	4	-.0646
	5	-.0642
	6	-.0638
	7	-.0634
	8	-.0629
	9	-.0625
	10	-.0621
	11	-.0616

PROPOSED

PROPOSED

Early Retirement Factors
by Year and Month

30	0	-.0612
	1	-.0608
	2	-.0604
	3	-.0600
	4	-.0596
	5	-.0592
	6	-.0588
	7	-.0584
	8	-.0580
	9	-.0576
	10	-.0572
	11	-.0568
31	0	-.0564
	1	-.0561
	2	-.0557
	3	-.0553
	4	-.0550
	5	-.0546
	6	-.0543
	7	-.0539
	8	-.0535
	9	-.0532
	10	-.0528
	11	-.0524
32	0	-.0521
	1	-.0517
	2	-.0514
	3	-.0511
	4	-.0507
	5	-.0504
	6	-.0501
	7	-.0497
	8	-.0494
	9	-.0491
	10	-.0487
	11	-.0484
33	0	-.0481
	1	-.0478
	2	-.0475
	3	-.0471
	4	-.0468
	5	-.0465
	6	-.0462
	7	-.0459
	8	-.0456
	9	-.0453

Early Retirement Factors
by Year and Month

	10	-.0450
	11	-.0447
34	0	-.0444
	1	-.0441
	2	-.0438
	3	-.0435
	4	-.0433
	5	-.0430
	6	-.0427
	7	-.0424
	8	-.0421
	9	-.0418
	10	-.0416
	11	-.0413
35	0	-.0410
	1	-.0407
	2	-.0405
	3	-.0402
	4	-.0400
	5	-.0397
	6	-.0394
	7	-.0392
	8	-.0389
	9	-.0387
	10	-.0384
	11	-.0381
36	0	-.0379
	1	-.0376
	2	-.0374
	3	-.0372
	4	-.0369
	5	-.0367
	6	-.0364
	7	-.0362
	8	-.0360
	9	-.0357
	10	-.0355
	11	-.0352
37	0	-.0350
	1	-.0348
	2	-.0346
	3	-.0343
	4	-.0341
	5	-.0339
	6	-.0337
	7	-.0335

Early Retirement Factors
by Year and Month

	8	.0332
	9	.0330
	10	.0328
	11	.0326
38	0	.0324
	1	.0322
	2	.0320
	3	.0318
	4	.0316
	5	.0313
	6	.0311
	7	.0309
	8	.0307
	9	.0305
	10	.0303
	11	.0301
39	0	.0299
	1	.0297
	2	.0296
	3	.0294
	4	.0292
	5	.0290
	6	.0288
	7	.0286
	8	.0284
	9	.0282
	10	.0281
	11	.0279
40	0	.0277
	1	.0275
	2	.0273
	3	.0272
	4	.0270
	5	.0268
	6	.0266
	7	.0265
	8	.0263
	9	.0261
	10	.0260
	11	.0258
41	0	.0256
	1	.0255
	2	.0253
	3	.0251
	4	.0250
	5	.0248

Early Retirement Factors
by Year and Month

	6	.0247
	7	.0245
	8	.0243
	9	.0242
	10	.0240
	11	.0239
42	0	.0237
	1	.0236
	2	.0234
	3	.0233
	4	.0231
	5	.0230
	6	.0228
	7	.0227
	8	.0225
	9	.0224
	10	.0222
	11	.0221
43	0	.0219
	1	.0218
	2	.0217
	3	.0215
	4	.0214
	5	.0213
	6	.0211
	7	.0210
	8	.0209
	9	.0207
	10	.0206
	11	.0205
44	0	.0203
	1	.0202
	2	.0201
	3	.0199
	4	.0198
	5	.0197
	6	.0196
	7	.0194
	8	.0193
	9	.0192
	10	.0191
	11	.0189
45	or more	.0188))

PROPOSED

AMENDATORY SECTION (Amending WSR 01-01-059, filed 12/12/00, effective 1/12/01)

WAC 415-110-340 Actuarial tables, schedules, and factors. ((This chapter contains)) See chapter 415-02 WAC starting with section 415-02-300 for the tables, schedules, and factors ((adopted by the director of the department of retirement systems)) the department uses for calculating optional retirement allowances of members of the Washington state school employees' retirement system. ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary based on the actuary's investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of school employees' retirement system. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from September 1, 2000, until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances calculated at the time of retirement only of members retiring after the adoption of such new tables, schedules, and factors.

SCHOOL EMPLOYEES RETIREMENT SYSTEM

Plant 2 Option 1
 Monthly Benefit per \$1.00
 of Accumulation

20	.0039357
21	.0039525
22	.0039702
23	.0039887
24	.0040081
25	.0040286
26	.0040500
27	.0040726
28	.0040963
29	.0041213
30	.0041476
31	.0041753
32	.0042044
33	.0042351
34	.0042675
35	.0043015
36	.0043375
37	.0043756
38	.0044157
39	.0044581
40	.0045029
41	.0045502
42	.0046001
43	.0046528
44	.0047084
45	.0047670
46	.0048287
47	.0048939
48	.0049626

49	.0050352
50	.0051120
51	.0051933
52	.0052795
53	.0053712
54	.0054687
55	.0055727
56	.0056837
57	.0058025
58	.0059296
59	.0060657
60	.0062116
61	.0063676
62	.0065347
63	.0067134
64	.0069044
65	.0071085
66	.0073263
67	.0075587
68	.0078066
69	.0080711
70	.0083537
71	.0086558
72	.0089785
73	.0093230
74	.0096898
75	.0100792
76	.0104910
77	.0109250
78	.0113811
79	.0118589
80	.0123587
81	.0128793
82	.0134243
83	.0139934
84	.0145880
85	.0152103
86	.0158600
87	.0165374
88	.0172413
89	.0179682
90	.0187162
91	.0194835
92	.0202654
93	.0210569
94	.0218459
95	.0226265
96	.0234038
97	.0241752
98	.0249356
99	.0256785

PROPOSED

PROPOSED

SERS 2 Survivor Option Factors

Member Younger

Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
-20	0.928	0.951	0.962
-19	0.925	0.949	0.961
-18	0.922	0.946	0.959
-17	0.919	0.945	0.958
-16	0.916	0.942	0.956
-15	0.912	0.940	0.954
-14	0.908	0.937	0.952
-13	0.904	0.933	0.949
-12	0.898	0.930	0.946
-11	0.892	0.925	0.943
-10	0.885	0.920	0.939
-9	0.879	0.916	0.935
-8	0.873	0.911	0.932
-7	0.865	0.906	0.927
-6	0.857	0.900	0.923
-5	0.849	0.894	0.918
-4	0.839	0.887	0.912
-3	0.828	0.878	0.906
-2	0.813	0.867	0.897
-1	0.797	0.855	0.887

Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
21	0.596	0.689	0.747
22	0.591	0.684	0.743
23	0.587	0.681	0.740
24	0.582	0.676	0.736
25	0.577	0.672	0.732
26	0.573	0.668	0.729
27	0.569	0.665	0.726
28	0.565	0.661	0.722
29	0.562	0.658	0.720
30	0.558	0.655	0.717
31	0.555	0.652	0.714
32	0.552	0.649	0.712
33	0.549	0.647	0.709
34	0.546	0.644	0.707
35	0.543	0.641	0.705
36	0.540	0.638	0.702
37	0.538	0.637	0.700
38	0.535	0.634	0.698
39	0.533	0.632	0.696
40	0.531	0.630	0.695

Age difference = member's age minus beneficiary's age

Member Older

Age Difference	OPTION II (100%)	OPTION IV (66-2/3%)	OPTION III (50%)
0	0.779	0.841	0.876
1	0.763	0.829	0.866
2	0.748	0.817	0.856
3	0.735	0.807	0.848
4	0.725	0.798	0.841
5	0.716	0.791	0.835
6	0.708	0.785	0.830
7	0.698	0.777	0.823
8	0.687	0.767	0.815
9	0.674	0.757	0.806
10	0.662	0.747	0.797
11	0.653	0.739	0.791
12	0.646	0.733	0.786
13	0.640	0.728	0.781
14	0.634	0.722	0.776
15	0.628	0.717	0.772
16	0.622	0.712	0.767
17	0.616	0.707	0.763
18	0.611	0.702	0.759
19	0.606	0.698	0.755
20	0.602	0.694	0.751

SCHOOL EMPLOYEES RETIREMENT SYSTEM PLAN 2

Early Retirement Factors by Year and Month

0	0	1.0000
	1	.9910
	2	.9821
	3	.9731
	4	.9641
	5	.9551
	6	.9462
	7	.9372
	8	.9282
	9	.9193
	10	.9103
	11	.9013
1	0	.8923
	1	.8845
	2	.8767
	3	.8688
	4	.8610
	5	.8531
	6	.8453
	7	.8374
	8	.8296
	9	.8217
	10	.8139
	11	.8061

PROPOSED

Early Retirement Factors- by Year and Month			Early Retirement Factors- by Year and Month			
2	0	.7982	7	7	.4926	
	1	.7913		8	.4884	
	2	.7844		9	.4842	
	3	.7776		10	.4800	
	4	.7707		11	.4758	
	5	.7638		8	0	.4716
	6	.7569			1	.4678
	7	.7500			2	.4641
	8	.7431			3	.4603
	9	.7363			4	.4566
	10	.7294			5	.4529
11	.7225	6	.4491			
3	0	.7156	7		.4454	
	1	.7096	8		.4416	
	2	.7035	9		.4379	
	3	.6975	10		.4342	
	4	.6914	11	.4304		
	5	.6853	9	0	.4267	
	6	.6793		1	.4234	
	7	.6732		2	.4200	
	8	.6672		3	.4167	
	9	.6611		4	.4134	
	10	.6551		5	.4100	
11	.6490	6		.4067		
4	0	.6429		7	.4033	
	1	.6376		8	.4000	
	2	.6322		9	.3967	
	3	.6269		10	.3933	
	4	.6215	11	.3900		
	5	.6162	10	0	.3867	
	6	.6109		1	.3837	
	7	.6055		2	.3807	
	8	.6002		3	.3777	
	9	.5948		4	.3747	
	10	.5895		5	.3718	
11	.5841	6		.3688		
5	0	.5788		7	.3658	
	1	.5740		8	.3628	
	2	.5693		9	.3598	
	3	.5646		10	.3569	
	4	.5598	11	.3539		
	5	.5551	11	0	.3509	
	6	.5504		1	.3482	
	7	.5456		2	.3456	
	8	.5409		3	.3429	
	9	.5362		4	.3402	
	10	.5314		5	.3375	
11	.5267	6		.3349		
6	0	.5220		7	.3322	
	1	.5178		8	.3295	
	2	.5136		9	.3269	
	3	.5094		10	.3242	
	4	.5052	11	.3215		
	5	.5010	11	0	.3188	
	6	.4968		1	.3165	

Early Retirement Factors- by Year and Month		Early Retirement Factors- by Year and Month			
	2	-3141	9	-2057	
	3	-3117	10	-2041	
	4	-3093	11	-2025	
	5	-3069	16	0	-2009
	6	-3045	1	-1995	
	7	-3021	2	-1980	
	8	-2997	3	-1966	
	9	-2973	4	-1952	
	10	-2949	5	-1937	
	11	-2925	6	-1923	
12	0	-2901	7	-1909	
	1	-2879	8	-1894	
	2	-2858	9	-1880	
	3	-2836	10	-1866	
	4	-2815	11	-1851	
	5	-2793	17	0	-1837
	6	-2771	1	-1824	
	7	-2750	2	-1811	
	8	-2728	3	-1798	
	9	-2707	4	-1785	
	10	-2685	5	-1772	
	11	-2664	6	-1759	
13	0	-2642	7	-1746	
	1	-2623	8	-1733	
	2	-2603	9	-1720	
	3	-2584	10	-1707	
	4	-2564	11	-1694	
	5	-2545	18	0	-1681
	6	-2526	1	-1670	
	7	-2506	2	-1658	
	8	-2487	3	-1646	
	9	-2467	4	-1634	
	10	-2448	5	-1623	
	11	-2429	6	-1611	
14	0	-2409	7	-1599	
	1	-2392	8	-1587	
	2	-2374	9	-1575	
	3	-2357	10	-1564	
	4	-2339	11	-1552	
	5	-2322	19	0	-1540
	6	-2304	1	-1529	
	7	-2287	2	-1519	
	8	-2269	3	-1508	
	9	-2252	4	-1497	
	10	-2234	5	-1487	
	11	-2216	6	-1476	
15	0	-2199	7	-1465	
	1	-2183	8	-1455	
	2	-2167	9	-1444	
	3	-2151	10	-1433	
	4	-2136	11	-1422	
	5	-2120	20	0	-1412
	6	-2104	1	-1402	
	7	-2088	2	-1392	
	8	-2072	3	-1383	

PROPOSED

Early Retirement Factors by Year and Month		Early Retirement Factors by Year and Month	
10	-0937	4	-1373
9	-0943	6	-1353
8	-0950	7	-1344
7	-0957	8	-1334
6	-0963	9	-1324
5	-0970	10	-1315
4	-0977	11	-1305
3	-0984	0	-1295
2	-0990	1	-1286
1	-0997	2	-1277
0	-1004	3	-1269
11	-1011	4	-1260
10	-1018	5	-1251
9	-1026	6	-1242
8	-1033	7	-1233
7	-1041	8	-1224
6	-1048	9	-1215
5	-1055	10	-1207
4	-1063	11	-1198
3	-1070	0	-1189
2	-1077	1	-1181
1	-1085	2	-1173
0	-1092	3	-1165
11	-1100	4	-1157
10	-1108	5	-1149
9	-1116	6	-1140
8	-1124	7	-1132
7	-1132	8	-1124
6	-1140	9	-1116
5	-1149	10	-1108
4	-1157	11	-1100
3	-1165	0	-1092
2	-1173	1	-1085
1	-1181	2	-1077
0	-1189	3	-1070
11	-1198	4	-1063
10	-1207	5	-1055
9	-1215	6	-1048
8	-1224	7	-1041
7	-1233	8	-1033
6	-1242	9	-1026
5	-1251	10	-1018
4	-1260	11	-1011
3	-1269	0	-1004
2	-1277	1	-0997
1	-1286	2	-0990
0	-1295	3	-0984
11	-1305	4	-0977
10	-1315	5	-0970
9	-1324	6	-0963
8	-1334	7	-0957
7	-1344	8	-0950
6	-1353	9	-0943
5	-1363	10	-0937
4	-1373	11	-0930
3	-1383	0	-0923
2	-1393	1	-0917
1	-1403	2	-0911
0	-1413	3	-0905
11	-1423	4	-0898
10	-1433	5	-0892
9	-1443	6	-0886
8	-1453	7	-0880
7	-1463	8	-0874
6	-1473	9	-0868
5	-1483	10	-0862
4	-1493	11	-0856
3	-1503	0	-0849
2	-1513	1	-0844
1	-1523	2	-0838
0	-1533	3	-0833
11	-1543	4	-0827
10	-1553	5	-0821
9	-1563	6	-0816
8	-1573	7	-0810
7	-1583	8	-0804
6	-1593	9	-0799
5	-1603	10	-0793
4	-1613	11	-0788
3	-1623	0	-0782
2	-1633	1	-0777
1	-1643	2	-0772
0	-1653	3	-0767
11	-1663	4	-0761
10	-1673	5	-0756
9	-1683	6	-0751
8	-1693	7	-0746
7	-1703	8	-0741
6	-1713	9	-0736
5	-1723	10	-0731
4	-1733	11	-0725
3	-1743	0	-0720
2	-1753	1	-0716
1	-1763	2	-0711
0	-1773	3	-0706
11	-1783	4	-0701
10	-1793	5	-0697
9	-1803	6	-0692
8	-1813	7	-0687
7	-1823	8	-0683
6	-1833	9	-0678
5	-1843	10	-0673
4	-1853	11	-0668
3	-1863	0	-0664
2	-1873	1	-0659
1	-1883	2	-0655
0	-1893	3	-0651
11	-1903	4	-0646
10	-1913	5	-0642

Early Retirement Factors by Year and Month	
	6 .0638
	7 .0634
	8 .0629
	9 .0625
	10 .0621
	11 .0616
30	0 .0612
	1 .0608
	2 .0604
	3 .0600
	4 .0596
	5 .0592
	6 .0588
	7 .0584
	8 .0580
	9 .0576
	10 .0572
	11 .0568
31	0 .0564
	1 .0561
	2 .0557
	3 .0553
	4 .0550
	5 .0546
	6 .0543
	7 .0539
	8 .0535
	9 .0532
	10 .0528
	11 .0524
32	0 .0521
	1 .0517
	2 .0514
	3 .0511
	4 .0507
	5 .0504
	6 .0501
	7 .0497
	8 .0494
	9 .0491
	10 .0487
	11 .0484
33	0 .0481
	1 .0478
	2 .0475
	3 .0471
	4 .0468
	5 .0465
	6 .0462
	7 .0459
	8 .0456
	9 .0453
	10 .0450
	11 .0447
34	0 .0444

Early Retirement Factors by Year and Month	
	1 .0441
	2 .0438
	3 .0435
	4 .0433
	5 .0430
	6 .0427
	7 .0424))

AMENDATORY SECTION (Amending WSR 96-03-100, filed 1/19/96, effective 2/19/96)

WAC 415-112-040 Actuarial tables, schedules, and factors. ((This chapter contains)) See chapter 415-02 WAC starting with WAC 415-02-300 for the tables, schedules, and factors ((adopted by the director of the department of retirement systems)) the department uses for calculating optional retirement allowances of members of the Washington state teachers' retirement system. ((These tables, schedules, and factors were adopted by the director upon the recommendation of the state actuary based on the actuary's investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of teachers' retirement system. The tables, schedules, and factors contained in this chapter govern the retirement allowances only of members retiring on or after January 1, 1996, until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before January 1, 1996, shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

Teachers Retirement System TRS 1 Optional COLA*		Teachers Retirement System TRS 1 Option 1 Monthly Benefit per \$1.00 of Accumulation	
20	0.6315	20	.0061484
21	0.6330	21	.0061561
22	0.6345	22	.0061643
23	0.6361	23	.0061732
24	0.6378	24	.0061828
25	0.6395	25	.0061930
26	0.6413	26	.0062039
27	0.6432	27	.0062156
28	0.6451	28	.0062281
29	0.6471	29	.0062414
30	0.6491	30	.0062558
31	0.6512	31	.0062711
32	0.6534	32	.0062875
33	0.6556	33	.0063050
34	0.6579	34	.0063238
35	0.6603	35	.0063440
36	0.6628	36	.0063655
37	0.6653	37	.0063886
38	0.6679	38	.0064133

PROPOSED

PROPOSED

Teachers Retirement System TRS-1 Optional COLA*		Teachers Retirement System TRS-1 Option 1 Monthly Benefit per \$1.00 of Accumulation		Teachers Retirement System TRS-1 Optional COLA*		Teachers Retirement System TRS-1 Option 1 Monthly Benefit per \$1.00 of Accumulation	
39	0.6706	39	-0064398	93	0.9140	93	.0236079
40	0.6734	40	-0064682	94	0.9184	94	.0249403
41	0.6762	41	-0064988	95	0.9227	95	.0263868
42	0.6792	42	-0065315	96	0.9269	96	.0279635
43	0.6822	43	-0065666	97	0.9310	97	.0296927
44	0.6853	44	-0066042	98	0.9350	98	.0315504
45	0.6885	45	-0066444	99	0.9390	99	.0335425
46	0.6918	46	-0066874	* For converting from the normal form Option 0 without a COLA, to Option 0 with a COLA			
47	0.6952	47	-0067334				
48	0.6986	48	-0067823	TEACHERS RETIREMENT SYSTEM PLAN 1 Early Retirement Factors by Year and Month			
49	0.7022	49	-0068345				
50	0.7058	50	-0068901				
51	0.7095	51	-0069492				
52	0.7133	52	-0070122				
53	0.7173	53	-0070794				
54	0.7213	54	-0071512	0			
55	0.7254	55	-0072280				
56	0.7296	56	-0073102	1			
57	0.7339	57	-0073984				
58	0.7382	58	-0074931	2			
59	0.7427	59	-0075950				
60	0.7473	60	-0077049	3			
61	0.7520	61	-0078235				
62	0.7567	62	-0079521	4			
63	0.7615	63	-0080907				
64	0.7665	64	-0082407	5			
65	0.7714	65	-0084029				
66	0.7765	66	-0085784	6			
67	0.7816	67	-0087680				
68	0.7868	68	-0089727	7			
69	0.7920	69	-0091936				
70	0.7972	70	-0094312	8			
71	0.8025	71	-0096865				
72	0.8078	72	-0099604	9			
73	0.8132	73	-0102542				
74	0.8185	74	-0105696	10			
75	0.8239	75	-0109088				
76	0.8292	76	-0112739	11			
77	0.8346	77	-0116669				
78	0.8399	78	-0120898	1			
79	0.8452	79	-0125439				
80	0.8504	80	-0130304	2			
81	0.8557	81	-0135505				
82	0.8608	82	-0141057	3			
83	0.8659	83	-0146979				
84	0.8710	84	-0153295	4			
85	0.8760	85	-0160001				
86	0.8810	86	-0167200	5			
87	0.8859	87	-0174922				
88	0.8908	88	-0183233	6			
89	0.8956	89	-0192217				
90	0.9003	90	-0201938	7			
91	0.9049	91	-0212433				
92	0.9095	92	-0223781	8			
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PROPOSED

Early Retirement Factors by Year and Month

Year	Month	Factor
7404	4	7404
7350	5	7350
7296	6	7296
7243	7	7243
7189	8	7189
7135	9	7135
7082	10	7082
7028	11	7028
6974	0	6974
6926	1	6926
6877	2	6877
6829	3	6829
6780	4	6780
6731	5	6731
6683	6	6683
6634	7	6634
6586	8	6586
6537	9	6537
6489	10	6489
6440	11	6440
6391	0	6391
6347	1	6347
6303	2	6303
6259	3	6259
6215	4	6215
6171	5	6171
6127	6	6127
6083	7	6083
6039	8	6039
5995	9	5995
5951	10	5951
5907	11	5907
5863	0	5863
5823	1	5823
5783	2	5783
5743	3	5743
5703	4	5703
5663	5	5663
5623	6	5623
5583	7	5583
5543	8	5543
5503	9	5503
5463	10	5463
5423	11	5423
5383	0	5383
5346	1	5346
5310	2	5310
5273	3	5273
5237	4	5237
5201	5	5201
5164	6	5164
5128	7	5128
5092	8	5092
5055	9	5055
5019	10	5019
4982	11	4982
4946	0	4946
4913	1	4913
4880	2	4880
4847	3	4847
4813	4	4813
4780	5	4780
4747	6	4747
4714	7	4714
4681	8	4681
4648	9	4648
4615	10	4615
4582	11	4582
4548	0	4548
4518	1	4518
4488	2	4488
4458	3	4458
4428	4	4428
4397	5	4397
4367	6	4367
4337	7	4337
4307	8	4307
4276	9	4276
4246	10	4246
4216	11	4216
4186	0	4186
4158	1	4158
4131	2	4131
4103	3	4103
4076	4	4076
4048	5	4048
4020	6	4020
3993	7	3993
3965	8	3965
3938	9	3938
3910	10	3910
3882	11	3882
3855	0	3855
3820	1	3820
3804	2	3804
3779	3	3779
3754	4	3754
3729	5	3729
3704	6	3704
3678	7	3678
3653	8	3653
3628	9	3628
3603	10	3603
3578	11	3578
3552	0	3552
3529	1	3529
3506	2	3506
3483	3	3483
3460	4	3460
3437	5	3437

Early Retirement Factors by Year and Month	13	14	15	16	17
2366	6	314	3170	3149	3128
2351	7	3291	3170	3149	3128
2336	8	3268	3170	3149	3128
2321	9	3245	3170	3149	3128
2306	10	3222	3170	3149	3128
2291	11	3209	3170	3149	3128
2276	0	3276	3170	3149	3128
2261	1	3254	3170	3149	3128
2246	2	3233	3170	3149	3128
2231	3	3212	3170	3149	3128
2216	4	3191	3170	3149	3128
2201	5	3170	3170	3149	3128
2187	6	3149	3170	3149	3128
2173	7	3128	3170	3149	3128
2159	8	3107	3170	3149	3128
2146	9	3085	3170	3149	3128
2132	10	3064	3170	3149	3128
2118	11	3043	3170	3149	3128
2104	0	3022	3170	3149	3128
2090	1	3003	3170	3149	3128
2077	2	2983	3170	3149	3128
2063	3	2964	3170	3149	3128
2049	4	2945	3170	3149	3128
2035	5	2925	3170	3149	3128
2023	6	2906	3170	3149	3128
2010	7	2887	3170	3149	3128
1997	8	2867	3170	3149	3128
1984	9	2848	3170	3149	3128
1972	10	2828	3170	3149	3128
1959	11	2809	3170	3149	3128
1946	0	2790	3170	3149	3128
1934	1	2772	3170	3149	3128
1921	2	2754	3170	3149	3128
1908	3	2736	3170	3149	3128
1896	4	2719	3170	3149	3128
1883	5	2701	3170	3149	3128
1871	6	2683	3170	3149	3128
1860	7	2665	3170	3149	3128
1848	8	2648	3170	3149	3128
1836	9	2630	3170	3149	3128
1824	10	2612	3170	3149	3128
1813	11	2594	3170	3149	3128
1801	0	2577	3170	3149	3128
1789	1	2560	3170	3149	3128
1778	2	2544	3170	3149	3128
1766	3	2528	3170	3149	3128
1754	4	2511	3170	3149	3128
1743	5	2495	3170	3149	3128
1732	6	2479	3170	3149	3128
1721	7	2462	3170	3149	3128
1710	8	2446	3170	3149	3128
1699	9	2430	3170	3149	3128
1689	10	2413	3170	3149	3128
1678	11	2397	3170	3149	3128
1667	0	2381	3170	3149	3128

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

Age	Member Older	Member Younger	Age Difference	Age Difference (100%)	Age Difference (66.23%)	Age Difference (50%)
10	-0.826	-0.353	10	-0.473	-0.173	-0.100
11	-0.820	-0.302	11	-0.518	-0.187	-0.108
11	-0.669	-0.298	11	-0.371	-0.141	-0.090
11	-0.609	-0.268	11	-0.341	-0.128	-0.088
11	-0.605	-0.265	11	-0.340	-0.127	-0.088
11	-0.554	-0.262	11	-0.292	-0.110	-0.083
11	-0.504	-0.257	11	-0.247	-0.093	-0.086
12	-0.454	-0.253	12	-0.201	-0.076	-0.083
12	-0.403	-0.248	12	-0.154	-0.059	-0.086
13	-0.354	-0.243	13	-0.108	-0.042	-0.083
13	-0.304	-0.238	13	-0.061	-0.025	-0.086
14	-0.254	-0.233	14	-0.015	-0.008	-0.083
14	-0.204	-0.228	14	0.031	0.009	-0.086
15	-0.154	-0.223	15	0.077	0.026	-0.083
15	-0.104	-0.218	15	0.123	0.043	-0.086
16	-0.054	-0.213	16	0.169	0.060	-0.083
16	0.004	-0.208	16	0.215	0.077	-0.086
17	0.054	-0.203	17	0.261	0.094	-0.083
17	0.104	-0.198	17	0.307	0.111	-0.086
18	0.154	-0.193	18	0.353	0.128	-0.083
18	0.204	-0.188	18	0.399	0.145	-0.086
19	0.254	-0.183	19	0.445	0.162	-0.083
19	0.304	-0.178	19	0.491	0.179	-0.086
20	0.354	-0.173	20	0.537	0.196	-0.083
20	0.404	-0.168	20	0.583	0.213	-0.086
21	0.454	-0.163	21	0.629	0.230	-0.083
21	0.504	-0.158	21	0.675	0.247	-0.086
22	0.554	-0.153	22	0.721	0.264	-0.083
22	0.604	-0.148	22	0.767	0.281	-0.086
23	0.654	-0.143	23	0.813	0.298	-0.083
23	0.704	-0.138	23	0.859	0.315	-0.086
24	0.754	-0.133	24	0.905	0.332	-0.083
24	0.804	-0.128	24	0.951	0.349	-0.086
25	0.854	-0.123	25	0.997	0.366	-0.083
25	0.904	-0.118	25	1.043	0.383	-0.086
26	0.954	-0.113	26	1.089	0.400	-0.083
26	1.004	-0.108	26	1.135	0.417	-0.086
27	1.054	-0.103	27	1.181	0.434	-0.083
27	1.104	-0.098	27	1.227	0.451	-0.086
28	1.154	-0.093	28	1.273	0.468	-0.083
28	1.204	-0.088	28	1.319	0.485	-0.086
29	1.254	-0.083	29	1.365	0.502	-0.083
29	1.304	-0.078	29	1.411	0.519	-0.086
30	1.354	-0.073	30	1.457	0.536	-0.083
30	1.404	-0.068	30	1.503	0.553	-0.086
31	1.454	-0.063	31	1.549	0.570	-0.083
31	1.504	-0.058	31	1.595	0.587	-0.086
32	1.554	-0.053	32	1.641	0.604	-0.083
32	1.604	-0.048	32	1.687	0.621	-0.086
33	1.654	-0.043	33	1.733	0.638	-0.083
33	1.704	-0.038	33	1.779	0.655	-0.086
34	1.754	-0.033	34	1.825	0.672	-0.083
34	1.804	-0.028	34	1.871	0.689	-0.086
35	1.854	-0.023	35	1.917	0.706	-0.083
35	1.904	-0.018	35	1.963	0.723	-0.086
36	1.954	-0.013	36	2.009	0.740	-0.083
36	2.004	-0.008	36	2.055	0.757	-0.086
37	2.054	-0.003	37	2.101	0.774	-0.083
37	2.104	0.002	37	2.147	0.791	-0.086
38	2.154	0.007	38	2.193	0.808	-0.083
38	2.204	0.012	38	2.239	0.825	-0.086
39	2.254	0.017	39	2.285	0.842	-0.083
39	2.304	0.022	39	2.331	0.859	-0.086
40	2.354	0.027	40	2.377	0.876	-0.083
40	2.404	0.032	40	2.423	0.893	-0.086
41	2.454	0.037	41	2.469	0.910	-0.083
41	2.504	0.042	41	2.515	0.927	-0.086
42	2.554	0.047	42	2.561	0.944	-0.083
42	2.604	0.052	42	2.607	0.961	-0.086
43	2.654	0.057	43	2.653	0.978	-0.083
43	2.704	0.062	43	2.699	0.995	-0.086
44	2.754	0.067	44	2.745	1.012	-0.083
44	2.804	0.072	44	2.791	1.029	-0.086
45	2.854	0.077	45	2.837	1.046	-0.083
45	2.904	0.082	45	2.883	1.063	-0.086
46	2.954	0.087	46	2.929	1.080	-0.083
46	3.004	0.092	46	2.975	1.097	-0.086
47	3.054	0.097	47	3.021	1.114	-0.083
47	3.104	0.102	47	3.067	1.131	-0.086
48	3.154	0.107	48	3.113	1.148	-0.083
48	3.204	0.112	48	3.159	1.165	-0.086
49	3.254	0.117	49	3.205	1.182	-0.083
49	3.304	0.122	49	3.251	1.199	-0.086
50	3.354	0.127	50	3.297	1.216	-0.083
50	3.404	0.132	50	3.343	1.233	-0.086
51	3.454	0.137	51	3.389	1.250	-0.083
51	3.504	0.142	51	3.435	1.267	-0.086
52	3.554	0.147	52	3.481	1.284	-0.083
52	3.604	0.152	52	3.527	1.301	-0.086
53	3.654	0.157	53	3.573	1.318	-0.083
53	3.704	0.162	53	3.619	1.335	-0.086
54	3.754	0.167	54	3.665	1.352	-0.083
54	3.804	0.172	54	3.711	1.369	-0.086
55	3.854	0.177	55	3.757	1.386	-0.083
55	3.904	0.182	55	3.803	1.403	-0.086
56	3.954	0.187	56	3.849	1.420	-0.083
56	4.004	0.192	56	3.895	1.437	-0.086
57	4.054	0.197	57	3.941	1.454	-0.083
57	4.104	0.202	57	3.987	1.471	-0.086
58	4.154	0.207	58	4.033	1.488	-0.083
58	4.204	0.212	58	4.079	1.505	-0.086
59	4.254	0.217	59	4.125	1.522	-0.083
59	4.304	0.222	59	4.171	1.539	-0.086
60	4.354	0.227	60	4.217	1.556	-0.083
60	4.404	0.232	60	4.263	1.573	-0.086
61	4.454	0.237	61	4.309	1.590	-0.083
61	4.504	0.242	61	4.355	1.607	-0.086
62	4.554	0.247	62	4.401	1.624	-0.083
62	4.604	0.252	62	4.447	1.641	-0.086
63	4.654	0.257	63	4.493	1.658	-0.083
63	4.704	0.262	63	4.539	1.675	-0.086
64	4.754	0.267	64	4.585	1.692	-0.083
64	4.804	0.272	64	4.631	1.709	-0.086
65	4.854	0.277	65	4.677	1.726	-0.083
65	4.904	0.282	65	4.723	1.743	-0.086
66	4.954	0.287	66	4.769	1.760	-0.083
66	5.004	0.292	66	4.815	1.777	-0.086
67	5.054	0.297	67	4.861	1.794	-0.083
67	5.104	0.302	67	4.907	1.811	-0.086
68	5.154	0.307	68	4.953	1.828	-0.083
68	5.204	0.312	68	4.999	1.845	-0.086
69	5.254	0.317	69	5.045	1.862	-0.083
69	5.304	0.322	69	5.091	1.879	-0.086
70	5.354	0.327	70	5.137	1.896	-0.083
70	5.404	0.332	70	5.183	1.913	-0.086
71	5.454	0.337	71	5.229	1.930	-0.083
71	5.504	0.342	71	5.275	1.947	-0.086
72	5.554	0.347	72	5.321	1.964	-0.083
72	5.604	0.352	72	5.367	1.981	-0.086
73	5.654	0.357	73	5.413	1.998	-0.083
73	5.704	0.362	73	5.459	2.015	-0.086
74	5.754	0.367	74	5.505	2.032	-0.083
74	5.804	0.372	74	5.551	2.049	-0.086
75	5.854	0.377	75	5.597	2.066	-0.083
75	5.904	0.382	75	5.643	2.083	-0.086
76	5.954	0.387	76	5.689	2.100	-0.083
76	6.004	0.392	76	5.735	2.117	-0.086
77	6.054	0.397	77	5.781	2.134	-0.083
77	6.104	0.402	77	5.827	2.151	-0.086
78	6.154	0.407	78	5.873	2.168	-0.083
78	6.204	0.412	78	5.919	2.185	-0.086
79	6.254	0.417	79	5.965	2.202	-0.083
79	6.304	0.422	79	6.011	2.219	-0.086
80	6.354	0.427	80	6.057	2.236	-0.083
80	6.404	0.432	80	6.103	2.253	-0.086
81	6.454	0.437	81	6.149	2.270	-0.083
81	6.504	0.442	81	6.195	2.287	-0.086
82	6.554	0.447	82	6.241	2.304	-0.083
82	6.604	0.452	82	6.287	2.321	-0.086
83	6.654	0.457	83	6.333	2.338	-0.083
83	6.704	0.462	83	6.379	2.355	-0.086
84	6.754	0.467	84	6.425	2.372	-0.083
84	6.804	0.472	84	6.471	2.389	-0.086
85	6.854	0.477	85	6.517	2.406	-0.083
85	6.904	0.482	85	6.563	2.423	-0.086
86	6.954	0.487	86	6.609	2.440	-0.083
86	7.00					

PROPOSED

Age	Age Difference			Age	Age Difference		
	(100%)	(66.2/3%)	(50%)		(100%)	(66.2/3%)	(50%)
27	0.655	0.740	0.792	27	0.655	0.740	0.792
26	0.659	0.743	0.794	26	0.659	0.743	0.794
25	0.663	0.747	0.797	25	0.663	0.747	0.797
24	0.666	0.749	0.799	24	0.666	0.749	0.799
23	0.670	0.753	0.802	23	0.670	0.753	0.802
22	0.675	0.757	0.806	22	0.675	0.757	0.806
21	0.679	0.760	0.809	21	0.679	0.760	0.809
20	0.683	0.763	0.811	20	0.683	0.763	0.811
19	0.687	0.767	0.814	19	0.687	0.767	0.814
18	0.691	0.771	0.818	18	0.691	0.771	0.818
17	0.696	0.774	0.821	17	0.696	0.774	0.821
16	0.700	0.778	0.824	16	0.700	0.778	0.824
15	0.706	0.783	0.828	15	0.706	0.783	0.828
14	0.713	0.789	0.833	14	0.713	0.789	0.833
13	0.722	0.795	0.838	13	0.722	0.795	0.838
12	0.729	0.801	0.843	12	0.729	0.801	0.843
11	0.735	0.806	0.847	11	0.735	0.806	0.847
10	0.740	0.810	0.851	10	0.740	0.810	0.851
9	0.746	0.815	0.855	9	0.746	0.815	0.855
8	0.751	0.819	0.858	8	0.751	0.819	0.858
7	0.757	0.824	0.862	7	0.757	0.824	0.862
6	0.763	0.829	0.866	6	0.763	0.829	0.866
5	0.770	0.834	0.870	5	0.770	0.834	0.870
4	0.777	0.839	0.875	4	0.777	0.839	0.875
3	0.784	0.845	0.879	3	0.784	0.845	0.879
2	0.797	0.855	0.887	2	0.797	0.855	0.887
1	0.814	0.868	0.897	1	0.814	0.868	0.897
0	0.832	0.881	0.908	0	0.832	0.881	0.908
1	0.851	0.895	0.920	1	0.851	0.895	0.920
2	0.869	0.908	0.931	2	0.869	0.908	0.931
3	0.883	0.919	0.941	3	0.883	0.919	0.941
4	0.892	0.925	0.947	4	0.892	0.925	0.947
5	0.898	0.930	0.951	5	0.898	0.930	0.951
6	0.902	0.932	0.954	6	0.902	0.932	0.954
7	0.905	0.934	0.956	7	0.905	0.934	0.956
8	0.909	0.937	0.960	8	0.909	0.937	0.960
9	0.912	0.939	0.962	9	0.912	0.939	0.962
10	0.915	0.942	0.965	10	0.915	0.942	0.965
11	0.919	0.945	0.966	11	0.919	0.945	0.966
12	0.924	0.948	0.968	12	0.924	0.948	0.968
13	0.928	0.951	0.969	13	0.928	0.951	0.969
14	0.932	0.954	0.971	14	0.932	0.954	0.971
15	0.936	0.956	0.971	15	0.936	0.956	0.971
16	0.939	0.958	0.972	16	0.939	0.958	0.972
17	0.941	0.960	0.972	17	0.941	0.960	0.972
18	0.945	0.962	0.973	18	0.945	0.962	0.973
19	0.947	0.964	0.974	19	0.947	0.964	0.974
20	0.949	0.965	0.974	20	0.949	0.965	0.974
21	0.951	0.966	0.974	21	0.951	0.966	0.974
22	0.952	0.967	0.975	22	0.952	0.967	0.975
23	0.953	0.967	0.975	23	0.953	0.967	0.975
24	0.954	0.968	0.975	24	0.954	0.968	0.975
25	0.955	0.968	0.976	25	0.955	0.968	0.976
26	0.956	0.969	0.976	26	0.956	0.969	0.976
27	0.957	0.969	0.976	27	0.957	0.969	0.976
28	0.958	0.970	0.977	28	0.958	0.970	0.977
29	0.959	0.970	0.977	29	0.959	0.970	0.977
30	0.960	0.971	0.977	30	0.960	0.971	0.977
31	0.961	0.971	0.978	31	0.961	0.971	0.978
32	0.962	0.972	0.978	32	0.962	0.972	0.978
33	0.963	0.972	0.978	33	0.963	0.972	0.978
34	0.964	0.973	0.979	34	0.964	0.973	0.979
35	0.965	0.973	0.979	35	0.965	0.973	0.979
36	0.966	0.974	0.979	36	0.966	0.974	0.979
37	0.967	0.974	0.980	37	0.967	0.974	0.980
38	0.968	0.975	0.980	38	0.968	0.975	0.980
39	0.969	0.975	0.981	39	0.969	0.975	0.981
40	0.970	0.976	0.981	40	0.970	0.976	0.981
41	0.971	0.976	0.982	41	0.971	0.976	0.982
42	0.972	0.977	0.982	42	0.972	0.977	0.982
43	0.973	0.977	0.983	43	0.973	0.977	0.983
44	0.974	0.978	0.983	44	0.974	0.978	0.983
45	0.975	0.978	0.984	45	0.975	0.978	0.984
46	0.976	0.979	0.984	46	0.976	0.979	0.984
47	0.977	0.979	0.985	47	0.977	0.979	0.985
48	0.978	0.980	0.985	48	0.978	0.980	0.985
49	0.979	0.980	0.986	49	0.979	0.980	0.986
50	0.980	0.981	0.986	50	0.980	0.981	0.986
51	0.981	0.981	0.987	51	0.981	0.981	0.987
52	0.982	0.982	0.987	52	0.982	0.982	0.987
53	0.983	0.982	0.988	53	0.983	0.982	0.988
54	0.984	0.983	0.988	54	0.984	0.983	0.988
55	0.985	0.984	0.989	55	0.985	0.984	0.989
56	0.986	0.985	0.989	56	0.986	0.985	0.989
57	0.987	0.986	0.990	57	0.987	0.986	0.990
58	0.988	0.987	0.990	58	0.988	0.987	0.990
59	0.989	0.988	0.991	59	0.989	0.988	0.991
60	0.990	0.989	0.991	60	0.990	0.989	0.991
61	0.991	0.990	0.992	61	0.991	0.990	0.992
62	0.992	0.991	0.992	62	0.992	0.991	0.992
63	0.993	0.992	0.993	63	0.993	0.992	0.993
64	0.994	0.993	0.993	64	0.994	0.993	0.993
65	0.995	0.994	0.994	65	0.995	0.994	0.994
66	0.996	0.995	0.995	66	0.996	0.995	0.995
67	0.997	0.996	0.996	67	0.997	0.996	0.996
68	0.998	0.997	0.997	68	0.998	0.997	0.997
69	0.999	0.998	0.998	69	0.999	0.998	0.998
70	1.000	0.999	0.999	70	1.000	0.999	0.999

Age difference = member's age minus beneficiary age

TEACHERS RETIREMENT SYSTEM PLAN 2

Early Retirement Factors by Year and Month

Early Retirement Factors
by Year and Month

7274	11	
7208	0	3
7250	1	
7191	2	
7133	3	
7074	4	
7016	5	
6957	6	
6899	7	
6840	8	
6781	9	
6723	10	
6664	11	4
6606	0	
6554	1	
6502	2	
6449	3	
6397	4	
6345	5	
6293	6	
6241	7	
6189	8	
6137	9	
6085	10	5
6032	11	
5980	0	
5934	1	
5887	2	
5841	3	
5794	4	
5748	5	
5701	6	
5654	7	
5608	8	
5561	9	
5515	10	
5468	11	6
5422	0	
5380	1	
5338	2	
5297	3	
5255	4	
5214	5	
5172	6	
5130	7	
5089	8	
5047	9	
5005	10	
4964	11	7
4922	0	
4885	1	
4847	2	
4810	3	
4773	4	
4735	5	

Early Retirement Factors
by Year and Month

4698	6	
4661	7	
4623	8	
4586	9	
4549	10	
4511	11	
4474	0	8
4441	1	
4407	2	
4374	3	
4340	4	
4307	5	
4273	6	
4239	7	
4206	8	
4172	9	
4139	10	
4105	11	9
4072	0	
4042	1	
4012	2	
3981	3	
3951	4	
3921	5	
3891	6	
3861	7	
3831	8	
3800	9	
3770	10	
3740	11	10
3710	0	
3683	1	
3656	2	
3628	3	
3601	4	
3574	5	
3547	6	
3520	7	
3493	8	
3465	9	
3438	10	
3411	11	11
3384	0	
3359	1	
3335	2	
3310	3	
3286	4	
3261	5	
3237	6	
3212	7	
3188	8	
3163	9	
3139	10	
3114	11	12
3089	0	

PROPOSED

PROPOSED

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	1	-3067		8	-2046
	2	-3045		9	-2031
	3	-3023		10	-2016
	4	-3001		11	-2001
	5	-2979	17	0	-1986
	6	-2956		1	-1972
	7	-2934		2	-1959
	8	-2912		3	-1945
	9	-2890		4	-1931
	10	-2868		5	-1918
	11	-2846		6	-1904
13	0	-2823		7	-1890
	1	-2803		8	-1877
	2	-2783		9	-1863
	3	-2763		10	-1849
	4	-2743		11	-1836
	5	-2723	18	0	-1822
	6	-2703		1	-1810
	7	-2683		2	-1797
	8	-2663		3	-1785
	9	-2643		4	-1772
	10	-2623		5	-1760
	11	-2603		6	-1747
14	0	-2582		7	-1735
	1	-2564		8	-1723
	2	-2546		9	-1710
	3	-2528		10	-1698
	4	-2510		11	-1685
	5	-2491	19	0	-1673
	6	-2473		1	-1662
	7	-2455		2	-1650
	8	-2437		3	-1639
	9	-2419		4	-1628
	10	-2400		5	-1616
	11	-2382		6	-1605
15	0	-2364		7	-1594
	1	-2348		8	-1582
	2	-2331		9	-1571
	3	-2315		10	-1560
	4	-2298		11	-1548
	5	-2282	20	0	-1537
	6	-2265		1	-1527
	7	-2248		2	-1516
	8	-2232		3	-1506
	9	-2215		4	-1496
	10	-2199		5	-1485
	11	-2182		6	-1475
16	0	-2166		7	-1465
	1	-2151		8	-1454
	2	-2136		9	-1444
	3	-2121		10	-1433
	4	-2106		11	-1423
	5	-2091	21	0	-1413
	6	-2076		1	-1403
	7	-2061		2	-1394

Early Retirement Factors
by Year and Month

3	1384
4	1375
5	1366
6	1356
7	1347
8	1337
9	1328
10	1318
11	1309
12	1299
1	1291
2	1282
3	1274
4	1265
5	1256
6	1248
7	1239
8	1230
9	1222
10	1213
11	1205
12	1196
1	1188
2	1180
3	1172
4	1164
5	1156
6	1149
7	1141
8	1133
9	1125
10	1117
11	1109
12	1101
1	1094
2	1087
3	1079
4	1072
5	1065
6	1058
7	1051
8	1043
9	1036
10	1029
11	1022
12	1014
1	1008
2	1001
3	0994
4	0988
5	0981
6	0975
7	0968
8	0961
9	0955

25

24

23

22

Early Retirement Factors
by Year and Month

10	0948
11	0941
0	0935
1	0929
2	0923
3	0917
4	0911
5	0904
6	0898
7	0892
8	0886
9	0880
10	0874
11	0868
0	0862
1	0856
2	0851
3	0845
4	0840
5	0834
6	0828
7	0823
8	0817
9	0812
10	0806
11	0801
0	0795
1	0790
2	0785
3	0780
4	0775
5	0769
6	0764
7	0759
8	0754
9	0749
10	0744
11	0739
0	0734
1	0729
2	0724
3	0720
4	0715
5	0710
6	0705
7	0701
8	0696
9	0691
10	0687
11	0682
0	0677
1	0673
2	0669
3	0664
4	0660

30

29

28

27

26

PROPOSED

PROPOSED

Early Retirement Factors
by Year and Month

Early Retirement Factors
by Year and Month

	5	.0656
	6	.0651
	7	.0647
	8	.0643
	9	.0638
	10	.0634
	11	.0630
31	0	.0625
	1	.0621
	2	.0617
	3	.0613
	4	.0609
	5	.0605
	6	.0602
	7	.0598
	8	.0594
	9	.0590
	10	.0586
	11	.0582
32	0	.0578
	1	.0574
	2	.0570
	3	.0567
	4	.0563
	5	.0559
	6	.0556
	7	.0552
	8	.0548
	9	.0545
	10	.0541
	11	.0537
33	0	.0534
	1	.0530
	2	.0527
	3	.0524
	4	.0520
	5	.0517
	6	.0514
	7	.0510
	8	.0507
	9	.0503
	10	.0500
	11	.0497
34	0	.0493
	1	.0490
	2	.0487
	3	.0484
	4	.0481
	5	.0478
	6	.0475
	7	.0472
	8	.0469
	9	.0465
	10	.0462
	11	.0459

35	0	.0456
	1	.0453
	2	.0450
	3	.0448
	4	.0445
	5	.0442
	6	.0439
	7	.0436
	8	.0433
	9	.0430
	10	.0428
	11	.0425
36	0	.0422
	1	.0419
	2	.0417
	3	.0414
	4	.0411
	5	.0409
	6	.0406
	7	.0403
	8	.0401
	9	.0398
	10	.0396
	11	.0393
37	0	.0390
	1	.0388
	2	.0385
	3	.0383
	4	.0381
	5	.0378
	6	.0376
	7	.0373
	8	.0371
	9	.0368
	10	.0366
	11	.0364
38	0	.0361
	1	.0359
	2	.0357
	3	.0354
	4	.0352
	5	.0350
	6	.0348
	7	.0345
	8	.0343
	9	.0341
	10	.0339
	11	.0336
39	0	.0334
	1	.0332
	2	.0330
	3	.0328
	4	.0326
	5	.0324
	6	.0322

Early Retirement Factors
by Year and Month

	7	.0320
	8	.0318
	9	.0316
	10	.0313
	11	.0311
40	0	.0309
	1	.0307
	2	.0306
	3	.0304
	4	.0302
	5	.0300
	6	.0298
	7	.0296
	8	.0294
	9	.0292
	10	.0290
	11	.0288
41	0	.0286
	1	.0285
	2	.0283
	3	.0281
	4	.0279
	5	.0278
	6	.0276
	7	.0274
	8	.0272
	9	.0271
	10	.0269
	11	.0267
42	0	.0265
	1	.0264
	2	.0262
	3	.0260
	4	.0259
	5	.0257
	6	.0255
	7	.0254
	8	.0252
	9	.0251
	10	.0249
	11	.0247
43	0	.0246
	1	.0244
	2	.0243
	3	.0241
	4	.0240
	5	.0238
	6	.0237
	7	.0235
	8	.0234
	9	.0232
	10	.0231
	11	.0229
44	0	.0228
	1	.0226

Early Retirement Factors
by Year and Month

	2	.0225
	3	.0223
	4	.0222
	5	.0221
	6	.0219
	7	.0218
	8	.0216
	9	.0215
	10	.0214
	11	.0212
45 or more	0	.0211

WSR 02-15-161
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed July 23, 2002, 2:14 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-12-100.

Title of Rule: J-1 Physician Visa Waiver regulations, WAC 246-562-080 Physician eligibility requirements and 246-562-160 Implementation.

Purpose: The amendments to WAC 246-562-080 is intended to allow physicians with training in geriatric medicine to apply for primary care waivers, and also to allow physicians to be eligible to apply for a waiver during the last six months of the their residency or fellowship training. The amendments to WAC 246-562-160 are intended to clean up outdated implementation language from 2000.

Statutory Authority for Adoption: Chapter 70.185 RCW.

Statute Being Implemented: RCW 70.185.030 and 70.185.040.

Summary: The proposed amendment to WAC 246-562-080 will move physicians practicing geriatric medicine from the "specialist" classification to "primary care" classification. This will allow geriatric physicians to be considered for a primary care visa waiver. The other proposed amendment will allow physicians to apply for a visa waiver during the last six months of their residency or fellowship training. This will allow physicians to be employable upon completion of training pending the approval of their visa waiver. The amendment to WAC 246-562-160 is housekeeping for implementation language addressing the rule change in 2000. The current amendments reflect implementation of this rule change.

Reasons Supporting Proposal: The proposed amendments are in response to constituent requests to consider geriatric physicians as a primary care physician and to allow J-1 physicians to apply for a waiver prior to completion of their residency or fellowship training.

Name of Agency Personnel Responsible for Drafting and Implementation: Jennell Prentice, 2725 Harrison Avenue N.W., Olympia, WA, (360) 705-6666; and Enforcement:

PROPOSED

Kristina Sparks, Director, 2725 Harrison Avenue N.W., Olympia, WA, (360) 705-6762.

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: Geriatrics is a subspecialty of internal medicine and is considered a "specialist" under the current rule language. Due to the nature of the services provided, the aging demographics, and a number of requests to consider geriatrics as primary care, the proposed amendment would identify geriatrics in rule as a primary care physician. This would allow geriatric physicians to apply for a primary care waiver instead of a "specialist" waiver. The anticipated effect is that the state will have more opportunities to get primary care physicians into practice.

Current language for physician eligibility criteria is vague and does not allow a physician to be eligible for a waiver until they have completed their residency or fellowship program. The proposed amendment to the rules would enable J-1 physicians to be eligible to apply for a waiver during their final year of training. This would permit J-1 physicians with waiver approvals to begin practicing immediately after they complete their training rather than just beginning the waiver process at that time.

WAC 246-562-160 Implementation, was originally adopted in 2000 to address the addition of physicians with subspecialty training during a current program year. This section only addresses the 2000 program year. The language is being amended to reflect current rules.

Proposal Changes the Following Existing Rules: The proposed amendment will list geriatric physicians as an eligible primary care category. The amendment will also exempt geriatric physicians from having any subspecialty training and from being included in the specialist category.

The other amendments will allow physicians to apply during the last six months of their residency or fellowship program with submission of a letter from their program that identifies the date the physician will complete the residency or fellowship program and confirming that the physician is in good program standing.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The amendments to this rule do not add any additional requirements or costs to the regulated parties. The amendments ease existing requirements and adjust the application submission timeline.

A cost benefit analysis was prepared and can be obtained by writing to Jennell Prentice, Office of Community and Rural Health, P.O. Box 47834, Olympia, WA 98504-7834, phone (360) 705-6666, or fax (360) 664-9273.

RCW 34.05.328 applies to this rule adoption. The amendments to WAC 246-562-080 alter the eligibility requirements for the application process for J-1 visa waiver sponsorships by the state of Washington. A significant analysis was prepared on the proposed amendments.

Hearing Location: Department of Health, Target Plaza, Hearing Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 9850 [98502], on August 27, 2002, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Earl Meyer by August 13, 2002, at (360) 705-6770, or TDD (800) 833-6388.

Submit Written Comments to: Jennell Prentice, J-1 Physician Visa Waiver Program, P.O. Box 47834, Olympia, WA 98504-7834, e-mail J1rules@doh.wa.gov, fax (360) 664-9273, by August 26, 2002.

Date of Intended Adoption: August 28, 2002.

July 19, 2002

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

WAC 246-562-080 Criteria for the physician. (1) The physician must not have a J-1 visa waiver pending for any other employment offer.

(2) Physicians must have the qualifications described in recruitment efforts for a specific vacancy.

(3) Physicians are considered eligible to apply for a waiver when they are:

(a) Complete with their residency or fellowship program; or

(b) In the last six months of a residency or fellowship program, and the physician provides a letter from their program that:

(i) Identifies the date the physician will complete the residency or fellowship program; and

(ii) Confirms the physician is in good standing with the program.

(4) Physicians applying as primary care physicians must:

(a) Provide direct patient care; and

(b) Be trained in:

(i) Family practice; or

(ii) General internal medicine; or

(iii) Pediatrics; or

(iv) Geriatric medicine; or

(v) Obstetrics and gynecology; or

((+)) (vi) Psychiatry and its subspecialties; and

(c) Except for geriatric medicine and psychiatrists, not have any additional specialty training. Continuing medical education (CME) will not be considered specialty training for the purposes of this rule.

((+)) (5) Physicians applying as specialists must:

(a) Provide direct patient care;

(b) Be trained in a subspecialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory**, which is hereby incorporated by reference of:

(i) Internal medicine, except for geriatric medicine; or

(ii) Family practice, except for geriatric medicine; or a specialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 Graduate Medical Education Directory, which is hereby incorporated by reference of

(iii) General surgery; or

(iv) Radiology-diagnostic(;-and

~~(v) Be an active candidate for board certification on or before the start date of employment).~~

~~((e)) (6) Copies of the 1999-2000 Graduate Medical Education Directory are available from the American Medical Association or can be viewed at the Washington State Department of Health, Office of Community and Rural Health, 2725 Harrison NW, Olympia WA 98504.~~

~~((5)) (7) Physicians must have an active Washington state medical license, unless unusual circumstances delay licensing. If the application for a Washington state medical license has been received by the Washington state medical quality assurance commission four or more weeks prior to submission of the visa waiver application, the applicant may substitute a copy of the license application and request an exception.~~

~~((6)) (8) Physicians must be an active candidate for board certification on or before the start date of employment.~~

~~(9) Physicians must have at least one recommendation from their residency program if applying as a primary care physician or from their fellowship program if applying as a specialist that:~~

~~(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income people in the United States; and~~

~~(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities; and~~

~~(c) Documents level of specialty training, if any; and~~

~~(d) Is prepared on residency program letterhead and is signed by residency program staff or faculty; and~~

~~(e) Includes name, title, relationship to physician, address and telephone number of signatory.~~

~~((7)) (10) The physician must comply with all provisions of the employment contract.~~

~~((8)) (11) Physician must:~~

~~(a) Accept Medicaid assignment; and~~

~~(b) Post and implement a sliding fee discount schedule; and~~

~~(c) Serve the low-income population; and~~

~~(d) Serve the uninsured population; and~~

~~(e) Serve the shortage designation population; or~~

~~(f) Serve the population of a local, state, or federal governmental institution or corrections facility as an employee of the institution.~~

AMENDATORY SECTION (Amending WSR 00-15-082, filed 7/19/00, effective 8/19/00)

WAC 246-562-160 Implementation. (1) Notwithstanding any other provision of this chapter, this rule governs the allocation of departmental J-1 visa waiver sponsorships of specialists and primary care physicians during the federal fiscal year which ~~((ends September 30, 2000))~~ begins October 1, 2002.

~~(2) ((Ten working days after the effective date of this rule, the department will determine:~~

~~(a) The number of J-1 visa waiver sponsorships already approved during the federal fiscal year which ends September 30, 2000;~~

~~(b) The number of pending primary care applications which the department has determined to be complete.~~

~~The department will subtract the sum of these two numbers from twenty which is the total number of J-1 visa waiver sponsorships the federal government has allocated to the state of Washington for the federal fiscal year ending September 30, 2000. The department will multiply the difference between these two numbers by .25. In the event the product of this operation is a whole number, the department will allocate that number of J-1 visa waiver sponsorships to specialists for the federal fiscal year ending September 30, 2000. In the event the product of this operation is not a whole number, the department will determine the larger of the two whole numbers between which the product falls, and will allocate that number of J-1 visa waiver sponsorships to specialists for the federal fiscal year ending September 30, 2000. All other J-1 visa waiver sponsorships available during the federal fiscal year ending September 30, 2000, will be allocated to primary care physicians.~~

~~(3)) The department will not ((accept)) process J-1 visa waiver sponsorship applications ~~((from specialists))~~ until ~~((ten days after))~~ the effective date of the amendments ~~((of which this rule is a part))~~ to WAC 246-562-080, but may advise ~~((specialists))~~ applicants with respect to any proposed application.~~

~~((4) The department will prioritize among specialists applying for J-1 visa waiver sponsorships for the federal fiscal year ending September 30, 2000, using criteria generally applicable to the selection of specialists under this chapter.)~~

(3) Applications received between October 1, 2002, and the effective date of the amendments to WAC 246-562-080 will be date and time stamped, and will be processed on the effective date of the rule in the order received.

WSR 02-15-162

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed July 23, 2002, 2:17 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-031.

Title of Rule: Chapter 246-762 WAC, Scoliosis screening—School districts.

Purpose: These rules require public schools to screen all students for scoliosis in grades five, seven and nine, with limited exceptions. Screening program requirements are established for program personnel, screening standards, record keeping and notification to parents/guardians.

Other Identifying Information: These rules have been reviewed in conformance with Executive Order 97-02, regulatory improvement. The State Board of Health delegated the adoption of these rules to the department at its October 2001 board meeting.

Statutory Authority for Adoption: RCW 28A.210.200.

Statute Being Implemented: RCW 28A.210.200.

Summary: The proposed changes are limited to house-keeping. Language is updated to be consistent with current

standards of rule writing. No changes are proposed in the frequency of screening or screening tests.

Reasons Supporting Proposal: The proposed changes are consistent with the requirements of Executive Order 97-02, regulatory improvement.

Name of Agency Personnel Responsible for Drafting: Frank Chestnut, Department of Health, Mailstop 47880, Olympia, Washington 98504-7880, (360) 236-3574; Implementation and Enforcement: Gayle Thronson, Office of Superintendent of Public Instruction, Mailstop 47200, Olympia, Washington 98504-7200, (360) 725-6040.

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 rule changes are housekeeping in nature. The changes improve clarity and readability.

Proposal Changes the Following Existing Rules: Editorial changes are made throughout the chapter, improve the clarity of the rules and do not change the substance of the regulation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has not completed a small business economic impact statement under RCW 19.85.030. The proposed rule makes changes that are only housekeeping in nature and does not impose additional costs on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule makes changes that are only housekeeping in nature. The proposal does not impose penalties, does not set qualifications for licensure or permits, and does not significantly alter policy or regulatory programs.

Hearing Location: Department of Health, CenterPoint Office, 20435 72nd Avenue South, Suite 200, Large Conference Room 1, Kent, WA 98032, on August 27, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Frank Chestnut by August 9, 2002, so arrangements can be made, TDD (800) 833-6388, or (360) 236-3574.

Submit Written Comments to: Frank Chestnut, Office of Maternal and Child Health, Department of Health, Mailstop 47880, Olympia, Washington 98504, fax (360) 586-7868, by August 27, 2002.

Date of Intended Adoption: September 3, 2002.

July 19, 2002

M. C. Selecky
Secretary

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-762-001 ((Declaration of purpose.)) What is the purpose of scoliosis screening in public schools? ((The following rules are adopted pursuant to chapter 28A-31 RCW, wherein is contained the mandate that the superintendent of public instruction shall provide for and require screening for scoliosis of school children in the state of Washington. It is the purpose of such screening to identify

~~those children who may have a lateral curvature of the spine.))~~ The purpose of scoliosis screening in public schools is early detection and notification of parents and guardians about the condition and the need for referral for early diagnosis and possible treatment.

AMENDATORY SECTION (Amending Order 249B, filed 3/3/92, effective 4/3/92)

WAC 246-762-010 ((Examinations of school children for scoliosis—Definitions.)) What words and terms are defined for this chapter? (1) "Proper training" means instruction and training appropriate for persons who perform scoliosis screening procedures. Proper training is provided by, or under the supervision of, a physician(s) licensed ~~((pursuant to))~~ under chapters 18.57 or 18.71 RCW ((specializing in orthopedic, physiatric, or rehabilitative medicine)), or a registered nurse licensed ~~((pursuant to))~~ under chapter 18.79 RCW ((18.88-130)) who has had specialty training in scoliosis detection ~~((, and appropriate for persons who perform the screening procedures referred to in WAC 246-762-040)).~~

(2) ~~((("Pupil" means a student enrolled in the public school system in the state.~~

~~((3))~~ "Public schools" means common schools referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level ~~((as now or may be))~~ established by law and maintained at public expense.

~~((4))~~ (3) "Qualified licensed health practitioners" means physicians licensed ~~((pursuant to))~~ under chapters 18.57 and 18.71 RCW, registered nurses licensed ((pursuant to)) under chapter 18.79 RCW ((18.88-130)), and physical therapists licensed ((pursuant to)) under chapter 18.74 RCW, practicing within the scope of their field as defined by the appropriate regulatory authority.

~~((5))~~ (4) "Scoliosis" includes idiopathic scoliosis and kyphosis. "Idiopathic" means "of unknown origin." "Scoliosis" means "an appreciable lateral deviation in the normally straight vertical line of the spine as viewed from the back." "Kyphosis" means "an abnormally increased convexity in the curvature of the thoracic spine as viewed from the side."

~~((6))~~ (5) "Screening" means a procedure ~~((to be))~~ performed for the purpose of detecting the possible presence of ~~((the condition known as))~~ scoliosis, except as provided for in WAC 246-762-070.

~~((7))~~ (6) "Superintendent" means the superintendent of public instruction ~~((pursuant to))~~ under Article III of the state Constitution or his or her designee.

AMENDATORY SECTION (Amending Order 249B, filed 3/3/92, effective 4/3/92)

WAC 246-762-020 ((Criteria for selection of children for scoliosis screening.)) When are students screened for scoliosis? Each public school shall annually screen all ((children)) students in grades five, seven, and nine ((shall be screened annually except as provided for in RCW 28A-210-240)) except students with a valid written exemp-

tion request from a parent or guardian. Valid exemption requests must certify scoliosis screening conflicts with philosophical or religious beliefs or the student is under the care of a health care provider for spinal curvature or a related medical condition.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-762-030 (~~Qualification of personnel~~) **What are the qualifications for persons who do screening?** (1) (~~Screening shall be conducted by school physicians, school nurses, qualified licensed health practitioners, physical education instructors, other school personnel, or persons designated by school authorities who have received proper training in screening techniques for scoliosis.~~) Persons who screen for scoliosis must be school physicians, school nurses, qualified licensed health practitioners, physical education instructors, other school personnel, or other persons designated by school authorities who have received proper training.

(2) Each school district shall designate one individual of the district's staff who (~~shall be~~) is responsible for the administration of scoliosis screening. This individual's training and experience (~~shall~~) must be appropriate to perform the following tasks:

(a) (~~To~~) Develop an administrative plan for conducting scoliosis screening in the district in cooperation with the appropriate school personnel (~~in order to~~). The plan must ensure the program can be carried out efficiently with minimum disruption, (~~to~~) and include arrangement of appropriate scheduling for scoliosis screenings;

(b) (~~To~~) Secure appropriate personnel with proper training to carry out the screening program (~~and to ensure such personnel receive proper training to conduct the necessary screening procedures~~);

(c) (~~To~~) Ensure accurate and appropriate (~~records are made, to~~) recordkeeping, make recommendations appropriate to the needs of each (~~child~~) student whose screening test is indicative of possible scoliosis, and (~~to~~) provide copies of these records to parents or legal guardians of (~~the child, as provided for in section 4, chapter 216, Laws of 1985~~) each student; and

(d) (~~To~~) Disseminate information to other school personnel (~~explaining~~) to explain the purpose of the program, and to (~~acquaint them with~~) inform them of the criteria which might (~~denote~~) indicate the need for referral for scoliosis screening; and

(e) To institute a procedure to evaluate the effectiveness and accuracy of the screening program.

AMENDATORY SECTION (Amending Order 249B, filed 3/3/92, effective 4/3/92)

WAC 246-762-040 (~~Screening procedures~~) **What are the medical standards for screening?** The screening procedures (~~shall~~) must be consistent with nationally accepted standards for scoliosis screening and published by the American Academy of Orthopedic Surgeons as contained

in *Screening Procedure Guidelines* (~~to~~) for Spinal Deformity. These guidelines may be obtained from the Scoliosis Research Society.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-762-050 (~~Screening results—Recording and referral procedures~~) **What happens to screening results?** (~~A record of the "screening" results shall be made of each child suspected of having scoliosis and copies of the results shall be sent to the parents or guardians of the children.~~) The school shall create a record of screening results for each student suspected of having scoliosis, and shall notify the parent or legal guardian of the student. The notification (~~shall~~) must include an explanation of scoliosis, the significance of treating scoliosis at an early stage, the services generally available from a qualified licensed health practitioner for treatment after diagnosis, and a method for the school to receive follow-up information from health care providers.

WSR 02-15-163
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed July 23, 2002, 2:22 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 99-11-030.

Title of Rule: Chapter 246-760 WAC, Auditory and visual standards—School districts.

Purpose: These rules require public schools to screen all students for loss of auditory and visual acuity in grades kindergarten, one, two, three, five and seven, and when a student is referred for screening. Screening program requirements are established for program personnel, screening standards, record keeping and notification of parents/guardians.

Other Identifying Information: These rules have been reviewed in conformance with Executive Order 97-02, regulatory improvement. The State Board of Health delegated the adoption of these rules to the department at its October 2001 board meeting.

Statutory Authority for Adoption: RCW 28A.210.200.

Statute Being Implemented: RCW 28A.210.200.

Summary: The proposed changes are limited to house-keeping. Language is updated to be consistent with current standards of rule writing. No changes are proposed in the frequency of screening or screening tests.

Reasons Supporting Proposal: The proposed changes are consistent with the requirements of Executive Order 97-02, regulatory improvement.

Name of Agency Personnel Responsible for Drafting: Frank Chestnut, Department of Health, Mailstop 47880, Olympia, Washington 98504-7880, (360) 236-3574; Implementation and Enforcement: Gayle Thronson, Office of Superintendent of Public Instruction, Mailstop 47200, Olympia, Washington 98504-7200, (360) 725-6040.

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 rule changes are housekeeping in nature. The changes improve clarity and readability.

Proposal Changes the Following Existing Rules: Editorial changes are made throughout the chapter, improve the clarity of the rules and do not change the substance of the regulation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has not completed a small business economic impact statement under RCW 19.85.030. The proposed rule makes changes that are only housekeeping in nature and does not impose additional costs on small businesses.

RCW 34.05.328 does not apply to this rule adoption. The proposed rule makes changes that are only housekeeping in nature. The proposal does not impose penalties, does not set qualifications for licensure or permits, and does not significantly alter policy or regulatory programs.

Hearing Location: Department of Health, CenterPoint Office, 20435 72nd Avenue South, Suite 200, Large Conference Room 1, Kent, WA 98032, on August 27, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Frank Chestnut, by August 9, 2002, so arrangements can be made, TDD (800) 833-6388, or (360) 236-3574.

Submit Written Comments to: Frank Chestnut, Office of Maternal and Child Health, Department of Health, Mailstop 47880, Olympia, Washington 98504, fax (360) 586-7868, by August 27, 2002.

Date of Intended Adoption: September 3, 2002.

July 19, 2002

M. C. Selecky

Secretary

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-760-001 (~~(Purpose.)~~) **What is the purpose of these rules?** (~~The following regulations are adopted pursuant to~~) These rules implement chapter 32, Laws of 1971 (wherein is contained the legislative mandate that). Under this chapter, each board of school directors in the state shall provide for and require screening of the auditory and visual acuity of children attending schools in their districts to (ascertain) determine if any (of such) children (") have defects sufficient to retard them in their studies. (" It is the purpose of such screening procedures to identify those children who are likely to have visual or auditory defects. In addition to the requirements of these regulations, the need for appropriate educational services as provided in chapter 28A.210 RCW must be recognized and arranged for those children whose visual or auditory handicaps warrant special facilities or educational methods.) Each board of school directors shall establish procedures to implement these rules.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-020 (~~(Criteria for selection of children for screening.)~~) **How frequently must schools screen children?** (~~(Boards of)~~) Schools (directors) shall (require) conduct auditory and visual screening of children (as follows):

(1) (~~(Schools shall screen all children)~~) In kindergarten and grades one, two, three, five, and seven(;-); and

(2) (~~(Schools shall promptly screen all children having a)~~) For any child showing symptoms of possible loss in auditory or visual acuity referred to the district by parents, guardians, or school staff.

(3) If (~~(manpower)~~) resources permit, schools shall annually screen children at other grade levels.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-030 **What are the auditory acuity screening standards(---) for screening equipment and procedures(;-)?** (1) Schools shall use auditory screening equipment providing tonal stimuli at frequencies at one thousand, two thousand, and four thousand herz (Hz) at hearing levels of twenty (~~(or twenty five)~~) decibels (dB), as measured at the earphones, in reference to American National Standards Institute (ANSI) (~~(1969)~~) 1996 standards.

(2) Qualified persons (~~(shall)~~) will check the calibration of (~~(said)~~) frequencies and intensity at least every twelve months, at the earphones, using equipment designed for audiometer calibration.

AMENDATORY SECTION (Amending Order 225B, filed 12/23/91, effective 1/23/92)

WAC 246-760-040 **What are the procedures for auditory acuity screening ((procedures.))?** (1) Schools shall screen all children referenced in WAC 246-760-020 on an individual basis at one thousand, two thousand, and four thousand Hz.

(2) The screener shall:

(a) Present each of the tonal stimuli at a hearing level of twenty (~~(or twenty five)~~) dB based on the ANSI (~~(1969)~~) 1996 standards;

(b) Conduct screenings in an environment free of extraneous noise;

(c) If at all possible, complete screening within the first semester of each school year;

(d) Place the results of screenings, any referrals, and referral results (~~(of such referrals)~~) in each student's health and/or school record; and

(e) Forward the results to the student's new school if the student transfers.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-050 **What are the auditory acuity screening ((failure---) referral procedures(;-)?** (~~(Boards~~

~~of school directors shall establish procedures requiring school districts:~~

~~(1) Rescreen students not responding to one or more frequencies in either ear in three to six weeks after the initial screening, and)~~ (1) If a child does not respond to one or more frequencies in either ear:

(a) The school must rescreen the child within six weeks; and

(b) Notify their teachers of the need for preferential positioning in class because of the possibility of decreased hearing; and

~~((2))~~ (c) Notify the parents or legal guardian of the need for audiological evaluation if the student fails the second screening.

~~((3))~~ (2) Schools shall notify parents or legal guardian of the need for medical evaluation if:

(a) Indicated by audiological evaluation;

(b) Audiological evaluation is not available.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-060 What are the auditory acuity screening qualifications for personnel? Each school district shall designate a district audiologist or district staff member having:

(1) Responsibility for ~~the administration of~~ administering the auditory screening program ~~(in conformity with these regulations);~~ and

(2) Training and experience ~~(appropriate)~~ to:

(a) Develop an administrative plan for conducting auditory screening in cooperation with the appropriate school personnel ~~(in order)~~ to ensure the program ~~(can be)~~ is carried out efficiently and effectively;

(b) Obtain the necessary instrumentation for carrying out the screening program, and ensuring the equipment is in proper working order and calibration; and

(c) Secure appropriate personnel for carrying out the screening program, if ~~(such)~~ assistance is necessary, and for assuring ~~(such)~~ these personnel are sufficiently trained to:

(i) Understand the purposes and regulations involved in the auditory screening programs; and

(ii) Utilize the screening equipment ~~(in an appropriate manner)~~ to ensure maximum accuracy;

(d) Ensure records are made and distributed as appropriate; and

(e) Disseminate information to other school personnel ~~(acquainting)~~ familiarizing them with aspects of a child's behavior ~~(denoting)~~ indicating the need for referral for auditory screening.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-070 What visual acuity screening equipment must be used? ~~(Boards of school districts shall require)~~ Personnel conducting the screening must use a Snellen test chart for screening for distance central vision acuity ~~(Provided, That)~~. Either the Snellen E chart or the standard Snellen distance acuity chart may be used as appro-

appropriate to the child's age and abilities. The test chart must be properly illuminated and glare free.

Other screening procedures equivalent to the Snellen test may be used only if approved by the state board of health.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-080 What are the visual acuity screening procedures? (1) Schools shall:

(a) Screen children ~~(wearing glasses)~~ with corrective lenses for distance viewing with their ~~(glasses)~~ corrective lenses on;

(b) Place the results of screening, any referrals, and referral results ~~(of such referrals)~~ in each student's health and/or school record; and

(c) Forward the results to the student's new school if the student transfers.

(2) ~~(When a child is observed by)~~ If school personnel observe a child with other signs or symptoms related to eye problems (to the extent such) and if the signs or symptoms negatively influence the child in his or her studies, school personnel shall refer the child to the parents or guardians for professional care.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-090 What are the visual acuity screening referral procedures? ~~(Boards of school directors shall require)~~ Schools shall rescreen students having a visual acuity of 20/40 or less in either eye as determined by the Snellen test or its approved equivalent within two weeks or as soon as possible after the original screening. Failure is indicated by the inability to identify the majority of letters or symbols on the thirty foot line of the test chart at a distance of twenty feet.

Schools shall inform parents or guardians of students failing the second screening, in writing, of the need and importance ~~(of)~~ for the child ~~(receiving)~~ to receive professional care.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-760-100 What are the qualifications for visual screening personnel? (1) Screening ~~(shall)~~ must be performed by persons competent to administer ~~(such)~~ screening procedures as a function of their professional training and background ~~(and)~~ or special training and demonstrated competence under supervision.

(2) Technicians and nonprofessional volunteers ~~(shall)~~ must have adequate preparation and thorough understanding of the tests as demonstrated by their performance under supervision.

(3) Supervision, training, reporting and referral shall be the responsibility of a professional person specifically designated by the school administration. He or she may be a school nurse or public health nurse, a special educator, teacher or administrator who possesses basic knowledge of the objec-

tives and methods of visual acuity screening, supervisory experience and ability, demonstrated ability to teach others and demonstrated capacity to work well with people.

(4) Screening ((with)) may not be performed by ((ophthalmologists)) ophthalmologists, optometrists, or opticians or any individuals ((where)) who may have a conflict of interest ((might occur)).

WSR 02-15-176

PROPOSED RULES

HEALTH CARE AUTHORITY

(Basic Health)

[Order 01-08—Filed July 24, 2002, 11:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-116.

Title of Rule: Revising rules to clarify the timeline for notifying enrollees of program changes that will affect their premiums. Also revising rules regarding circumstances when a check cannot be processed.

Purpose: To clarify the intent of current rules.

Statutory Authority for Adoption: RCW 70.47.050.

Statute Being Implemented: RCW 70.47.060 and 70.47.090.

Summary: These draft rules are intended to clarify current rules regarding notice of program changes that will affect premiums and circumstances when a check cannot be processed, to avoid confusion or misinterpretation.

Reasons Supporting Proposal: Current rules could be misinterpreted.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Becky Loomis, Lacey, Washington, (360) 923-2996.

Name of Proponent: Washington State Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules are revised to clarify the intent of current rules for notification of program changes that will affect premiums and circumstances when payment by check cannot be processed.

Proposal Changes the Following Existing Rules: Revises rules regarding notice of program changes that will affect premiums and adds language to clarify circumstances when payment cannot be applied to an enrollee's account because the check cannot be processed.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Health Care Authority is not required by chapter 19.85 RCW to prepare a small business economic impact statement. There will be little, if any, cost to small business.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., Building B, Second Floor Conference Room, Lacey, WA, on August 28, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 26, 2002, TDD (888) 923-5622, or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, P.O. Box 42686, Olympia, WA 98504-2686, e-mail Rrey107@hca.wa.gov, fax (360) 412-4276, by August 28, 2002.

Date of Intended Adoption: September 12, 2002.

July 24, 2002

Melodie Bankers
Rules Coordinator

AMENDATORY SECTION (Amending WSR 00-23-037, filed 11/9/00, effective 1/1/01)

WAC 182-25-020 BHP benefits. (1) The administrator shall design and from time to time may revise BHP benefits, according to the requirements of chapter 70.47 RCW, as amended. These benefits will include physician services, prescription drugs and medications, and inpatient and outpatient hospital services, limited mental health care services, limited chemical dependency services, limited organ transplant services, and all services necessary for prenatal, postnatal and well-child care, and will emphasize proven preventive and primary care services. The Medicaid scope of benefits may be provided by BHP as the BHP plus program through coordination with DSHS for children under the age of nineteen, who are found to be Medicaid eligible. BHP benefits may include co-payments, waiting periods, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan. BHP benefits will be subject to a nine-month waiting period for preexisting conditions. Exceptions (for example, maternity, prescription drugs, services for a newborn or newly adopted child) are outlined in the schedule of benefits. Credit toward the waiting period will be given for any continuous period of time for which an enrollee was covered under similar health coverage if that coverage was in effect at any time during the three-month period immediately preceding the date of reservation or application for coverage under BHP. Similar coverage includes BHP; all DSHS programs administered by the medical assistance administration which have the Medicaid scope of benefits; the DSHS program for the medically indigent; Indian health services; most coverages offered by health carriers; and most self-insured health plans. A list of BHP benefits, including co-payments, waiting periods, limitations and exclusions, will be provided to the subscriber.

(2) In designing and revising BHP benefits, the administrator will consider the effects of particular benefits, co-payments, limitations and exclusions on access to necessary health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in BHP, each applicant will be given a written description of covered benefits, including all co-payments, waiting periods, limitations and exclusions, and be advised how to access information on the services,

providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given service area.

(4) BHP will mail to all subscribers written notice of any changes in the ~~((amount and))~~ scope of benefits provided under BHP, or ~~((policy))~~ program changes ~~((regarding))~~ that will affect premiums and co-payments at least thirty days prior to the due date of the premium payment for the month in which such revisions are to take effect. This subsection does not apply to premium changes that are the result of changes in income or family size. The administrator may make available a separate schedule of benefits for children, eighteen years of age and younger, for those dependent children in the plan.

AMENDATORY SECTION (Amending WSR 98-07-002, filed 3/5/98, effective 4/5/98)

WAC 182-25-080 Premiums and co-payments. (1) Subscribers or their employer or financial sponsor shall be responsible for paying the full monthly premium to BHP, on behalf of the subscriber and all enrolled dependents, according to the most current premium schedule. A third party may, with the approval of the administrator, become a financial sponsor and pay all or a designated portion of the premium on behalf of a subscriber and dependents, if any.

(2) The amount of premium due from or on behalf of a subscriber will be based upon the subscriber's gross family income, the managed health care system selected by the subscriber, rates payable to managed health care systems, and the number and ages of individuals in the subscriber's family.

(3) Once BHP has determined that an applicant and his/her dependents (if any) are eligible for enrollment, the applicant or employer or financial sponsor will be informed of the amount of the first month's premium for the applicant and his/her enrolled dependents. New enrollees will not be eligible to receive covered services on the effective date of enrollment specified by BHP unless the premium has been paid by the due date given. Thereafter, BHP will bill each subscriber or employer or financial sponsor monthly.

(4) Full payment for premiums due must be received by BHP by the date specified on the ~~((b)(1))~~ premium statement. If BHP does not receive full payment of a premium by the date specified on the ~~((b)(1))~~ premium statement, BHP shall issue a notice of delinquency to the subscriber, at the subscriber's last address on file with BHP or, in the case of group or financial sponsor coverage, to the employer or financial sponsor. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be suspended from coverage for one month. If payment is not received by the due date on the notice of suspension, the subscriber and enrolled family members will be disenrolled effective the date of the initial suspension. If an enrollee's coverage is suspended more than two times in a twelve-month period, the enrollee will be disenrolled for nonpayment under the provisions of WAC 182-25-090(2). Partial payment of premiums due, payment which for any reason cannot be applied to the correct BHP enrollee's account, or payment by check which is not signed, cannot be processed,

or is returned due to nonsufficient funds will be regarded as nonpayment.

(5) Enrollees shall be responsible for paying any required co-payment directly to the provider of a covered service at the time of service or directly to the MHCS. Repeated failure to pay co-payments in full on a timely basis may result in disenrollment, as provided in WAC 182-25-090(2).

WSR 02-15-177

PROPOSED RULES

HEALTH CARE AUTHORITY

(Basic Health)

[Order 02-02—Filed July 24, 2002, 11:09 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-035.

Title of Rule: Participation rules for employer groups. PEBB dependent eligibility criteria. Provision for retirees to waive enrollment in PEBB sponsored medical and dental.

Purpose: To implement the health insurance program for blind vendors (SHB 1741) and adopt rules to accomplish the changes to participation provisions applicable to K-12 school districts and educational service districts that participate in the PEBB benefits program, as enacted by the 2002 legislature. To clarify the requirement for certification of disabled dependents and reference the earliest date that retirees were granted the ability to waive enrollment in PEBB-sponsored medical and dental coverage.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: RCW 41.05.050 and chapters 319 and 142, Laws of 2002.

Summary: In 2002 the legislature enacted chapter 17, Laws of 2002, to include "blind vendors" in PEBB-sponsored health care coverage. The 2002 legislature enacted chapter 142, Laws of 2002 to define the method of billing and eligibility for K-12 school districts and educational service districts that begin participation in the PEBB-sponsored benefits package after September 1, 2002. These rules and amendments clarify the requirements for certification of disabled dependents and reference the earliest date that retirees can waive enrollment in medical and dental coverage.

Reasons Supporting Proposal: This rule making will effectuate changes enacted by the 2002 legislature and clarify existing PEBB rules.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Scott, Health Care Authority, (360) 923-2642; and Enforcement: MaryAnne Lindeblad, Health Care Authority, (360) 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule making outlines participation requirements for K-12 school districts and educational service districts that begin participation in the PEBB program after September 1, 2002, and participation requirements for blind vendors. This

rule making also clarifies certification of disabled dependents and the earliest date that retirees can waive enrollment in PEBB medical and dental coverage.

Proposal Changes the Following Existing Rules: Proposed amendments to WAC 182-12-111 will change eligibility and premium payment for K-12 school districts and educational service districts.

WAC 182-12-230 is amended to include blind vendors.

Proposed amendments to WAC 182-12-119 change certification of disabled dependents.

Proposed amendment to WAC 182-12-132 does not change the rule it simply clarifies the existing rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority (HCA) rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily by the HCA.

Hearing Location: Health Care Authority, West Wing Conference Room W102, 676 Woodland Square Loop S.E., Olympia, WA 98504, on August 27, 2002, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 23, 2002, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, fax (360) 923-2602, by 5:00 p.m. on August 27, 2002.

Date of Intended Adoption: September 1, 2002.

July 24, 2002

Melodie H. Bankers
Rules Coordinator

AMENDATORY SECTION (Amending Order 99-04, filed 9/8/99, effective 10/9/99)

WAC 182-12-111 Eligible entities and individuals.

The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, including the higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time re-enrollment option after a five year wait. Employees of a bargaining unit may terminate only as an entire bargaining unit. All administrative or managerial employees may terminate only as an entire unit.

Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) ~~((Employees—of))~~ Employee organizations, Employee organizations representing state civil service employees, ((at the option of each employee organization,)) and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, may participate in PEBB-sponsored benefits at the option of ((such)) each employee organization provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. If the group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB medical plans are the only employer sponsored medical plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes will be submitted to HCA.

(f) The eligibility requirements for dependents shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination. If the employee organization terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(3) Blind vendors as defined in RCW 74.18.200: Vendors actively operating a business enterprise program facility in the state of Washington and deemed eligible by the department of services for the blind may voluntarily participate in PEBB insurance programs.

(a) Vendors that do not enroll when first eligible may enroll during the annual open enrollment period offered by the health care authority or first of the month following loss of other coverage.

(b) Department of services for the blind will notify eligible vendors of their eligibility in advance of the date that they are eligible to apply for enrollment in PEBB insurance programs.

(c) The eligibility requirements for dependents of blind vendors shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

((3)) (4) Local governments: Employees of a ~~((school district, educational service district,))~~ county, municipality, or other political subdivision of the state may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. If the employer group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

~~(b) ((The legislative authority or the board of directors obligates itself to participate in all PEBB insurance plans.))~~ The PEBB medical ~~((must be))~~ plans are the only employer sponsored medical plans available to all eligible employees.

(c) The legislative authority of the entity or the board of directors submits an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes will be submitted to HCA.

(f) The eligibility requirements for dependents of local government employees shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision~~((, or employees of employee organizations as defined in WAC 182-12-111(2)))~~ terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, will no longer be eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

((4)) (5) K-12 school districts and educational service districts: Employees of school districts or educational service districts may participate in PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to PEBB plan coverage as a unit. If the K-12 school district or educational service district meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group. For the purpose of enrolling by bargaining unit, all nonrepresented employees will be considered a single bargaining unit.

(b) The school district or educational service district must submit an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(c) The school district or educational service district obligates itself to participate in all PEBB insurance plans. The PEBB medical plans are the only employer sponsored medical plans available to all eligible employees.

(d) The school district or educational service district agrees to maintain its PEBB plan participation for a minimum of one full year, and then through the end of the plan year.

(e) School districts or educational service districts that begin participation on or after September 1, 2002, will pay the same composite rate as state agencies. The premium charged to eligible employees will be the same as that charged to state employees. The eligibility requirements for employees will be the same as those for state employees as defined in WAC 182-12-115.

(f) The eligibility requirements for dependents of K-12 school district and educational service district employees shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The school district or educational district shall provide the HCA written notice of its intent to terminate PEBB plan participation no later than thirty days prior to the effective date of termination.

(6) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350.

AMENDATORY SECTION (Amending Order 00-02, filed 12/19/00, effective 1/19/01)

WAC 182-12-119 Eligible dependents. "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse or "qualified domestic partner" (same sex domestic partner qualified through the declaration certificate issued by the health care authority).

(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under

the Internal Revenue Code, and extended dependents approved by the HCA are included. To qualify for HCA approval, the subscriber must demonstrate legal custody for the child with a court order, and:

(a) Be living with the subscriber in a parent-child relationship;

(b) Be dependent upon the subscriber for financial support; and

(c) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a full-time student. Proof of such disability (~~and dependency~~) must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents. Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(a) The parent maintains continuous coverage in a PEBB-sponsored medical plan;

(b) The parent continues to qualify under the Internal Revenue Code as a dependent of an eligible subscriber;

(c) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and

(d) The parent is not covered by any other group medical insurance. Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

(a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:

(i) If a dependent loses eligibility under a PEBB plan due to the death of the employee, the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system (the Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death).

(ii) If a surviving dependent of a PEBB employee is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would

be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees enrolled in the retiree's PEBB plan or waiving coverage under a PEBB plan while eligible for an employer sponsored medical plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

(iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. In order to avoid duplication of group medical coverage, surviving dependents may defer or waive their enrollment in the PEBB coverage each full calendar month in which they maintain coverage under an employer sponsored medical plan. Notice of intent to waive PEBB coverage must be sent in writing to the Washington state health care authority. When an employer sponsored medical plan ends, surviving dependent(s) must submit an application to enroll in a PEBB plan within sixty days of the last day of coverage under the employer sponsored medical plan. Satisfactory evidence of continuous enrollment in an employer sponsored medical plan will be required by the Washington state health care authority prior to enrollment in a PEBB plan. The employee's or retiree's spouse or qualified domestic partner may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules.

AMENDATORY SECTION (Amending Order 00-02, filed 12/19/00, effective 1/19/01)

WAC 182-12-132 Waiving or deferring coverage. Beginning January 1, 2001, retirees may waive PEBB medical and dental coverage for themselves and all dependents if they are covered under another comprehensive employer sponsored medical plan. (Other coverage may be attained through the retiree's reemployment or the spouse's employment.) In order to continue retiree term life coverage, coverage must be selected upon retirement and premiums must continue to be paid during reemployment status. In order to waive medical and dental coverage, the retiree must submit a PEBB enrollment form indicating their desire to waive coverage to the health care authority. This must be accomplished prior to the date coverage is waived or within sixty days of the date they are eligible to apply for PEBB sponsored retiree benefits. When the retiree again ceases active employment, the retiree may enroll in PEBB medical and dental coverage with evidence of continuous coverage within sixty days of the loss of coverage. Coverage will become effective the first of the month following the date other coverage ended.

AMENDATORY SECTION (Amending Order 01-09, filed 3/29/02, effective 4/29/02)

WAC 182-12-230 Employer groups. This section applies to all employer groups participating in PEBB insurance programs.

(1) For purposes of this section, "employer group" means those employee organizations representing state civil service employees, blind vendors, K-12 school districts, educational service districts, county, municipality, and political subdivisions that meet the participation requirements of WAC 182-12-111 (2), (3) and (4) and that participate in PEBB insurance programs.

(2)(a) Each employer group shall determine an employee's eligibility for PEBB insurance coverage in accordance with the applicable sections of this chapter (chapter 182-12 WAC) and chapter 41.05 RCW.

(b) Each employer group applying for participation in PEBB insurance programs shall submit required documentation and meet all participation requirements set forth in the then-current PEBB Coverage K-12 and Political Subdivisions booklet(s).

(3)(a) Each employer group applying for participation in PEBB insurance programs shall sign an interlocal agreement with the health care authority.

(b) Each employer group already participating in PEBB insurance programs as of the effective date of this section shall sign an interlocal agreement with the health care authority no later than June 30, 2002. Failure to sign such an agreement by that date will result in termination of the employer group's participation in PEBB insurance programs effective as of the end of the month of the last full premium payment, and disenrollment of all employees of the employer group. Termination and disenrollment are subject to subsections (8) and (9) of this section.

(c) Each interlocal agreement shall be renewed no less frequently than once in every two-year period.

(4) At least twenty days prior to the premium due date, the health care authority shall cause each employer group to be sent a monthly billing statement. The statement of premium due will be based upon the enrollment information provided by the employer group.

(a) Changes in enrollment status shall be submitted to the health care authority prior to the twentieth day of the month during which the change occurs. Changes submitted after the twentieth day of each month may not be reflected on the billing statement until the following month.

(b) Changes submitted more than one month late shall be accompanied by a full explanation of the circumstances of the late notification.

(5) Beginning with the July 2002 premium (billed to employer groups no later than June 26, 2002, and due not later than July 20, 2002), an employer group shall remit the monthly premium as billed or as reconciled by it.

(a) If an employer group determines that the invoiced amount requires one or more changes, the employer group may adjust its remittance only if an insurance eligibility adjustment form detailing the adjustment accompanies the remittance. The proper form for reporting adjustments will be attached to the interlocal agreement as Exhibit A.

(b) Each employer group is solely responsible for the accuracy of the amount remitted and the completeness and accuracy of the insurance eligibility adjustment form.

(6) Each employer group shall remit the entire monthly premium due including the employee share, if any. The employer group is solely responsible for the collection of any employee share of the premium. The employer shall not withhold portions of the monthly premium due because it has failed to collect the entire employee share.

(7) Nonpayment of the full premium when due will subject the employer group to disenrollment and termination of each employee of the group.

(a) Prior to termination for nonpayment of premium, the health care authority shall cause a notice of overdue premium to be sent to the employer group, which notice will provide a one-month grace period for payment of all overdue premium.

(b) An employer group that does not remit the entirety of its overdue premium no later than the last day of the grace period will be disenrolled effective the last day of the last month for which premium has been paid in full.

(c) Upon disenrollment, notification will be sent to both the employer group and each affected employee.

(d) Employer groups disenrolled due to nonpayment of premium shall have the right to a dispute resolution hearing in accordance with the terms of the interlocal agreement.

(e) Employees terminated due to the nonpayment of premium by the employer group are not eligible for continuation of group health plan coverage according to the terms of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Terminated employees shall have conversion rights to an individual insurance policy as provided for by the employer group.

(f) Claims incurred by terminated employees of a disenrolled group after the effective date of disenrollment will not be covered.

(g) The employer group is solely responsible for refunding any employee share paid by the employee to the employer group and not remitted to the health care authority.

(8) A disenrolled employer group may apply for reinstatement in PEBB insurance programs under the following conditions:

(a) Reinstatement must be requested and all delinquent premium paid in full no later than ninety days after the date the premium was first due, as well as a reinstatement fee of one thousand dollars.

(b) Reinstatement requested more than ninety days after the effective date of disenrollment will be denied.

(c) Employer groups may be reinstated only once in any two-year period and will be subject to immediate disenrollment if, after the effective date of any such reinstatement, subsequent premiums become more than thirty days delinquent.

(9) Upon written petition by the employer group, disenrollment of an employer group or denial of reinstatement may be waived by the administrator upon a showing of good cause.

PROPOSED

WSR 02-15-178
PROPOSED RULES
HEALTH CARE AUTHORITY

[Order 02-03—Filed July 24, 2002, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-034.

Title of Rule: Requirement for employers to provide payment toward employee benefits for eligible employees. Provision for self-payment of PEBB insurance during an employee's appeal of a dismissal.

Purpose: Amend WAC 182-08-190 to provide access to the employer contribution for employees placed on mandatory unpaid leave as directed by proviso in section 906, chapter 371, Laws of 2002. Amend WAC 182-12-220 to clarify the requirement for employees to pay their portion of premiums related to medical, optional life insurance and optional LTD.

Statutory Authority for Adoption: RCW 41.05.160.

Statute Being Implemented: RCW 41.05.050.

Summary: Proposed changes to WAC 182-08-190 will provide access to the employer contribution for employees placed on mandatory unpaid leave as directed by proviso in the 2002 supplemental budget. Proposed changes to WAC 182-12-220 will clarify the requirement for employees to pay their portion of premiums related to medical, optional life insurance and optional LTD.

Reasons Supporting Proposal: These amendments will accomplish provisions enacted by the 2002 legislature and add clarity for employees regarding their responsibility for payment of employee premiums.

Name of Agency Personnel Responsible for Drafting and Implementation: Barbara Scott, Health Care Authority, (360) 923-2642; and **Enforcement:** MaryAnne Lindeblad, Health Care Authority, (360) 923-2640.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The 2002 supplemental budget included a proviso giving access to the employer contribution for Public Employee Benefits Board sponsored benefits for employees that are placed on a mandatory unpaid leave without the requirement to be in pay status for a minimum of eight hours. Proposed changes to WAC 182-08-190 include language that is specific to this budget proviso. WAC 182-12-220 outlines the employee's right to retroactive reinstatement of employer paid benefits in the event that an appeal of dismissal is sustained. The proposed changes to language in WAC 182-12-220 will clarify payment responsibility for both the employer and the employee.

Proposal Changes the Following Existing Rules: Proposed changes to WAC 182-08-190 will change the eligibility requirement for maintaining eight hours of pay status in order to be eligible for the employer contribution toward benefits for employees placed on mandatory unpaid leave during the 2001-2003 fiscal biennium.

Proposed amendment to WAC 182-12-220 does not change the existing rule it simply adds clarity to the rule.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority (HCA) rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily by the HCA.

Hearing Location: Health Care Authority, West Wing, Conference Room W302, 676 Woodland Square Loop S.E., Olympia, WA, on August 27, 2002, at 3:00 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 23, 2002, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Barbara Scott, Health Care Authority, 676 Woodland Square Loop S.E., Olympia, WA 98504-2684, fax (360) 923-2602, by 5:00 p.m., August 27, 2002.

Date of Intended Adoption: September 1, 2002.

July 24, 2002

Melodie H. Bankers
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-190 Employer contribution. (1) Every department, division, or agency of state government, and such county, municipal or other political subdivisions as are covered under the PEBB plans, shall provide premium contributions to the HCA for insurance benefits for its employees and their dependents. State employer contributions shall be set by the HCA and are subject to the approval of the governor. Employer contributions shall include an amount determined by the HCA to pay administrative costs to administer the plans for employees of these groups. Each eligible state employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave shall be eligible for the employer contribution.

(2) For the period of July 1, 2002, to June 30, 2003, eligible state employees placed on temporary unpaid leave in order to implement the 2002 supplemental appropriations act are not required to have eight hours of pay status in order to maintain eligibility for the employer contribution for each month that they are on mandatory leave.

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-220 Eligibility during appeal of dismissal. Employees awaiting hearing of a dismissal action before the personnel appeals board, higher education personnel board or court may continue their PEBB coverages by self-payment of premium on the same terms as an employee who is granted leave without pay. If the hearing board or court upholds the dismissal, coverages shall terminate at the

end of the month in which the board or court's decision is made. If the hearing board or court sustains the employee in the appeal and directs reinstatement of employer paid coverages retroactively, the employer must forward to the HCA the full employer contribution for the period directed by the hearing board or court. PEBB will refund to the employee any premiums the employee paid that will be provided for (coverages provided) by the reinstatement of the employer contribution provided the employee makes retroactive payment of any employee contribution amounts associated with the coverage. All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively, provided the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium, evidence of insurability will be required to obtain such optional coverage.

WSR 02-15-179

PROPOSED RULES

HEALTH CARE AUTHORITY

[Order 02-04—Filed July 24, 2002, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-11-104.

Title of Rule: Allocation of state noncitizen immigrant funds.

Purpose: To provide funding methodology that will allow services to be delivered pursuant to section 212(7), [chapter 371,] Laws of 2002.

Statutory Authority for Adoption: RCW 41.05.220.

Statute Being Implemented: Section 212(7), [chapter 371,] Laws of 2002.

Summary: Addition of language (new section WAC 182-20-250) to provide special dental and interpreter grant funding for transition immigrant population from DSHS/MAA per ESSB 6387 for nonprofit community clinics funded under the community health services program.

Reasons Supporting Proposal: The legislature in 2002, pursuant to section 212(7), [chapter 371,] Laws of 2002, increased community health services dental funding to serve noncitizen immigrants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bob Blacksmith, Health Care Authority, (360) 923-2755.

Name of Proponent: Health Care Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Pursuant to section 212(7), [chapter 371,] Laws of 2002, adds a new section to chapter 182-20 WAC that provides special dental and interpreter grant funding methodology for transition immigrant population from DSHS/MAA for nonprofit community clinics funded under the community health services program. This new section, WAC 182-20-

250, allows three grant distributions based on the following criteria:

- First allocation of total funds available will be based on 5% distributed equally to participating nonprofit community clinics (contractors) and 35% distributed based on contractors ratio of MAA payments from July 1, 2001, to December 31, 2001, for targeted population.
- Second allocation (30% of total funds available) will be distributed to contractors based on a combination of users and RVU's seen at the contractor clinics for the time period October 1, 2002, to December 31, 2002.
- Third allocation (30% of total funds available) will be distributed to contractors based on a combination of users and RVU's seen at the contractor clinics for the time period January 1, 2003, to March 31, 2003.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required. The Joint Administrative Rules Review Committee has not requested the filing of a small business economic impact statement, and there will be no costs to small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to Health Care Authority (HCA) rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily by the HCA.

Hearing Location: Health Care Authority, East Wing, Conference Room E402, 676 Woodland Square Loop S.E., Olympia, WA 98504, on August 29, 2002, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 26, 2002, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Bob Blacksmith, 676 Woodland Square Loop S.E., Olympia, WA 98504, fax (360) 923-2605, by 4:00 p.m. on August 29, 2002.

Date of Intended Adoption: September 3, 2002.

July 24, 2002

Melodie Bankers
Rules Coordinator

NEW SECTION

WAC 182-20-250 Allocation of state noncitizen immigrant funds. The authority will allocate available funds to existing CHS contracted nonprofit community clinic contractors as of July 1, 2002, based on the following criteria:

(1) The initial time period covered for noncitizen immigrant funding is October 1, 2002, through June 30, 2003.

(2) The funding available will be targeted to noncitizen immigrants who are below one hundred percent of the federal poverty level.

(3) Awards will be by contract amendments.

(4) Starting October 1, 2002, the noncitizen immigrant funds will be distributed in three allocations to contractors based upon the following formula:

(a) For the first allocation on October 1, 2002:

(i) Five percent of all available funds will be shared equally among participating contractors.

(ii) Thirty-five percent of all available funds will be distributed based on a ratio derived from payments made by

Medical Assistance Administration (MAA) for the period July 1, 2001, through December 31, 2001, specific to the non-citizen immigrant population, to CHS contractors (subset of MAA list of top fifty dental providers and clinics). Each clinic ratio will then be multiplied against the thirty-five percent of the total money available.

(b) For the second allocation to be awarded on or about February 15, 2003:

Thirty percent of all available funds (referred to as the second allocation base) will be distributed based on the following formula:

(i) Twenty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee users divided by the total noncitizen immigrant dental sliding fee users of all contractors as reported between October 1, 2002, and December 31, 2002.

individual contractor's dental noncitizen immigrant sliding fee users

_____ X 20% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee users

(ii) Eighty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee relative value units (RVUs), as defined in WAC 182-20-010(7), divided by the total noncitizen immigrant dental sliding fee RVUs of all contractors as reported between October 1, 2002, and December 31, 2002.

individual contractor's dental noncitizen immigrant sliding fee RVUs

_____ X 80% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee RVUs

(iii) Interpreter services not available from any other source, and paid for by the contractor, will be reportable and will be counted as each ten minutes of interpreter time equals one RVU.

(c) For the third allocation to be awarded on or about May 15, 2003:

Thirty percent of all available funds (referred to as the third allocation base) will be distributed based on the following formula:

(i) Twenty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee users divided by the total noncitizen immigrant dental sliding fee users of all contractors as reported between January 1, 2003, and March 31, 2003.

individual contractor's dental noncitizen immigrant sliding fee users

_____ X 20% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee users

(ii) Eighty percent will be distributed based on the ratio of the contractor's primary health care (PHC) noncitizen immigrant dental sliding fee RVUs divided by the total noncitizen immigrant dental sliding fee RVUs of all contractors as reported between January 1, 2003, and March 31, 2003.

individual contractor's dental noncitizen immigrant sliding fee RVUs

_____ X 80% second allocation base

total of all contractor's dental noncitizen immigrant sliding fee RVUs

(iii) Interpreter services not available from any other source, and paid for by the contractor, will be reportable and will be counted as each ten minutes of interpreter time equals one RVU.

WSR 02-15-180

PROPOSED RULES

HEALTH CARE AUTHORITY

(Basic Health)

[Order 01-07—Filed July 24, 2002, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-01-115.

Title of Rule: Basic Health enrollee recertification and recoupment of subsidy overpayment.

Purpose: The agency is proposing to amend its rules to clarify the requirements and schedule for verifying continued eligibility for subsidized Basic Health coverage (recertification) and incorporate criteria for imposing penalties.

Statutory Authority for Adoption: RCW 70.47.050, 70.47.060(9).

Statute Being Implemented: RCW 70.47.060(9).

Summary: These draft rules outline the requirements and schedule for verifying enrollees' eligibility for subsidized Basic Health enrollment and imposing penalties, consistent with the requirements of section 212(5), chapter 371, Laws of 2002. The revised rules would impose penalties in cases where a subsidy overpayment is the result of fraud or intentionally withholding or misrepresenting information the enrollee knew was material.

Reasons Supporting Proposal: Proviso language in chapter 371, Laws of 2002 (ESSB 6387) has clearly stated the legislative expectation regarding recertification of enrollees, recoupment of subsidy overpayments, and assessment of penalties.

Name of Agency Personnel Responsible for Drafting: Rosanne Reynolds, Lacey, Washington, (360) 923-2948; Implementation and Enforcement: Becky Loomis, Lacey, Washington, (360) 923-2996.

Name of Proponent: Washington State Health Care Authority, governmental.

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 70.47.060(9) gives Basic Health the authority to bill enrollees for subsidy overpayments resulting from the enrollees' failure to report income or income changes accurately or to impose penalties. The agency is instructed to adopt rules to define the application of these sanctions and the processes used to impose them. Previous rules outlined the process, but did not include the criteria for imposing penalties, since the agency was not yet imposing penalties. Chapter 371, Laws of 2002 (budget proviso), requires the agency to both recover subsidy overpayments and impose penalties, provides guidelines for the minimum action the agency is expected to take for verifying eligibility, and requires the disenrollment of enrollees who do not respond to a recertification request. These rules clarify the requirements and process for recertification, using the guidelines in the budget proviso language, change the result of noncompliance from conversion to nonsubsidized coverage to disenrollment, and establish criteria for imposing penalties. Penalties would be imposed only in cases where the subsidy overpayment was the result of fraud or intentionally withholding or misrepresenting information the enrollee knew was material to verification of eligibility for the subsidy.

Proposal Changes the Following Existing Rules: The amendments to WAC 182-25-040 add specific information on the schedule for requiring updated information and the information required from enrollees to verify their eligibility for subsidized Basic Health coverage. Rules regarding the consequences to enrollees for failure to comply with a recertification request are revised to allow for disenrollment, to be consistent with the language in chapter 371, Laws of 2002. Criteria for imposing penalties and further information on action the agency may take to recover a subsidy overpayment are also added.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Health Care Authority is not required by chapter 19.85 RCW to prepare a small business economic impact statement. There will be little, if any, cost to small businesses.

RCW 34.05.328 does not apply to this rule adoption. RCW 34.05.328 does not apply to the Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Hearing Location: Health Care Authority, 676 Woodland Square Loop S.E., Building B, Second Floor Conference Room, Lacey, WA, on August 28, 2002, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Nikki Johnson by August 26, 2002, TDD (888) 923-5622 or (360) 923-2805.

Submit Written Comments to: Rosanne Reynolds, P.O. Box 42686, Olympia, WA 9854 [98504]-2686, e-mail Rrey107@hca.wa.gov, fax (360) 412-4276, by August 28, 2002.

Date of Intended Adoption: September 12, 2002.

July 24, 2002
Melodie Bankers
Rules Coordinator

AMENDATORY SECTION (Amending Order 99-06, filed 11/18/99, effective 12/19/99)

WAC 182-25-040 Enrollment in the plan. (1) Any individual applying for enrollment in BHP must submit a signed, completed BHP application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible for payment of premiums due on behalf of the child. If an applicant is accepted for enrollment, the applicant's signature acknowledges the applicant's obligation to pay the monthly premium in accordance with the terms and conditions identified in the member handbook. Applications for subsidized enrollment on behalf of children under the age of nineteen shall be referred to the department of social and health services for Medicaid eligibility determination, unless the family chooses not to access this option.

(2) Each applicant shall list all eligible dependents to be enrolled and supply other information and documentation as required by BHP and, where applicable, DSHS medical assistance.

(a) Documentation (~~((will be required))~~), showing the amount and sources of the applicant's gross family income is required. Documentation will include a copy of the applicant's most recently filed federal income tax form, and/or other documentation that shows year-to-date income, or income for the most recent thirty days or complete calendar month as of the date of application. Applicants who were not required to file a federal income tax return may be required to provide verification of nonfiling status. An average of documented income received over a period of several months may be required for purposes of eligibility determination.

(b) Documentation of Washington state (~~((residency shall also be required))~~) residence, displaying the applicant's name and address is required, for example, a copy of a current utility bill or rent receipt. Other documentation may be accepted if the applicant does not have a physical residence, for example, a signed statement from a person or other entity who is providing temporary shelter.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or (~~((managed health care system))~~) MHCS selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information (~~((may))~~) will result in disenrollment of the subscriber and all enrolled dependents.

(3) Each member may be enrolled in only one BHP account. Each family applying for enrollment must designate a (~~((managed health care system))~~) MHCS from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family who are covered under the same account must receive covered services from the same (~~((managed health care system))~~) MHCS (with the exception of cases in which a subscriber who is paying for BHP coverage for his/her dependent who lives in a different service area). No applicant will be enrolled for whom designation of a (~~((managed health care system))~~) MHCS has not been made as part of the application for enrollment. (~~((The~~

~~administrator will establish))~~ Procedures for the selection of ~~((managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to))~~ MHCS are set forth in the BHP member handbook. Generally, enrollees may change from one ((managed health care system)) MHCS to another only during open enrollment((, or otherwise upon showing of)) or if they are able to show good cause for the transfer, for example, when enrollees move to an area served by a different MHCS or where they would be billed a higher premium for their current MHCS.

(4) When a ~~((managed health care system))~~ MHCS assists BHP applicants in the enrollment process, it must provide them with the toll-free number for BHP and information on all MHCS available within the applicant's county of residence and the estimated premiums for each available MHCS.

(5) If specific funding has been appropriated for that purpose, insurance brokers or agents who have met all statutory and regulatory requirements of the office of the insurance commissioner, are currently licensed through the office of the insurance commissioner, and who have completed BHP's training program, will be paid a commission for assisting eligible applicants to enroll in BHP.

(a) Individual policy commission: Subject to availability of funds, and as a pilot program, BHP will pay a one-time fee to any currently licensed insurance broker or agent who sells BHP to an eligible individual applicant if that applicant has not been a BHP member within the previous five years.

(b) Group policy commission: Subject to availability of funds, and as a pilot program, fees paid for the sale of BHP group coverage to an eligible employer will be based on the number of employees in the group for the first and second months of the group's enrollment.

(c) Insurance brokers or agents must provide the prospective applicant with the BHP toll-free information number and inform them of BHP benefits, limitations, exclusions, waiting periods, co-payments, all ~~((managed health care systems))~~ MHCSs available to the applicant within his/her county of residence and the estimated premium for each of them.

(d) All statutes and regulations of the office of the insurance commissioner will apply to brokers or agents who sell BHP, except they will not be required to be appointed by the MHCS.

(e) BHP will not pay renewal commissions.

(6) Except as provided in WAC 182-25-030(6), applications for enrollment will be reviewed by BHP within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of their effective date of enrollment.

(7)(a) Eligible applicants will be enrolled in BHP in the order in which their completed applications, including all required documentation, have been received by BHP, provided that:

~~((a))~~ (i) At least one MHCS is accepting new enrollment in the program for which the applicant is applying and from the geographic area where the applicant lives; and

~~((b))~~ (ii) The applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP.

(b) In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(6).

(8) An open enrollment period of at least twenty consecutive days will be held annually. During this open enrollment period, enrollees may apply to enroll additional family members or to transfer their enrollment to a different MHCS, provided the MHCS selected is accepting new enrollment for the enrollee's program in the geographic area where the enrollee lives.

(9) Not all family members are required to apply for enrollment in BHP; however, any family member for whom application for enrollment is not made at the same time that other family members apply, may not subsequently enroll as a family member until the next open enrollment period, unless the subscriber has experienced a "qualifying change in family status." "Qualifying changes in family status" include:

(a) The loss of other health care coverage, for a family member who has previously waived coverage, provided BHP receives the family member's application within thirty days of the loss of other coverage, along with proof of the family member's continuous medical coverage from the date the subscriber enrolled in BHP;

(b) Marriage or assuming custody or dependency of a child or adult dependent (other than newborn or newly adopted children), provided BHP receives the new family member's application within thirty days of the change in family status; or

(c) Addition of an eligible newborn child or a child newly placed for adoption provided BHP receives the child's application for enrollment within sixty days of the date of birth or placement for adoption. These children may be enrolled effective from the date of birth or placement for adoption.

(10) ~~((On a schedule approved by the administrator, BHP will request verification of information from all or a subset of enrollees ("recertification"), requiring new documentation of income to determine if the enrollee has had a change in income that would result in a different subsidy level.))~~ Subscribers must notify BHP of any changes that could affect their eligibility or subsidy or their dependents' eligibility or subsidy:

(a) Within thirty days of the end of the first month of receiving an increased income; or

(b) Within thirty days of a change other than an income change (for example, a change in family size or address).

(11) BHP will verify the continuing eligibility of enrollees through the recertification process at least once every twelve months. Upon request of BHP, enrollees must submit evidence satisfactory to BHP, proving their continued eligibility for enrollment and for the premium subsidy they are receiving.

(a) BHP will verify income through comparison with other state and federal agency records or other third-party sources.

(b) If the enrollee's income on record with other agencies or third-party source differs from the income the enrollee has reported to BHP, or if questions arise concerning the doc-

documentation submitted, BHP will require updated documentation from the enrollee to prove continued eligibility for the subsidy they are receiving. At that time, BHP may also require updated documentation of residence to complete the recertification process.

(c) Enrollees who have been enrolled in BHP six months or more and have not provided updated income documentation for at least six months will be required to submit new income documentation if their wage or salary income cannot be compared to an independent source for verification.

(12) In addition to verification of income, enrollees must annually submit documentation satisfactory to BHP of the following:

(a) Washington state residence;

(b) Full-time student status for dependent students age nineteen through twenty-two; and

(c) Medicare ineligibility for enrollees age sixty-five or over.

(13) For good cause such as, but not limited to, when information received indicates a change in income or a source of income the enrollee has not reported, BHP may require ~~(recertification on a more widespread or more frequent basis)~~ enrollees to provide verification required in subsections (11) and (12) of this section more frequently, regardless of the length of time since their last recertification.

(14) Enrollees who fail to comply with a recertification request will be ~~(converted to nonsubsidized enrollment for at least one month, until new income documentation has been submitted and processed. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility)~~ disenrolled, according to the provisions of WAC 182-25-090 (2)(f).

(15) If, as a result of recertification, BHP determines that an enrollee has not reported income or income changes accurately, the enrollee will be subject to the provisions of WAC 182-25-085.

AMENDATORY SECTION (Amending Order 99-01, filed 5/26/99, effective 6/26/99)

WAC 182-25-085 Enrollees' failure to report correct income. (1) If ~~((the HCA))~~ BHP determines that the enrollee has received a subsidy overpayment due to failure to report income correctly, ~~((the HCA))~~ BHP may:

(a) Bill the enrollee for the amount of subsidy overpaid by the state; or

(b) If the overpayment was due to fraud, intentional misrepresentation of information, or withholding information that the enrollee knew or should have known was material or necessary to accurately determine the premium, impose civil penalties of up to two hundred percent of the subsidy overpayment.

(2) Any ~~((HCA))~~ BHP determination under subsection (1) of this section is subject to the enrollee appeal provisions in WAC 182-25-105.

(3) When a decision under subsection (1)(a) of this section is final, ~~((the HCA))~~ BHP may establish a payment schedule and, for enrollees who remain enrolled in BHP, will collect the amount owed through future premium statements.

Enrollees who disenroll prior to paying the full amount of the subsidy overpayment may continue the payment plan previously approved by BHP or may be billed for the entire amount due. BHP may charge interest for the amount past due, at the rate specified under RCW 43.17.240 and rules promulgated thereunder. The payment schedule will be for a period of no more than six months, unless ~~((the HCA))~~ BHP approves an alternative payment schedule requested by the enrollee. When a payment schedule is established, ~~((the HCA))~~ BHP will send the enrollee advance written notice of the schedule and the total amount due. The total amount due each month will include the regular monthly premium plus charges for subsidy overpayment. If an enrollee does not pay the amount due, including charges for subsidy overpayment, the enrollee and all family members enrolled on the account will be disenrolled for nonpayment under WAC 182-25-090 (2)(b).

(4) When a final decision is made under subsection (1)(b) of this section ~~((becomes final, the HCA))~~, BHP will send the enrollee notice that payment of the civil penalty is due in full within thirty days after the decision becomes final, unless ~~((the HCA))~~ BHP approves a different due date at the enrollee's request. If the enrollee does not pay the civil penalty by the due date, the enrollee and all family members on the account will be disenrolled for nonpayment under WAC 182-25-090 (2)(c).

(5) Individuals who are disenrolled from BHP may not reenroll until charges for subsidy overpayments or civil penalties imposed under subsection (1) of this section have been paid or ~~((the HCA))~~ BHP has approved a payment schedule and all other requirements for enrollment have been met.

(6) ~~((The HCA))~~ BHP will take all necessary and appropriate administrative and legal actions to collect the unpaid amount of any subsidy overpayment or civil penalty, including recovery from the enrollee's estate.

(7) Enrollees under employer group or financial sponsor group coverage who do not follow the income reporting procedures established by BHP and their employer or financial sponsor may be billed directly by ~~((the HCA))~~ BHP for subsidy overpayments or civil penalties assessed under subsection (1) of this section. Enrollees who do not pay the amount due will be disenrolled under WAC 182-25-090 (2)(b) or (c). Enrollees who are disenrolled for nonpayment of a subsidy overpayment or civil penalties will be excluded from the minimum participation calculation for employer groups under WAC 182-25-050(2).

AMENDATORY SECTION (Amending Order 99-06, filed 11/18/99, effective 12/19/99)

WAC 182-25-090 Disenrollment from BHP. (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior written notice of the intention to disenroll.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which includes:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium under the provisions of subsection ~~((5))~~ (6) of this section;

(c) Nonpayment of civil penalties assessed under WAC 182-25-085;

(d) Changes in MHCS or program availability when the enrollee's MHCS will no longer be available to him or her and no other MHCS in the area where the enrollee lives is accepting new enrollment in the enrollee's program;

(e) Repeated failure to pay co-payments in full on a timely basis;

(f) Fraud, intentional misrepresentation of information or withholding information that the enrollee knew or should have known was material or necessary to accurately determine their eligibility or premium responsibility, failure to provide requested verification of eligibility or income, or knowingly providing false information;

(g) Abuse or intentional misconduct;

(h) Danger or threat to the safety or property of the MHCS or the health care authority or their staff, providers, patients or visitors; and

(i) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, when the MHCS has advised the enrollee and demonstrated to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the MHCS.

(3) In addition to being disenrolled, any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be held financially responsible for any covered services fraudulently obtained through BHP.

~~((3))~~ (4) At least ten days prior to the effective date of disenrollment under subsection (2)(a) and (c) through (i) of this section, BHP will send enrollees written notice of disenrollment.

(a) The notice of disenrollment will:

(i) State the reason for the disenrollment;

(ii) State the effective date of the disenrollment;

(iii) Describe the procedures for disenrollment; and

(iv) Inform the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105.

(b) The notice of disenrollment will be sent to both the employer or sponsor and to all members of an employer group, home care agency group or financial sponsor group that is disenrolled under these provisions. Enrollees affected by the disenrollment of a group account will be offered coverage under individual accounts. Coverage under individual accounts will not begin unless the premium for individual coverage is paid by the due date for the coverage month. A one-month break in coverage may occur for enrollees who choose to transfer to individual accounts.

~~((4))~~ (5) Enrollees covered under BHP Plus or receiving maternity benefits through medical assistance will not be disenrolled from those programs when other family members lose BHP coverage, as long as they ~~((are still))~~ remain eligible for those programs.

~~((5))~~ (6) Under the provisions of this subsection, BHP will suspend or disenroll enrollees and groups who do not pay their premiums when due, including amounts owed for sub-

sidy overpayment, if any. Partial payment or payment by check which cannot be processed or is returned due to non-sufficient funds will be regarded as nonpayment.

(a) At least ten days before coverage will lapse, BHP will send a delinquency notice to each subscriber whose premium payment has not been received by the due date. The delinquency notice will include a ~~((delinquency))~~ final due date and a notice that BHP coverage will lapse unless payment is received by the ~~((delinquency))~~ final due date.

(b) Except as provided in (c) of this subsection, coverage will be suspended for one month if an enrollee's premium payment is not received by the ~~((delinquency))~~ final due date, as shown on the delinquency notice. BHP will send written notice of suspension to the subscriber, stating:

(i) The effective date of the suspension;

(ii) The due date by which payment must be received to restore coverage after the one-month suspension;

(iii) The subscriber and any enrolled dependents will be disenrolled if payment is not received by the final due date; and

(iv) The enrollee's right to appeal under WAC 182-25-105.

(c) Enrollees whose premium payment has not been received by the delinquency due date, and who have been suspended twice within the previous twelve months will be disenrolled for nonpayment as of the effective date of the third suspension.

(d) Enrollees who are suspended and do not pay the premium for the next coverage month by the due date on the notice of suspension will be immediately disenrolled and issued a notice of disenrollment ~~((as provided in subsection (3)(a) of this section))~~, stating:

(i) The effective date of the disenrollment; and

(ii) The enrollee's right to appeal under WAC 182-25-105.

~~((6))~~ (7)(a) Enrollees who voluntarily disenroll or are disenrolled from BHP may not reenroll for a period of twelve months from the date their coverage ended and until all other requirements for enrollment have been satisfied. An exception to this provision will be made for:

(i) Enrollees who left BHP for other health insurance, who are able to provide proof of continuous coverage from the date of disenrollment, and who apply to reenroll in BHP within thirty days of losing the other coverage;

(ii) Enrollees who left BHP because they lost eligibility and who subsequently become eligible to reenroll; and

(iii) Persons enrolling in subsidized BHP, who had enrolled and subsequently disenrolled from nonsubsidized BHP under subsection (1) or (2)(b) of this section while waiting on a reservation list for subsidized coverage.

(iv) Enrollees who were disenrolled by BHP because no MHCS was contracted to serve the program in which they were enrolled in the geographic area where they live; these enrollees may reenroll, provided all enrollment requirements are met, if a MHCS begins accepting enrollment for their program in their area or if they become eligible and apply for another BHP program.

(b) An enrollee who is required to wait twelve months for reenrollment under (a) of this subsection ~~((and who has been waiting on a reservation list for subsidized BHP))~~ may

not reenroll prior to the end of the required twelve-month wait. If ~~((the))~~ an enrollee satisfies the required twelve-month wait ~~((for reenrollment))~~ after applying for subsidized coverage and while ((on the reservation list)) waiting to be offered coverage, enrollment will not be completed until funding is available to enroll him or her ~~((from the reservation list))~~.

WSR 02-15-181

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 02-06—Filed July 24, 2002, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 02-08-073.

Title of Rule: Chapter 173-157 WAC, Underground artificial storage and recovery.

Purpose: The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and standards for identification and mitigation of potential adverse impacts to ground water quality or the environment.

Statutory Authority for Adoption: RCW 90.03.370 (2)(b), 90.44.460.

Statute Being Implemented: RCW 90.03.370, chapter 90.44 RCW.

Summary: Chapter 173-157 WAC outlines the process the Department of Ecology will use to evaluate applications and issue permits to artificially store water in underground geological formations and subsequently recover it for beneficial use.

Name of Agency Personnel Responsible for Drafting: Kathleen Ensenat, Department of Ecology, Headquarters, (360) 407-6780; Implementation and Enforcement: Joe Stohr, Program Manager, Department of Ecology, Headquarters, (360) 407-6602.

Name of Proponent: Department of Ecology, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This will create a "third line" for processing permits for applicants that already hold a right to the source water.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and, standards for identification and mitigation of potential adverse impacts to ground water quality or the environment. Chapter 173-157 WAC outlines the process the Department of Ecology will use to evaluate applications and issue permits to artificially store water in underground geological formations and subsequently recover it for beneficial use.

Under this proposal, an application for a reservoir permit for an ASR project must contain, at a minimum:

(1) A general description (conceptual model) of the hydrogeologic system prepared and certified by a hydrogeologist licensed in the state of Washington.

(2) A project operation plan with a general description of the pilot and operational phases of the ASR project prepared and certified by an engineer or geologist licensed in the state of Washington.

(3) A description of the legal framework for the proposed project.

(4) An environmental assessment and analysis of any potential adverse conditions or potential impacts to the surrounding environment that might result from the project.

(5) A project mitigation plan, if required.

(6) A project monitoring plan.

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 because the substantive requirements for obtaining an ASR permit are mandated by RCW 90.03.370 (2)(a). Furthermore, those requirements are essential to prevent infringement on existing water rights and environmental damage from improper ASR design or operation.

RCW 34.05.328 applies to this rule adoption. It has been determined that this rule would be considered a significant legislative rule. Therefore, the requirements of RCW 34.05.328 are being met.

Hearing Location: Mid Columbia Kennewick Library, 1620 South Union, Kennewick, 99336, on August 27, 2002, at 5:00 p.m.; and at Lakehaven Center, 31531 1st Avenue South, Federal Way, 98003, on August 29, 2002, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Christine Corrigan by 5:00 p.m. on August 20, 2002, TDD (360) 407-6006 or (360) 407-6607.

Submit Written Comments to: Kathleen Ensenat, 600 Desmond Drive, Lacey, WA 98504, Kspa461@ecy.wa.gov, phone (360) 407-6780, fax (360) 407-7162, comments must be received by 5:00 p.m. on September 6, 2002.

Date of Intended Adoption: November 9, 2002.

July 23, 2002

Linda Hoffman
Assistant Director

Chapter 173-157 WAC

UNDERGROUND ARTIFICIAL STORAGE AND RECOVERY

PART I INTRODUCTION

NEW SECTION

WAC 173-157-010 What is the purpose of this rule?

The purpose of this rule is to establish the standards for review of applications for underground artificial storage and recovery projects and to identify options for mitigation of potential adverse impacts to ground water quality or the environment. The rule also outlines the process the department of ecology will use to evaluate applications and issue permits to

artificially store water in underground geological formations and subsequently recover it for beneficial use.

NEW SECTION

WAC 173-157-020 What is the authority for this rule? In 2000, the Washington state legislature passed Engrossed Second Substitute House Bill 2867 (E2SHB 2867), which amended chapters 90.03 and 90.44 RCW. This bill expanded the definition of "reservoir" in RCW 90.03.370 to include "any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project." Projects of this type are more commonly known as "aquifer storage and recovery" or "ASR" projects. The legislation directed the department to adopt rules establishing the "standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project." The department of ecology promulgates this rule under the authorities provided in chapter 34.05 RCW and RCW 90.03.370.

NEW SECTION

WAC 173-157-030 To whom does this rule apply? This rule applies to any firm, association, water users' association, corporation, irrigation district, or municipal corporation, or anyone else that intends to develop an underground artificial storage and recovery project pursuant to RCW 90.03.370. This chapter does not apply to projects utilizing irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW.

NEW SECTION

WAC 173-157-040 What are the meanings of words and phrases used in this rule? "Aquifer storage and recovery project," "ASR project," or "underground artificial storage and recovery project" means those projects where the intent is to artificially store water in an underground geological formation through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water.

"Artificial recharge" means either controlled subsurface addition of water directly to the aquifer or controlled application of water to the ground surface for the purpose of replenishing the aquifer.

"Beneficial use" includes, among others, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, municipal, and preservation of environmental and aesthetic values.

"Department" means the Washington department of ecology.

"DOH" means the Washington department of health.

"Piezometric elevation" means the static level to which the water from a given aquifer will rise under its full head.

"RCW" means the Revised Code of Washington.

"Receiving aquifer" or "reservoir" means any portion of a naturally occurring underground geological formation in which the source water will be collected and stored for a future beneficial use as part of an ASR project.

"SEPA" means the State Environmental Policy Act, chapter 43.21C RCW.

"Source water" means water that will be stored in a receiving aquifer.

"Stored water" means water that has been stored in a receiving aquifer pursuant to a reservoir permit issued in accordance with the provisions of this chapter.

"UIC" means the Underground Injection Control program, which was created by the U.S. Environmental Protection Agency in response to federal legislation (the Safe Drinking Water Act) and is administered by the department's water quality program.

"You" and "I" means any firm, association, water users' association, corporation, irrigation district, municipal corporation, or anyone else that intends to obtain a reservoir permit to develop an underground artificial storage and recovery project pursuant to RCW 90.03.370.

NEW SECTION

WAC 173-157-050 What authorization is required for an ASR project? The following permits or authorizations are required:

(1) **Water rights to source waters.**

(a) Any water you use as part of a project by diverting from a state watercourse or withdrawing state ground waters, must be obtained under a valid water right permit, certificate, or registered water right claim.

(b) The underlying water right specifies uses. Any changes to these uses will require issuance of a secondary permit.

(2) **Reservoir permit.** When proposing to collect and store water in a naturally occurring underground geological formation for subsequent use as part of an ASR project, you must apply for a reservoir permit in accordance with the provisions of RCW 90.03.370 (2)(a).

(3) **Secondary permit.** You must apply for a secondary permit in accordance with the provisions of RCW 90.03.370 if you propose to apply the water stored in a reservoir to a beneficial use, except that you are not required to apply for a secondary permit if you already have a water right for the source of the stored water that authorizes the beneficial use.

(4) **UIC registration.** All UIC wells to be utilized as part of an ASR project must be registered with the department in accordance with the provisions of chapter 90.48 RCW. Additionally, the construction and technical aspects of the injection wells must abide by UIC regulations as stated in chapter 173-218 WAC.

PART II APPLICATION PROCESS

NEW SECTION

WAC 173-157-100 What should I know before I apply? (1) You must assess potential impacts to the hydrogeologic system and the environment prior to submitting your application. If your application does not describe the general setting and conditions with sufficient information for the department to assess the application, the department may require you to perform a detailed feasibility study. This feasibility study should reduce uncertainty on the impacts, and better quantify the available storage within the aquifer.

(2) To further reduce uncertainty, you must design a pilot phase of the project, to be used to collect data, monitor efficacy, and adjust the plan based upon results.

(3) You may schedule a preapplication meeting with the department to discuss the project plan and likely requirements for monitoring and mitigation.

NEW SECTION

WAC 173-157-110 What types of information will I need to provide as part of my application? Your application for an ASR project must contain, at a minimum:

(1) A general description (conceptual model) of the hydrogeologic system prepared and certified by a hydrogeologist licensed in the state of Washington.

(2) A project operation plan with a general description of the pilot and operational phases of the ASR project prepared and certified by an engineer or geologist licensed in the state of Washington.

(3) A description of the legal framework for the proposed project.

(4) An environmental assessment and analysis of any potential adverse conditions or potential impacts to the surrounding environment that might result from the project.

(5) A project mitigation plan, if required.

(6) A project monitoring plan.

NEW SECTION

WAC 173-157-120 What must I include in the hydrogeologic system description? Your hydrogeologic system description must include a conceptual hydrogeologic model that describes:

(1) The aquifer targeted for storage, to include at a minimum estimates for:

(a) Lateral and vertical extent;

(b) Whether the aquifer is confined or unconfined;

(c) Permeability;

(d) Total storage volume available;

(e) Effective hydraulic conductivity;

(f) Transmissivity; and

(g) Potential for introduction of precipitates into the ground water when normally dry formation is recharged.

(2) The estimated flow direction(s) and rate of movement.

(3) The anticipated changes to the ground water system due to the proposed ASR project.

(4) The estimated area that could be affected by the project.

(5) The general geology in the vicinity of the proposed project, including stratigraphy and structure.

(6) The locations of existing documented natural hazards that could be affected or exacerbated by the project, such as landslide-prone areas or areas of subsidence.

(7) The locations of surface waters such as springs, creeks, streams or rivers that could be affected by the ASR project.

(8) The locations of all wells or other sources of ground water of record within the area affected by the project.

(9) The chemical composition of the source water and its compatibility with the naturally occurring waters of the receiving aquifer.

NEW SECTION

WAC 173-157-130 What must I include in the project operation plan? Your project operation plan should include, at a minimum, the following information:

(1) The quantity and times of year water is available for recharge.

(2) The proposed rate of injection and withdrawal of water.

(3) The length of time the water is proposed to be stored.

(4) The location, number, and capacity of proposed recharge wells or infiltration basins, and recovery facilities.

(5) Any variability in quality and reliability of the source water.

(6) A description of the water treatment method(s) you will use at the time of injection and recovery to ensure compliance with the water quality standards set forth in chapter 173-200 WAC, as well as the department's antidegradation policy. The department shall give strong consideration to the overriding public interest in its evaluation of compliance with ground water quality protection standards.

(7) Any plans to aerate, if required, when pumping water out of an aquifer for stream augmentation.

(8) Any plans to flush out the injection system to dislodge sediment which can cause clogging.

(9) Destination(s) for waste water.

NEW SECTION

WAC 173-157-140 What must I include in the description of the legal framework? Your description of the legal framework should include, at a minimum:

(1) Documentation of the water rights allowing use of the source waters intended to be stored for the proposed ASR project.

(2) A list of other water rights within the ASR project area.

(3) Instream flows established by the department or stream closures in the vicinity of the point of diversion/withdrawal of the source water.

(4) Ownership and control of any facilities to be used for the proposed project.

NEW SECTION

WAC 173-157-150 What must I include in the environmental assessment and analysis? Your environmental assessment and analysis must, at a minimum, describe:

(1) The environment within the ASR project area, including:

(a) Proximity to contaminated areas;
(b) Present and prior land use(s) within the ASR project area;

(c) Location(s) of historical or existing wetland habitat(s);

(d) Location(s) of historical or existing flood plain(s);

(e) Location(s) of historical or existing surface water body or spring, including known:

(i) Base flows;

(ii) Seven-day low flows;

(iii) Maximum flows;

(2) Potential impacts to the surrounding environment by the ASR project.

NEW SECTION

WAC 173-157-160 What must I include in the project mitigation plan? Your project mitigation plan, which must be reviewed and approved by an engineer licensed in the state of Washington, shall include actions adequate to mitigate for any identified potential impacts to the environment, such as:

(1) Slope stability;

(2) Wetland habitat;

(3) Flood plain;

(4) Ground deformation;

(5) Surface water body or spring.

NEW SECTION

WAC 173-157-170 What must I include in the data monitoring plan? Your data monitoring plan, which will be utilized to evaluate and verify the assumptions in the conceptual model, during the pilot and operational phases, must include the following:

(1) Proposed time intervals for sampling and subsequent reporting.

(2) Descriptions of measurement methodology, threshold values, and evaluation techniques for the following criteria:

(a) The quality of the source and receiving waters. This information must be provided for the period or periods of the year when the water will be stored. Testing must be done by a laboratory certified by either the department or DOH.

(b) The actual quantity of water injected.

(c) Changes in ground water piezometric elevations in the receiving aquifer.

(d) The percentage of the initial amount of stored water that is recoverable after varying lengths of storage time to validate the estimates of the amount of stored water that is actually recovered.

(e) Other data you or the department deem important for monitoring the ASR project and potential impacts.

You must provide a report of the monitoring data, at least annually, to the department. Based on the complexity of the project, the department may require you to comply with a more frequent reporting schedule. The required reporting frequency will be documented in the permit.

NEW SECTION

WAC 173-157-180 Where do I submit my application for a reservoir and/or secondary permit? You must submit your application to the ecology water resources regional office that serves the area where your project would be located. Please refer to the department's website for telephone numbers.

(1) The Northwest regional office serves Whatcom, Island, Kitsap, San Juan, Skagit, Snohomish, and King counties.

(2) The Southwest regional office serves Clallam, Jefferson, Grays Harbor, Mason, Thurston, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, and Skamania counties.

(3) The Central regional office serves Okanogan, Chelan, Douglas, Kittitas, Yakima, Klickitat, and Benton counties.

(4) The Eastern regional office serves Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Grant, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties.

PART III APPLICATION REVIEW PROCESS**NEW SECTION**

WAC 173-157-200 How will the department issue reservoir permits and/or secondary permits for ASR projects? (1) The department will process applications for permits for ASR projects in accordance with the provisions of RCW 90.03.250 through 90.03.320, RCW 90.03.370, chapter 173-152 WAC and this chapter. The department shall expedite processing applications for those projects that:

(a) Will not require a new water right for diversion or withdrawal of the water to be stored;

(b) Are adding or changing one or more purposes of use for the stored water;

(c) Are adding to the storage capacity of the reservoir; or

(d) Are applying for the secondary permit to secure use of water stored in the reservoir.

(2) Any application considered under this chapter will be subject to review by a Washington department of fish and wildlife water rights biologist, specifically to ensure that the following do not occur during or after ASR project diversions or withdrawals:

(a) Erasure or alteration of natural flow peaks;

(b) Detrimental changes in temperature and nutrient levels during critical spawning and rearing periods;

(c) Downwelling or upwelling within stream during critical spawning and rearing periods; or

(d) Saturation of stream bank which could lead to erosion and bank failure.

The department will consider comments by the water rights biologist in determining whether the project will be detrimental to public welfare.

(3) The department may issue a conditioned permit. For example, conditions may be imposed to prevent any long-term changes to the aquifer. Such conditioning would provide for a pilot phase of the project, to be used to collect data, monitor efficacy, and adjust the plan based upon results.

(4) Permits will contain a schedule for:

(a) Development and completion of the project;

(b) Monitoring and reporting during the pilot and operational phases of the project.

(5) The department can, upon a showing of good cause, issue extensions for the permit in accordance with the provisions of RCW 90.03.320.

(6) Once sufficient information is developed and provided to the department to verify that the project is indeed viable and the requirements of RCW 90.03.330 have been met, the department will issue the reservoir and secondary permit certificate with the priority date or dates based on the underlying source or sources of water right.

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

NEW SECTION

WAC 173-157-210 Can I appeal a decision made by the department on my application? Yes, all final written decisions of the department made on applications pursuant to this chapter are subject to review by the pollution control hearings board in accordance with the provisions of chapter 43.21B RCW if you comply with the requirements for appeal established by statute and rule.

NEW SECTION

WAC 173-157-220 Can this regulation be reviewed or updated? Yes, the department may initiate a review of the rules established in this chapter whenever new information, changing conditions, statutory modifications, or other factors make it necessary or desirable to consider revisions.

NEW SECTION

WAC 173-157-230 Where can I obtain copies of ecology statutes and regulations? Copies of statutes and regulations cited in this chapter may be obtained from the public records office at the department's headquarters office. You may also obtain copies by downloading documents from the department's internet site at <http://www.ecy.wa.gov> or copies of rules of the pollution control hearings board from the pollution control hearings board's internet site at <http://www.eho.wa.gov>.



WSR 02-15-025
EXPEDITED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed July 10, 2002, 8:16 a.m.]

Title of Rule: Personal use and commercial fishing rules.

Purpose: Repeal redundant provisions regarding conservation areas and marine preserves.

Statutory Authority for Adoption: RCW 77.12.047.

Statute Being Implemented: RCW 77.12.047.

Summary: Repeals language that has been consolidated in WAC 220-20-100, regarding taking fish and shellfish in marine protected areas.

Reasons Supporting Proposal: Eliminate redundant language.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Lew Atkins, 1111 Washington Street, Olympia, 902-2651; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, 902-2373.

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 harvest rules for all conservation areas and marine preserves have been collected in a single WAC. These changes eliminate the redundancy of harvest restrictions in three other WACs.

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 Evan Jacoby, Department of Fish and Wildlife, 6000 Capitol Way, Olympia, WA 98501-1091, AND RECEIVED BY September 23, 2002.

July 9, 2002

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 00-149, filed 8/16/00, effective 9/16/00)

WAC 220-20-015 Lawful and unlawful acts—Salmon. (1) It is unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(2) It is unlawful to operate any net for removing snags from state waters without permit from the department of fisheries.

(3) It is unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length except as follows:

(a) In the Puget Sound, Grays Harbor, Willapa Bay and Columbia River commercial salmon net fisheries there is no minimum size limit on salmon taken with gill net gear.

(b) In the Pacific Ocean commercial salmon troll fishery frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(c) This subsection does not apply to salmon raised in aquaculture.

(4) It is unlawful to set, maintain, or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

(5) It is lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection (3) of WAC 220-20-015 do not apply to salmon possessed under this subsection.

(6) It is unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

(7) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

~~((8) It is unlawful to fish for or possess salmon taken for commercial purposes from the Sund Rock Marine Preserve, the Titlow Beach Marine Preserve or the Colvos Passage Marine Preserve.~~

~~(9) It is unlawful to take salmon for personal use from the Colvos Passage Marine Preserve except by trolling, defined as fishing from a vessel under power and in gear making forward progress.)~~

AMENDATORY SECTION (Amending Order 01-286, filed 12/27/01, effective 1/27/02)

WAC 220-20-020 General provisions—Lawful and unlawful acts—Food fish other than salmon. (1) It is unlawful to fish for or possess for commercial purposes any round, undressed white sturgeon less than 48 inches or greater than 60 inches in length or any round, undressed green sturgeon less than 48 inches or greater than 66 inches in length.

(2) It is unlawful to fish for or possess for commercial purposes or possess aboard a commercial fishing vessel for any purpose any species of halibut (*Hippoglossus*) unless permitted by the current regulations of the International Pacific Halibut Commission.

(3) It is unlawful to fish for or possess for commercial purposes sturgeon taken from any of the waters of Puget

Sound or tributaries, and any sturgeon taken with any type of commercial gear incidental to a lawful fishery shall immediately be returned to the water unharmed.

(4) It is unlawful to fish for food fish for commercial purposes in the waters of Shilshole Bay inland and inside a line projected in a southwesterly direction from Meadow Point to West Point.

(5) It is unlawful to fish for or possess for commercial purposes any starry flounder less than 14 inches in length taken by any commercial gear, in all Puget Sound Marine Fish-Shellfish Areas.

(6) It shall be unlawful to harvest herring eggs naturally deposited on marine vegetation or other substrate, unless a person has a permit issued by the director.

~~(7) ((It is unlawful to fish for or possess food fish other than salmon taken for commercial purposes from the San Juan Islands Marine Preserve, except that it is lawful to take herring.~~

~~(8) It is unlawful to fish for or possess food fish other than salmon taken from the Titlow Beach Marine Preserve, the Sund Rock Marine Preserve or the Colvos Passage Marine Preserve.~~

(9)) It is unlawful to fish for or possess carp taken for commercial purposes except as authorized by written permit from the director, except that carp taken incidental to a commercial fishery for other species may be retained for commercial purposes. Failure to comply with the provisions of the carp permit constitutes unlawful use of the carp commercial fishery license.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 220-20-025 General provisions—Shellfish. (1) It is unlawful to drive or operate any motor-propelled vehicle, land any airplane or ride or lead any horse on the razor clam beds of the state of Washington, as defined in WAC 220-16-257. A violation of this subsection shall be punished as an infraction.

(2) It is unlawful to possess soft-shelled crab for any commercial purpose.

(3) It is unlawful to possess in the field any crab from which the back shell has been removed.

(4) It is unlawful to willfully damage crab or other shellfish. Any crab taken incidentally to a net fishery must be immediately returned to the water with the least possible damage to the crab.

~~((5) It is unlawful to fish for or possess shellfish taken for commercial purposes from the San Juan Islands Marine Preserve, except it is lawful to fish for crab in Parks Bay.~~

~~(6) It is unlawful to fish for, harvest, or possess shellfish taken from the Titlow Beach Marine Preserve, the Sund Rock Marine Preserve or the Colvos Passage Marine Preserve.))~~

WSR 02-15-107
EXPEDITED RULES
DEPARTMENT OF REVENUE

[Filed July 17, 2002, 4:13 p.m.]

Title of Rule: WAC 458-30-200 Definitions, 458-30-210 Classification of land under chapter 84.34 RCW, 458-30-232 Application for timber land classification, 458-30-275 Continuing classification upon sale or transfer of ownership of classified land—Actions of landowner and county officials to be taken prior to recording a conveyance of classified land, 458-30-325 Transfer between classifications—Application for reclassification, 458-30-500 Definitions of terms used in WAC 458-30-500 through 458-30-590, and 458-30-700 Designated forest land—Removal—Change in status—Compensating tax.

Purpose: To incorporate changes made to underlying statutes by SHB 2765, codified as chapter 315, Laws of 2002, to clarify language, and to correct typographical errors.

Statutory Authority for Adoption: RCW 84.34.141.

Statute Being Implemented: RCW 84.34.020 and 84.34.030.

Summary: Chapter 315, Laws of 2002, allows a land owner up to sixty days to submit a timber management plan for land to be designated or reclassified as forest land under chapter 84.33 RCW or timber land under chapter 84.34 RCW. WAC 458-30-200 and 458-30-500 are being revised to clarify language and correct typographical errors.

Reasons Supporting Proposal: To implement the statutory changes set forth in chapter 315, Laws of 2002, and to correct and clarify existing language.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; Implementation and Enforcement: Sandy Guilfoil, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

Name of Proponent: Department of Revenue, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No comments or recommendations are submitted.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 315, Laws of 2002, amended two statutes within chapter 84.34 RCW, the Open Space Taxation Act. When a landowner seeks classification or reclassification of his or her land as timber land under RCW 84.34.020(3), he or she will not be allowed up to sixty days to submit a timber management plan to the county legislative authority. A timber management plan describes how the land will be used to grow and harvest timber. WAC 458-30-210, 458-30-232, 458-30-275, 458-30-325, and 458-30-700 are all being amended to allow for this change in procedure and to conform with the statutory changes.

WAC 458-30-200 and 458-30-500 are being amended so that the definitions in the rules correspond to each other and do not conflict. Typographical errors are also being corrected

in both rules. No substantive changes are being made in either rule.

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

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 Kim M. Qually, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY September 23, 2002.

July 17, 2002

Alan R. Lynn

Rules Coordinator

Legislation and Policy Division

AMENDATORY SECTION (Amending WSR 01-24-030, filed 11/27/01, effective 12/28/01)

WAC 458-30-200 Definitions. (1) **Introduction.** This rule provides definitions for the terms used in conjunction with land classified under the Open Space Taxation Act, codified as chapter 84.34 RCW. The terms listed in this rule are intended to act in concert with each other as appropriate.

(2) **Definitions.** For purposes of land classified under chapter 84.34 RCW, the following definitions apply:

(a) "Additional tax" means the additional property taxes that will be collected when classification is withdrawn or removed from land classified under chapter 84.34 RCW.

(b) "Affidavit" means the real estate excise tax affidavit required by chapter 82.45 RCW and chapter 458-61 WAC. The affidavit will be prescribed by the department and furnished to county treasurers. This form is used by landowners to report sales or transfers of classified land. The owner or transferor and the purchaser or transferee, or agents of each, must sign the affidavit under penalty of perjury.

(c) "Agreement" means an agreement executed between an owner and the granting authority regarding the classification of land as either open space or timber land under chapter 84.34 RCW.

(d) "Applicant" means the owner who submits an application for classification of land under chapter 84.34 RCW.

(e) "Application" means an application for classification of land under chapter 84.34 RCW.

(f) "Approval" means a determination by the granting authority that land qualifies for classification under chapter 84.34 RCW.

(g) "Appurtenance" refers to something used with, and related to or dependent upon another thing; that is, something that belongs to something else, an adjunct. The thing appurtenant is strictly necessary and essential to the proper use and

enjoyment of the land, as well as useful or necessary for carrying out the purposes for which the land was classified under chapter 84.34 RCW.

(i) In terms of farm and agricultural land, an appurtenance is something used for a particular sort of farm and is widely and routinely used in the operation of the commercial agricultural enterprise.

(ii) For example, an appurtenance may be an outhouse, barn, or tool shed attached to or adjoining a dwelling or it may be equipment used for a particular purpose or task, such as tools, instruments, or machinery.

(h) "Aquaculture" means the growing and harvesting of marine or fresh water flora or fauna in a soil or water medium for commercial agricultural activities.

(i) "Assessor" means the county assessor or any agency or person who is authorized to act on behalf of the assessor.

(j) "Assessment year" means the year in which the property is listed and valued by the assessor and precedes the year in which the taxes on the property are due and payable.

(k) "Change in use" means a direct action taken by an owner that actually changes the use of, or has started changing the use of, classified land to a use that is not in compliance with the conditions of the agreement executed between the owner and the granting authority or to a use that is otherwise not in compliance with the provisions of chapter 84.34 RCW (see WAC 458-30-295).

(l) "Classified land" means a parcel(s) of land that has been approved by the appropriate granting authority for taxation under chapter 84.34 RCW.

(m) "Commercial agricultural activities" means the use of land on a continuous and regular basis, prior to and subsequent to application for classification, that demonstrates that the owner or lessee intends to obtain through lawful means, a monetary profit from cash income received by:

(i) Raising, harvesting, and selling lawful crops;

(ii) Feeding, breeding, managing, and selling of livestock, poultry, fur-bearing animals, or honey bees, or any products thereof;

(iii) Dairying or selling of dairy products;

(iv) Animal husbandry;

(v) Aquaculture;

(vi) Horticulture;

(vii) Participating in a government-funded crop reduction or acreage set-aside program; or

(viii) Cultivating Christmas trees or short-rotation hardwoods on land that has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of growing such trees.

(n) "Contiguous" means land that adjoins other land owned by the same owner or held under the same ownership. Land that is an integral part of a farming operation is considered contiguous even though the land may be separated by a public road, railroad, right of way, or waterway.

(o) "County financial authority" and "financial authority" mean the treasurer or any agency or person charged with the responsibility of billing and collecting property taxes.

(p) "County legislative authority" means the county commission, council, or other legislative body.

(q) "County recording authority" means the auditor or any agency or person charged with the recording of documents.

(r) "Current" and "currently" means as of the date on which property is to be listed and valued by the assessor.

(s) "Current use value" means the taxable value of a parcel of land placed on the assessment rolls following its classification under chapter 84.34 RCW.

(t) "Department" means the department of revenue.

(u) "Farm woodlot" means an area of land within a parcel(s) of classified farm and agricultural land that is used in a manner compatible with commercial agricultural activities including, but not limited to, the growing and cutting of trees for the use of the owner or the sheltering of livestock.

(v) "Granting authority" means the appropriate agency or official that acts on an application for classification under chapter 84.34 RCW. The granting authority for:

(i) Open space classification under RCW 84.34.020(1) and 84.34.037 is the county legislative authority. However, for applications within an incorporated area of a county, the granting authority is made up of three members of the county legislative body and three members of the city legislative body in the county in which the land is located;

(ii) Farm and agricultural classification under RCW 84.34.020(2) and 84.34.035 is the assessor or the assessor's designee; and

(iii) Timber land classification under RCW 84.34.020(3) and 84.34.041 is the county legislative authority. However, for applications within an incorporated area of a county, the granting authority is made up of three members of the county legislative body and three members of the city legislative body in the county in which the land is located.

(w) "Gross income" means cash income derived from commercial agricultural activities, including payments received from the United States Department of Agriculture for participating in a crop reduction or acreage set-aside program when such payments are based on the productive capacity of the land. The term shall not include the following:

(i) The value of any products produced on the land and consumed by the owner or lessee;

(ii) Cash income derived from leases for the use of the land for noncommercial agricultural activities; or

(iii) Payments for soil conservation programs.

(x) "Incidental use" means a use of land classified as farm and agricultural land that is compatible with commercial agricultural activities if it does not exceed twenty percent of the classified land. An incidental use may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand.

(y) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural activities.

(z) "Interest" means the amount of applicable interest upon additional tax.

(aa) "Net cash rental" means the earning or productive capacity of farm and agricultural land less the production costs customarily or typically paid by an owner or landlord. See WAC 458-30-260 for a more detailed explanation.

(bb) "Notice of continuance" means the notice signed when land classified under chapter 84.34 RCW is sold or

transferred if the new owner of the land intends to continue the classified use of the land and elects to have the land remain classified under chapter 84.34 RCW. This notice is part of the real estate excise tax affidavit or may be a separate document prepared by the department and attached to this affidavit.

(cc) "Owner" means:

(i) Any person(s) having a fee interest in a parcel of land((-)); or

(ii) The contract vendee when the land is subject to a real estate contract.

(dd) "Parcel of land" means a property identified as such on the assessment roll. For purposes of chapter 84.34 RCW and this WAC chapter, a parcel shall not include any land area not owned by the applicant including, but not limited to, a public road, right of way, railroad, or waterway.

(ee) "Penalty" means the amount due when land is removed from classification under chapter 84.34 RCW. The amount of the penalty is equal to twenty percent of the additional tax and interest calculated in accordance with RCW 84.34.080 or 84.34.108.

(ff) "Planning authority" means the local government agency empowered by the appropriate legislative authority to develop policies and proposals relating to land use.

(gg) "Primary use" means the existing use of a parcel or parcels of land so prevalent that when the characteristic use of the land is evaluated a conflicting or nonrelated use appears to be very limited or excluded.

(hh) "Qualification of land" means the approval of an application for classification of land by a granting authority in accordance with chapter 84.34 RCW.

(ii) "Rating system" means a public benefit rating system adopted for classified open space land according to RCW 84.34.055.

(jj) "Reclassification" means the process by which land classified under chapter 84.34 or 84.33 RCW is changed from one classification to a different classification established by chapter 84.34 RCW or into forest land as described in chapter 84.33 RCW. For example, land classified as farm and agricultural land under RCW 84.34.020(2) may be reclassified as open space land under RCW 84.34.020(1).

(kk) "Removal" or "removed" means land classified under chapter 84.34 RCW is removed from classification by the assessor either because the owner requests removal, the new owner fails to sign the notice of classification continuance, or ((because)) the land is no longer being used for the purpose for which ((it was granted)) classification was granted.

(ll) "Sale of ownership" means the conveyance of the ownership of a parcel of land in exchange for valuable consideration.

(mm) "Tax year" means the year when property tax is due and payable.

(nn) "Timber management plan" means the plan filed with the county legislative authority or the assessor when classified timber land is sold or transferred. It is synonymous with a "forest management plan" and details an owner's plan regarding the management of classified timber land including, but not limited to, the planting, growing and/or harvest-

ing of timber. Some of the elements of such a plan are set forth in WAC 458-30-232.

(oo) "Transfer" means the conveyance of the ownership of a parcel of land without an exchange of valuable consideration and may include situations where classified land is donated to an owner, corporation, partnership, or limited liability corporation.

(pp) "True and fair value" is the value of a parcel of land placed on the assessment rolls at its highest and best use without regard to its current use. The term also refers to market value, that is, the amount of money a buyer of property willing, but not obligated to buy would pay a seller of property willing but not obligated to sell, taking into consideration all uses to which the property is adapted and might reasonably be applied.

(qq) "Withdrawal" or "withdrawn" means action taken by the owner of land classified under chapter 84.34 RCW ((in)) by filing a notice of request to withdraw the land from classification under the current use program in compliance with RCW 84.34.070. Once land has been classified under chapter 84.34 RCW, it ((shall)) must remain so classified for at least ten years from the date of classification. At any time after eight years of the initial ten-year classification period have elapsed, the owner may file a notice of request to withdraw all or a portion of the land from classification with the assessor of the county in which the land is located. Land is withdrawn from classification as a result of a voluntary act by the owner.

AMENDATORY SECTION (Amending WSR 95-21-002, filed 10/4/95, effective 11/4/95)

WAC 458-30-210 Classification of land under chapter 84.34 RCW. (1) **Introduction.** Under chapter 84.34 RCW, land may be placed into one of three classifications on the basis of its current use. This ((section)) rule explains and describes each classification of land as defined in RCW 84.34.020.

(2) **Definitions.** For purposes of this ((section)) rule, the following definitions apply:

(a) "Farm employee or farm and agricultural employee" means an individual who is employed on farm and agricultural land on a full time basis or a seasonal or migratory worker who works on farm and agricultural land only during the planting, growing, and/or harvesting seasons. The term also includes an individual who is employed at least twenty-five hours per week on farm and agricultural land. It does not include a person who is employed full time by a business activity that is not conducted on classified farm and agricultural land and who only works occasional weekends or during the harvest season on classified farm and agricultural land.

(b) "Integral" means that which is central to or inherent in the use or operation of classified farm and agricultural land for commercial agricultural ((purposes)) activities. For purposes of this ((section)) rule, the residence of the farm operator or owner and/or housing for farm employees must be the place(s) from which the farmer conducts his/her commercial agricultural business.

(3) **Open space land.** Land classified as "open space land" means one of the following:

(a) Any parcel(s) of land so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly.

(b) Any parcel(s) of land, whereby preservation in its present use would either:

(i) Conserve and enhance natural or scenic resources;

(ii) Protect streams or water supply;

(iii) Promote conservation of soils, wetlands, beaches, or tidal marshes;

(iv) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, natural reservations or sanctuaries, or other open spaces;

(v) Enhance public recreation opportunities;

(vi) Preserve historic sites;

(vii) Preserve visual quality along a highway, road, or street corridor, or scenic vistas;

(viii) Retain in its natural state, tracts of land of not less than one acre in size situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority; or

(ix) Any parcel(s) of farm and agricultural conservation land. Farm and agricultural conservation land means either:

(A) Land previously classified as farm and agricultural land that no longer meets the criteria of farm and agricultural land and is reclassified as "open space land"; or

(B) Traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture.

(4) **Farm and agricultural land.** Land classified as "farm and agricultural land" means one of the following:

(a) Any parcel of land twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size when the land is:

(i) Primarily used to produce livestock or agricultural products for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or

(iii) Primarily used in similar commercial agricultural activities as may be established by rule.

(b) Any parcel of land or contiguous parcels of land at least five acres, but less than twenty acres, in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(i) One hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; or

(ii) Two hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(c) Any parcel of land or contiguous parcels of land less than five acres in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(i) One thousand dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; and

(ii) One thousand five hundred dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(d) Any parcel of land that is twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size on which housing for farm and agricultural employees and the principal residence of the farm operator or the owner of land classified ~~((pursuant to))~~ under RCW 84.34.020 (2)(a) is situated if:

(i) The housing or residence is on or contiguous to the classified parcel; and

(ii) The use of the housing or the residence is integral to the use of the classified parcel for agricultural purposes. (See WAC 458-30-317.)

(e) Farm and agricultural land also includes:

(i) Land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, such as a machinery maintenance shed or a shipping facility located on farm and agricultural land that produces the products to be shipped;

(ii) Land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land. An incidental use of classified farm and agricultural land may include, but is not limited to, wetland preservation, a gravel pit, a farm woodlot, or a produce stand; and

(iii) Any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a parcel classified as farm and agricultural land under RCW 84.34.020(2).

(5) **Timber land.** Land classified as "timber land" means any parcel of land five or more acres in size or multiple parcels of land that are contiguous and total five or more acres in size that is primarily used for the commercial growth and harvesting of forest crops.

(a) Timber land refers only to the land.

(b) ~~((A timber management plan shall be filed with the county legislative authority or assessor when:~~

~~(i) An application for classification as timber land is submitted pursuant to chapter 84.34 RCW; or~~

~~(ii) A sale or transfer of timber land occurs and a notice of classification continuance is signed.~~

(e)) Timber land does not include:

(i) Land listed on the assessment roll as classified or designated forest land according to chapter 84.33 RCW; or

(ii) Land on which nonforest crops or any improvements to the land are located.

AMENDATORY SECTION (Amending WSR 95-21-002, filed 10/4/95, effective 11/4/95)

WAC 458-30-232 Application for timber land classification. (1) **Introduction.** This ~~((section))~~ rule explains the application process ~~((for))~~ used by an applicant who seeks to have land classified or reclassified as timber land under RCW 84.34.020(3).

(2) **Definition.** For purposes of this ~~((section))~~ rule, the following definition applies:

"Stand of timber" means a stand of trees that will yield log and/or fiber:

(a) Suitable in size and quality for the production of lumber, plywood, pulp, or other forest products; and

(b) Of sufficient value to cover at least all the costs of harvest and transportation to available markets.

(3) **Where to submit.** An application for classification or reclassification of land as timber land under RCW 84.34.020(3) ~~((shall be made))~~ is submitted to the county legislative authority of the county in which the land is located.

(4) **Granting authority.** The identity of the entity that will act as the granting authority will be determined by the location of the land the applicant seeks to classify or reclassify as timber land. The granting authority will be determined as follows:

(a) If the parcel(s) of land is located in an unincorporated area of county, the county legislative authority ~~((shall be))~~ is the granting authority.

(b) If the parcel(s) of land is located in an incorporated area, a copy of the application for classification ~~((shall be))~~ is forwarded to the city legislative authority in which the land is located. The granting authority ~~((shall be))~~ is composed of three members of the county legislative body and three members of the city legislative authority.

(5) **Application process.**

(a) Consider all relevant evidence. The granting authority ~~((shall))~~ will act upon the application with due regard to all relevant evidence.

(b) Information that must accompany application. An application for classification or reclassification of a parcel(s) of land as timber land ~~((shall be))~~ is made on forms prepared by the department and ~~((shall))~~ must include the following elements that constitute a timber management plan:

(i) A legal description of or the parcel number(s) of all land the applicant desires to be classified as timber land;

(ii) The date or dates the land was acquired;

(iii) A brief description of the timber on the land or, if the timber has been harvested, the owner's plan for restocking;

(iv) Whether there is a timber or forest management plan for the land;

(v) If there is a timber or forest management plan for the land, the nature and extent to which the plan has been implemented;

(vi) Whether the land is used for grazing;

(vii) Whether the land has been subdivided or a plat has been filed with respect for the land;

(viii) Whether the land and the applicant have complied with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris

provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(ix) Whether the land is subject to forest fire protection assessments (~~(pursuant to)~~) under RCW 76.04.610;

(x) Whether the land is subject to a lease, option, or other right that permits the land to be used for a purpose other than growing and harvesting timber;

(xi) A summary of the applicant's past experience and activities in growing and harvesting timber;

(xii) A summary of the applicant's current and continuing activities in growing and harvesting of timber; and

(xiii) A statement that the applicant is aware of the potential tax liability involved (~~(when)~~) if the land ceases to be classified as timber land.

(c) Solitary factors that will result in automatic denial. An application may be denied for any of the following reasons without regard to any other factor:

(i) The land does not contain a stand of timber as defined in subsection (2) of this (~~(section)~~) rule, as well as in chapter 76.09 RCW, and WAC 222-16-010. This reason alone (~~(shall)~~) is not (~~(be)~~) sufficient to deny the application if:

(A) The land has been recently harvested or supports a growth of brush or noncommercial type timber and the application includes a plan for restocking within three years or a longer period necessitated because seed or seedlings are unavailable; or

(B) Only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions.

(ii) The applicant, with respect to the land for which classification or reclassification is sought, has failed to comply with a final administrative or judicial order regarding a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW.

(iii) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(6) **Public hearing required.** An application for classification of land as timber land (~~(shall)~~) will be (~~(acted upon)~~) approved or denied after a public hearing on the application (~~(has been)~~) is held. A notice of this hearing (~~(shall)~~) is to be announced once by publication in a newspaper of general circulation in the region, city, or county at least ten days before the hearing. The owner who submitted the application for classification or reclassification (~~(that is the subject of the public hearing shall)~~) is to be notified in writing of the date, time, and location of the public hearing.

(7) **Timber management plan required.** A timber management plan must be filed with the county legislative authority either:

(a) When an application for classification is submitted;
or

(b) Within sixty days of the date an application for reclassification under chapter 84.34 RCW or from designated forest land under chapter 84.33 RCW is received. The application for reclassification will be accepted, but may not be

processed until the timber management plan is received. If this plan is not received within sixty days of the date the application for reclassification is received, the application will be denied.

(c) If circumstances require it, the assessor may allow an extension of time for submitting a timber management plan when an application for classification or reclassification is received. The applicant will be notified of this extension in writing. When the assessor extends the filing deadline for a timber management plan, the county legislative authority should delay processing the application until this plan is received. If this plan is not received by the date set by the assessor, the application for classification or reclassification will be automatically denied.

(8) **Approval or denial of application.** The granting authority (~~(shall)~~) will either approve or disapprove the application for classification or reclassification within six months of the date it is received by the county legislative authority.

(a) The granting authority may approve the application for classification or reclassification in whole or in part. If any part of the application is denied, the applicant may withdraw the entire application.

(b) In approving the application in whole or in part, the granting authority may also require that certain conditions be met. The granting authority may not require the granting of easements for land classified as timber land.

(c) The granting or denial of an application for classification as open space land or reclassification is a legislative determination and (~~(shall be)~~) is reviewable only for arbitrary and capricious actions.

AMENDATORY SECTION (Amending WSR 01-24-030, filed 11/27/01, effective 12/28/01)

WAC 458-30-275 Continuing classification upon sale or transfer of ownership of classified land—Actions of landowner and county officials to be taken prior to recording a conveyance of classified land. (1) **Introduction.** If land classified under chapter 84.34 RCW is sold or transferred and the new owner wants to retain the classified status of the land, certain procedures must be followed before the conveyance may be recorded or filed. This rule explains the necessary procedures and required forms.

(2) **General requirements - new owner elects to have the land remain classified.** The county recording authority shall not accept an instrument conveying ownership of land classified under chapter 84.34 RCW unless certain conditions are satisfied. When land classified under chapter 84.34 RCW is sold or transferred and the new owner elects to have the land retain its classified status, prior to recording or filing the conveyance, the new owner or the new owner's agent must:

(a) Sign the notice of continuance that is part of the real estate excise tax (REET) affidavit or sign a separate notice of continuance. (Subsection (9) of this rule contains an explanation about REET.) Both the REET affidavit and the notice of continuance are forms prepared by the department of revenue and supplied to the counties. Both forms are available from the department by sending a written request to:

Department of Revenue
 Taxpayer Services
 P.O. Box 47478
 Olympia, WA 98504-7478.

A copy of the notice of continuance may be obtained from the county assessor or it may be downloaded from the internet at <http://dor.wa.gov/index.asp> under property tax, "forms." A copy of the REET affidavit may be obtained from the county treasurer. If the classified land is owned by multiple owners, all owners or their agent(s) must sign the notice of continuance on the affidavit or the separate notice of continuance; and

(b) Provide the assessor with a signed statement that explains how the new owner intends to use the classified land and any other information the assessor deems necessary to determine whether the land will continue to be eligible for classification under chapter 84.34 RCW. (See RCW 84.34-121 and WAC 458-30-270.)

(3) Required duties of the assessor before a conveyance of classified land may be filed or recorded. The new owner must supply the assessor with the information outlined in subsection (2) of this rule if the new owner elects to have the land remain classified under chapter 84.34 RCW.

(a) After receiving all required documentation, the assessor is allowed up to fifteen calendar days to determine whether the land should retain its classified status or whether the land should be removed from classification as of the date of conveyance.

(b) To make this determination, the assessor may, but is not required to, consult with the county legislative authority if the land is classified as either open space or timber land or a combination of the county and city legislative bodies if the classified open space land is within an incorporated part of the county. Both the assessor and the granting authority may require the new owner to submit additional information about the use of the classified land after the sale or transfer is complete. This information will be used to determine whether the land should remain classified under chapter 84.34 RCW.

(4) When may a county recording authority accept an instrument conveying ownership of classified land? A county recording authority shall not accept an instrument of conveyance regarding the sale or transfer of land classified under chapter 84.34 RCW for filing or recording until the new owner signs a notice of continuance and the assessor determines that the land will or will not continue to qualify for classification. If the assessor decides that the land must be removed from classification, the assessor will note that the land does not qualify for continuance on the REET affidavit and begin the removal procedures set forth in WAC 458-30-295.

(a) If the new owner signs the notice of continuance and the assessor agrees that the land should remain classified, the assessor checks the box on the REET affidavit that the land qualifies for continued classified current use status. The completed affidavit is then presented to the county recording authority so that it may record or file the conveyance. A completed REET affidavit includes a stamp, placed on it by the treasurer, indicating that any REET or additional tax, interest, and penalty owed as a result of the sale or transfer has been

paid. (See subsection (9) of this rule for a more detailed explanation of the real estate excise tax.)

(b) If the assessor decides that the land must be removed or the owner submits a written request to remove the land from classification, the assessor will check the appropriate box on the REET affidavit that the land does not qualify for continuance, sign the REET affidavit, and begin the removal procedures set forth in WAC 458-30-295.

(5) Land removed from classification with no back taxes imposed. If the removal results solely from one of the circumstances or actions listed in RCW 84.34.108(6), no additional tax, interest, or penalty is imposed. The assessor ~~((shall))~~ will:

(a) Follow the procedures set forth in WAC 458-30-295 and 458-30-300 for removing land from classification;

(b) Notify the treasurer and the seller or transferor that no additional tax, interest, or penalty will be imposed; and

(c) If the land is acquired for conservation purposes by any of the entities listed in RCW 84.34.108 (6)(f), inform the new owner that a lien equal to the amount of additional tax, interest, and penalty has been placed on the land, even though the additional tax, interest, and penalty will not be collected at this time. This lien becomes due and payable if and when the land ceases to be used for one of the purposes outlined in RCW 64.04.130 or 84.34.210.

(6) Sales or transfers of timber land. When a parcel(s) of classified timber land is sold or transferred, the new owner must submit a timber management plan to the assessor and comply with the general requirements listed in subsection (2) of this rule to retain the land's classified status. The assessor sends a copy of the timber management plan to the granting authority of the county in which the classified land is located. WAC 458-30-232 contains a list of the types of additional information an assessor may require the new owner to submit to enable the assessor to determine whether the land will be used to grow and harvest timber for commercial purposes. Generally, the new owner is required to submit a timber management plan at the time of sale or transfer. If circumstances require it, the assessor may allow an extension of time for submitting this plan when a notice of continuance is received. The applicant will be notified of this extension in writing. When the assessor extends the filing deadline for a timber management plan, the county legislative authority should delay processing the application until this plan is received. If the timber management plan is not received by the date set by the assessor, the notice of continuance will be automatically denied.

(7) Sales or transfers of farm and agricultural land. When a parcel(s) of classified farm and agricultural land is sold or transferred, the new owner must comply with the general requirements listed in subsection (2) of this rule. The size of the classified land dictates whether any additional requirements must also be satisfied. After all required information is submitted, the assessor determines whether the land qualifies for continued classification.

(a) If the classified land sold or transferred is twenty acres or more, the new owner must satisfy the general requirements listed in subsection (2) of this rule.

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(b) If the sale or transfer involves less than twenty contiguous acres, the new owner will be required to comply with the general requirements of subsection (2) of this rule and the seller or buyer may be asked to provide gross income data relating to the productivity of the farm or agricultural operation for three of the past five years. This income data is used to determine whether the land meets the income production requirements listed in RCW 84.34.020 (2)(b) and (c) for classification. However, if the income data is unavailable but the new owner is willing to sign the notice of continuance and accept the responsibility for any additional tax and interest owed for prior years that will be due if the land is later found to be ineligible for continued classification, the classified status of the land will continue until the assessor determines that the use of the land has changed or has not produced the requisite minimum income.

(i) RCW 84.34.020 (2)(b) and (c) set forth the minimum income production requirements for classified farm and agricultural land of less than twenty acres. Any sale or transfer of classified land is subject to these income limits. However, the income production requirements will not be examined when classified land is being transferred to a surviving spouse, but such land is subject to the same production requirements that were applicable before the spouse's death. For example, a sixteen acre parcel of classified farm and agricultural land, which was classified in 1998, is still required to produce a minimum of two hundred dollars per acre per year even though the assessor is not required to review the income production data at the time of sale or transfer.

(ii) Sale or transfer of land classified prior to January 1, 1993. As of January 1, 1993, the legislature imposed higher income production requirements on classified farm and agricultural land of less than twenty acres. When land classified prior to January 1, 1993, is sold or transferred to a new owner, the higher minimum income requirements set forth in RCW 84.34.020 (2)(b)(ii) and (c)(ii) will be deferred for a period of three years. The new owner is required to produce either two hundred dollars per acre per year if the parcel is five acres or more or fifteen hundred dollars per year if the parcel is less than five acres at least once during the three calendar years immediately following the sale or transfer. For example, if classification was granted in 1978 to a fifteen acre parcel that produced a gross income of one hundred thirty dollars per acre per year until it was sold on April 15, 1999, the minimum income requirements will be deferred until 2002. By the end of 2002, the new owner must show that the parcel produced two hundred dollars per acre at least one year during the three-year period between 2000 and 2002. If the land produced a gross income of two hundred dollars per acre, the land remains classified as farm and agricultural land. If the land failed to produce this amount at least once during this three-year period, the land will be removed from classification and the owner will be required to pay additional tax, interest, and penalty.

(iii) Sale or transfer of land classified after January 1, 1993. The higher minimum income production requirements of RCW 84.34.020 (2)(b)(ii) and (c)(ii) apply to all land classified after January 1, 1993. When such land is sold or transferred, the assessor may ask the seller or buyer to provide

gross income data relating to the productivity of the farm or agricultural operation for three of the past five years. This information will be used to determine whether the land should retain its status as classified farm and agricultural land. For example, a ten acre parcel that was classified as farm and agricultural land on May 1, 1995, is sold on February 23, 2001. The assessor asks the seller of the classified land to provide information about the income the land produced during the five calendar years preceding the sale (i.e., 1995 through 2000). To retain the farm and agricultural classification, the land must have produced a minimum income of two hundred dollars per acre per year at least three of the five calendar years preceding the date of sale. However, if the income data is unavailable but the new owner is willing to sign the notice of continuance and accept the responsibility for any additional tax and interest owed for prior years that will be due if the land is later found to be ineligible for continued classification, the classified status of the land will continue until the assessor determines that the use of the land has changed or has not produced the requisite minimum income.

(c) Segregation of land. If the sale or transfer of classified land involves a segregation, the owner of the newly created parcel(s) and the owner of the parcel from which the land was segregated must comply with the requirements for classification, including the production of minimum income, to enable the assessor to continue the classified status of the land.

(8) **New owner's acknowledgement.** The new owner, by signing the notice of continuance, acknowledges that future use of the land must conform to the provisions of chapter 84.34 RCW.

(9) **Real estate excise tax (REET).** An excise tax is generally imposed in accordance with chapter 82.45 RCW whenever real property is sold or transferred. The amount of this tax is based upon the selling price of the real property. Real estate excise tax is due at the time of sale. This tax is paid to and collected by the treasurer of the county in which the real property is located. (See RCW 82.45.010 for a listing of transactions that are not considered a sale or transfer upon which REET is imposed.)

AMENDATORY SECTION (Amending WSR 01-24-030, filed 11/27/01, effective 12/28/01)

WAC 458-30-325 Transfers between classifications—Application for reclassification. (1) Introduction. This rule discusses the process used when land is reclassified into a different classification under chapter 84.34 or 84.33 RCW.

(2) **General information - when reclassification is required.** In 1992, the legislature created an opportunity for owners of classified land to change the classification under which their land is classified under chapter 84.34 RCW or designated under chapter 84.33 RCW. The name given to this process is "reclassification." It is now possible to switch between the different classifications of chapter 84.34 RCW and forest land under chapter 84.33 RCW. The following circumstances may cause an owner of classified land to seek reclassification:

(a) The classified land is no longer being used for the purpose for which it was granted classification;

(b) The owner or new owner of classified land has decided to change the use of classified land;

(c) The classified land no longer meets the requirements of the classification under which it was originally classified; for example, farm and agricultural land that no longer produces the minimum income required by RCW 84.34.020 (2)(b) and (c) must either be reclassified or removed from the current use program;

(d) The new owner is an heir or devisee of a deceased owner who held classified land and the new owner either does not choose to meet or cannot meet the requirements of the classification under which the land was originally classified; or

(e) The assessor has determined the classified land is no longer eligible under the existing classification and the land must either be reclassified or removed from the current use program.

(3) **Reclassification process if land is subject to removal.** Within thirty days of receiving notice from the assessor that classified land is to be removed from the current use program, the owner must submit an application for reclassification into another classification under chapter 84.34 or 84.33 RCW if the owner elects to have the land remain classified. The removal notice must include a statement informing the owner of the classified land about the reclassification option. If an application for reclassification is submitted within thirty days, the land is not removed from classification until the application for reclassification is approved or denied.

(4) **Reclassification process if an owner seeks change of classification.** An owner of classified land may seek to have the land reclassified under a different current use classification under chapter 84.34 RCW or may seek designation as forest land under chapter 84.33 RCW.

(a) If an owner elects to have land reclassified, the owner must submit an application for reclassification to the assessor of the county in which the land is located. This application form will be prepared by the department and supplied to assessors or it may be obtained on the internet at <http://dor.wa.gov/index.asp> under property tax, "forms."

(b) Within seven days of receiving this request, the assessor must forward a copy of the application for reclassification to the appropriate granting authority (see the definition of "granting authority" in WAC 458-30-200 for more details). The assessor retains a copy of all applications for reclassification.

(c) When an application for reclassification is submitted, the classified status of the land is not changed until the application is approved or denied.

(5) **Application procedure.** An application for reclassification is processed in the same manner as an initial application for classification, which may include payment of an application fee if the county requires one. All classification requirements of RCW 84.34.035 for farm and agricultural land, RCW 84.34.037 for open space land, RCW 84.34.041 for timber land, and chapter 84.33 RCW for forest land must be satisfied in order to reclassify land. (These requirements

are also described in WAC 458-30-225, 458-30-230, 458-30-232, 458-30-242, and chapter 458-40 WAC.)

(a) The granting authority must process an application for reclassification in the same manner as it processes an initial application for classification under chapter 84.34 RCW or for designation as forest land under chapter 84.33 RCW.

(b) A timber management plan must be filed with the county legislative authority within sixty days of the date the application for reclassification under this chapter or from designated forest land under chapter 84.33 RCW is received. The application for reclassification will be accepted, but may not be processed until this plan is received.

(i) If this plan is not received within sixty days of the date the application for reclassification is received, the application will be denied.

(ii) If circumstances require it, the assessor may allow an extension of time for submitting a timber management plan when an application for reclassification is received. The applicant will be notified of this extension in writing. When the assessor extends the filing deadline for this plan, the county legislative authority should delay processing the application until the plan is received. If the timber management plan is not received by the date set by the assessor, the application for reclassification will be automatically denied.

(c) An application for reclassification may be approved or denied, in whole or in part.

(i) The granting authority must notify the applicant in writing of the extent to which the application for reclassification is approved or denied.

(ii) The applicant has the same appeal rights in relation to a denial of an application for reclassification as the applicant has in regard to an initial application for classification.

(iii) If an application for reclassification is denied, the assessor removes the land from classification and calculates additional tax, interest, and penalty in accordance with RCW 84.34.108.

(6) **Reclassifications exempt from additional tax.** No additional tax, interest, or penalty are due when reclassification is a result of any of the following transfers between classifications:

(a) Reclassification from farm and agricultural land under RCW 84.34.020(2) to: Timber land under RCW 84.34.020(3), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(b) Reclassification from timber land under RCW 84.34.020(3) to: Farm and agricultural land under RCW 84.34.020(2), open space land under RCW 84.34.020(1), or forest land under chapter 84.33 RCW;

(c) Reclassification from open space/farm and agricultural conservation land under RCW 84.34.020 (1)(c) to farm and agricultural land under RCW 84.34.020(2) if the land was previously classified as farm and agricultural land; or

(d) Reclassification from forest land under chapter 84.33 RCW to open space land under RCW 84.34.020(1).

(7) **Income production requirements of land to be reclassified.** The income production requirements relating to the following reclassifications may be deferred for a period of up to five years from the effective date of reclassification when:

(a) Land classified as open space/farm and agricultural conservation land under RCW 84.34.020 (1)(c) or timber land under RCW 84.34.020(3) is reclassified as farm and agricultural land under RCW 84.34.020 (2)(b) or (c); or

(b) Land (~~classified or~~) designated as forest land under chapter 84.33 RCW is reclassified as farm and agricultural land under RCW 84.34.020 (2)(b) or (c).

(8) **Valuation of reclassified land.** The value of reclassified land will be based on the new classification as of January 1 of the assessment year following approval of the request for reclassification. For example, if an application for reclassification from farm and agricultural land to open space/farm and agricultural conservation land is submitted on February 15, 1999, and approved effective June 1, 1999, the land will be valued and assessed as open space/farm and agricultural conservation land on January 1, 2000, and the owner is required to pay taxes on this new assessed value in 2001.

AMENDATORY SECTION (Amending WSR 95-21-002, filed 10/4/95, effective 11/4/95)

WAC 458-30-500 Definitions of terms used in WAC 458-30-500 through 458-30-590. (1) **Introduction.** This ~~(section)~~ rule sets forth the definitions to be used in administering and understanding the statutes and rules relating to special benefit assessments on classified farm and agricultural and timber land.

(2) **Definitions.** For the purposes of WAC 458-30-500 through 458-30-590, unless otherwise required by the context, the following definitions apply:

(a) "Average rate of inflation" means the annual rate of inflation adopted each year by the department of revenue in accordance with WAC 458-30-580 averaged over the period of time provided in WAC 458-30-550 and 458-30-570.

(b) "Connection charge" or "charge for connection" means the charge required to be paid to the district for connection to the service as opposed to the assessment based upon the benefits derived.

(c) "District" means any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to the districts.

(d) "Farm and agricultural land" means land classified under the provisions of RCW 84.34.020(2); in other words, one of the following:

(i) Any parcel of land twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size when the land is:

(A) Primarily used to produce livestock or agricultural products for commercial purposes;

(B) Enrolled in the federal Conservation Reserve Program or its successor administered by the United States Department of Agriculture; or

(C) Primarily used in similar commercial agricultural activities as may be established by rule.

(ii) Any parcel of land or contiguous parcels of land at least five acres, but less than twenty acres, in size that is pri-

marily used for commercial agricultural purposes, and produces a gross income each year equal to:

(A) One hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; or

(B) Two hundred dollars or more in cash per acre per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(iii) Any parcel of land or contiguous parcels of land less than five acres in size that is primarily used for commercial agricultural purposes, and produces a gross income each year equal to:

(A) One thousand dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application was made prior to January 1, 1993; and

(B) One thousand five hundred dollars or more in cash per year for three of the five calendar years preceding the date of application for classification when the application is made on or after January 1, 1993.

(iv) Any parcel of land that is twenty or more acres in size or multiple parcels of land that are contiguous and total twenty or more acres in size on which housing for farm and agricultural employees and the principal residence of the farm operator or the owner of land classified ~~((pursuant to))~~ under RCW 84.34.020 (2)(a) is situated if:

(A) The housing or residence is on or contiguous to the classified parcel; and

(B) The use of the housing or the residence is integral to the use of the classified parcel for agricultural purposes.

(e) "Final assessment roll" means a final special benefit assessment roll approved or confirmed by local government for the purpose of levying special benefit assessments against property specially benefited by a sanitary and/or storm sewerage system, domestic water supply and/or distribution system, or road construction and/or improvement.

(f) "Local government" means any city, town, county, ~~((sewer district)),~~ water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary and/or storm sewerage systems, domestic water supply and/or distribution systems, or road construction and/or improvement purposes.

(g) "Owner" means:

(i) Any person(s) having the fee interest in land ~~((except that where land is subject to real estate contract));~~ ~~((and))~~ or

(ii) The contract vendee when the land is subject to a real estate contract.

(h) "Removal" or "removed" means ~~((that all or a portion of))~~ land classified under ~~((the provisions of))~~ chapter 84.34 RCW ~~((must be))~~ is removed from classification by the assessor because the owner requests removal, the new owner fails to sign notice of classification continuance, or the land is no longer being used for the purpose for which classification was granted ~~((or for any other classified use within the current use program. The change in use may occur because of the sale or transfer of the classified land, the request by the~~

~~owner to remove the land from the current use program, the determination by the assessor that the classified land no longer meets the criteria for classification under chapter 84.34 RCW, or any of the other occurrences listed in WAC 458-30-295).~~

(i) "Special benefits assessments" means special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and that may be levied only for the special benefits to be realized by property because of the local improvement.

(j) "Timber land" means land classified under the provisions of RCW 84.34.020(3); in other words, any parcel of land five or more acres in size or multiple parcels of land that are contiguous and total five or more acres in size that is primarily used to commercially grow and harvest forest crops. "Timber land" refers only to the land.

(k) "Withdrawal" or "withdrawn" ~~((occurs when))~~ means action taken by the owner of land classified under ((the provisions of)) chapter 84.34 RCW ((has filed)) by filing a notice of request to withdraw ((all or a portion of)) the land from classification under the current use program in compliance with RCW 84.34.070. ((In order to qualify for withdrawal, the parcel(s) of land must have been classified for a minimum of)) Once land has been classified under chapter 84.34 RCW, it must remain so classified for at least ten years ((and the owner must have filed a notice of request to withdraw with the assessor at least two years prior to the assessment year when the parcel will be valued at the assessed value as determined in accordance with the county's approved revaluation cycle)) from the date of classification. At any time after eight years of the initial ten-year classification period have elapsed, the owner may file a notice of request to withdraw all or a portion of the land from classification with the assessor of the county in which the land is located. Land is withdrawn from ((classified status by)) classification as a result of a voluntary act ((of)) by the owner.

AMENDATORY SECTION (Amending WSR 02-05-043, filed 2/13/02, effective 3/16/02)

WAC 458-30-700 Designated forest land—Removal—Change in status—Compensating tax. (1) **Introduction.** This rule describes what events trigger the removal of land from designated forest land status under chapter 84.33 RCW, the procedures followed for removal, and the resulting compensating tax.

(2) **Events triggering the removal of designated forest land status.** The assessor must remove forest land from its designated forest land status when:

(a) The owner submits a written request to remove the owner's land from designated forest land status;

(b) The owner sells or transfers the land to an individual or entity exempt from property tax because of that individual's or entity's ownership;

(c) The assessor determines that the land is no longer primarily devoted to and used for growing and harvesting timber;

(d) The owner has failed to comply with a final administrative or judicial order made because of the violation of the restocking, forest management, fire protection, insect and disease control and forest debris provisions of Title 76 RCW or the rules that implement Title 76 RCW;

(e) Restocking has not occurred to the extent or within the time specified in the application for designation of the land; or

(f) The owner sells or transfers forest land to a new owner who has not signed a notice of continuance, except when the new owner is the heir or devisee of a deceased owner. RCW 84.33.140(5).

(3) **How to retain designated forest land status when the land is sold or transferred.** When designated forest land is sold or transferred, the new owner may retain designated forest land status by filing a signed notice of continuance with the deed. The notice of continuance may be signed as part of the real estate excise tax (REET) affidavit or as a separate form if the county has decided it will require owners to submit both the REET affidavit and an attached separate notice of continuance. If multiple owners own the land, all owners or their agent(s) must sign the notice of continuance. A notice of continuance is not required for a new owner to retain designated forest land status when the new owner inherits the property.

(a) The owner may obtain the notice of continuance form and a real estate excise tax (REET) affidavit from the county. The county assessor's office has the notice of continuance form and the county treasurer's office has the REET affidavit.

The notice of continuance may also be obtained on the Internet at <http://dor.wa.gov> under property tax, "forms."

(b) After the new owner signs the notice of continuance as part of the REET affidavit and, if required, the separate notice, the REET affidavit and notice must be submitted to the assessor for approval. The assessor may also require the owner to submit a timber management plan before approving the notice of continuance.

(i) The assessor signs the REET affidavit and indicates whether the land will or will not qualify to continue as designated forest land.

(ii) An assessor signs the REET affidavit and approves the land for continued classification if:

(A) The owner provides a complete and accurate notice of continuance signed by the new owner demonstrating that the forest land will continue to qualify as designated forest land; and

(B) At the assessor's option, the new owner provides a timber management plan for the property.

(iii) The assessor is allowed up to fifteen days to confirm that the information upon the notice is complete and accurate. The assessor may use this time to confirm that the timber management plan provides:

(A) The correct legal description for the forest land;

(B) The new owner's statement that the forest land is owned by the same person, consists of twenty or more contiguous acres, and is primarily devoted to and used to grow and harvest timber;

(C) A statement about whether the land is used to graze livestock;

(D) A brief description of the timber stands located on the land;

(E) A statement about whether the land has been used in compliance with the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW; and

(F) If the land has been recently harvested or supports a growth of brush and noncommercial type timber, a description of the owner's plan to restock the forest land within three years.

A timber management plan may contain, but is not required to contain, any other information that the harvester needs for its own business purposes (i.e., a statement of goals for managing the land or identifying resource protection areas on the land (like riparian buffer areas along a stream or an unstable slope) that limit harvesting activities).

(iv) If the assessor determines that the notice of continuance or the timber management plan is not accurate or complete, the owner may resubmit the corrected information to the assessor.

(v) If the assessor determines that the land does not qualify to continue as designated forest land, the assessor removes the land upon the date of the conveyance and provides the owner with a notice of removal containing reason(s) for the removal and the amount of compensating taxes owed.

(c) Once the assessor signs the notice of continuance as part of the REET affidavit and the separate notice of continuance, if required, the notice(s) are then submitted to the treasurer. Before the treasurer can stamp the REET affidavit as approved for recording, the treasurer collects any REET due because of the transfer, and collects all compensating tax if the land does not qualify for continuance as designated forest land because it was denied continuance by the assessor. The county recording clerk must not accept any deeds or other transfer documents unless the treasurer has stamped the REET affidavit.

(d) A notice of continuance is not required when the transfer of the forest land is to a new owner who is an heir or devisee, however, the new owner must continue to meet the requirements of designated forest land to avoid removal from designation. The treasurer determines that a transfer is by inheritance because the claim for the inheritance exemption is filled out on the REET affidavit with supporting documentation. The treasurer should notify the assessor when forest land has been transferred by inheritance without a notice of continuance.

(4) Assessor decisions and procedures. Before removing the land from its designated forest land status, the assessor follows certain procedures and takes into account circumstances that may delay or prevent removal.

(a) The assessor must determine:

(i) The actual area of land to be removed from forest land status;

(ii) Whether the land has been exempted from an unre-tired special benefit assessment;

(iii) The true and fair value of the area being removed as of January 1st of the year of removal from designation;

(iv) Forest land value for the area to be removed;

(v) The last levy rate that applied for that area; and

(vi) The amount of time the land has been designated and classified as forest land, including the number of days up to the date of removal for the current year of removal.

(b) The assessor may require the owner to provide a legal description of the land area intended for removal when the landowner requests removal of owner's land from designated forest land status.

(c) The remaining land outside of the affected removal area continues to be designated as forest land if the owner retains twenty or more contiguous acres primarily devoted to and used for growing and harvesting timber. If the remaining land fails to meet the forest land definition because there are less than twenty contiguous acres primarily devoted to and used for growing and harvesting timber, the owner may request reclassification as timber land under the open space program in chapter 84.34 RCW.

(d) The assessor must provide the owner with a written notice and an opportunity to be heard by the assessor, or the assessor's deputy, when the assessor intends to remove the land because it is no longer primarily devoted to and used for growing and harvesting timber. RCW 84.33.140 (5)(d). Each county assessor may set his or her own procedure for giving a landowner this notice and opportunity to be heard so long as it is done in a reasonable and consistent manner that ensures due process for each owner.

(e) An assessor may not remove forest land merely because an owner subdivides the land into separate parcels, if contiguous parcels of the subdivided land still add up to at least twenty contiguous acres, remain in the same ownership, and continue to be primarily devoted to and used for growing and harvesting timber. An assessor may ask an owner of designated forest land if the use of the land has changed when the owner subdivides a tract of designated forest land into separate parcels.

(f) If the assessor determines the land is no longer primarily devoted to and used for growing and harvesting timber, but there is a pending acquisition by an entity that would qualify for exemption from compensating tax under subsection (6)(e) of this rule, the assessor must not remove the land from its designated forest land status. RCW 84.33.140 (5)(d)(i). In order to prevent removal, the government entity or other qualified recipient must provide written proof to the assessor of its intent to acquire the land or documentation that demonstrates the transaction will qualify for an exemption from compensating tax under subsection (6)(e) of this rule. The entity acquiring the land must provide this written proof within sixty days of a request by the assessor. Thereafter, once a year, the governmental entity or other recipient must provide the assessor of the county in which the land is located written evidence of its intent to acquire the land. This written evidence must be provided on or before December 31st of each year or at an earlier date if the assessor makes a written request for such information. RCW 84.33.140 (5)(d)(i). Upon the assessor's written request, the information must be provided within sixty days from the date the assessor mails or hands the request to the owner or the postmark date of the request, if later.

(g) The assessor must not remove forest land from its designation if a governmental restriction is imposed on the

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land that prohibits, in whole or in part, the harvesting of timber.

(i) If only a portion of the forest land is impacted by the governmental restriction, the assessor cannot use the restriction as a basis to remove the remainder of the land from its designated forest land status.

(ii) A governmental restriction includes:

(A) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or

(B) The land's zoning or its presence within an urban growth area designated under RCW ((36.7A.110)) 36.70A.110.

(5) Removal proceedings. After determining that a triggering event causing removal has occurred, the assessor must provide timely written notice(s) to the taxpayer. RCW 84.33.140 (5)(d) (written notice and opportunity to be heard), RCW 84.33.140(9) (notice of removal). Upon receiving the notice of removal, the landowner may appeal the removal or apply for reclassification of the land to the open space program under chapter 84.34 RCW. If the owner chooses to appeal the removal, the appeal must be filed within thirty days of the postmark date for the notice or by July 1st of the year of removal, whichever is later. If the owner chooses to apply for reclassification, they must do so within thirty days of the postmark date of the notice.

(a) **When does the land get removed from the designated forest land status?** If the removal is a result of a sale or transfer, the assessor removes the land on the date of sale or transfer provided in the legal conveyance. If the removal is based upon a determination made about the land by the assessor or at the request of the owner, the assessor removes the land on the date shown on the notice of removal mailed to the owner.

(b) **Notice of removal.** The assessor uses the notice of removal to notify the owner that the land has been removed from designated forest land status. Within thirty days of removing land from designated forest land status, the assessor must mail a notice of removal to the owner with the reasons for the removal. The owner, seller, or transferor may appeal the removal to the county board of equalization.

(i) If the property is being removed because the assessor has determined the land is no longer primarily devoted to and used for growing and harvesting timber, the assessor provides two notices. First, the assessor must notify the taxpayer of his or her intent to remove the property and give the owner an opportunity to be heard. The assessor may require the owner to provide pertinent information about the land and its use in the response to the assessor's first notice. When the assessor determines that the property still does not qualify as designated forest land after the first notice is sent, the assessor mails the owner the second notice, the notice of removal, but only after:

(A) The owner declines the opportunity to be heard;

(B) The owner fails to timely respond to the first notice;

or

(C) The assessor has received and considered the owner's timely response to the notice of intent to remove and

nevertheless concludes that the property is no longer primarily devoted to growing and harvesting timber.

(ii) If the removal is based upon an owner's request for removal, upon receipt of a request for removal from an owner, the assessor sends the notice of removal to the owner showing the compensating tax and recording fee due.

(iii) The notice provides the reason(s) for removing the land from designation and the date of the removal. RCW 84.33.140(9). The notice includes the compensating tax calculated in rule section (6) and the necessary recording fees to be paid. It also includes the due date for payment, along with the landowner's rights to appeal the removal or the true and fair value at the time of removal, and the owner's right to apply for the land to be reclassified under chapter 84.34 RCW. The county must use the notice of removal form prepared by the department.

(iv) The assessor must also provide written notice of the removal to any local government filing a notice regarding a special benefit assessment under RCW 84.33.210 within a reasonable time after the assessor's decision to remove the land. The assessor may provide a simple statement with the legal description of the land, the name of the landowner, and the date of removal, if he or she includes a copy of the notice sent to the landowner. RCW 84.33.230.

(c) **What happens when an owner chooses to appeal the removal?** Unless the removal is reversed upon appeal, the assessor continues the process to remove the property from designated forest land status. The assessor may choose to delay collection of the compensating tax and recording fee until the appeal is decided. However, if the assessor postpones the collection of the compensating tax and recording fee, the assessor must notify the treasurer to temporarily delay collection. The assessor must also notify the owner that if the determination to remove is upheld, then interest will be due from the date the compensating tax and recording fee were due.

(i) If the removal is reversed upon appeal, the assessor shall reinstate the land as designated forest land, discharge any lien placed against the land, revise any assessments made against the property during the interim, refund the recording fee paid, and refund or cancel any compensating taxes and interest paid or owing.

(ii) If the removal is upheld upon an appeal in which the assessor has delayed collection, the compensating tax and recording fee are due immediately with interest accrued from the date the tax and fee were originally due. Upon receiving notice of the decision upholding the removal, the assessor must immediately notify the treasurer to collect any unpaid compensating taxes, fees, and interest on the land.

(d) **What happens when an owner applies to have the land reclassified under chapter 84.34 RCW?** If an application for reclassification is submitted by the owner within thirty days after the notice of removal has been mailed, the forest land is not removed from classification until the application for reclassification under chapter 84.34 RCW is denied or later removed from classification under RCW 84.34.108. RCW 84.33.145(1).

(i) The assessor processes an application for reclassification in the same manner as it processes an initial application for classification under chapter 84.34 RCW.

(ii) A timber management plan must be filed with the county legislative authority within sixty days of the date the application for reclassification under this chapter or from designated forestland under chapter 84.33 RCW is received. The application for reclassification will be accepted, but may not be processed until this plan is received.

(A) If this plan is not received within sixty days of the date the application for reclassification is received, the application will be denied.

(B) If circumstances require it, the assessor may allow an extension of time for submitting a timber management plan when an application for reclassification is received. The applicant will be notified of this extension in writing. When the assessor extends the filing deadline for this plan, the county legislative authority may delay processing the application until the plan is received. If the timber management plan is not received by the date set by the assessor, the application for reclassification will be automatically denied.

(iii) When the owner sells or transfers land (or a portion of the land) while an application for reclassification is pending, an assessor may accept a notice of continuation, and allow the owner to revise the application for reclassification to reflect the name of the new owner of the property.

((i+)) (iv) If the application for reclassification under chapter 84.34 RCW is approved, the assessor shall transfer the property to its new classification.

((i+)) (v) If the application for reclassification under chapter 84.34 RCW is denied, the assessor must record the removal notice and inform the treasurer's office to immedi-

ately begin collection of the compensating tax and the recording fee.

(6) Compensating tax. Compensating tax is imposed when land is removed from its forest land status. This tax recaptures taxes that would have been paid on the land if it had been assessed and taxed at its true and fair value instead of the forest land value.

(a) Calculating the compensating tax. The assessor uses the current year's levy rate, the forest land value, and the true and fair value for the area to be removed from forest land status to calculate the compensating tax. The compensating tax consists of two parts: The recapture of taxes for previous years that the land was classified or designated as forest land, up to a maximum of nine years; and the recapture of taxes for the portion of the current year up to the date of removal in the year the land is removed from designation. RCW 84.33.140(11).

(i) The compensating tax for the previous years is calculated by determining the difference between the amount of taxes assessed at the forest land value for the removal area and the amount of taxes that would have been paid if the land had been valued at its true and fair value in the year of removal. That difference is multiplied by the number of years the land was classified or designated as forest land up to a maximum of nine years.

(ii) The compensating tax for the portion of the year of removal from January 1st to the date of removal is calculated by determining the difference between the amount of taxes assessed at the forest land value and the taxes that would have been paid if the land had been valued at its true and fair value for the portion of the year up to the removal date.

(b) Formulas for calculating taxes after removal:

(i) Calculation of prior year's compensating tax:

True and Fair Value of Land (Jan 1st of year removed)	Less	Forest Land Value at time of removal	Multiplied by	Last levy Rate Extended Against Land	Multiplied by	Years (not to exceed 9)	Equals	Compensating Tax
\$ _____	-	\$ _____	x	\$ _____	x		=	\$ _____

(ii) Calculation of current year's taxes to date of removal:

	÷	365	=	
No. of days designated as forest land		No. of days in year		Proration factor (To items (A) and (B))
(A) \$ _____ Market value	x	_____	x	_____ = \$ _____ Proration factor
(B) \$ _____ Forest land value	x	_____	x	_____ = \$ _____ Proration factor
(C) Amount of compensating tax for current year ((A) minus (B))				= \$ _____

(c) The assessor notifies the treasurer of the amount of compensating tax and the due date for the tax by providing the treasurer a copy of the removal notice. Compensating tax is due and payable to the county treasurer thirty days after the

assessor mails to the owner the notice of removal informing the owner of the reasons for removal and the amount of compensating tax due. RCW 84.33.140(11). However, when property is sold or transferred, any compensating tax owed

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must be paid to the county treasurer before recording the conveyance. The county recording authority will not accept any instrument transferring the land, unless the compensating tax was paid or was not owed.

(d) What happens if the compensating tax is not paid on the due date? If the compensating tax is not paid by the due date, the tax is considered delinquent. Interest, set at the statutory rate for delinquent property taxes specified in RCW 84.56.020, will accrue against the amount of the outstanding taxes from the due date until the entire amount owing is paid. Unpaid compensating tax and interest becomes a lien on the land. RCW 84.60.020.

(i) This lien attaches at the time the forest land is removed from designation.

(ii) The lien has priority over any recognizance, mortgage, judgment, debt, obligation, or responsibility against the land.

(iii) This lien must be fully paid before any other recognizance, mortgage, judgment, debt, obligation, or responsibility may be charged against the land.

(iv) The lien can be foreclosed upon expiration of the same period after delinquency and in the same manner as liens for delinquent real property taxes are foreclosed under RCW 84.64.050. RCW 84.33.140(12).

(e) Compensating tax is not imposed on land removed from the forest land designation if the removal resulted solely from any of the following:

(i) A transfer to a government entity in exchange for other forest land within Washington state;

(ii) A transfer under either the power of eminent domain or upon the threat of eminent domain by an entity with the power of eminent domain that intends to exercise this power. The entity must threaten to exercise eminent domain in writing or demonstrate this threat by some other official action;

(iii) A donation of fee title, development rights, or the right to harvest timber in order to protect, preserve, maintain, improve, restore, limit the future use, or conserve the property for public use or enjoyment (see RCW 84.34.210 and 64.04.130). Provided, this donation is made to a:

(A) State agency;

(B) Federal agency;

(C) County;

(D) City;

(E) Town;

(F) Metropolitan park district (see RCW 35.61.010);

(G) Metropolitan municipal corporation (see RCW 35.58.020);

(H) Nonprofit historic preservation corporation as defined in RCW 64.04.130; or

(I) Nonprofit nature conservancy corporation or association as defined in RCW 84.34.250.

However, when the land is no longer being used for one of the purposes listed above, compensating tax will be imposed on the owner of the land at that time;

(iv) The sale or transfer of fee title to a government entity (see the governmental entities listed above in clause (iii) of this rule section) or a nonprofit nature conservancy corporation as defined in RCW 64.04.130 exclusively for the protection and conservation of lands recommended for state natural

area preserve purposes by the natural heritage advisory council under its established natural heritage plan as defined in chapter 79.70 RCW (natural area preserves). However, if the land is no longer used to protect and conserve the area for state natural area preserve purposes, or fails to comply with the terms of a natural heritage plan, compensating tax will be imposed on the owner of the land at that time;

(v) A sale or transfer of fee title to the state's parks and recreations commission for park and recreation purposes;

(vi) An official action of an agency of the state of Washington or the county or city in which the land is located disallowing the current use of the land. "Official action" includes city ordinances, zoning restrictions, the Growth Management Act, the Shoreline Management Act, and the Environmental Policy Act;

(vii) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(viii) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;

(ix) In a county with a population of more than one million (i.e., King County), a transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation (as these corporations are defined in RCW 64.04.130) and the property interest being transferred is to:

(A) Protect or enhance public resources; or

(B) Preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment. When the land is no longer being used for any of these purposes, the owner of the land at the time will be required to pay compensating tax. RCW 84.33.140 (12) and (13);

(x) The sale or transfer of forest land within two years after the death of an owner who held at least a fifty percent interest in the land if:

(A) The individual(s) or entity(s) who received the land from the deceased owner is selling or transferring the land; and

(B) The land has been continuously assessed and valued as classified or designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993. The date of death shown on the death certificate begins the two-year period for sale or transfer; or

(xi) The sale or transfer of forest land between July 22, 2001, and July 22, 2003, if:

(A) An owner who held at least a fifty percent interest in the land died after January 1, 1991;

(B) The individual(s) or entity(s) who received the land from the deceased owner is selling or transferring the land; and

(C) The land has been continuously assessed and valued as classified or designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used to determine the owner's date of death.

(7) When will the land be assessed at its true and fair value and the taxes become payable? The land will be assessed at its true and fair value on the date it is removed from forest land status. The assessor revalues the land

removed from forest land status with reference to its true and fair value on January 1st in the year of removal. RCW 84.33.140(10). The property tax for the remainder of the year following the date of removal is based on land's true and fair value.

(a) To calculate the increase the assessor must determine the number of days remaining in the year from the date of

removal. The increase in property tax is due on the same due date as all other property taxes are due for the year (generally, April 30th and October 1st of the current year. See RCW 84.56.020).

(b) Formula for calculating the increase in property taxes for the remainder of the year in which the land is being removed:

$$\begin{array}{l}
 \text{(i) } \frac{\text{No. of days from date of removal to the end of the year}}{365} = \frac{\text{No. of days in year}}{\text{Proration factor for true and fair land value}} \\
 \text{(ii) } \$ \frac{\text{Market value}}{\text{Levy rate}} \times \frac{\text{Proration factor}}{\text{Proration factor}} = \$ \text{_____} \\
 \text{(iii) } \$ \frac{\text{Forest land value}}{\text{Levy rate}} \times \frac{\text{Proration factor}}{\text{Proration factor}} = \$ \text{_____} \\
 \text{(iv) Total amount of increased taxes for current year ((ii) minus (iii))} = \$ \text{_____}
 \end{array}$$

(c) If the taxes for the year of removal have not yet been billed, the tax should be recalculated based on the true and fair value of the land removed for the portion of the year following the date of removal.

(d) An owner may appeal the true and fair value of the land used to calculate the increase in the remaining current year's taxes or the compensating taxes within thirty days of the notice (or up to sixty days if such time limit has been adopted by the county legislative authority) or on or before July 1st, whichever is later. RCW 84.40.038.

(8) What happens when forest land reclassified under chapter 84.34 RCW is later removed from that classification before ten years have passed? If reclassified forest land is later removed, a combination of compensating tax and additional tax will be imposed unless the basis for removal is one of the circumstances listed as exempt from additional tax under RCW 84.34.108(6).

(a) The amount of compensating tax is equal to the difference, if any, between the amount of property tax last levied on the land as forest land and an amount equal to the new true and fair value of the land when removed from classification under RCW 84.34.108 multiplied by the dollar rate of the last property tax levy extended against the land, multiplied by

(b) A number equal to:

(i) The number of years the land was classified or designated as forest land under chapter 84.33 RCW, if the total number of years the land was classified or designated under chapter 84.33 RCW and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under chapter 84.33 RCW and under chapter 84.34 RCW is at least ten.

WSR 02-15-157
EXPEDITED RULES
SECRETARY OF STATE
 [Filed July 23, 2002, 10:11 a.m.]

Title of Rule: Definition of a canvassing board, WAC 434-240-010(5).

Purpose: To delete the definition in WAC 434-240-010(5).

Statutory Authority for Adoption: RCW 29.04.210.

Statute Being Implemented: RCW 29.04.210.

Summary: Definition of a canvassing board.

Reasons Supporting Proposal: This rule is no longer necessary and contains an outdated reference to another WAC.

Name of Agency Personnel Responsible for Drafting: Bill Huennekens, 520 Union Avenue S.E., Olympia, (360) 902-4169; Implementation and Enforcement: Dean Logan, 520 Union Avenue S.E., Olympia, (360) 902-4180.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Delete WAC 434-240-010(5) because it is no longer necessary and contains an outdated reference.

Proposal Changes the Following Existing Rules: It deletes a definition.

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

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THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Bill Huennekens, Office of the Secretary of State, 520 Union Avenue S.E., Olympia, WA 98504, AND RECEIVED BY September 23, 2002.

July 23, 2002

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 02-07-028, filed 3/12/02, effective 4/12/02)

WAC 434-240-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a citizen of the United States;

(d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;

(e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," "protected records voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 40.24 RCW.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) (~~"Canvassing board" or "county canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of special or challenged ballots, of verifying all unofficial returns as listed in the auditor's abstract of votes, and of producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairperson of the board of the county legislative authority, or their representatives, designated pursuant to the provisions of WAC 434-240-210;~~)

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

~~((7))~~ (6) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

~~((8))~~ (7) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a health care facility on the day of a primary or election;

~~((9))~~ (8) "Special absentee ballot" is that ballot provided to registered voters and electors in state primary and general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;

~~((10))~~ (9) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

~~((11))~~ (10) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor. Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

~~((12))~~ (11) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

~~((13))~~ (12) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC 434-253-043.

~~((14))~~ (13) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

~~((15))~~ (14) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

WSR 02-15-165
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 23, 2002, 3:14 p.m.]

Title of Rule: Chapter 296-52 WAC, Safety standards for possession and handling of explosives.

Purpose: The changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, is a result of the passage of chapter 370, Laws of 2002 (2SSB

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6080) that was enacted in 2002. Additional housekeeping changes will also be made throughout the chapter and the low explosive table from the nationally recognized standard, the Bureau of Alcohol, Tobacco, and Firearms is being proposed.

Changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives: The department is proposing changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, as a result of the passage of chapter 370, Laws of 2002 (2SSB 6080) that was enacted in 2002. The changes being proposed are a result of the legislative bill replacing the class of the explosive to be consistent with the international coding, updating definitions, and replacing the term smokeless propellants with smokeless powder. Additional housekeeping changes will also be made throughout the chapter and the low explosive table from the nationally recognized standard, the Bureau of Alcohol, Tobacco, and Firearms is being proposed.

New Section

WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).

- The proposal adds a low explosive table from the Bureau of Alcohol, Tobacco, and Firearms, which is a nationally recognized standard.

Amended Sections

WAC 296-52-60020 Exemptions.

- WAC 296-52-60020 (1)(d), the proposal reorganizes and adds a bullet to include arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of the United States.
- WAC 296-52-60020(5), the proposal replaces class of explosive with division of explosive.

WAC 296-52-60130 Definitions.

- The proposal updates the definition of blasting agent and improvised device.
- The proposal replaces class of explosive with division of explosive in the definition for explosives, explosives classifications, explosives international markings, and low explosive.
- The proposal replaces smokeless propellants with smokeless powder in the definition.
- Housekeeping change is proposed to the definition of mudcap, the word bodying is being replaced with dobying.

WAC 296-52-67160(2) Types and classifications.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-67065 Vibration and damage control.

- Housekeeping changes to Table 8-B are being proposed. The proposal will correct the formulas by replacing Z with 2.

WAC 296-52-68060 Operation of vehicles transporting explosives.

- The proposal replaces class of explosive with division of explosive.
- Housekeeping changes to correct a numbering error.

WAC 296-52-69010 Explosives.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-69015 Exempt explosives.

- The proposal replaces smokeless propellants with smokeless powder.

WAC 296-52-69095 Ammonium nitrate.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-69125 Table H-24—Low explosives.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-70010 (1)(a) Building construction for Class 1 magazine.

- The proposal would correct an error in the current standard by requiring the masonry wall be at least eight inches thick.

WAC 296-52-710 Exemptions.

- The proposal replaces smokeless propellants with smokeless powder.

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives.

- The proposal replaces class of explosive with division of explosive.

WAC 296-52-71040 Shipping container.

- The proposal replaces class of explosive with division of explosive.
- The proposal replaces smokeless propellants with smokeless powder.

WAC 296-52-71045 Storage.

- The proposal replaces smokeless propellants with smokeless powder.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: The proposed changes to chapter 296-52 WAC are a result of the legislative bill replacing the class of the explosive to be consistent with the international coding, updating definitions, and replacing the term smokeless propellants with smokeless powder. See Purpose above.

Reasons Supporting Proposal: The proposal is due as a result of the passage of chapter 370, Laws of 2002 (2SSB 6080). See Purpose 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. Chapter 370, Laws of 2002 (2SSB 6080).

Explanation of Rule, its Purpose, and Anticipated Effects: The department is proposing changes to chapter 296-52 WAC, Safety standards for possession and handling of explosives, as a result of the passage of chapter 370, Laws of 2002 (2SSB 6080) that was enacted in 2002. The changes being proposed are a result of the legislative bill replacing the class of the explosive to be consistent with the international coding, updating definitions, and replacing the term smokeless propellants with smokeless powder. Additional house-keeping changes will also be made throughout the chapter and the low explosive table from the nationally recognized standard, the Bureau of Alcohol, Tobacco, and Firearms is being proposed. See Purpose above.

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

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THE USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY 5:00 p.m., September 23, 2002.

July 22, 2002
 Gary Moore
 Director

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-60020 Exemptions. (1) The following are exempt from this chapter:

- (a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.
- (b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.
- (c) Explosives in the forms prescribed by the official United States Pharmacopoeia.
- (d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of ~~(federal agencies and departments including the regular~~

~~United States military departments on military reservations and~~):

~~• The United States agencies and departments including the regular United States military departments on military reservations~~

~~• Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States~~

~~• The duly authorized militia of any state ((or territory))~~

~~• The emergency operations of any state department or agency, any police, or any municipality or county~~

~~((Any police~~

~~Any municipality or county))~~

(e) A hazardous devices technician when they are carrying out:

- Normal and emergency operations
- Handling evidence
- Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials

• When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures used by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosive and blasting agents for such use must meet the requirements in chapter 296-59 WAC, Safety standards for ski operations.

Note: The purpose of this chapter is to protect the public by enabling ski area operators to exercise appropriate avalanche control measures. The legislature finds that avalanche control is of vital importance to safety in ski areas and that the provisions of the Washington State Explosives Act contain restrictions, which do not reflect special needs for the use of explosives as a means of clearing an area of serious avalanche risks. This act recognizes these needs while providing for a system of regulations designed to make sure that the use of explosives for avalanche control conforms to fundamental safety requirements.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) Import, sale, possession, or use of:

- Consumer fireworks
- Signaling devices
- Flares
- Fuses
- Torpedoes

(4) ~~((Class C))~~ **Consumer fireworks.** Fireworks classified as ~~((Class C))~~ **Division 1.4** explosives by U.S. DOT ~~((Division 1.4))~~ and regulated through the State fireworks

EXPEDITED

law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption—((Class A and B)) Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as ((Class A or B)) Division 1.1, 1.2, or 1.3 explosives by US DOT ((International Designations 1.1, 1.2, or 1.3)). Users of ((Class A and B)) Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

- Black powder, under five pounds
- Smokeless powder, under fifty pounds
- Small arms ammunition
- Small arms ammunition primers

– Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-60130 Definitions. American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

Approved storage facility means a facility for the storage of explosive materials which is in compliance with the following chapter:

- Storage licensing (WAC 296-52-660)
- Storage of explosive materials (WAC 296-52-690)
- Magazine construction (WAC 296-52-700).

Attend means the physical presence of an authorized person who stays in view of the explosives.

Authorized, approved, or approval means authorized, approved, or approval by:

- The department
- Any other approving agency
- An individual as specified in this chapter.

Authorized agent means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

Authorized agent list means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

Authorized person means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Barricades

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

BATF means the Bureau of Alcohol, Tobacco, and Firearms.

Blast area means the area of a blast that is effected by:

- Flying rock missiles
- Gases
- Concussion.

Blast pattern means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person trained and experienced in the use of explosives and licensed by the department.

Blaster in charge means a licensed blaster who is:

• Fully qualified, by means of training and experience in explosives use

• Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area

• In charge of:

– The blast process

– All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

• In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

Blasting agent means any material or mixture consisting of a fuel and oxidizer:

• That is intended for blasting

• ((That is)) Not otherwise ((classified)) defined as an explosive

((~~Where none of the ingredients are classified as an explosive,~~

~~– Provided, the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a Number 8 test detonator))~~

• If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

Blockholing means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Competent person means a person who:

- Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property
- Has authorization to take prompt corrective action to eliminate such hazards.

Consumer fireworks means:

- Any small firework device:
 - Designed to produce visible effects by combustion
 - That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),
- A small device designed to produce audible effects which include, but are not limited to:
 - Whistling devices
 - Ground devices containing 50 mg or less of explosive materials
 - Aerial devices containing 130 mg or less of explosive materials

Note: Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

Conveyance means any unit used for transporting explosives or blasting agents, including, but not limited to:

- Trucks
- Trailers
- Rail cars
- Barges
- Vessels.

Day box means a box which:

- Is a temporary storage facility for storage of explosive materials
- Is not approved for unattended storage of explosives
- May be used at the worksite during working hours to store explosive materials, provided the day box is:
 - Constructed as required (WAC 296-52-70065, Explosives day box),
 - Marked with the word "explosives"
 - Used in a manner that safely separates detonators from other explosives
 - Guarded at all times against theft

Dealer means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

Detonator means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

- Electric detonators of instantaneous and delay types
- Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose means a hose with an electrical resistance high enough to limit the flow of stray electric currents

to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks means large fireworks:

- Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:
 - Salutes containing more than 2 grains (130 mg) of explosive materials
 - Aerial shells containing more than 40 grams of pyrotechnic compositions
 - Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"
 - Fused set pieces containing components, which together exceed 50 mg of salute powder

Electric detonator means a blasting detonator designed for and capable of detonation by means of electric current.

Electric blasting circuitry consists of these items:

- **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.
- **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.
- **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.
- **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Emulsion means an explosive material containing:

- Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel
- Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosives means:

- Any chemical compound or mechanical mixture:
 - Commonly intended or used for the purpose of producing an explosion
 - That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb
- All material classified as ((Class A, Class B, and Class C)) Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

• For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

- Small arms ammunition
- Small arms ammunition primers
- Smokeless powder, not exceeding fifty pounds

– Black powder, not exceeding five pounds

Explosive actuated power devices means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives classifications. Explosives classifications include, but are not limited to:

• (~~(Class A (Division 1.1))~~) Division 1.1 and Division 1.2 explosives (~~((possessing))~~) possess mass explosion or detonating hazard:

- Dynamite
- Nitroglycerin
- Picric acid
- Lead azide
- Fulminate of mercury
- Black powder (exceeding 5 pounds)
- Detonators (in quantities of 1,001 or more)
- Detonating primers

• (~~(Class B (Division 1.2 and))~~) Division 1.3 (~~(g))~~) explosives (~~((possessing))~~) possess a minor blast hazard, a minor projection hazard, or a flammable hazard:

- Propellant explosives
- Smokeless (~~((propellants))~~) powder (exceeding fifty pounds)

• (~~(Class C (Division 1.4))~~) Division 1.4, 1.5, and 1.6 explosives.

– Certain types of manufactured articles, which contain (~~(Class A and/or Class B))~~ Division 1.1, 1.2, and/or 1.3 explosives as compounds (but in restricted quantities)

- Detonators (in quantities of 1,000 or less)

Explosives exemption. The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

- Applies to public consumer use only
- Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

• The department will accept U.S. DOT and/or BATF international identification markings on explosives and/or explosives containers or packaging

• This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated markings (as defined by RCW 70.74.010(4) (~~((Class A, B, or C))~~) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

Explosives manufacturing building means any building or structure, except magazines:

- Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted
- Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

- In connection with the manufacturing or processing of explosives
- For any process involving explosives
- For the storage of explosives

• To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks means any composition or device:

- Designed to produce a visible or an audible effect by combustion, deflagration, or detonation
- Which meets the definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

Fuel means a substance, which may react with oxygen to produce combustion.

Fuse (safety). See "safety fuse."

Fuse lighters means special devices used for the purpose of igniting safety fuses.

Handler means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader means any person who engages in the non-commercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

Highway means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

- Fabricated with explosives
- Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building means:

- A building which is regularly occupied, in whole or in part, as a habitat for human beings
- Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives means explosive materials, which can be caused to deflagrate when, confined. This includes:

- Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as (~~(Class B))~~ Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

Note: This does not apply to bulk salutes.

Magazine means any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer means any person, partnership, firm, company, or corporation who manufactures explosives or

blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product.

EXEMPTIONS: The following exemptions are restricted to materials and components, which are not classified (by U.S. DOT) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

- Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole
- The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

Misfire means the complete or partial failure of an explosive charge to explode as planned.

Mudcap (also known as bulldozing and bodying) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

Nonelectric delay detonator means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

- Detonation impulse
- Signal from miniaturized detonating cord
- Shock tube.

Oxidizer means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

Permanent magazines means magazines that:

- Are fastened to a foundation
- Do not exceed permanent magazine capacity limits (RCW 70.74.040)
- Are approved and licensed
- Are left unattended.

Person means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

- The person legally responsible for a magazine that actually uses the magazine
- The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

Portable (field) magazines means magazines that are:

- Designed to be unattended
- Not permanently fastened to a foundation
- Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons
- Limited to the capacity of explosives required for efficient blasting operation
- Approved and licensed.

Possess means the physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting means the blasting operation that dislodged the original rock formation from its natural location.

Primer means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

Public utility transmission systems means:

- Any publicly owned systems regulated by:
 - The utilities and transportation commission
 - Municipalities
 - Other public regulatory agencies, which include:
 - Power transmission lines over 10 kV, telephone cables, or microwave transmission systems
 - Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

- Possession of a recognized degree or certificate
- Professional standing
- Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

- Used for initiating detonators
- That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless ((propellants)) powder means solid chemicals or solid chemical mixtures that function by rapid combustion.

Special industrial explosive devices means explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

- Dynamite
- Trinitrotoluene (TNT)
- Pentaerythritol tetranitrate (PETN)
- Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)
- Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, which are:

- Built for explosives
- Loaded with explosives
- Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

- Comprise a wide variety of materials used for blasting.

Two broad classes of water-gels are those which:

- Are sensitized by material classed as an explosive, such as TNT or smokeless powder
- Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels
- Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67065 Vibration and damage control.

(1) Ground vibration - maximum limits.

Either Table 8-A or Table 8-B can be used to determine the maximum limits of ground vibration for any dwelling, public building, school church, commercial site, cofferdams, piers, underwater structures, or institutional building nearby the blasting site. The methods used for monitoring vibration and calculating frequency must be included in the blast plan.

Table 8-A

PEAK PARTICLE VELOCITY LIMITS

Distance from blasting site	Maximum allowable peak particle velocity ¹
0 to 300 ft (91.4 m)	1.25 in/sec (31.75 mm/sec)
301 to 5000 ft (91.5 m to 1524 m)	1.00 in/sec (25.4 mm/sec)
5001 ft (1525 m) and beyond	0.75 in/sec (19 mm/sec)

¹ Peak particle velocity must be measured in three mutually perpendicular directions and the maximum allowable limits must apply to each of these measurements.

(a) Frequency versus particle velocity graphics. In lieu of Table 8-A, a blasting operation has the option to use the graphs shown in Figure 8a or 8b to limit peak particle velocity based upon the frequency of the blast vibration. If either of the graphs in Figure 8a or 8b is used to limit vibration levels, the methods used for monitoring vibration and calculating frequency must be included in the blast plan.

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Figure 8a
Alternative Blasting Level Criteria

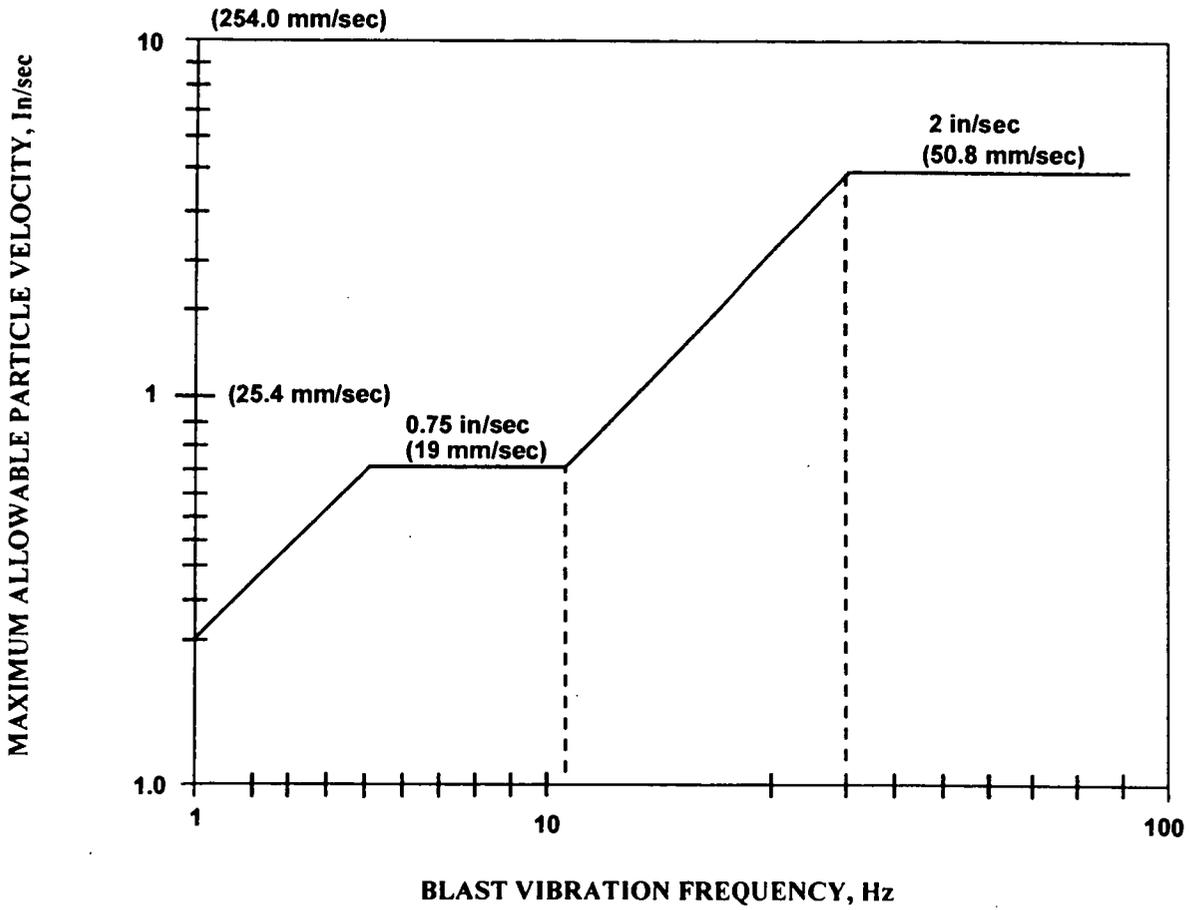
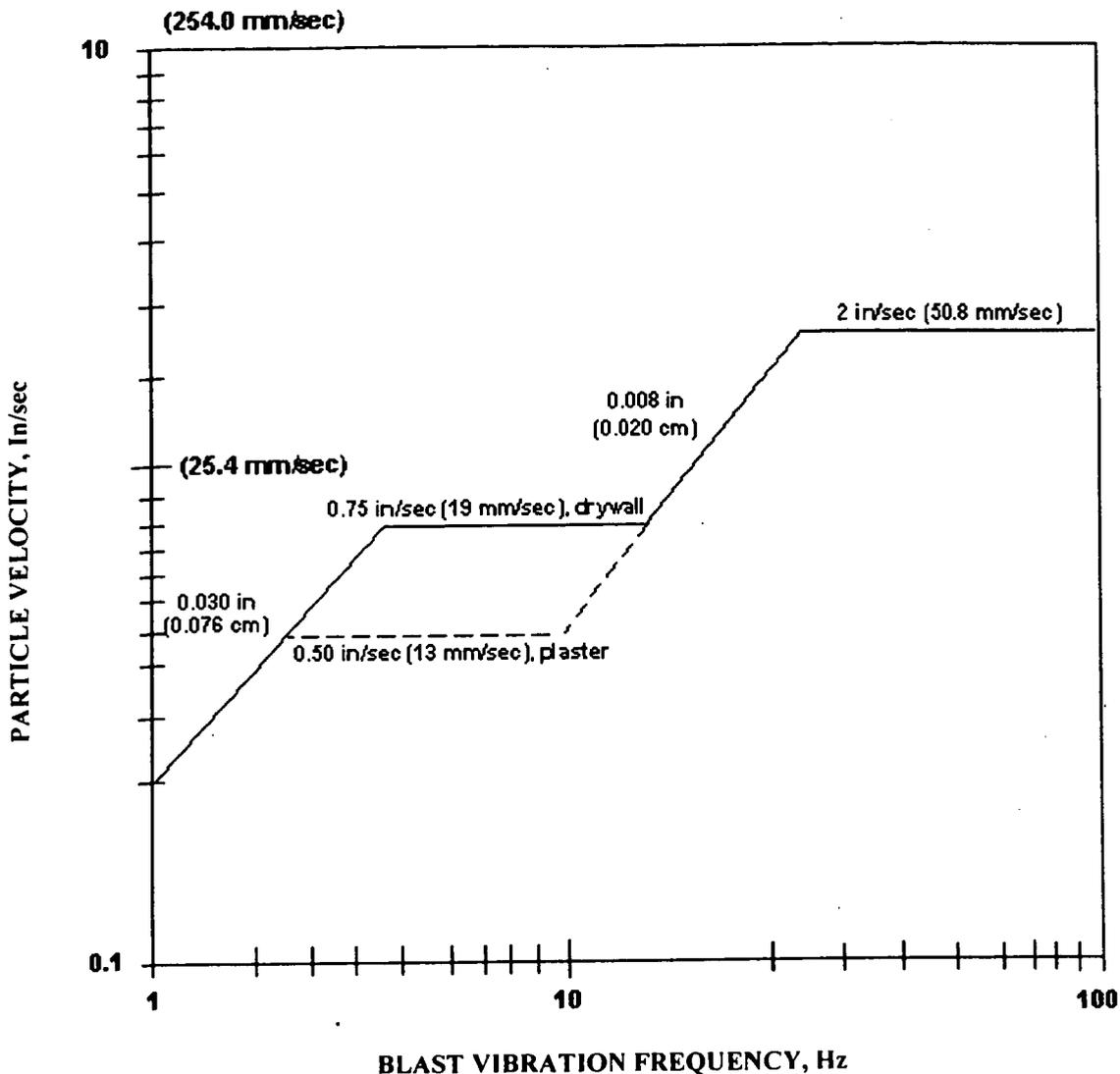


Figure 8b

Alternative Blasting Level Criteria



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(b) Scaled distance equations. Unless a blasting operation uses a seismograph to monitor a blast to assure compliance with Table 8-A or Figures 9a or 8b, the operation must comply with the scaled distance equations shown in Table 8-B.

Table 8-B
SCALED-DISTANCE EQUATIONS

Distance from Blasting Site	Scaled Distance Equation
0 to 300 ft (91.4 m)	$W \text{ (lbs)} = (d \text{ (ft)}/50)^2$ or $W \text{ (kg)} = (d \text{ (m)}/22.6)^2$
301 to 5000 ft (92 m to 1524 m)	$W \text{ (lbs)} = (d \text{ (ft)}/55)((Z))^2$ or $W \text{ (kg)} = (d \text{ (m)}/24.9)((Z))^2$
5001 ft (1524 m) and beyond	$W \text{ (lbs)} = (d \text{ (ft)}/65)$ or $W \text{ (kg)} = (d \text{ (m)}/29.4)((Z))^2$

Key:

W = The maximum weight of explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or greater.

d = The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operation, or on property where the owner has not given a written waiver to the blasting operation.

Note: To convert English Units of scaled distances (ft/lb²) to metric units (m/kg²) divide by a factor of 2.21.

(2) **Air blast - Maximum limits.** Air blast must not exceed the maximum limits listed in Table 8-C. Use Table 8-C to determine maximum air blast limits at any dwelling, public building, school, church, commercial, or institutional building not owned, leased, contracted, or on the property where the owner has not provided a written waiver to the blasting operation.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-68060 Operation of vehicles transporting explosives. (1) **Authorized explosives transportation.** Explosives may only be transported by a:

- Licensed manufacturer
- Blaster
- Purchaser, seller, or their designated representative

OR

• Contract carrier for hire who complies with all requirements for transportation of hazardous materials

(2) **Driver qualifications.**

(a) Vehicles transporting explosives must be driven by a responsible licensed driver who is:

- At least twenty-one years old
- Physically fit
- Careful
- Capable
- Reliable
- Able to read and write the English language
- Not addicted to or under the influence of intoxicants, narcotics, or other dangerous drugs. (This does not apply to people taking prescription drugs and/or narcotics as directed by a physician, as long as use of the prescription drug does not endanger the worker or others.)

(b) The driver must be:

- Familiar with all:
 - Traffic regulations
 - Department of Transportation (U.S. DOT) and other state laws in the transportation of explosives and hazardous material laws
- Aware of:
 - What they are carrying
 - Safety precautions for the explosives being transported

(3) **Parking - ((Class A or B)) Division 1.1 or 1.2 explosives.** A vehicle that contains ((Class A or B)) Division 1.1 or 1.2 explosives cannot be parked:

- On or within five feet of the traveled portion of a public street or highway
- On private property, including fueling or eating facilities, without the knowledge and consent of the person. The person in charge must be aware of the hazardous materials in the vehicle

OR

• Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble

- Exemption:** These restrictions do not apply when:
- Routine operations require the vehicle be parked for a brief period of time
 - It is impractical to park the vehicle any other place

(4) **Vehicle attendance.** A vehicle transporting any quantity of ((Class A or B)) Division 1.1 or 1.2 explosives

Table 8-C
AIR-BLAST LIMITS

Lower Frequency of Measuring System in Hz (+ or - 3 decibels)		Measurement Level in Decibels
0.1 Hz or Lower	Flat Response	134 Peak
2 Hz or Lower	Flat Response	133 Peak
6 Hz or Lower	Flat Response	129 Peak
C-Weighted	Slow Response	105 Peak dBC

(3) Flyrock outside the blast area:

(a) **Uncontrolled flyrock.** Flyrock traveling in the air or along the ground cannot be cast from the blast area in an uncontrolled manner, which could result in personal injury or property damage. Uncontrolled flyrock (airborne or along the ground), that could cause personal injury or property damage, is not allowed from the blast area.

(b) **Contract or written waiver.** Flyrock cannot be propelled from the blast area onto property where the blasting operation has not contracted or received a written waiver from the owner.

(c) **Use of protective material.** When blasting in congested areas or close to a structure, railway, highway, or any other installation that could be damaged, the blast must be covered, before firing, with a mat or other protective material that will prevent fragments from being thrown.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-67160 Types and classifications. (1) **Contains explosive substance.** Water-gel and emulsion explosive materials that contain a substance classified as an explosive must be classified as an explosive.

(2) **Contains no explosive substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive or as cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as an explosive.

Note: Water-gel formulas, which are tested and classified as a U.S. DOT ((Class-B)) Division 1.2 or 1.3 explosives do not require bullet resistant magazines.

(3) **Contains blasting agent substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive and are not cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as blasting agents.

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must be attended at all times by a driver or other representative of the vehicle carrier, exceptions are:

- A vehicle containing explosive materials may be left unattended for a period not to exceed forty-eight hours provided:

- The vehicle is parked in a designated parking lot, which complies with NFPA Std. 498 and the appropriate distance table for the type and quantity of explosives.

- The parking lot must:

- Be correctly bermed, walled, or fenced, and gated to prevent unauthorized entry

- Be inspected and approved by the department

- Provide a full-time, continuous security patrol when explosives are present

- An explosives delivery truck does not need to be attended when it only contains (~~International Class 1.5-D blasting agents~~) Division 1.5 and no high explosives, provided the:

- Vehicle is locked so it cannot be moved

- Cargo compartments are locked to prevent theft

- Vehicle is parked according to all applicable storage distance requirements

- Vehicle is located in a secured area that restricts entry of unauthorized personnel

~~((6))~~ (5) Attendant.

(a) An authorized attendant must be physically present and able to see the explosives at all times.

(b) In an emergency, the attendant must be able to quickly get to the explosives without interference.

(c) The attendant must:

- Be awake

- Be alert

- Not be engaged in activities, which could divert their attention

- Be aware of the (~~class~~) division of the explosive material and its dangers

- Be instructed in the methods and procedures used to protect the public

- Be familiar with the particular vehicle being driven

- Be trained in the use of the vehicle

- Have authorization and be able to move the vehicle if required

~~((7))~~ (6) Loading precautions. A vehicle must comply with U.S. DOT loading regulations in order to transport explosives in the same vehicle body with the following items:

- Spark producing metal
- Spark producing tools

- Oils
- Matches

- Firearms

- Electric storage batteries
- Flammable substances

- Acids
- Oxidizing materials

OR

- Corrosive compounds

~~((8))~~ (7) Congested areas. Vehicles transporting explosives must avoid congested areas and heavy traffic.

~~((9))~~ (8) Disabled vehicles.

- A qualified person must be present before explosives can be transferred from a disabled vehicle to another vehicle

- If a vehicle becomes disabled in a congested area, you must promptly notify local fire and police authorities. In a remote area they may be notified if necessary.

~~((10))~~ (9) Explosives delivery and issue. Delivery and issue of explosives must be made:

- Only by and to authorized people

- Into authorized magazines or authorized temporary storage or handling areas.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69010 Explosives. All (~~Class A, B, and C~~) Division 1.1, 1.2, 1.3, and 1.4 explosives, special industrial explosives, and any newly developed unclassified explosives, must be kept in magazines that meet the requirements of RCW 70.74.120 and this chapter, unless the explosives are:

- In the manufacturing process

- Being physically handled

- Being used at the blast site

OR

- Being transported to a place of storage or use.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69015 Exempt explosives. Explosives exempt from these storage requirements are:

Type of Explosive	Exempted Amount
Stocks of: • Small arms ammunition, • Propellant-actuated power cartridges, and • Small arms ammunition primers	Quantities less than 750,000
Smokeless (propellants) <u>powder</u>	Quantities less than 150 pounds
Black powder (as used in muzzleloading firearms)	Quantities less than 5 pounds
Explosive-actuated power devices	Quantities less than 50 pounds net weight of explosives
Fuse lighters and igniters	(not applicable)
Safety fuses (except cordeau detonant fuses)	(not applicable)

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69095 Ammonium nitrate. (1) Storage.

(a) Ammonium nitrate storage requirements do not apply to:

- The transportation of ammonium nitrates while under the jurisdiction of and in compliance with U.S. DOT regulations (see 49 CFR, Part 173)

- The storage of ammonium nitrates while under the jurisdiction of and in compliance with U.S. Coast Guard (see 49 CFR, Parts 146-149)

EXPEDITED

• The storage of ammonium nitrate and ammonium nitrate mixtures, which are more sensitive than allowed by the bulletin

"Definition and test procedures for ammonium nitrate fertilizers" from the Fertilizer Institute 501 2nd St. NE, Washington, DC 20006.

This definition limits the contents of organic materials, metals, sulfur, etc., in products that may be classified ammonium nitrate fertilizer.

• The production of ammonium nitrate or the storage of ammonium nitrate on the premises of the producing plant, if no hazards are created to the employees or public

• The standards for ammonium nitrate (nitrous oxide grade) that are found in the:

"Specifications, properties and recommendations for packaging, transportation, storage and use of ammonium nitrate," from the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-4100.

(b) Ammonium nitrate storage requirements apply to:

• Anyone, in addition to the owner or lessee of any building, premises, or structure having or storing ammonium nitrate in quantities of one thousand pounds (425 kg) or more

• Ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing sixty percent or more ammonium nitrate by weight

Note: The approval of large quantity storage is based on the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings housing ammonium nitrate must:

• Have adequate ventilation or be self-ventilating in the event of a fire

• Have fire resistant walls when the exposed side of a storage building is within fifty feet (15.2 m) of a combustible building, forest, piles of combustible materials, and similar exposure hazards. Other suitable means of exposure protection such as a freestanding wall may be used instead of a fire resistant wall

• Have roof coverings that are ((Class C)) Division 1.4 or better as defined in Roof Coverings, NFPA 203M-1970

• Have flooring of noncombustible material or be protected against saturation by ammonium nitrate. In case of fire, the floor must not have open drains, traps, tunnels, pits, or pockets into which molten ammonium nitrate could flow and be confined

• Be dry and free from water seepage through the roof, walls, and floors

• Not have basements, unless the basements are open on at least one side

• Not be over one story in height

Note: The continued use of an existing storage building or structure may be approved in cases where continued use will not constitute a hazard to life or adjoining property.

Bags, drums, and other containers of ammonium nitrate must:

(d) Comply with specifications and standards required for use in interstate commerce (see 49 CFR, Chapter 1). Containers used on the premises in the actual manufacturing or processing do not need to comply.

• Not be used for storage when the temperature of the ammonium nitrate exceeds 130°F (54.4°C)

• Not be stored within thirty inches (76 cm) of the storage building walls and partitions

• Not be stacked higher than twenty feet (6.1 m) in height, twenty feet (6.1 m) in width, and fifty feet (15.2 m) in length. When buildings are constructed of noncombustible materials or protected by automatic sprinklers, there are no stacking height restrictions

• Never be stacked closer than thirty-six inches (.09 m) below the roof or overhead supporting and spreader beams

• Be separated by aisles a minimum of 3 feet wide. There must be one main aisle in the storage area a minimum of four feet (1.2 m) wide

(e) Bulk ammonium nitrate must be stored:

• In warehouses with adequate ventilation or be capable of adequate ventilation in case of fire

• In structures that are not more than forty feet (12.2 m) high, unless:

– They are constructed of noncombustible material

OR

– Have adequate facilities for fighting a roof fire

• In clean bins that are free of materials that could cause contamination

• In bins or piles that are clearly identified by signs reading "AMMONIUM NITRATE" in letters a minimum of two inches (5 cm) high

• In bins or piles sized and arranged so all material is moved periodically to minimize the possibility of caking

• Adequately separated from easily combustible fuels. Bins cannot be made of galvanized iron, copper, lead, and zinc because of the:

– Corrosive and reactive properties of ammonium nitrate

AND

– To avoid contamination

• In tightly constructed wooden and aluminum bins that are protected against saturation from ammonium nitrate

• In tightly constructed partitions that divide the ammonium nitrate from other products to avoid contamination

• Where the temperature of the product does not exceed 130°F (54.4°C)

• No higher than thirty-six inches (0.9 m) below the roof or overhead supporting and spreader beams if stacked in piles. Stack limits (height and depth), should be determined by the pressure setting tendency of the product

(f) Bulk ammonium nitrate when caked, cannot be broken up or loosed by the use of dynamite, other explosives or blasting agents.

(g) Bulk ammonium nitrate cannot be stored with:

• LP Gas on the premises except when such storage complies with WAC 296-24-475, Storage and handling of liquefied petroleum gases

• Sulfur and finely divided metals in the same building except when such storage complies with this chapter and NFPA standard 495, Explosives Materials Code

• Explosives and blasting agents in the same building except on the premises of manufacturers, distributors, and user of explosives or blasting agents

- When explosives or blasting agents are stored in separate buildings, other than on the approval of manufacturers, distributors, and user, they must be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 or a minimum of fifty feet (15.2 m)

- With flammable liquids, such as gasoline, kerosene, solvents, and light fuel oils on the premises except when such storage conforms to WAC 296-24-330, Flammable and combustible liquids, and when walls, sills or curbs are provided in accordance with WAC 296-52-69095, Ammonium nitrate

(2) Contaminants must be stored in a separate building from ammonium nitrate

OR

Be separated by an approved firewall of not less than one-hour fire resistance rating which should extend to the underside of the roof. Alternatively, the contaminants may be separated by a minimum of thirty feet (9.1 m), instead of using walls. These contaminants are:

- Organic chemicals
- Acids
- Other corrosive materials
- Materials that may require blasting during processing or handling
- Compressed flammable gases
- Flammable and combustible materials
- Other substances including:

Animal fats	Baled cotton	Baled rags	Baled scrap paper
Bleaching powder	Burlap or cotton bags	Caustic soda	Coal
Coke	Charcoal	Cork	Camphor
Excelsior	Fibers of any kind	Fish oil	Fish meal
Foam rubber	Hay	Lubricating oil	Linseed oil
Other oxidizable or drying oils	Naphthalene	Oakum	Oiled clothing
Oiled paper	Oiled textiles	Paint	Straw
Sawdust	Wood shavings	Vegetable oil	

(3) Housekeeping requirements must have:

- Electrical installations, which meet the requirements of chapter 296-24 WAC, Part L, Electrical, and WAC 296-800-280, Basic electrical rules, for ordinary locations and be designed to minimize damage from corrosion

- Adequate lightning protections in areas where lightning storms are prevalent (see NFPA 78-1992, Lightning Protection Code)

- Procedures to prevent unauthorized personnel from entering the ammonium nitrate storage area

(4) Fire protection must provide:

- Water supplies and fire hydrants
- Suitable fire control devices, such as a small hose or portable fire extinguishers, throughout the warehouse and in the loading/unloading areas. These devices must comply with the requirements of WAC 296-800-300, Portable fire extinguishers, and WAC 296-24-602, Standpipe and hose systems
- Approved sprinkler systems installed according to WAC 296-24-607, Automatic sprinkler systems

- Two thousand five hundred tons (two thousand two hundred seventy metric) or less of bagged ammonium nitrate may be stored in a structure that does not have an automatic sprinkler system.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-69125 Table H-24—Low explosives. (1) Use Table H-24 for: Magazines that are restricted to:

- ((Class B)) Division 1.2 or 1.3
 - ((Class C (Division 1.3 or 1.4))) Division 1.4, low explosives
 - Low explosives classified by BATF
- (2) Detonators cannot be stored with low explosives.

Table H-24

TABLE OF DISTANCES FOR STORAGE OF LOW EXPLOSIVES

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not Over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

NEW SECTION

WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).

Net weight of fireworks (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway (feet)	Distance between magazine (feet)
0-1,000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table H-20	

- Note 1: The net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.
- Note 2: For the purposes of applying this table, the term magazine also includes fireworks shipping buildings for display fireworks.
- Note 3: For fireworks storage magazines in use prior to (2000) the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.
- Note 4: This table does not apply to the storage of bulk salutes. Use Table H-20 for storage of bulk salutes.

EXPEDITED

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-70010 Building construction for Class 1 magazines. All building-type storage facilities must:

- Be constructed of masonry, wood, metal, or a combination of these materials

- Have no openings except for entrances and ventilation

- Have the ground around the facility slope away for drainage

(1) **Wall construction.**

(a) **Masonry wall construction.** Masonry wall construction must:

- Consist of brick, concrete, tile, cement block, or cinder block

- Be at least ~~((six))~~ eight inches thick

(b) **Hollow masonry construction.** Hollow masonry construction must:

- Have all hollow spaces filled with well tamped coarse dry sand

OR

- Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

AND

- Have interior walls covered with a nonsparking material

(c) **Fabricated metal wall construction.**

- Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

- Sectional sheets of steel (at least number 14 gauge)

OR

- Aluminum (at least number 14 gauge)

- Metal wall construction must:

- Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

- Have a minimum of six-inch sand fill between interior and exterior walls

- Have interior walls constructed of or covered with a nonsparking material

(d) **Wood frame wall construction.**

- Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

- Inner walls, made of nonsparking materials must be constructed with a space:

- A minimum of six inches between the outer and inner walls

AND

- Filled with coarse dry sand or weak concrete

(2) **Floors.** Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

(3) **Foundation.**

- Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

- If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

(4) **Roof.**

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

- A sand tray must be:

- Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

- Lined with a layer of building paper.

- Filled with at least four inches of coarse dry sand.

- A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) **Doors and hinges.**

(a) All doors must be constructed of 1/4-inch plate steel and lined with two inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

- Welding

- Riveting

OR

- Bolting nuts on the inside of the door

(6) **Locks.**

(a) Each door must be equipped with:

- Two mortise locks

- Two padlocks fastened in separate hasps and staples

- A combination of a mortise lock and a padlock

- A mortise lock that requires two keys to open

OR

- A three-point lock

(b) Padlocks must:

- Have a minimum of five tumblers

- Have a case hardened shackle at least 3/8 inches in diameter

- Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) **Ventilation.**

- A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

- Foundation ventilators must be at least four inches by six inches

- Vents in the foundation, roof, or gables must be screened and offset

(8) **Exposed metal.**

- Sparking metal construction cannot be exposed below the tops of walls in storage facilities

- All nails must be blind nailed, countersunk, or nonsparking.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-710 Exemptions. These rules do not apply to in process storage and intraplant transportation during the manufacture of small arms ammunition, small arms primers, and smokeless ((~~propellants~~)) powder.

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71020 Storage with ((Class A or B)) Division 1.1, 1.2, or 1.3 explosives. Small arms ammunition cannot be stored with ((Class A or Class B)) Division 1.1, 1.2, or 1.3 explosives. Unless the storage facility is adequate for ((Class A or Class B)) Division 1.1, 1.2, or 1.3 storage, small arms ammunition cannot be stored there.

**SMALL ARMS SMOKELESS ((PROPELLANTS))
POWDER**

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71040 Shipping container.

- Small arms smokeless ((~~propellants~~ (Class B))) powder (Division 1.2 or 1.3) must be packed, stored, and transported in U.S. DOT approved shipping containers.
- All smokeless ((~~propellants~~)) powder must be stored in shipping containers made for smokeless ((~~propellants~~)) powder (as required by 49 CFR 173.93).

AMENDATORY SECTION (Amending WSR 02-03-125, filed 1/23/02, effective 3/1/02)

WAC 296-52-71045 Storage. (1) **Private residence or car.**

- Twenty-five pounds or less of small arms smokeless ((~~propellants~~)) powder, no restrictions
- Twenty-five to fifty pounds of small arms smokeless ((~~propellants~~)) powder, they must be stored in a strong box or cabinet constructed of a minimum of 3/4-inch plywood or equivalent material, on all sides, top, and bottom

(2) **Commercial stocks.**

- Over twenty pounds but not more than one hundred pounds of small arms smokeless ((~~propellants~~)) powder must be stored in portable wooden boxes with a minimum of one-inch thick walls
- Small arms smokeless ((~~propellants~~)) powder not exceeding one hundred fifty pounds, must be stored in a non-portable storage cabinet with a minimum of one-inch thick wood walls

(3) **Dealer's warehouse.**

- A dealer's warehouse cannot hold more than one hundred fifty pounds of small arms smokeless ((~~propellants~~)) powder

- Twenty to one hundred pounds of small arms smokeless ((~~propellants~~)) powder must be stored in a minimum of one-inch thick portable or fixed wooden boxes

(4) **Dealer's display.**

- The dealer's display cannot exceed more than seventy-five pounds of small arms smokeless ((~~propellants~~)) powder
- Small arms smokeless ((~~propellants~~)) powder must be stored in one-pound containers

(5) **Magazines.** Small arms smokeless ((~~propellants~~)) powder that exceed one hundred fifty pounds must be stored in approved licensed magazines. See Storage licensing, WAC 296-52-660, Storage of explosive materials, WAC 296-52-690, and Magazine construction, WAC 296-52-700.

**WSR 02-15-166
EXPEDITED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed July 23, 2002, 3:16 p.m.]

Title of Rule: Emergency response, chapter 296-824 WAC.

Purpose: The purpose is to remedy errors in the numbering sequence of chapter 296-824 WAC, Emergency response, to be consistent with other innovative rules and to update reference in chapter 296-67 WAC, Management of highly hazardous chemicals, and chapter 296-305 WAC, Safety standards for firefighters.

New Sections

WAC 296-824-200 Planning.

- Proposing to create new section for clarity.

WAC 296-824-20005 Develop an emergency response plan.

- Proposing to renumber the section from WAC 296-824-11010 to 296-824-20005.
- Proposing to correct references due to new numbering sequence.

WAC 296-824-300 Training.

- Proposing to create new section for clarity.

WAC 296-824-30005 Train your employees.

- Proposing to renumber the section from WAC 296-824-11020 to 296-824-30005.
- Proposing to correct references due to new numbering sequence.

WAC 296-824-400 Medical surveillance.

- Proposing to create new section for clarity.

WAC 296-824-40005 Provide medical surveillance to employees.

- Proposing to renumber the section from WAC 296-824-11050 to 296-824-40005.

WAC 296-824-40010 Keep records.

- Proposing to renumber the section from WAC 296-824-11060 to 296-824-40010.

WAC 296-824-500 Incident requirements.

- Proposing to create new section for clarity.

WAC 296-824-50005 Recognize emergencies and initiate a response.

- Proposing to renumber the section from WAC 296-824-12010 to 296-824-50005.

WAC 296-824-50010 Implement and maintain an incident command system (ICS).

- Proposing to renumber the section from WAC 296-824-12020 to 296-824-50010.
- Proposing to correct references due to new numbering sequence.

WAC 296-824-50015 Prepare skilled support personnel.

- Proposing to renumber the section from WAC 296-824-12030 to 296-824-50015.

WAC 296-824-50020 Make sure the incident commander oversees activities during the response.

- Proposing to renumber the section from WAC 296-824-12040 to 296-824-50020.

WAC 296-824-50025 Use the buddy system in danger areas.

- Proposing to renumber the section from WAC 296-824-12050 to 296-824-50020.

WAC 296-824-50030 Provide rescue and medical assistance.

- Proposing to renumber the section from WAC 296-824-12060 to 296-824-50020.
- Proposing to correct references due to new numbering sequence.

WAC 296-824-600 Personal protective equipment.

- Proposing to create new section for clarity.

WAC 296-824-60005 Personal protective equipment.

- Proposing to renumber the section from WAC 296-824-13010 to 296-824-60005.

WAC 296-824-60010 Control hazards created by personal protective equipment (PPE).

- Proposing to renumber the section from WAC 296-824-13020 to 296-824-60010.

WAC 296-824-60015 Use personal protective equipment (PPE).

- Proposing to renumber the section from WAC 296-824-13030 to 296-824-60015.

WAC 296-824-700 Post-emergency response.

- Proposing to create new section for clarity.

WAC 296-824-70005 Follow the appropriate post-emergency response requirements.

- Proposing to renumber the section from WAC 296-824-14010 to 296-824-70005.
- Proposing to correct references due to new numbering sequence.

WAC 296-824-800 Definitions.

- Proposing to renumber the section from WAC 296-824-15010 to 296-824-800.

Amended Sections

WAC 296-824-100 Scope.

- Proposing to delete "what is the purpose of chapter 296-824 WAC, Emergency response to hazardous substance releases?"
- Proposing to delete "does this chapter apply to your workplace?"
- Proposing to move wording from WAC 296-824-110 into a note.
- Proposing to correct references due to new numbering sequence.

WAC 296-824-110 Summary.

- Proposing to delete wording and moving to the appropriate section due to the new numbering sequence.

WAC 296-824-11010 Planning.

- Proposing to delete wording and move it to WAC 296-824-20005.

WAC 296-824-11020 Training.

- Proposing to delete wording and move it to WAC 296-824-30005.

WAC 296-824-11050 Medical surveillance.

- Proposing to delete wording and move it to WAC 296-824-40005.

WAC 296-824-11060 Keep records.

- Proposing to delete wording and move it to WAC 296-824-40010.

WAC 296-824-12010 Incident requirements.

- Proposing to delete wording and move it to WAC 296-824-50005.

WAC 296-824-12020 Implement and maintain an incident command system (ICS).

- Proposing to delete wording and move it to WAC 296-824-50010.

WAC 296-824-12030 Prepare skilled support personnel.

- Proposing to delete wording and move it to WAC 296-824-50015.

WAC 296-824-12040 Make sure the incident commander oversees activities during the response.

- Proposing to delete wording and move it to WAC 296-824-50020.

WAC 296-824-12050 Use the buddy system in danger areas.

- Proposing to delete wording and move it to WAC 296-824-50025.

WAC 296-824-12060 Provide rescue and medical assistance.

- Proposing to delete wording and move it to WAC 296-824-50030.

WAC 296-824-13010 Personal protective equipment.

- Proposing to delete wording and move it to WAC 296-824-60005.

WAC 296-824-13020 Control hazards created by personal protective equipment (PPE).

- Proposing to delete wording and move it to WAC 296-824-60010.

WAC 296-824-13030 Use personal protective equipment (PPE).

- Proposing to delete wording and move it to WAC 296-824-60015.

WAC 296-824-14010 Post-emergency response.

- Proposing to delete wording and move it to WAC 296-824-70005.

WAC 296-824-15010 Definitions.

- Proposing to delete wording and move it to WAC 296-824-800.

WAC 296-67-053 Emergency planning and response.

- The proposal updates a reference due to the adoption of chapter 296-824 WAC, Emergency response.

WAC 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory).

- The proposal updates a reference due to the adoption of chapter 296-824 WAC, Emergency response.

WAC 296-305-05011 Hazardous materials operations.

- The proposal updates a reference due to the adoption of chapter 296-824 WAC, Emergency response.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, [49.17].050, [49.17].060.

Statute Being Implemented: Chapter 49.17 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose 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: See Purpose above.

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 Carmen Moore, Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, AND RECEIVED BY September 23, 2002.

July 22, 2002

Gary Moore

Director

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-67-053 Emergency planning and response.

The employer shall establish and implement an emergency action plan for the entire plant in accordance with the provisions of WAC 296-24-567. In addition, the emergency action plan shall include procedures for handling small releases. Employers covered under this standard may also be subject to the ((hazardous waste and)) emergency response provisions contained in ((WAC 296-800-170)) chapter 296-824 WAC, Emergency response to hazardous substance releases.

AMENDATORY SECTION (Amending WSR 01-11-038, filed 5/9/01, effective 9/1/01)

WAC 296-67-291 Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory). This appendix serves as a nonmandatory guideline to assist employers and employees in complying with the requirements of this section, as well as provides other helpful recommendations and information. Examples presented in this appendix are not the only means of achieving the performance goals in the standard. This appendix neither adds nor detracts from the requirements of the standard.

(1) Introduction to process safety management. The major objective of process safety management of highly hazardous chemicals is to prevent unwanted releases of hazardous chemicals especially into locations which could expose employees and others to serious hazards. An effective process safety management program requires a systematic approach to evaluating the whole process. Using this approach the process design, process technology, operational and maintenance activities and procedures, nonroutine activities and procedures, emergency preparedness plans and pro-

cedures, training programs, and other elements which impact the process are all considered in the evaluation. The various lines of defense that have been incorporated into the design and operation of the process to prevent or mitigate the release of hazardous chemicals need to be evaluated and strengthened to assure their effectiveness at each level. Process safety management is the proactive identification, evaluation and mitigation or prevention of chemical releases that could occur as a result of failures in process, procedures, or equipment. The process safety management standard targets highly hazardous chemicals that have the potential to cause a catastrophic incident. This standard as a whole is to aid employers in their efforts to prevent or mitigate episodic chemical releases that could lead to a catastrophe in the workplace and possibly to the surrounding community. To control these types of hazards, employers need to develop the necessary expertise, experiences, judgment, and proactive initiative within their workforce to properly implement and maintain an effective process safety management program as envisioned in the WISHA standard. This WISHA standard is required by the Clean Air Act amendments as is the Environmental Protection Agency's Risk Management Plan. Employers, who merge the two sets of requirements into their process safety management program, will better assure full compliance with each as well as enhancing their relationship with the local community. While WISHA believes process safety management will have a positive effect on the safety of employees in workplaces and also offers other potential benefits to employers (increased productivity), smaller businesses which may have limited resources available to them at this time, might consider alternative avenues of decreasing the risks associated with highly hazardous chemicals at their workplaces. One method which might be considered is the reduction in the inventory of the highly hazardous chemical. This reduction in inventory will result in a reduction of the risk or potential for a catastrophic incident. Also, employers including small employers may be able to establish more efficient inventory control by reducing the quantities of highly hazardous chemicals on site below the established threshold quantities. This reduction can be accomplished by ordering smaller shipments and maintaining the minimum inventory necessary for efficient and safe operation. When reduced inventory is not feasible, then the employer might consider dispersing inventory to several locations on site. Dispersing storage into locations where a release in one location will not cause a release in another location is a practical method to also reduce the risk or potential for catastrophic incidents.

(2) Employee involvement in process safety management. Section 304 of the Clean Air Act amendments states that employers are to consult with their employees and their representatives regarding the employers efforts in the development and implementation of the process safety management program elements and hazard assessments. Section 304 also requires employers to train and educate their employees and to inform affected employees of the findings from incident investigations required by the process safety management program. Many employers, under their safety and health programs, have already established means and methods to keep employees and their representatives informed about relevant safety and health issues and employers may be

able to adapt these practices and procedures to meet their obligations under this standard. Employers who have not implemented an occupational safety and health program may wish to form a safety and health committee of employees and management representatives to help the employer meet the obligations specified by this standard. These committees can become a significant ally in helping the employer to implement and maintain an effective process safety management program for all employees.

(3) Process safety information. Complete and accurate written information concerning process chemicals, process technology, and process equipment is essential to an effective process safety management program and to a process hazards analysis. The compiled information will be a necessary resource to a variety of users including the team that will perform the process hazards analysis as required under WAC 296-67-017; those developing the training programs and the operating procedures; contractors whose employees will be working with the process; those conducting the prestartup reviews; local emergency preparedness planners; and incurrence and enforcement officials. The information to be compiled about the chemicals, including process intermediates, needs to be comprehensive enough for an accurate assessment of the fire and explosion characteristics, reactivity hazards, the safety and health hazards to workers, and the corrosion and erosion effects on the process equipment and monitoring tools. Current material safety data sheet (MSDS) information can be used to help meet this requirement which must be supplemented with process chemistry information including runaway reaction and over pressure hazards if applicable. Process technology information will be a part of the process safety information package and it is expected that it will include diagrams of the type shown in WAC 296-67-289, Appendix B of this part as well as employer established criteria for maximum inventory levels for process chemicals; limits beyond which would be considered upset conditions; and a qualitative estimate of the consequences or results of deviation that could occur if operating beyond the established process limits. Employers are encouraged to use diagrams which will help users understand the process. A block flow diagram is used to show the major process equipment and interconnecting process flow lines and show flow rates, stream composition, temperatures, and pressures when necessary for clarity. The block flow diagram is a simplified diagram. Process flow diagrams are more complex and will show all main flow streams including valves to enhance the understanding of the process, as well as pressures and temperatures on all feed and product lines within all major vessels, in and out of headers and heat exchangers, and points of pressure and temperature control. Also, materials of construction information, pump capacities and pressure heads, compressor horsepower and vessel design pressures and temperatures are shown when necessary for clarity. In addition, major components of control loops are usually shown along with key utilities on process flow diagrams. Piping and instrument diagrams (P&IDs) may be the more appropriate type of diagrams to show some of the above details and to display the information for the piping designer and engineering staff. The P&IDs are to be used to describe the relationships between equipment and instrumentation as well as

other relevant information that will enhance clarity. Computer software programs which do P&IDs or other diagrams useful to the information package, may be used to help meet this requirement. The information pertaining to process equipment design must be documented. In other words, what were the codes and standards relied on to establish good engineering practice. These codes and standards are published by such organizations as the American Society of Mechanical Engineers, American Petroleum Institute, American National Standards Institute, National Fire Protection Association, American Society for Testing and Materials, National Board of Boiler and Pressure Vessel Inspectors, National Association of Corrosion Engineers, American Society of Exchange Manufacturers Association, and model building code groups. In addition, various engineering societies issue technical reports which impact process design. For example, the American Institute of Chemical Engineers has published technical reports on topics such as two phase flow for venting devices. This type of technically recognized report would constitute good engineering practice. For existing equipment designed and constructed many years ago in accordance with the codes and standards available at that time and no longer in general use today, the employer must document which codes and standards were used and that the design and construction along with the testing, inspection and operation are still suitable for the intended use. Where the process technology requires a design which departs from the applicable codes and standards, the employer must document that the design and construction is suitable for the intended purpose.

(4) Process hazard analysis. A process hazard analysis (PHA), sometimes called a process hazard evaluation, is one of the most important elements of the process safety management program. A PHA is an organized and systematic effort to identify and analyze the significance of potential hazards associated with the processing or handling of highly hazardous chemicals. A PHA provides information which will assist employers and employees in making decisions for improving safety and reducing the consequences of unwanted or unplanned releases of hazardous chemicals. A PHA is directed toward analyzing potential causes and consequences of fires, explosions, releases of toxic or flammable chemicals and major spills of hazardous chemicals. The PHA focuses on equipment, instrumentation, utilities, human actions (routine and nonroutine), and external factors that might impact the process. These considerations assist in determining the hazards and potential failure points or failure modes in a process. The selection of a PHA methodology or technique will be influenced by many factors including the amount of existing knowledge about the process. Is it a process that has been operated for a long period of time with little or no innovation and extensive experience has been generated with its use? Or, is it a new process or one which has been changed frequently by the inclusion of innovative features? Also, the size and complexity of the process will influence the decision as to the appropriate PHA methodology to use. All PHA methodologies are subject to certain limitations. For example, the checklist methodology works well when the process is very stable and no changes are made, but it is not as effective when the process has undergone extensive change. The checklist may miss the most recent changes and consequently the

changes would not be evaluated. Another limitation to be considered concerns the assumptions made by the team or analyst. The PHA is dependent on good judgment and the assumptions made during the study need to be documented and understood by the team and reviewer and kept for a future PHA. The team conducting the PHA need to understand the methodology that is going to be used. A PHA team can vary in size from two people to a number of people with varied operational and technical backgrounds. Some team members may only be a part of the team for a limited time. The team leader needs to be fully knowledgeable in the proper implementation of the PHA methodology that is to be used and should be impartial in the evaluation. The other full or part time team members need to provide the team with expertise in areas such as process technology, process design, operating procedures and practices, including how the work is actually performed, alarms, emergency procedures, instrumentation, maintenance procedures, both routine and non-routine tasks, including how the tasks are authorized, procurement of parts and supplies, safety and health, and any other relevant subject as the need dictates. At least one team member must be familiar with the process. The ideal team will have an intimate knowledge of the standards, codes, specifications and regulations applicable to the process being studied. The selected team members need to be compatible and the team leader needs to be able to manage the team, and the PHA study. The team needs to be able to work together while benefiting from the expertise of others on the team or outside the team, to resolve issues, and to forge a consensus on the findings of the study and recommendations. The application of a PHA to a process may involve the use of different methodologies for various parts of the process. For example, a process involving a series of unit operations of varying sizes, complexities, and ages may use different methodologies and team members for each operation. Then the conclusions can be integrated into one final study and evaluation. A more specific example is the use of a checklist PHA for a standard boiler or heat exchanger and the use of a hazard and operability PHA for the overall process. Also, for batch type processes like custom batch operations, a generic PHA of a representative batch may be used where there are only small changes of monomer or other ingredient ratios and the chemistry is documented for the full range and ratio of batch ingredients. Another process that might consider using a generic type of PHA is a gas plant. Often these plants are simply moved from site to site and therefore, a generic PHA may be used for these movable plants. Also, when an employer has several similar size gas plants and no sour gas is being processed at the site, then a generic PHA is feasible as long as the variations of the individual sites are accounted for in the PHA. Finally, when an employer has a large continuous process which has several control rooms for different portions of the process such as for a distillation tower and a blending operation, the employer may wish to do each segment separately and then integrate the final results. Additionally, small businesses which are covered by this rule, will often have processes that have less storage volume, less capacity, and less complicated than processes at a large facility. Therefore, WISHA would anticipate that the less complex methodologies would be used to meet the process hazard analysis crite-

ria in the standard. These process hazard analyses can be done in less time and with a few people being involved. A less complex process generally means that less data, P&IDs, and process information is needed to perform a process hazard analysis. Many small businesses have processes that are not unique, such as cold storage lockers or water treatment facilities. Where employer associations have a number of members with such facilities, a generic PHA, evolved from a checklist or what-if questions, could be developed and used by each employer effectively to reflect his/her particular process; this would simplify compliance for them. When the employer has a number of processes which require a PHA, the employer must set up a priority system of which PHAs to conduct first. A preliminary or gross hazard analysis may be useful in prioritizing the processes that the employer has determined are subject to coverage by the process safety management standard. Consideration should first be given to those processes with the potential of adversely affecting the largest number of employees. This prioritizing should consider the potential severity of a chemical release, the number of potentially affected employees, the operating history of the process such as the frequency of chemical releases, the age of the process and any other relevant factors. These factors would suggest a ranking order and would suggest either using a weighing factor system or a systematic ranking method. The use of a preliminary hazard analysis would assist an employer in determining which process should be of the highest priority and thereby the employer would obtain the greatest improvement in safety at the facility. Detailed guidance on the content and application of process hazard analysis methodologies is available from the American Institute of Chemical Engineers' Center for Chemical Process Safety (see WAC 296-67-293, Appendix D).

(5) Operating procedures and practices. Operating procedures describe tasks to be performed, data to be recorded, operating conditions to be maintained, samples to be collected, and safety and health precautions to be taken. The procedures need to be technically accurate, understandable to employees, and revised periodically to ensure that they reflect current operations. The process safety information package is to be used as a resource to better assure that the operating procedures and practices are consistent with the known hazards of the chemicals in the process and that the operating parameters are accurate. Operating procedures should be reviewed by engineering staff and operating personnel to ensure that they are accurate and provide practical instructions on how to actually carry out job duties safely. Operating procedures will include specific instructions or details on what steps are to be taken or followed in carrying out the stated procedures. These operating instructions for each procedure should include the applicable safety precautions and should contain appropriate information on safety implications. For example, the operating procedures addressing operating parameters will contain operating instructions about pressure limits, temperature ranges, flow rates, what to do when an upset condition occurs, what alarms and instruments are pertinent if an upset condition occurs, and other subjects. Another example of using operating instructions to properly implement operating procedures is in starting up or shutting down the process. In these cases, different param-

eters will be required from those of normal operation. These operating instructions need to clearly indicate the distinctions between startup and normal operations such as the appropriate allowances for heating up a unit to reach the normal operating parameters. Also the operating instructions need to describe the proper method for increasing the temperature of the unit until the normal operating temperature parameters are achieved. Computerized process control systems add complexity to operating instructions. These operating instructions need to describe the logic of the software as well as the relationship between the equipment and the control system; otherwise, it may not be apparent to the operator. Operating procedures and instructions are important for training operating personnel. The operating procedures are often viewed as the standard operating practices (SOPs) for operations. Control room personnel and operating staff, in general, need to have a full understanding of operating procedures. If workers are not fluent in English then procedures and instructions need to be prepared in a second language understood by the workers. In addition, operating procedures need to be changed when there is a change in the process as a result of the management of change procedures. The consequences of operating procedure changes need to be fully evaluated and the information conveyed to the personnel. For example, mechanical changes to the process made by the maintenance department (like changing a valve from steel to brass or other subtle changes) need to be evaluated to determine if operating procedures and practices also need to be changed. All management of change actions must be coordinated and integrated with current operating procedures and operating personnel must be oriented to the changes in procedures before the change is made. When the process is shut down in order to make a change, then the operating procedures must be updated before startup of the process. Training in how to handle upset conditions must be accomplished as well as what operating personnel are to do in emergencies such as when a pump seal fails or a pipeline ruptures. Communication between operating personnel and workers performing work within the process area, such as nonroutine tasks, also must be maintained. The hazards of the tasks are to be conveyed to operating personnel in accordance with established procedures and to those performing the actual tasks. When the work is completed, operating personnel should be informed to provide closure on the job.

(6) Employee training. All employees, including maintenance and contractor employees, involved with highly hazardous chemicals need to fully understand the safety and health hazards of the chemicals and processes they work with for the protection of themselves, their fellow employees and the citizens of nearby communities. Training conducted in compliance with WAC 296-800-170, chemical hazard communication program standard, will help employees to be more knowledgeable about the chemicals they work with as well as familiarize them with reading and understanding MSDS. However, additional training in subjects such as operating procedures and safety work practices, emergency evacuation and response, safety procedures, routine and non-routine work authorization activities, and other areas pertinent to process safety and health will need to be covered by an employer's training program. In establishing their training

programs, employers must clearly define the employees to be trained and what subjects are to be covered in their training. Employers in setting up their training program will need to clearly establish the goals and objectives they wish to achieve with the training that they provide to their employees. The learning goals or objectives should be written in clear measurable terms before the training begins. These goals and objectives need to be tailored to each of the specific training modules or segments. Employers should describe the important actions and conditions under which the employee will demonstrate competence or knowledge as well as what is acceptable performance. Hands-on-training where employees are able to use their senses beyond listening, will enhance learning. For example, operating personnel, who will work in a control room or at control panels, would benefit by being trained at a simulated control panel or panels. Upset conditions of various types could be displayed on the simulator, and then the employee could go through the proper operating procedures to bring the simulator panel back to the normal operating parameters. A training environment could be created to help the trainee feel the full reality of the situation but, of course, under controlled conditions. This realistic type of training can be very effective in teaching employees correct procedures while allowing them to also see the consequences of what might happen if they do not follow established operating procedures. Other training techniques using videos or on-the-job training can also be very effective for teaching other job tasks, duties, or other important information. An effective training program will allow the employee to fully participate in the training process and to practice their skill or knowledge. Employers need to periodically evaluate their training programs to see if the necessary skills, knowledge, and routines are being properly understood and implemented by their trained employees. The means or methods for evaluating the training should be developed along with the training program goals and objectives. Training program evaluation will help employers to determine the amount of training their employees understood, and whether the desired results were obtained. If, after the evaluation, it appears that the trained employees are not at the level of knowledge and skill that was expected, the employer will need to revise the training program, provide retraining, or provide more frequent refresher training sessions until the deficiency is resolved. Those who conducted the training and those who received the training should also be consulted as to how best to improve the training process. If there is a language barrier, the language known to the trainees should be used to reinforce the training messages and information. Careful consideration must be given to assure that employees including maintenance and contract employees receive current and updated training. For example, if changes are made to a process, impacted employees must be trained in the changes and understand the effects of the changes on their job tasks (e.g., any new operating procedures pertinent to their tasks). Additionally, as already discussed the evaluation of the employee's absorption of training will certainly influence the need for training.

(7) Contractors. Employers who use contractors to perform work in and around processes that involve highly hazardous chemicals, will need to establish a screening process so that they hire and use contractors who accomplish the

desired job tasks without compromising the safety and health of employees at a facility. For contractors, whose safety performance on the job is not known to the hiring employer, the employer will need to obtain information on injury and illness rates and experience and should obtain contractor references. Additionally, the employer must assure that the contractor has the appropriate job skills, knowledge and certifications (such as for pressure vessel welders). Contractor work methods and experiences should be evaluated. For example, does the contractor conducting demolition work swing loads over operating processes or does the contractor avoid such hazards? Maintaining a site injury and illness log for contractors is another method employers must use to track and maintain current knowledge of work activities involving contract employees working on or adjacent to covered processes. Injury and illness logs of both the employer's employees and contract employees allow an employer to have full knowledge of process injury and illness experience. This log will also contain information which will be of use to those auditing process safety management compliance and those involved in incident investigations. Contract employees must perform their work safely. Considering that contractors often perform very specialized and potentially hazardous tasks such as confined space entry activities and nonroutine repair activities it is quite important that their activities be controlled while they are working on or near a covered process. A permit system or work authorization system for these activities would also be helpful to all affected employers. The use of a work authorization system keeps an employer informed of contract employee activities, and as a benefit the employer will have better coordination and more management control over the work being performed in the process area. A well run and well maintained process where employee safety is fully recognized will benefit all of those who work in the facility whether they be contract employees or employees of the owner.

(8) Prestartup safety. For new processes, the employer will find a PHA helpful in improving the design and construction of the process from a reliability and quality point of view. The safe operation of the new process will be enhanced by making use of the PHA recommendations before final installations are completed. P&IDs are to be completed along with having the operating procedures in place and the operating staff trained to run the process before startup. The initial startup procedures and normal operating procedures need to be fully evaluated as part of the prestartup review to assure a safe transfer into the normal operating mode for meeting the process parameters. For existing processes that have been shutdown for turnaround, or modification, etc., the employer must assure that any changes other than "replacement in kind" made to the process during shutdown go through the management of change procedures. P&IDs will need to be updated as necessary, as well as operating procedures and instructions. If the changes made to the process during shutdown are significant and impact the training program, then operating personnel as well as employees engaged in routine and nonroutine work in the process area may need some refresher or additional training in light of the changes. Any incident investigation recommendations, compliance audits or PHA recommendations need to be reviewed as well to see

what impacts they may have on the process before beginning the startup.

(9) Mechanical integrity. Employers will need to review their maintenance programs and schedules to see if there are areas where "breakdown" maintenance is used rather than an ongoing mechanical integrity program. Equipment used to process, store, or handle highly hazardous chemicals needs to be designed, constructed, installed, and maintained to minimize the risk of releases of such chemicals. This requires that a mechanical integrity program be in place to assure the continued integrity of process equipment. Elements of a mechanical integrity program include the identification and categorization of equipment and instrumentation, inspections and tests, testing and inspection frequencies, development of maintenance procedures, training of maintenance personnel, the establishment of criteria for acceptable test results, documentation of test and inspection results, and documentation of manufacturer recommendations as to meantime to failure for equipment and instrumentation. The first line of defense an employer has available is to operate and maintain the process as designed, and to keep the chemicals contained. This line of defense is backed up by the next line of defense which is the controlled release of chemicals through venting to scrubbers or flares, or to surge or overflow tanks which are designed to receive such chemicals, etc. These lines of defense are the primary lines of defense or means to prevent unwanted releases. The secondary lines of defense would include fixed fire protection systems like sprinklers, water spray, or deluge systems, monitor guns, etc., dikes, designed drainage systems, and other systems which would control or mitigate hazardous chemicals once an unwanted release occurs. These primary and secondary lines of defense are what the mechanical integrity program needs to protect and strengthen these primary and secondary lines of defenses where appropriate. The first step of an effective mechanical integrity program is to compile and categorize a list of process equipment and instrumentation for inclusion in the program. This list would include pressure vessels, storage tanks, process piping, relief and vent systems, fire protection system components, emergency shutdown systems, and alarms and interlocks and pumps. For the categorization of instrumentation and the listed equipment the employer would prioritize which pieces of equipment require closer scrutiny than others. Meantime to failure of various instrumentation and equipment parts would be known from the manufacturer's data or the employer's experience with the parts, which would then influence the inspection and testing frequency and associated procedures. Also, applicable codes and standards such as the National Board Inspection Code, or those from the American Society for Testing and Material, American Petroleum Institute, National Fire Protection Association, American National Standards Institute, American Society of Mechanical Engineers, and other groups, provide information to help establish an effective testing and inspection frequency, as well as appropriate methodologies. The applicable codes and standards provide criteria for external inspections for such items as foundation and supports, anchor bolts, concrete or steel supports, guy wires, nozzles and sprinklers, pipe hangers, grounding connections, protective coatings and insulation, and external metal surfaces of piping and vessels,

etc. These codes and standards also provide information on methodologies for internal inspection, and a frequency formula based on the corrosion rate of the materials of construction. Also, erosion both internal and external needs to be considered along with corrosion effects for piping and valves. Where the corrosion rate is not known, a maximum inspection frequency is recommended, and methods of developing the corrosion rate are available in the codes. Internal inspections need to cover items such as vessel shell, bottom and head; metallic linings; nonmetallic linings; thickness measurements for vessels and piping; inspection for erosion, corrosion, cracking and bulges; internal equipment like trays, baffles, sensors, and screens for erosion, corrosion or cracking and other deficiencies. Some of these inspections may be performed by state or local government inspectors under state and local statutes. However, each employer needs to develop procedures to ensure that tests and inspections are conducted properly and that consistency is maintained even where different employees may be involved. Appropriate training is to be provided to maintenance personnel to ensure that they understand the preventive maintenance program procedures, safe practices, and the proper use and application of special equipment or unique tools that may be required. This training is part of the overall training program called for in the standard. A quality assurance system is needed to help ensure that the proper materials of construction are used, that fabrication and inspection procedures are proper, and that installation procedures recognize field installation concerns. The quality assurance program is an essential part of the mechanical integrity program and will help to maintain the primary and secondary lines of defense that have been designed into the process to prevent unwanted chemical releases or those which control or mitigate a release. "As built" drawings, together with certifications of coded vessels and other equipment, and materials of construction need to be verified and retained in the quality assurance documentation. Equipment installation jobs need to be properly inspected in the field for use of proper materials and procedures and to assure that qualified craftsmen are used to do the job. The use of appropriate gaskets, packing, bolts, valves, lubricants, and welding rods need to be verified in the field. Also procedures for installation of safety devices need to be verified, such as the torque on the bolts on ruptured disc installations, uniform torque on flange bolts, proper installation of pump seals, etc. If the quality of parts is a problem, it may be appropriate to conduct audits of the equipment supplier's facilities to better assure proper purchases of required equipment which is suitable for its intended service. Any changes in equipment that may become necessary will need to go through the management of change procedures.

(10) Nonroutine work authorizations. Nonroutine work which is conducted in process areas needs to be controlled by the employer in a consistent manner. The hazards identified involving the work that is to be accomplished must be communicated to those doing the work, but also to those operating personnel whose work could affect the safety of the process. A work authorization notice or permit must have a procedure that describes the steps the maintenance supervisor, contractor representative or other person needs to follow to obtain the necessary clearance to get the job started. The

work authorization procedures need to reference and coordinate, as applicable, lockout/tagout procedures, line breaking procedures, confined space entry procedures and hot work authorizations. This procedure also needs to provide clear steps to follow once the job is completed in order to provide closure for those that need to know the job is now completed and equipment can be returned to normal.

(11) Managing change. To properly manage changes to process chemicals, technology, equipment and facilities, one must define what is meant by change. In this process safety management standard, change includes all modifications to equipment, procedures, raw materials and processing conditions other than "replacement in kind." These changes need to be properly managed by identifying and reviewing them prior to implementation of the change. For example, the operating procedures contain the operating parameters (pressure limits, temperature ranges, flow rates, etc.) and the importance of operating within these limits. While the operator must have the flexibility to maintain safe operation within the established parameters, any operation outside of these parameters requires review and approval by a written management of change procedure. Management of change covers such as changes in process technology and changes to equipment and instrumentation. Changes in process technology can result from changes in production rates, raw materials, experimentation, equipment unavailability, new equipment, new product development, change in catalyst and changes in operating conditions to improve yield or quality. Equipment changes include among others change in materials of construction, equipment specifications, piping prearrangements, experimental equipment, computer program revisions and changes in alarms and interlocks. Employers need to establish means and methods to detect both technical changes and mechanical changes. Temporary changes have caused a number of catastrophes over the years, and employers need to establish ways to detect temporary changes as well as those that are permanent. It is important that a time limit for temporary changes be established and monitored since, without control, these changes may tend to become permanent. Temporary changes are subject to the management of change provisions. In addition, the management of change procedures are used to insure that the equipment and procedures are returned to their original or designed conditions at the end of the temporary change. Proper documentation and review of these changes is invaluable in assuring that the safety and health considerations are being incorporated into the operating procedures and the process. Employers may wish to develop a form or clearance sheet to facilitate the processing of changes through the management of change procedures. A typical change form may include a description and the purpose of the change, the technical basis for the change, safety and health considerations, documentation of changes for the operating procedures, maintenance procedures, inspection and testing, P&IDs, electrical classification, training and communications, prestartup inspection, duration if a temporary change, approvals and authorization. Where the impact of the change is minor and well understood, a check list reviewed by an authorized person with proper communication to others who are affected may be sufficient. However, for a more complex or significant design change, a hazard evaluation procedure

with approvals by operations, maintenance, and safety departments may be appropriate. Changes in documents such as P&IDs, raw materials, operating procedures, mechanical integrity programs, electrical classifications, etc., need to be noted so that these revisions can be made permanent when the drawings and procedure manuals are updated. Copies of process changes need to be kept in an accessible location to ensure that design changes are available to operating personnel as well as to PHA team members when a PHA is being done or one is being updated.

(12) Investigation of incidents. Incident investigation is the process of identifying the underlying causes of incidents and implementing steps to prevent similar events from occurring. The intent of an incident investigation is for employers to learn from past experiences and thus avoid repeating past mistakes. The incidents for which WISHA expects employers to become aware and to investigate are the types of events which result in or could reasonably have resulted in a catastrophic release. Some of the events are sometimes referred to as "near misses," meaning that a serious consequence did not occur, but could have. Employers need to develop in-house capability to investigate incidents that occur in their facilities. A team needs to be assembled by the employer and trained in the techniques of investigation including how to conduct interviews of witnesses, needed documentation and report writing. A multidisciplinary team is better able to gather the facts of the event and to analyze them and develop plausible scenarios as to what happened, and why. Team members should be selected on the basis of their training, knowledge and ability to contribute to a team effort to fully investigate the incident. Employees in the process area where the incident occurred should be consulted, interviewed, or made a member of the team. Their knowledge of the events form a significant set of facts about the incident which occurred. The report, its findings and recommendations are to be shared with those who can benefit from the information. The cooperation of employees is essential to an effective incident investigation. The focus of the investigation should be to obtain facts, and not to place blame. The team and the investigation process should clearly deal with all involved individuals in a fair, open, and consistent manner.

(13) Emergency preparedness. Each employer must address what actions employees are to take when there is an unwanted release of highly hazardous chemicals. Emergency preparedness or the employer's tertiary (third) lines of defense are those that will be relied on along with the secondary lines of defense when the primary lines of defense which are used to prevent an unwanted release fail to stop the release. Employers will need to decide if they want employees to handle and stop small or minor incidental releases. Whether they wish to mobilize the available resources at the plant and have them brought to bear on a more significant release. Or whether employers want their employees to evacuate the danger area and promptly escape to a preplanned safe zone area, and allow the local community emergency response organizations to handle the release. Or whether the employer wants to use some combination of these actions. Employers will need to select how many different emergency preparedness or tertiary lines of defense they plan to have and then develop the necessary plans and procedures, and appro-

propriately train employees in their emergency duties and responsibilities and then implement these lines of defense. Employers at a minimum must have an emergency action plan which will facilitate the prompt evacuation of employees due to an unwanted release of a highly hazardous chemical. This means that the employer will have a plan that will be activated by an alarm system to alert employees when to evacuate and, that employees who are physically impaired, will have the necessary support and assistance to get them to the safe zone as well. The intent of these requirements is to alert and move employees to a safe zone quickly. Delaying alarms or confusing alarms are to be avoided. The use of process control centers or similar process buildings in the process area as safe areas is discouraged. Recent catastrophes have shown that a large life loss has occurred in these structures because of where they have been sited and because they are not necessarily designed to withstand over-pressures from shockwaves resulting from explosions in the process area. Unwanted incidental releases of highly hazardous chemicals in the process area must be addressed by the employer as to what actions employees are to take. If the employer wants employees to evacuate the area, then the emergency action plan will be activated. For outdoor processes where wind direction is important for selecting the safe route to a refuge area, the employer should place a wind direction indicator such as a wind sock or pennant at the highest point that can be seen throughout the process area. Employees can move in the direction of cross wind to upwind to gain safe access to the refuge area by knowing the wind direction. If the employer wants specific employees in the release area to control or stop the minor emergency or incidental release, these actions must be planned for in advance and procedures developed and implemented. Preplanning for handling incidental releases for minor emergencies in the process area needs to be done, appropriate equipment for the hazards must be provided, and training conducted for those employees who will perform the emergency work before they respond to handle an actual release. The employer's training program, including the hazard communication standard training is to address the training needs for employees who are expected to handle incidental or minor releases. Preplanning for releases that are more serious than incidental releases is another important line of defense to be used by the employer. When a serious release of a highly hazardous chemical occurs, the employer through preplanning will have determined in advance what actions employees are to take. The evacuation of the immediate release area and other areas as necessary would be accomplished under the emergency action plan. If the employer wishes to use plant personnel such as a fire brigade, spill control team, a hazardous materials team, or use employees to render aid to those in the immediate release area and control or mitigate the incident, these actions are covered by ((WAC 296-62-300, the hazardous waste operations and emergency response (HAZWOPER) standard)) chapter 296-824 WAC, Emergency response to hazardous substance releases. If outside assistance is necessary, such as through mutual aid agreements between employers or local government emergency response organizations, these emergency responders are also covered by ((HAZWOPER)) chapter 296-824 WAC. The safety and health protections required for emergency

responders are the responsibility of their employers and of the on-scene incident commander. Responders may be working under very hazardous conditions and therefore the objective is to have them competently led by an on-scene incident commander and the commander's staff, properly equipped to do their assigned work safely, and fully trained to carry out their duties safely before they respond to an emergency. Drills, training exercises, or simulations with the local community emergency response planners and responder organizations is one means to obtain better preparedness. This close cooperation and coordination between plant and local community emergency preparedness managers will also aid the employer in complying with the Environmental Protection Agency's risk management plan criteria. One effective way for medium to large facilities to enhance coordination and communication during emergencies for on plant operations and with local community organizations is for employers to establish and equip an emergency control center. The emergency control center would be sited in a safe zone area so that it could be occupied throughout the duration of an emergency. The center would serve as the major communication link between the on-scene incident commander and plant or corporate management as well as with the local community officials. The communication equipment in the emergency control center should include a network to receive and transmit information by telephone, radio, or other means. It is important to have a backup communication network in case of power failure or one communication means fails. The center should also be equipped with the plant layout and community maps, utility drawings including fire water, emergency lighting, appropriate reference materials such as a government agency notification list, company personnel phone list, SARA Title III reports and material safety data sheets, emergency plans and procedures manual, a listing with the location of emergency response equipment, mutual aid information, and access to meteorological or weather condition data and any dispersion modeling data.

(14) Compliance audits. Employers need to select a trained individual or assemble a trained team of people to audit the process safety management system and program. A small process or plant may need only one knowledgeable person to conduct an audit. The audit is to include an evaluation of the design and effectiveness of the process safety management system and a field inspection of the safety and health conditions and practices to verify that the employer's systems are effectively implemented. The audit should be conducted or led by a person knowledgeable in audit techniques and who is impartial towards the facility or area being audited. The essential elements of an audit program include planning, staffing, conducting the audit, evaluation and corrective action, follow-up and documentation. Planning in advance is essential to the success of the auditing process. Each employer needs to establish the format, staffing, scheduling, and verification methods prior to conducting the audit. The format should be designed to provide the lead auditor with a procedure or checklist which details the requirements of each section of the standard. The names of the audit team members should be listed as part of the format as well. The checklist, if properly designed, could serve as the verification sheet which provides the auditor with the necessary information to expe-

dite the review and assure that no requirements of the standard are omitted. This verification sheet format could also identify those elements that will require evaluation or a response to correct deficiencies. This sheet could also be used for developing the follow-up and documentation requirements. The selection of effective audit team members is critical to the success of the program. Team members should be chosen for their experience, knowledge, and training and should be familiar with the processes and with auditing techniques, practices, and procedures. The size of the team will vary depending on the size and complexity of the process under consideration. For a large, complex, highly instrumented plant, it may be desirable to have team members with expertise in process engineering and design, process chemistry, instrumentation and computer controls, electrical hazards and classifications, safety and health disciplines, maintenance, emergency preparedness, warehousing or shipping, and process safety auditing. The team may use part-time members to provide for the depth of expertise required as well as for what is actually done or followed, compared to what is written. An effective audit includes a review of the relevant documentation and process safety information, inspection of the physical facilities, and interviews with all levels of plant personnel. Utilizing the audit procedure and checklist developed in the preplanning stage, the audit team can systematically analyze compliance with the provisions of the standard and any other corporate policies that are relevant. For example, the audit team will review all aspects of the training program as part of the overall audit. The team will review the written training program for adequacy of content, frequency of training, effectiveness of training in terms of its goals and objectives as well as to how it fits into meeting the standard's requirements, documentation, etc. Through interviews, the team can determine the employee's knowledge and awareness of the safety procedures, duties, rules, emergency response assignments, etc. During the inspection, the team can observe actual practices such as safety and health policies, procedures, and work authorization practices. This approach enables the team to identify deficiencies and determine where corrective actions or improvements are necessary. An audit is a technique used to gather sufficient facts and information, including statistical information, to verify compliance with standards. Auditors should select as part of their preplanning a sample size sufficient to give a degree of confidence that the audit reflects the level of compliance with the standard. The audit team, through this systematic analysis, should document areas which require corrective action as well as those areas where the process safety management system is effective and working in an effective manner. This provides a record of the audit procedures and findings, and serves as a baseline of operation data for future audits. It will assist future auditors in determining changes or trends from previous audits. Corrective action is one of the most important parts of the audit. It includes not only addressing the identified deficiencies, but also planning, followup, and documentation. The corrective action process normally begins with a management review of the audit findings. The purpose of this review is to determine what actions are appropriate, and to establish priorities, timetables, resource allocations, and requirements and responsibilities. In some cases, correc-

tive action may involve a simple change in procedure or minor maintenance effort to remedy the concern. Management of change procedures need to be used, as appropriate, even for what may seem to be a minor change. Many of the deficiencies can be acted on promptly, while some may require engineering studies or indepth review of actual procedures and practices. There may be instances where no action is necessary and this is a valid response to an audit finding. All actions taken, including an explanation where no action is taken on a finding, needs to be documented as to what was done and why. It is important to assure that each deficiency identified is addressed, the corrective action to be taken noted, and the audit person or team responsible be properly documented by the employer. To control the corrective action process, the employer should consider the use of a tracking system. This tracking system might include periodic status reports shared with affected levels of management, specific reports such as completion of an engineering study, and a final implementation report to provide closure for audit findings that have been through management of change, if appropriate, and then shared with affected employees and management. This type of tracking system provides the employer with the status of the corrective action. It also provides the documentation required to verify that appropriate corrective actions were taken on deficiencies identified in the audit.

AMENDATORY SECTION (Amending WSR 96-11-067, filed 5/10/96, effective 1/1/97)

WAC 296-305-05011 Hazardous materials operations. Fire departments engaged in emergency response to releases of hazardous substances shall comply with chapter ~~((296-62 WAC, Part P, Hazardous Waste Operations and Emergency Response))~~ 296-824 WAC, Emergency response to hazardous substance releases.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-100 Scope. ~~((What is the purpose of chapter 296-824 WAC, Emergency response to hazardous substance releases?~~

~~To))~~ This chapter states the minimum requirements that help you protect the safety and health of your employees during a response to a hazardous substance releases in your workplace or any other location.

~~((Does this chapter apply to your workplace?))~~

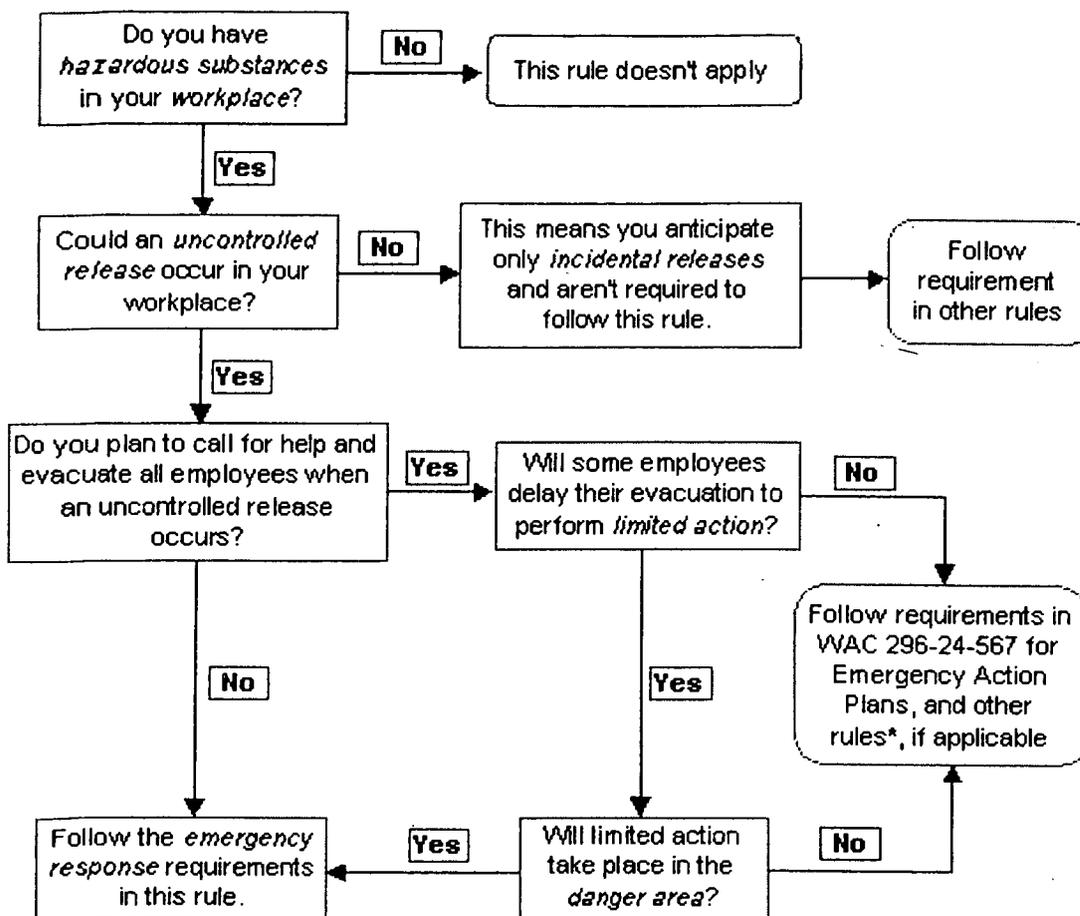
This chapter applies if your employees are, or could become, involved in responding to uncontrolled releases of hazardous substances in your workplace or any other location. Use the scope flow chart, and definitions that follow, to determine if this chapter applies to your workplace(s). Defined words are italicized in the flow chart.

- EXEMPTION:**
- This chapter does not apply to you if your workplace is a hazardous waste site. If you are not sure about your site classification, see chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage, and disposal facilities.
 - If your workplace is a treatment, storage, and disposal site this chapter may apply.

Note: Requirements in other chapters may also apply to your workplace. You will find some safety and health requirements (for example, personal protective equipment) are addressed on a general level in the WISHA Safety and Health Core Rules, chapter 296-800 WAC, while being

addressed for a specific application in this rule. When this happens, both requirements apply and should not conflict. If you are uncertain which requirements to follow, you must comply with the more protective requirement. Contact your local L&I office if you need assistance in making this determination.

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(*The flow chart references other chapters applicable to your workplace depending on conditions and hazards. Examples include:

- WAC 296-800-140, Accident prevention program
- WAC 296-800-160, Personal protective equipment (PPE)
- WAC 296-800-170, Employer chemical hazard communication
- WAC 296-62-400, Hazardous chemicals in laboratories
- WAC 296-62-071, Respiratory protection
- WAC 296-24-567, Employee emergency plans and fire prevention plans

Definitions applicable to the flow chart. (See WAC ((296-824-15010)) 296-824-800 for additional definitions used in the chapter):

Danger area

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist
- OR
- High levels of exposure to toxic substances could exist
- OR
- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

Emergency response

A response to an anticipated release of a hazardous substance that is, or could become, an *uncontrolled release*.

Hazardous substance

Any biological, radiological, or chemical substance that can have adverse effects on humans. (See WAC ((296-824-15010)) 296-824-800 for a more specific definition.)

Immediately dangerous to life or health (IDLH)

Any atmospheric condition that would:

- Cause an immediate threat to life
- Cause permanent or delayed adverse health effects
- Interfere with an employee's ability to escape

Incidental release

A release that can be safely controlled at the time of the release and does not have the potential to become an *uncontrolled release*.

Example of a situation that results in an incidental release:

A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

Limited action

Action necessary to:

- Secure an operation during emergency responses,

OR

- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

Release

A spill, leak, or other type of hazardous substance discharge.

Uncontrolled release

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk:

- Large-quantity releases
- Small-releases that could be highly toxic
- Potentially contaminated individuals arriving at hospitals
- Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

Example of an uncontrolled release:

A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.

Workplace

- A fixed facility

OR

- A temporary location (such as a traffic corridor)

OR

- Locations where employees respond to emergencies.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-110 ((Summary))**((Your responsibility))**

To anticipate, plan for, and manage emergency response operations so employees are protected from hazardous substances and conditions:

- Note:** Other chapters may apply to your workplace, such as:
- Chapter 296-800 WAC, Safety and health core rules
 - Chapter 296-62 WAC, General occupational health standards
 - Chapter 296-24 WAC, General safety and health standards
 - Chapter 296-155 WAC, Safety standards for construction work

You will find some safety and health requirements (for example, personal protective equipment) are addressed on a general level in the core rules, while being addressed for a specific application in this rule. When this happens, both requirements apply and should not conflict.

If you are uncertain which requirements to follow, you must comply with the more protective requirement. Contact your local L&I office if you need assistance in making this determination.

You must:**Planning**

Develop an emergency response plan

WAC 296-824-11010

Training

Train your employees

WAC 296-824-11020

Medical surveillance

Provide medical surveillance to employees

WAC 296-824-11050

Keep records

WAC 296-824-11060

Incident requirements

Recognize emergencies and initiate a response

WAC 296-824-12010

Implement and maintain an incident command system

WAC 296-824-12020

Prepare skilled support personnel

WAC 296-824-12030

Make sure the incident commander oversees activities during the response

WAC 296-824-12040

Use the buddy system in danger areas

WAC 296-824-12050

Provide rescue and medical assistance

WAC 296-824-12060

Personal protective equipment (PPE)

Use appropriate PPE

WAC 296-824-13010

Control hazards created by PPE

WAC 296-824-13020

Use PPE properly

WAC 296-824-13030

Postemergency response

WAC 296-824-14010

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Definitions

WAC 296-824-15010.)

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-11010 ((Planning.)) ((Develop an emergency response plan.

Note: ~~▲ You may already have an emergency response plan, such as required by chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage and disposal facilities or by state and locally coordinated response efforts (Section 303 of Superfund Amendments and Reauthorization Act (SARA), Title III). You may use those plans to comply with this section, if they include the items listed below.~~
~~▲ Before a written emergency response plan can be developed, you will need to anticipate the types of uncontrolled releases that employees could encounter in your workplace(s).~~

You must:

(1) Make sure your plan is written and adequately addresses, as a minimum, all of the following:

- ▲ Preemergency planning and coordination with additional responders (including personnel from other employers such as: Fire departments, law enforcement agencies, emergency medical services, and state or federal agencies).

- ▲ Personnel roles, (See Table 1) and lines of authority and communications for all affected parties including responders

- ▲ Employee training (see WAC 296-824-11020 for more detail):

Note: ~~▲ Responders' level of training depends on the duties or roles the employer assigns.~~
~~▲ Training for the employees' role should address the competencies specified in Tables 3 through 6.~~
~~▲ Training on specific substances may be appropriate depending on the number and characteristics of hazardous substances expected to be encountered. For example, if employees may only respond to one substance, you could provide training (covering the knowledge and skills specified in Tables 3 through 6) on that single substance. If employees might respond to a range of hazardous substances, training may be required to cover categories of hazardous substances.~~
~~▲ Videos and automated training methods (for example: Interactive computer based programs) may be used in training; however, instructors must be readily available to:~~
~~— Encourage and provide responses to questions for the benefit of the group.~~
~~— Evaluate employee understanding of the material.~~
~~— Provide other instructional interaction to the group.~~

- ▲ Emergency recognition

- ▲ Immediate emergency procedures including:

- Methods of alerting employees (see WAC 296-800-310, exit routes and employee alarm systems) and outside responders

- Procedures for limited action (emergency prevention)

Note: *Limited action* includes shutting down processes, closing emergency valves and other critical actions to secure the operation, or prevent the incident from increasing in severity.

Limited Action and Employee Roles	
If...	Then employees involved would be:
Limited action could be conducted in the danger area	Considered emergency responders
Limited action will not be conducted in the danger area	Considered evacuees, not emergency responders

- Details of who will evacuate immediately and who will remain behind for limited action

- Evacuation routes and procedures

- How to establish safe distances and places of refuge (for example, during emergency response the incident commander (IC) decides to make changes based on new developments, i.e., changes in the wind direction).

- ▲ Methods of securing and controlling access to the site

- ▲ Emergency medical treatment and first aid

- ▲ A complete personal protective equipment (PPE) program that addresses:

- Selection of PPE including selection criteria to be used and the identification, specified use and limitations of the PPE selected.

- Training on proper use of PPE (including maintenance). Hazards created by wearing PPE including heat stress during temperature extremes, and/or other appropriate medical considerations.

- Criteria used for determining the proper fit of PPE.

- Procedures covering proper use of PPE including procedures for inspection, putting it on (donning) and removing it (doffing).

- Maintenance of PPE including procedures for decontamination, disposal and storage.

- Methods used to evaluate the effectiveness of your PPE program.

Note: ~~▲ If a manufacturer's printed information or WISHA rule adequately addresses procedural requirements (such as donning or doffing for PPE), it is not necessary to rewrite this into your program; simply attach the printed information.~~

~~▲ You may use written procedures provided by the equipment manufacturer when they meet the requirements of other chapters, including chapter 296-62 WAC, Part E, Respiratory protection.~~

- ▲ Emergency equipment

- ▲ Emergency response procedures

- ▲ Decontamination procedures determined by a hazardous materials specialist or other qualified individual

- ▲ Methods to critically assess the response and conduct appropriate follow up

You must:

(2) Make your written emergency response plan available to employees, their representatives, and WISHA personnel for inspecting or copying.

Note: In situations where multiple employers could respond to an incident, all plans should consistently address:

- ▲ Who will be designated as the incident commander (IC)

AND

- ▲ If, when, and how transfer of the incident commander (IC) position will take place.

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Table 1 Roles and Duties of Emergency Responders	
If the employee's role is:	Then all of the following apply. They:
First responder at the awareness level	<ul style="list-style-type: none"> • Are likely to witness or discover a hazardous substance release • Are trained to initiate an emergency response by notifying the proper authorities of the release • Take no further action beyond notifying the authorities
First responder at the operations level	<ul style="list-style-type: none"> • Respond to actual or potential releases in order to protect nearby persons, property, and/or the environment from the effects of the release • Are trained to respond defensively, without trying to stop the release • May try to: <ul style="list-style-type: none"> — Confine the release from a safe distance — Keep it from spreading — Protect others from hazardous exposures
Hazardous materials technician	<ul style="list-style-type: none"> • Respond to releases or potential releases, with the intent of stopping the release • Are trained to approach the point of release offensively in order to, either: <ul style="list-style-type: none"> — Plug — Patch — Stop the release using other methods
Hazardous materials specialist	<ul style="list-style-type: none"> • Respond along with, and provide support to, hazardous materials technicians • Are required to have more specific knowledge of hazardous substances than a hazardous materials technician • Act as the site activity liaison when federal, state, local, and other government authorities participate
Incident commander	<ul style="list-style-type: none"> • Have ultimate responsibility for: <ul style="list-style-type: none"> — Direction — Control — Coordination of the response effort — Will assume control of the incident beyond the first responder awareness level
Specialist employee	<ul style="list-style-type: none"> • Are a technical, medical, environmental, or other type of expert • May represent a hazardous substance manufacturer, shipper, or a government agency • May be present at the scene or may assist from an off-site location • Regularly work with specific hazardous substances • Are trained in the hazards of specific substances • Are expected to give technical advice or assistance to the incident commander or incident safety officer, when requested
Skilled support personnel	<ul style="list-style-type: none"> • Are needed to perform an immediate, specific emergency support task at the site • Are skilled in the operation of equipment including: <ul style="list-style-type: none"> — Earth moving equipment — Cranes — Hoisting equipment
Incident safety officer	<ul style="list-style-type: none"> • Are designated by the incident commander • Are knowledgeable in operations being implemented at the site • Have specific responsibility to: <ul style="list-style-type: none"> — Identify and evaluate hazards — Provide direction on employee safety matters))

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Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-11020 ((Training))
 ((Train your employees

Note: ~~Use Tables 3 through 6 to identify your employees' training competencies.
 You may conduct training internally, or use outside training services to comply with this section.
 When outside trainers are hired, you are still responsible for making sure the requirements of this section are met. For example, employers may compare the course outline to the competencies listed in Tables 3, 4 and 5.~~

You must:

~~Make sure employees are appropriately trained for their assigned roles and duties as follows:~~

~~EXEMPTION: Skilled support employees are not covered by the training requirements in this section. (See WAC 296-824-12030.)~~

~~**Initial training:**~~

~~Provide initial training before the employee is allowed to participate in an actual emergency response operation.~~

~~**Note:** When first responders at the awareness or operations level have sufficient experience to objectively demonstrate competencies specified in Table 3, you may accept experience instead of training.~~

~~Make sure initial training adequately addresses the competencies in Tables 3 through 6 and the minimum training durations in Table 2.~~

~~Certify that employees objectively demonstrate competencies specified in Tables 3, 4 and 5 (except for employees trained as first responders at the awareness level).~~

~~**Retraining (refresher) training:**~~

~~Provide retraining annually~~

~~Make sure retraining covers necessary content~~

~~Document training or demonstrated competency~~

~~**Note:** Retraining is not required when employees demonstrate competencies annually and a record is kept of the demonstration methodology used.~~

~~**Trainer qualifications:**~~

~~Verify trainers have satisfactorily completed an instructors' training course for the subjects they teach. For example, courses offered by the United States National Academy, or equivalent courses are acceptable.~~

~~OR~~

~~Have the educational and instructional experience necessary for training.~~

~~**Specialist employees:**~~

~~Specialist employees who have been sent to the scene to advise or assist must receive training or demonstrate competency in their specialty, annually.~~

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Table 2 Minimum Training Durations for All Responders	
If you are a:	Then:
First responder at the awareness level	Training duration needs to be sufficient to provide the required competencies
First responder at the operations level	You need a minimum of 8 hours training (see Table 3)
Hazardous materials technician	You need a minimum of 24 hours training (see Table 4)
Hazardous materials specialist	You need a minimum of 24 hours training (see Table 4)
Incident commander	You need a minimum of 24 hours training (see Table 5)

Table 3 Competencies for First Responders at the Awareness Level and Operations Level		
Employees must be able to show they:	When they are designated as First Responders at the:	
	Awareness Level	Operations Level
Understand what hazardous substances are and their associated risks.	X	X
Recognize the presence of hazardous substances in an emergency.	X	X
Can identify the hazardous substances, when possible.	X	X
Understand the potential consequences of hazardous substances in an emergency.	X	X
Understand the role of a first responder at the awareness level as described in: <ul style="list-style-type: none"> • The employer's emergency response plan, including site security and control. • The United States Department of Transportation's Emergency Response Guidebook. (search at: http://www.dot.gov) 	X	X
Can use The United States Department of Transportation's Emergency Response Guidebook.	X	X

Table 3
Competencies for First Responders at the Awareness Level and Operations Level

Recognize the need for additional resources and the need to notify the incident's communication center accordingly.	X	X
Know basic hazard and risk assessment techniques.		X
Can select and use personal protective equipment (PPE) appropriate for first responder operations level.		X
Understand basic hazardous materials terms.		X
Can perform basic control, containment, and/or confinement operations within the capabilities of the resources and PPE available.		X
Can implement decontamination procedures to their level training.		X
Understand relevant standard operating and termination procedures.		X

Table 4
Competencies for Hazardous Materials Technicians and Hazardous Materials Specialist

Employees must be able to show they:	When they are designated as a Hazardous Materials:	
	Technician	Specialist
Have the competencies specified for the first responder operations level. (See Table 3)	X	X
Can implement an employer's emergency response plan.	X	X
Can function within their assigned role in the incident command system.	X	X
Understand hazard and risk assessment techniques.	X	X
Understand basic chemical and toxicological terminology and behavior.	X	X
Can use field survey instruments and equipment to classify, identify, and verify materials at the incident.	X	X
Can select and use personal protective equipment (PPE) appropriate for hazardous materials technicians.	X	X
Can perform advance control, containment, and/or confinement operations within the capabilities of the resources and PPE available.	X	X
Can implement decontamination procedures to their level of training.	X	X
Understand termination procedures.	X	X
Can implement the local emergency response plan.		X
Know of the state emergency response plan.		X
Can develop a site safety and control plan.		X
Understand chemical, radiological, and toxicological terminology and behavior.		X
Understand in depth hazard and risk techniques.		X
Can use advanced survey instruments and equipment to classify, identify and verify materials at the incident.		X
Can select and use proper specialized chemical PPE given to hazardous materials specialists.		X
Can perform specialized control, containment, and/or confinement operations within the capabilities of the resources and PPE available.		X
Can determine decontamination procedures.		X

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Table 5 Competencies for Incident Commanders	
Employees designated as Incident Commanders must be able to show they:	
•	Have competencies specified for the First Responder Operations Level. (See Table 3.)
•	Know of the state emergency response plan and the Federal Regional Response Team.
•	Can implement the local emergency response plan.
•	Can implement the employer's emergency response plan.
•	Have knowledge of the incident command system (ICS) and understand how they relate to it.
•	Can implement the employer's ICS.
•	Understand the hazards and risks associated with employees working in chemical protective clothing.
•	Understand the importance of decontamination procedures.
Note:	If the first employee arriving at the scene is not trained as an IC, they may take control of the incident within their designated role and training level.

Table 6 Competencies for Specialist Employees	
Employees designated as Specialist Employees must be able to show they:	
•	Have current knowledge in their field regarding safety and health practices relating to the specific hazardous substances.
•	Have the knowledge of the ICS and understand how they relate to it.
•	Understand the care and use of personal protective equipment (PPE:))

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-11050 ((Medical surveillance.)) ((Provide medical surveillance to employees.

You must:

(1) Provide medical surveillance for employees to comply with Tables 7 and 8, and the following:

• Make medical surveillance available at:

— Reasonable times and places.

— No cost to employees, including travel associated costs such as mileage, gas or bus fare if the employee is required to travel off site

AND

— Wages for additional time spent outside of employees normal work hours:

• Make sure a licensed physician performs or supervises exams and procedures.

• Give complete information to the examining physician including:

— A copy of this chapter.

— A description of the employee's duties that relate to hazardous substance exposure.

— The hazardous substance exposure levels anticipated for the employee.

— A description of the personal protective equipment (PPE) the employee could use.

— Information available from previous medical examinations.

— The medical evaluation information required by chapter 296-62 WAC, Part E, Respiratory protection.

• Medical exams must include, at a minimum:

— A medical history

— A work history (or updated history if on file)

— A special emphasis on:

■ Assessment of symptoms related to handling hazardous substances

■ Health hazards

■ Evaluation of fitness for duty (including the ability to wear any personal protective equipment (PPE) or other conditions that may be expected at the workplace)

— Other content as determined by the examining physician.

Note: The physician should consult the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* and the *Medical Management Guidelines for Acute Chemical Exposure* (search OSHA website: <http://www.osha.gov>).

(2) Obtain the physician's written opinion and give a copy to the employee that includes:

• A statement of whether or not medical conditions were found which would increase the employee's risk for impairment during emergency response work or respirator use.

— Do not include specific findings or diagnoses unrelated to occupational exposures.

• Limitations recommended to the employee's assigned work, if any.

• Exam and test results if the employee requests this information.

• A statement that affirms the employee has been confidentially informed of medical exam results (including medical conditions requiring follow-up).

Table 7 Medical Surveillance for Employee Categories	
If the employee is covered by this chapter and is:	Then you must:
<ul style="list-style-type: none"> • Exposed for at least 30 days a year to health hazards or hazardous substances at or above the permissible exposure limit or published exposure levels (even when respirators are used); OR • Required to wear a respirator for at least 30 days a year.* 	<ul style="list-style-type: none"> • Offer standard medical surveillance as specified in Table 8.*
<ul style="list-style-type: none"> • A hazardous materials (HAZMAT) team member • A hazardous materials specialist 	<ul style="list-style-type: none"> • Provide standard medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • An emergency responder who shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances during an incident. 	<ul style="list-style-type: none"> • Provide incident specific medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • Not an emergency responder and: <ul style="list-style-type: none"> — May be injured — Shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances — May have been exposed to hazardous substances at concentrations above the permissible exposure limits (PELs) or the published exposure levels without appropriate PPE. 	<ul style="list-style-type: none"> • Offer incident specific medical surveillance as specified in Table 8.

*Note: A medical evaluation for respirator use is required by chapter 296-62 WAC, Part E, Respiratory protection, for those employees who have not been cleared for respirator use during medical surveillance activities.

Table 8 Frequency of Exams and Consultations	
If the employee is covered by:	Then medical surveillance must include:
<ul style="list-style-type: none"> • Standard medical surveillance 	<ul style="list-style-type: none"> • Exams and consultations: <ul style="list-style-type: none"> — Before assignment: Note: If the employee is a hazardous materials (HAZMAT) team member or a hazardous materials specialist, the employee must receive a baseline physical examination. — At least once every 12 months after their initial assignment unless the physician believes a shorter, or longer interval (but no more than 24 months) is appropriate. — Whenever employees are reassigned to an area where they will no longer be covered by medical surveillance and they have not been examined within the past 6 months. — As soon as possible after an employee reports: <ul style="list-style-type: none"> ◆ Signs or symptoms of possible overexposure to hazardous substances or health hazards ◆ Injury ◆ Exposure above the permissible exposure limits or published exposure levels — At the termination of their employment unless they were examined within the past 6 months.
<ul style="list-style-type: none"> • Incident specific medical surveillance 	<ul style="list-style-type: none"> • Medical consultations and exams: <ul style="list-style-type: none"> — As soon as possible following the incident or development of signs or symptoms. — At additional times, if the physician determines follow-up is medically necessary.))

Reserved.

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AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-11060 ((Keep records.))

((You must:

- ▲ Keep a record of:
 - Name and Social Security number of the employee receiving medical surveillance
 - Physicians' written opinions, recommended limitations, and results of examinations and tests
 - Any employee medical complaints regarding hazardous substance exposures
 - A copy of all information given to the examining physician (except a copy of this chapter)

Note: Keep records meeting the criteria specified in chapter 296-62 WAC, Part B, Access to records, for the length of time specified in that chapter.)

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-12010 ((Incident requirements.))

((Recognize emergencies and initiate a response

You must:

- ▲ Make sure employees follow procedures in your emergency response plan to:
 - Recognize when an emergency response must be initiated
 - Notify employees, and others designated in your plan, of the release
 - Follow immediate emergency procedures
 - Prevent the incident from increasing in severity or to secure the operation.)) Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-12020 ((Implement and maintain an incident command system (ICS).))

((You must:

- (1) Make sure a single individual, acting as the incident commander (IC), is in charge of the site specific incident command system (ICS) and acts within their designated role and training level:

Note: ▲ For multiemployer worksites:
 — The IC has responsibility for controlling emergency response operations at the site for all employers.
 — Emergency response plans should be consistent in designating who assumes the IC position.
 ▲ If the first employee arriving at the scene is not trained as an IC (see Table 5, Training Requirements for Incident Commanders and Specialist Employees, WAC 296-824-11020), they may take control of the incident within their designated role and training level.

- (2) Make sure all employers' emergency responders and their communications are coordinated and controlled by the IC.

Note: The IC may delegate tasks to subordinates (within their training level).

(3) Make sure each employer at the scene has designated a representative to assist the IC.

(4) Establish security and control of the site as specified in your written emergency response plan.)) Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-12030 ((Prepare skilled support personnel.))

((Note: The duties of skilled support personnel are described in Table 1, Roles and Duties of Emergency Responders.

((You must:

- (1) Make sure that your skilled support personnel (including those employees who are not regularly employed by you) who could be exposed to on-scene hazards are given an initial briefing at the site before they participate in any emergency response. The initial briefing must include:

- ▲ What chemical hazards are involved
- ▲ What duties are to be performed
- ▲ Instruction in the wearing of appropriate personal protective equipment

Note: Skilled support personnel do not need to comply with the other training requirements of this chapter.

- (2) Make sure the safety and health precautions given to your employees are also given to skilled support personnel.)) Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-12040 ((Make sure the incident commander oversees activities during the response.))

((The employer of the incident commander (IC) must:

- (1) Identify all hazardous substances and conditions present, within their training level, using site analysis and maximum exposure limits, when appropriate.
- (2) Implement emergency response procedures appropriate to the hazardous substances and conditions present, such as:

- ▲ Procedures that address the use of engineering controls, hazardous substance handling, and new technologies
- ▲ Procedures that address decontamination
- ▲ Procedures that address PPE
- ▲ Procedures that limit the number of personnel to those who are actively performing emergency response operations, in areas where exposure could exist.

- (3) Designate an incident safety officer (ISO).
 ▲ Make sure the ISO demonstrates knowledge about operations being implemented at the emergency response site. They must:

- Identify and evaluate hazards
- Communicate with the IC about hazards, immediately informing the IC of corrective actions that must be taken when conditions are judged to be:

◆ An imminent danger

OR

◆ Immediately dangerous to life or health (IDLH).

~~Provide direction about the safety of operations:))~~

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-12050 (~~Use the buddy system in danger areas:))~~

~~((You must:~~

~~Make sure operations and tasks (including limited actions) in danger areas are conducted using the buddy system in teams of two or more.~~

~~**Definition:**~~

~~Danger areas are areas where conditions pose a serious danger to employees, such as areas where:~~

~~Immediately dangerous to life or health (IDLH) conditions could exist.~~

~~OR~~

~~High levels of exposure to toxic substances could exist.~~

~~OR~~

~~There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a hazardous substance:)) Reserved.~~

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-12060 (~~Provide rescue and medical assistance:))~~

~~((You must:~~

~~(1) Provide stand-by employees equipped with the same level of personal protective equipment (PPE) as the entrants, for assistance or rescue.~~

- ~~**Note:**~~
- ~~▲ The buddy system applies to stand-by employees (see WAC 296-824-12050).~~
 - ~~▲ One of the two stand-by employees can be assigned to another task provided it does not interfere with the performance of the stand-by role.~~
 - ~~▲ Rescue equipment should be selected and provided based on the types of rescue situations that could occur.~~

~~**You must:**~~

~~(2) Make sure employees trained in first aid are readily available with necessary medical equipment and have a way to transport the injured.~~

- ~~**Note:**~~
- ~~▲ Employee training is covered by WAC 296-800-150, first aid. This rule requires training on the eighteen subjects listed in addition to any subjects that are specific to your workplace emergency hazards (for example: If exposure to corrosive substances could occur, training would need to include first aid procedures for treating chemical burns).~~
 - ~~▲ Employers who designate and train their employees to provide first aid are covered by WAC 296-62-08001 through 296-62-08005, bloodborne pathogens:))~~

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-13010 (~~Personal protective equipment:))~~ (~~Use appropriate personal protective equipment (PPE):~~

- ~~**Note:**~~
- ~~▲ Only properly trained employees should select PPE. Hazardous materials technicians and hazardous materials specialists can select PPE within the competencies specified in Table 4.~~
 - ~~▲ Selection requirements in other PPE rules also apply, including:~~
 - ~~— WAC 296-800-160, Personal protective equipment.~~
 - ~~— Chapter 296-62 WAC, Part E, Respiratory protection.~~
 - ~~— WAC 296-24-58505, Fire brigades.~~
 - ~~— Chapter 296-305 WAC, Safety standards for fire fighting.~~

~~**You must:**~~

~~Provide employees with appropriate PPE and make sure it is used if hazards could be present.~~

~~Select PPE (such as respirators, gloves, protective suits and other PPE) based on:~~

- ~~◆ An evaluation of the performance characteristics (such as breakthrough time and hazardous substance specificity of the material or item) relevant to the requirements and limitations of the site.~~
- ~~◆ Task specific conditions and durations.~~
- ~~◆ The hazards and potential hazards of the site (see Table 9, Selecting PPE for Specific Hazards).~~

~~Select totally encapsulating chemical protective (TECP) suits, as specified in Table 9, that:~~

- ~~◆ Maintain positive air pressure.~~
- ~~◆ Prevent inward test gas leakage of more than 0.5 percent.~~

~~**Note:** Follow the manufacturer's recommended procedure for testing a TECP suit's ability to maintain positive air pressure and prevent inward gas leakage. Other established test protocols for these suits, for example NFPA 1991 and ASTM F1052-97, may also be used.~~

Table 9	
Selecting PPE for Specific Hazards	
If:	Then:
<p>▲ Inhalation hazards could be present.</p>	<p>▲ Positive pressure (pressure demand) self contained breathing apparatus (SCBA)</p> <p>OR</p> <p>▲ A decreased level of respiratory protection only when the incident commander determines, from air monitoring results, that employees will be adequately protected.</p>

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Table 9 Selecting PPE for Specific Hazards	
If:	Then:
Chemical exposure levels will create a substantial possibility of: <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	Either positive pressure (pressure demand): <ul style="list-style-type: none"> • SCBA • Air-line respirators equipped with an escape air supply.
Skin absorption of a hazardous substance may result in a substantial possibility of: <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	Protection equivalent to Level A including a totally encapsulating chemical protective (TECP) suit.))

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-13020 ((Control hazards created by personal protective equipment (PPE).))

((You must:

- Control hazards created by the use of PPE, including:
 - Heat stress due to extremely high temperatures.
 - Any other employee health hazard and consideration.))

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-13030 ((Use personal protective equipment (PPE) properly.))

((You must:

- (1) Make sure employees inspect PPE before, during and after use, following your plan's procedures.
- (2) Make sure employees put on (don) and remove (doff) PPE following your plan's procedures.
- (3) Make sure employees do not interchange self-contained breathing apparatus (SCBA) air cylinders from different manufacturers, unless all of the following apply:
 - There is a life-saving emergency
 - You need a supplemental air supply
 - The cylinders are of the same capacity and pressure rating.

(4) Make sure compressed air cylinders used with SCBAs meet the testing and service life requirements of the United States Department of Transportation (USDOT). Search at: <http://www.dot.gov>.

Note: You can also check with the cylinder manufacturers to obtain USDOT test and service life specifications.

You must:

- (5) Make sure PPE is maintained in a safe and reliable condition using your plan's procedures. PPE maintenance includes:
 - Decontamination
 - Cleaning
 - Inspection
 - Identification of damage or defects
 - Parts repair or replacement
 - Storage or disposal.)) Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-14010 ((Postemergency response.))

((Important:

- Postemergency response is the stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.
 - When cleanup is done by the employees who were part of the initial emergency response, the employees are not covered by this section (however, training, PPE and other requirements in WAC 296-824-11010 through 296-824-13030 apply to these employees).

You must:

- (1) Follow Table 10 to determine which requirements apply to your postemergency response activities.
- (2) Maintain clean up equipment as specified in Table 10.

Table 10 Rules that Apply to Postemergency Response Activities	
When postemergency response cleanup is performed by employees who were not part of the initial emergency response and:	The following rules or requirements apply:
It is necessary to remove hazardous substances, health hazards and contaminated materials (example: Soil) from the site	Chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage and disposal facilities.

Table 10
Rules that Apply to Postemergency Response Activities

<p>When postemergency response cleanup is performed by employees who were not part of the initial emergency response and:</p>	<p>The following rules or requirements apply:</p>
<p>Cleanup is done on plant property using plant or workplace employees AND It is not necessary to remove hazardous substances, health hazards and contaminated materials from the site.</p>	<p>For training: <ul style="list-style-type: none"> • WAC 296-24-567(1), Employee emergency action plans • Chapter 296-62 WAC, Part E, Respiratory protection • WAC 296-800-170, Employer chemical hazard communication • Other appropriate training requirements relevant to personal protective equipment (PPE) and decontamination <p>For equipment: <ul style="list-style-type: none"> • Make sure that all equipment used for clean-up work is serviced and inspected before use.)) </p> </p>

Reserved.

AMENDATORY SECTION (Amending WSR 02-11-141, filed 5/22/02, effective 10/1/02)

WAC 296-824-15010 ((Definitions.)) ((The following definitions are specific to this chapter:

Annually

Any twelve-month cycle.

Buddy system

A system of organizing employees (who enter or stand by danger areas) into work groups, so each employee can be observed by at least one other member of the group. The purpose of this system is to provide rapid assistance to employees in an emergency.

Clean-up operation(s)

An operation where hazardous substances are removed, contained, incinerated, neutralized, stabilized, cleared up or, in any other manner, processed or handled with the goal of making the site safer for people or the environment.

Danger area

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist

OR

- High levels of exposure to toxic substances could exist

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

Decontamination

Removing hazardous substances from employees and their equipment so potential adverse health effects will not occur.

Emergency response

An organized response to an anticipated release of a hazardous substance that is, or could become an uncontrolled release.

Emergency response plan

A written plan that requires coordination between emergency response participants, and contains procedures, criteria, and other information that will be applied to emergency response operations. Each employer's plan should be compatible with local and state plans.

Engineering controls

Methods of controlling employee exposures by modifying the source or reducing the quantity of contaminants.

Hazardous materials team (HAZMAT team)

A group of employees who are expected to perform responses to releases, or possible releases, of hazardous substances for the purpose of control and stabilization. As a result of their duties, HAZMAT team members may have close contact with hazardous substances.

Note: A HAZMAT team may be a separate component of a fire brigade or fire department.

Hazardous substance

Any of the following substances that could adversely affect an exposed employee's health or safety:

- Substances defined under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or "Superfund" Act (visit: <http://www.epa.gov>)

- Biological or other disease-causing agents released that could reasonably be expected to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in a person or their offspring when the person:
 - Is directly exposed to the agent in the environment
 - Directly ingests, inhales, or assimilates the agent from the environment
 - Indirectly ingests the agent through a food chain

- Substances listed by the United States Department of Transportation as hazardous materials under Title 49 (Transportation) in the Code of Federal Regulations (CFR), Part

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172, section 101 and appendices (visit: <http://www.nara.gov> and search for "List of CFR subjects")

- Hazardous wastes as defined in this chapter.

Hazardous waste

A substance designated by chapter 173-303 WAC, Dangerous waste regulations, department of ecology, as a dangerous waste or an extremely hazardous waste and any waste fitting the definition of "health hazard" in this chapter.

Note: For department of ecology regulations, visit: <http://www.ecy.wa.gov>

Health hazard

A chemical, a mixture of chemicals, or a pathogen for which there is statistically significant evidence, based on at least one study conducted according to established scientific principles, that acute or chronic health effects may occur in exposed employees.

The term "health hazard" includes stress due to temperature extremes and chemicals that are:

- Carcinogens
- Toxic or highly toxic agents
- Reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, or neurotoxins
- Agents acting on the hematopoietic system agents that damage lungs, skin, eyes, or mucous membranes. (Detailed definitions of these chemical terms can be found in the Safety and health core rules, WAC 296-800-170, chemical hazard communication.)

Incident command system (ICS)

An organized approach to control and manage operations at an emergency response incident.

Incidental release

A release that can be safely controlled at the time of the release and does not have the potential to become an uncontrolled release.

Note:

Example of a situation that results in an incidental release:

A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

Immediately dangerous to life or health (IDLH)

Any atmospheric condition that would:

- Cause an immediate threat to life

OR

- Cause permanent or delayed adverse health effects

OR

- Interfere with an employee's ability to escape

Limited action

Action necessary to:

- Secure an operation during emergency responses,

OR

- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

Lines of authority

A preestablished ranking of individuals, qualified to assume a commanding role during an emergency response, noted in an emergency response plan and implemented during a response. This is most important when responders from multiple employers could participate in an emergency response.

Lower explosive limit (LEL)

See lower flammable limit (LFL).

Lower Flammable limit (LFL)

The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent (by volume) of the material in air (or other oxidant).

Must

Must means mandatory.

Permissible exposure limit (PEL)

Means the established time weighted average (TWA) concentration or ceiling concentration of a contaminant that must not be exceeded. The exposure, inhalation, or dermal permissible limit specified in chapter 296-62 WAC, Part H, Air contaminants. **Personal protective equipment (PPE)**

Protective items designed to be worn by the user to protect them against airborne, skin contact and other hazards. This includes items such as respiratory protection, protective suits, gloves, eye protection, etc.

Postemergency response

The stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.

Published exposure level

Exposure limits published in "National Institute for Occupational Safety and Health (NIOSH) Recommendations for Occupational Safety and Health" (DHHS publication #92-100, 1992).

If an exposure limit is not published by NIOSH, then "published exposure level" means the exposure limits published by the American Conference of Governmental Industrial Hygienists (ACGIH) in "TLVs and BEIs Threshold Limit Values for Chemical Substances and Physical Agents" (1999 edition).

Note: Additional exposure levels published by recognized organizations such as the American Industrial Hygiene Association are not required to be observed by this rule; however, they may be a useful resource when a hazardous substance is not covered by NIOSH and ACGIH publications.

Release

A spill, leak, or other type of hazardous substance discharge.

Uncontrolled release

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

~~Examples of conditions that could create a significant safety and health risk:~~

- ~~• Large quantity releases~~
- ~~• Small releases that could be highly toxic~~
- ~~• Potentially contaminated individuals arriving at hospitals~~
- ~~• Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.~~

~~Example of an uncontrolled release:~~

~~A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.~~

~~Workplace~~

- ~~• A fixed facility~~
- ~~OR~~
- ~~• A temporary location (such as a traffic corridor)~~
- ~~OR~~
- ~~• Locations where employees respond to emergencies.~~

~~You~~

~~The employer. For a complete definition of "employer" see Safety and health core rules, chapter 296-800 WAC.))~~
Reserved.

NEW SECTION

WAC 296-824-200 Planning.

Your Responsibility:

To anticipate and plan for emergency response operations.

NEW SECTION

WAC 296-824-20005 Develop an emergency response plan.

- Note:**
- You may already have an emergency response plan, such as required by chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage and disposal facilities or by state and locally coordinated response efforts (Section 303 of Superfund Amendments and Reauthorization Act (SARA), Title III). You may use those plans to comply with this section, if they include the items listed below.
 - Before a written emergency response plan can be developed, you will need to anticipate the types of uncontrolled releases that employees could encounter in your workplace(s).

You must:

(1) Make sure your plan is written and adequately addresses, as a minimum, all of the following:

- Preemergency planning and coordination with additional responders (including personnel from other employers such as: Fire departments, law enforcement agencies, emergency medical services, and state or federal agencies).
- Personnel roles, (See Table 1) and lines of authority and communications for all affected parties including responders
- Employee training (see WAC 296-824-30005 for more detail):

- Note:**
- Responders' level of training depends on the duties or roles the employer assigns.
 - Training for the employees' role should address the competencies specified in Tables 3 through 6.
 - Training on specific substances may be appropriate depending on the number and characteristics of hazardous substances expected to be encountered. For example, if employees may only respond to one substance, you could provide training (covering the knowledge and skills specified in Tables 3 through 6) on that single substance. If employees might respond to a range of hazardous substances, training may be required to cover categories of hazardous substances.
 - Videos and automated training methods (for example: Interactive computer-based programs) may be used in training; however, instructors must be readily available to:
 - Encourage and provide responses to questions for the benefit of the group.
 - Evaluate employee understanding of the material.
 - Provide other instructional interaction to the group.

- Emergency recognition
- Immediate emergency procedures including:
 - Methods of alerting employees (see WAC 296-800-310, exit routes and employee alarm systems) and outside responders
 - Procedures for limited action (emergency prevention)

Note: *Limited action* includes shutting down processes, closing emergency valves and other critical actions to secure the operation, or prevent the incident from increasing in severity.

Limited Action and Employee Roles	
If . . .	Then employees involved would be:
Limited action could be conducted in the danger area	Considered emergency responders
Limited action will not be conducted in the danger area	Considered evacuees, not emergency responders

- Details of who will evacuate immediately and who will remain behind for limited action
- Evacuation routes and procedures
- How to establish safe distances and places of refuge (for example, during emergency response the incident commander (IC) decides to make changes based on new developments, i.e., changes in the wind direction).
- Methods of securing and controlling access to the site
- Emergency medical treatment and first aid
- A complete personal protective equipment (PPE) program that addresses:
 - Selection of PPE including selection criteria to be used and the identification, specified use and limitations of the PPE selected.

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- Training on proper use of PPE (including maintenance).
- Hazards created by wearing PPE including heat stress during temperature extremes, and/or other appropriate medical considerations.
- Criteria used for determining the proper fit of PPE.
- Procedures covering proper use of PPE including procedures for inspection, putting it on (donning) and removing it (doffing).
- Maintenance of PPE including procedures for decontamination, disposal and storage.
- Methods used to evaluate the effectiveness of your PPE program.

- Note:**
- If a manufacturer's printed information or WISHA rule adequately addresses procedural requirements (such as donning or doffing for PPE), it is not necessary to rewrite this into your program; simply attach the printed information.
 - You may use written procedures provided by the equipment manufacturer when they meet the requirements of

other chapters, including chapter 296-62 WAC, Part E, Respiratory protection.

- Emergency equipment
- Emergency response procedures
- Decontamination procedures determined by a hazardous materials specialist or other qualified individual
- Methods to critically assess the response and conduct appropriate follow-up

You must:

(2) Make your written emergency response plan available to employees, their representatives, and WISHA personnel for inspecting or copying.

- Note:**
- In situations where multiple employers could respond to an incident, all plans should consistently address:
- Who will be designated as the incident commander (IC)
 - AND
 - If, when, and how transfer of the incident commander (IC) position will take place.

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Table 1

Roles and Duties of Emergency Responders

If the employee's role is:	Then all of the following apply. They:
First responder at the awareness level	<ul style="list-style-type: none"> • Are likely to witness or discover a hazardous substance release • Are trained to initiate an emergency response by notifying the proper authorities of the release • Take no further action beyond notifying the authorities
First responder at the operations level	<ul style="list-style-type: none"> • Respond to actual or potential releases in order to protect nearby persons, property, and/or the environment from the effects of the release • Are trained to respond defensively, without trying to stop the release • May try to: <ul style="list-style-type: none"> - Confine the release from a safe distance - Keep it from spreading - Protect others from hazardous exposures
Hazardous materials technician	<ul style="list-style-type: none"> • Respond to releases or potential releases, with the intent of stopping the release • Are trained to approach the point of release offensively in order to, either: <ul style="list-style-type: none"> - Plug - Patch - Stop the release using other methods
Hazardous materials specialist	<ul style="list-style-type: none"> • Respond along with, and provide support to, hazardous materials technicians • Are required to have more specific knowledge of hazardous substances than a hazardous materials technician • Act as the site activity liaison when federal, state, local, and other government authorities participate
Incident commander	<ul style="list-style-type: none"> • Have ultimate responsibility for: <ul style="list-style-type: none"> - Direction - Control - Coordination of the response effort - Will assume control of the incident beyond the first responder awareness level
Specialist employee	<ul style="list-style-type: none"> • Are a technical, medical, environmental, or other type of expert • May represent a hazardous substance manufacturer, shipper, or a government agency

Table 1
Roles and Duties of Emergency Responders

If the employee's role is:	Then all of the following apply. They:
	<ul style="list-style-type: none"> • May be present at the scene or may assist from an off-site location • Regularly work with specific hazardous substances • Are trained in the hazards of specific substances • Are expected to give technical advice or assistance to the incident commander or incident safety officer, when requested
Skilled support personnel	<ul style="list-style-type: none"> • Are needed to perform an immediate, specific emergency support task at the site • Are skilled in the operation of equipment including: <ul style="list-style-type: none"> – Earth moving equipment – Cranes – Hoisting equipment
Incident safety officer	<ul style="list-style-type: none"> • Are designated by the incident commander • Are knowledgeable in operations being implemented at the site • Have specific responsibility to: <ul style="list-style-type: none"> – Identify and evaluate hazards – Provide direction on employee safety matters

EXPEDITED

NEW SECTION

WAC 296-824-300 Training.

Your responsibility:

To make sure employees participating in emergency response operations are appropriately trained for their assigned roles and duties.

NEW SECTION

WAC 296-824-30005 Train your employees.

Note:

- Use Tables 3 through 6 to identify your employees' training competencies.
- You may conduct training internally, or use outside training services to comply with this section.
 - When outside trainers are hired, you are still responsible for making sure the requirements of this section are met. For example, employers may compare the course outline to the competencies listed in Tables 3, 4 and 5.

You must:

- Make sure employees are appropriately trained for their assigned roles and duties as follows:

EXEMPTION: Skilled support employees are not covered by the training requirements in this section. (See WAC 296-824-50015.)

– Initial training:

- Provide initial training before the employee is allowed to participate in an actual emergency response operation.

Note: When first responders at the awareness or operations level have sufficient experience to objectively demonstrate competencies specified in Table 3, you may accept experience instead of training.

- Make sure initial training adequately addresses the competencies in Tables 3 through 6 and the minimum training durations in Table 2.

- Certify that employees objectively demonstrate competencies specified in Tables 3, 4 and 5 (except for employees trained as first responders at the awareness level).

– Retraining (refresher) training:

- Provide retraining annually
- Make sure retraining covers necessary content
- Document training or demonstrated competency

Note: Retraining is not required when employees demonstrate competencies annually and a record is kept of the demonstration methodology used.

– Trainer qualifications:

- Verify trainers have satisfactorily completed an instructors' training course for the subjects they teach. For example, courses offered by the United States National Academy, or equivalent courses are acceptable.

OR

- Have the educational and instructional experience necessary for training.

– Specialist employees:

- Specialist employees who have been sent to the scene to advise or assist must receive training or demonstrate competency in their specialty, annually.

Table 2 Minimum Training Durations for All Responders	
If you are a:	Then:
First responder at the awareness level	Training duration needs to be sufficient to provide the required competencies
First responder at the operations level	You need a minimum of 8 hours training (see Table 3)
Hazardous materials technician	You need a minimum of 24 hours training (see Table 4)
Hazardous materials specialist	You need a minimum of 24 hours training (see Table 4)
Incident commander	You need a minimum of 24 hours training (see Table 5)

Table 3 Competencies for First Responders at the Awareness Level and Operations Level		
Employees must be able to show they:	When they are designated as First Responders at the:	
	Awareness Level	Operations Level
Understand what hazardous substances are and their associated risks.	X	X
Recognize the presence of hazardous substances in an emergency.	X	X
Can identify the hazardous substances, when possible.	X	X
Understand the potential consequences of hazardous substances in an emergency.	X	X
Understand the role of a first responder at the awareness level as described in: <ul style="list-style-type: none"> • The employer's emergency response plan, including site security and control. • The United States Department of Transportation's Emergency Response Guidebook. (<i>search at: http://www.dot.gov</i>). 	X	X
Can use The United States Department of Transportation's Emergency Response Guidebook.	X	X
Recognize the need for additional resources and the need to notify the incident's communication center accordingly.	X	X
Know basic hazard and risk assessment techniques.		X
Can select and use personal protective equipment (PPE) appropriate for first responder operations level.		X
Understand basic hazardous materials terms.		X
Can perform basic control, containment, and/or confinement operations within the capabilities of the resources and PPE available.		X
Can implement decontamination procedures to their level training.		X
Understand relevant standard operating and termination procedures.		X

Table 4 Competencies for Hazardous Materials Technicians and Hazardous Materials Specialist		
Employees must be able to show they:	When they are designated as a Hazardous Materials:	
	Technician	Specialist
Have the competencies specified for the first responder operations level. (See Table 3)	X	X
Can implement an employer's emergency response plan.	X	X
Can function within their assigned role in the incident command system.	X	X
Understand hazard and risk assessment techniques.	X	X

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Table 4 Competencies for Hazardous Materials Technicians and Hazardous Materials Specialist		
Understand basic chemical and toxicological terminology and behavior.	X	X
Can use field survey instruments and equipment to classify, identify, and verify materials at the incident.	X	X
Can select and use personal protective equipment (PPE) appropriate for hazardous materials technicians.	X	X
Can perform advance control, containment, and/or confinement operations within the capabilities of the resources and PPE available.	X	X
Can implement decontamination procedures to their level of training.	X	X
Understand termination procedures.	X	X
Can implement the local emergency response plan.		X
Know of the state emergency response plan.		X
Can develop a site safety and control plan.		X
Understand chemical, radiological, and toxicological terminology and behavior.		X
Understand in-depth hazard and risk techniques.		X
Can use advanced survey instruments and equipment to classify, identify and verify materials at the incident.		X
Can select and use proper specialized chemical PPE given to hazardous materials specialists.		X
Can perform specialized control, containment, and/or confinement operations within the capabilities of the resources and PPE available.		X
Can determine decontamination procedures.		X

Table 5 Competencies for Incident Commanders
Employees designated as Incident Commanders must be able to show they:
• Have competencies specified for the First Responder Operations Level. (See Table 3.)
• Know of the state emergency response plan and the Federal Regional Response Team.
• Can implement the local emergency response plan.
• Can implement the employer's emergency response plan.
• Have knowledge of the incident command system (ICS) and understand how they relate to it.
• Can implement the employer's ICS.
• Understand the hazards and risks associated with employees working in chemical protective clothing.
• Understand the importance of decontamination procedures.
Note: If the first employee arriving at the scene is not trained as an IC, they may take control of the incident within their designated role and training level.

Table 6 Competencies for Specialist Employees
Employees designated as Specialist Employees must be able to show they:
• Have current knowledge in their field regarding safety and health practices relating to the specific hazardous substances.
• Have the knowledge of the ICS and understand how they relate to it.
• Understand the care and use of personal protective equipment (PPE).

EXPEDITED

NEW SECTION

WAC 296-824-400 Medical surveillance. Summary.

Your responsibility:

To provide and document medical surveillance for your employees.

You must:

Provide medical surveillance to employees

WAC 296-824-40005

Keep records

WAC 296-824-40010.

– Information available from previous medical examinations.

– The medical evaluation information required by chapter 296-62 WAC, Part E, Respiratory protection.

• Medical exams must include, at a minimum:

– A medical history

– A work history (or updated history if on file)

– A special emphasis on:

■ Assessment of symptoms related to handling hazardous substances

■ Health hazards

■ Evaluation of fitness for duty (including the ability to wear any personal protective equipment (PPE) or other conditions that may be expected at the workplace)

– Other content as determined by the examining physician.

Note: The physician should consult the *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities* and the *Medical Management Guidelines for Acute Chemical Exposure* (search OSHA website: <http://www.osha.gov>).

(2) Obtain the physician's written opinion and give a copy to the employee that includes:

• A statement of whether or not medical conditions were found which would increase the employee's risk for impairment during emergency response work or respirator use.

– Do not include specific findings or diagnoses unrelated to occupational exposures.

• Limitations recommended to the employee's assigned work, if any.

• Exam and test results if the employee requests this information.

• A statement that affirms the employee has been confidentially informed of medical exam results (including medical conditions requiring follow-up).

NEW SECTION

WAC 296-824-40005 Provide medical surveillance to employees. You must:

(1) Provide medical surveillance for employees to comply with Tables 7 and 8, and the following:

• Make medical surveillance available at:

– Reasonable times and places.

– No cost to employees, including travel associated costs such as mileage, gas or bus fare if the employee is required to travel off site

AND

– Wages for additional time spent outside of employees normal work hours.

• Make sure a licensed physician performs or supervises exams and procedures.

• Give complete information to the examining physician including:

– A copy of this chapter.

– A description of the employee's duties that relate to hazardous substance exposure.

– The hazardous substance exposure levels anticipated for the employee.

– A description of the personal protective equipment (PPE) the employee could use.

**Table 7
Medical Surveillance for Employee Categories**

If the employee is covered by this chapter and is:	Then you must:
<ul style="list-style-type: none"> • Exposed for at least 30 days a year to health hazards or hazardous substances at or above the permissible exposure limit or published exposure levels (even when respirators are used), <p>OR</p> <ul style="list-style-type: none"> • Required to wear a respirator for at least 30 days a year.* 	<ul style="list-style-type: none"> • Offer standard medical surveillance as specified in Table 8.*
<ul style="list-style-type: none"> • A hazardous materials (HAZMAT) team member • A hazardous materials specialist 	<ul style="list-style-type: none"> • Provide standard medical surveillance as specified in Table 8.
<ul style="list-style-type: none"> • An emergency responder who shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances during an incident. 	<ul style="list-style-type: none"> • Provide incident-specific medical surveillance as specified in Table 8.

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Table 7 Medical Surveillance for Employee Categories	
If the employee is covered by this chapter and is:	Then you must:
<ul style="list-style-type: none"> • Not an emergency responder and: <ul style="list-style-type: none"> – May be injured – Shows immediate or delayed signs or symptoms possibly resulting from exposure to hazardous substances – May have been exposed to hazardous substances at concentrations above the permissible exposure limits (PELs) or the published exposure levels without appropriate PPE. 	<ul style="list-style-type: none"> • Offer incident-specific medical surveillance as specified in Table 8.

***Note:** A medical evaluation for respirator use is required by chapter 296-62 WAC, Part E, Respiratory protection, for those employees who have not been cleared for respirator use during medical surveillance activities.

Table 8 Frequency of Exams and Consultations	
If the employee is covered by:	Then medical surveillance must include:
<ul style="list-style-type: none"> • Standard medical surveillance 	<ul style="list-style-type: none"> • Exams and consultations: <ul style="list-style-type: none"> – Before assignment. Note: If the employee is a hazardous materials (HAZMAT) team member or a hazardous materials specialist, the employee must receive a baseline physical examination. – At least once every 12 months after their initial assignment unless the physician believes a shorter, or longer interval (but no more than 24 months) is appropriate. – Whenever employees are reassigned to an area where they will no longer be covered by medical surveillance and they have not been examined within the past 6 months. – As soon as possible after an employee reports: <ul style="list-style-type: none"> ◆ Signs or symptoms of possible overexposure to hazardous substances or health hazards ◆ Injury ◆ Exposure above the permissible exposure limits or published exposure levels – At the termination of their employment unless they were examined within the past 6 months.
<ul style="list-style-type: none"> • Incident-specific medical surveillance 	<ul style="list-style-type: none"> • Medical consultations and exams: <ul style="list-style-type: none"> – As soon as possible following the incident or development of signs or symptoms. – At additional times, if the physician determines follow-up is medically necessary.

NEW SECTION

WAC 296-824-40010 Keep records.

You must:

- Keep a record of:
 - Name and Social Security number of the employee receiving medical surveillance
 - Physicians' written opinions, recommended limitations, and results of examinations and tests
 - Any employee medical complaints regarding hazardous substance exposures
 - A copy of all information given to the examining physician (except a copy of this chapter)

Note: Keep records meeting the criteria specified in chapter 296-62 WAC, Part B, Access to records, for the length of time specified in that chapter.

NEW SECTION

WAC 296-824-500 Incident requirements. Summary.

Your responsibility:

To conduct and manage emergency response operations so employees are protected from hazardous substances and conditions.

You must:

Recognize emergencies and initiate a response

WAC 296-824-50005

Implement and maintain an incident command system (ICS)

WAC 296-824-50010

Prepare skilled support personnel

WAC 296-824-50015

Make sure the incident commander oversees activities during the response

WAC 296-824-50020

Use the buddy system in danger areas

WAC 296-824-50025

Provide rescue and medical assistance

WAC 296-824-50030.

NEW SECTION

WAC 296-824-50005 Recognize emergencies and initiate a response.

You must:

- Make sure employees follow procedures in your emergency response plan to:
 - Recognize when an emergency response must be initiated
 - Notify employees, and others designated in your plan, of the release
 - Follow immediate emergency procedures
 - Prevent the incident from increasing in severity or to secure the operation.

NEW SECTION

WAC 296-824-50010 Implement and maintain an incident command system (ICS).

You must:

(1) Make sure a single individual, acting as the incident commander (IC), is in charge of the site-specific incident command system (ICS) and acts within their designated role and training level.

- Note:**
- For multiemployer worksites:
 - The IC has responsibility for controlling emergency response operations at the site for all employers.
 - Emergency response plans should be consistent in designating who assumes the IC position.
 - If the first employee arriving at the scene is not trained as an IC (see Table 5, Competencies for Incident Commanders, WAC 296-824-30005), they may take control of the incident within their designated role and training level.

(2) Make sure all employers' emergency responders and their communications are coordinated and controlled by the IC.

- Note:** The IC may delegate tasks to subordinates (within their training level).

(3) Make sure each employer at the scene has designated a representative to assist the IC.

(4) Establish security and control of the site as specified in your written emergency response plan.

NEW SECTION

WAC 296-824-50015 Prepare skilled support personnel.

Note: The duties of skilled support personnel are described in Table 1, Roles and Duties of Emergency Responders.

You must:

(1) Make sure that your skilled support personnel (including those employees who are not regularly employed by you) who could be exposed to on-scene hazards are given an initial briefing at the site before they participate in any emergency response. The initial briefing must include:

- What chemical hazards are involved
- What duties are to be performed
- Instruction in the wearing of appropriate personal protective equipment

Note: Skilled support personnel do not need to comply with the other training requirements of this chapter.

(2) Make sure the safety and health precautions given to your employees are also given to skilled support personnel.

NEW SECTION

WAC 296-824-50020 Make sure the incident commander oversees activities during the response.

The employer of the incident commander (IC) must:

(1) Identify all hazardous substances and conditions present, within their training level, using site analysis and maximum exposure limits, when appropriate.

(2) Implement emergency response procedures appropriate to the hazardous substances and conditions present, such as:

- Procedures that address the use of engineering controls, hazardous substance handling, and new technologies
- Procedures that address decontamination
- Procedures that address PPE
- Procedures that limit the number of personnel to those who are actively performing emergency response operations, in areas where exposure could exist.

(3) Designate an incident safety officer (ISO).

• Make sure the ISO demonstrates knowledge about operations being implemented at the emergency response site. They must:

- Identify and evaluate hazards
- Communicate with the IC about hazards, immediately informing the IC of corrective actions that must be taken when conditions are judged to be:

◆ An imminent danger

OR

◆ Immediately dangerous to life or health (IDLH).

– Provide direction about the safety of operations.

NEW SECTION

WAC 296-824-50025 Use the buddy system in danger areas.

You must:

- Make sure operations and tasks (including limited actions) in danger areas are conducted using the buddy system in teams of two or more.

Definition:

Danger areas are areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist.

OR

- High levels of exposure to toxic substances could exist.

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a hazardous substance.

NEW SECTION

WAC 296-824-50030 Provide rescue and medical assistance.

You must:

(1) Provide stand-by employees equipped with the same level of personal protective equipment (PPE) as the entrants, for assistance or rescue.

Note:

- The buddy system applies to stand-by employees (see WAC 296-824-50025).
- One of the two stand-by employees can be assigned to another task provided it does not interfere with the performance of the stand-by role.
- Rescue equipment should be selected and provided based on the types of rescue situations that could occur.

You must:

(2) Make sure employees trained in first aid are readily available with necessary medical equipment and have a way to transport the injured.

Note:

- Employee training is covered by WAC 296-800-150, first aid. This rule requires training on the eighteen subjects listed in addition to any subjects that are specific to your workplace emergency hazards (for example: If exposure to corrosive substances could occur, training would need to include first-aid procedures for treating chemical burns).
- Employers who designate and train their employees to provide first aid are covered by WAC 296-62-08001 through 296-62-08005, bloodborne pathogens.

NEW SECTION

WAC 296-824-600 Personal protective equipment.

Summary.

Your responsibility:

To provide appropriate personal protective equipment (PPE) and make sure it is used properly.

You must:

Use appropriate personal protective equipment

WAC 296-824-60005

Control hazards created by PPE

WAC 296-824-60010

Use PPE properly

WAC 296-824-60015.

NEW SECTION

WAC 296-824-60005 Personal protective equipment.

Use appropriate personal protective equipment (PPE).

Note:

- Only properly trained employees should select PPE. Hazardous materials technicians and hazardous materials specialists can select PPE within the competencies specified in Table 4.
- Selection requirements in other PPE rules also apply, including:
 - WAC 296-800-160, Personal protective equipment.
 - Chapter 296-62 WAC, Part E, Respiratory protection.
 - WAC 296-24-58505, Fire brigades.
 - Chapter 296-305 WAC, Safety standards for fire fighting.

You must:

- Provide employees with appropriate PPE and make sure it is used if hazards could be present.

- Select PPE (such as respirators, gloves, protective suits and other PPE) based on:

- ◆ An evaluation of the performance characteristics (such as breakthrough time and hazardous substance-specificity of the material or item) relevant to the requirements and limitations of the site.

- ◆ Task-specific conditions and durations.

- ◆ The hazards and potential hazards of the site (see Table 9, Selecting PPE for Specific Hazards).

- Select totally encapsulating chemical protective (TECP) suits, as specified in Table 9, that:

- ◆ Maintain positive air pressure.

- ◆ Prevent inward test gas leakage of more than 0.5 percent.

Note: Follow the manufacturer's recommended procedure for testing a TECP suit's ability to maintain positive air pressure and prevent inward gas leakage. Other established test protocols for these suits, for example NFPA 1991 and ASTM F1052-97, may also be used.

EXPEDITED

Table 9 Selecting PPE for Specific Hazards	
If:	Then:
<ul style="list-style-type: none"> • Inhalation hazards could be present. 	<ul style="list-style-type: none"> • Positive-pressure (pressure-demand) self-contained breathing apparatus (SCBA) OR • A decreased level of respiratory protection only when the incident commander determines, from air monitoring results, that employees will be adequately protected.
<p>Chemical exposure levels will create a substantial possibility of:</p> <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	<p>Either positive-pressure (pressure-demand):</p> <ul style="list-style-type: none"> • SCBA • Air-line respirators equipped with an escape air supply.
<p>Skin absorption of a hazardous substance may result in a substantial possibility of:</p> <ul style="list-style-type: none"> • Immediate death. • Immediate serious illness or injury. • Reduced ability to escape. 	<p>Protection equivalent to Level A including a totally encapsulating chemical protective (TECP) suit.</p>

NEW SECTION

WAC 296-824-60010 Control hazards created by personal protective equipment (PPE).

You must:

- Control hazards created by the use of PPE, including:
 - Heat stress due to extremely high temperatures.
 - Any other employee health hazard and consideration.

- Cleaning
- Inspection
- Identification of damage or defects
- Parts repair or replacement
- Storage or disposal.

NEW SECTION

WAC 296-824-60015 Use personal protective equipment (PPE) properly.

You must:

- (1) Make sure employees inspect PPE before, during and after use, following your plan's procedures.
- (2) Make sure employees put on (don) and remove (doff) PPE following your plan's procedures.
- (3) Make sure employees do not interchange self-contained breathing apparatus (SCBA) air cylinders from different manufacturers, unless all of the following apply:
 - There is a life-saving emergency
 - You need a supplemental air supply
 - The cylinders are of the same capacity and pressure rating.
- (4) Make sure compressed air cylinders used with SCBAs meet the testing and service life requirements of the United States Department of Transportation (USDOT). Search at: <http://www.dot.gov>.

Note: You can also check with the cylinder manufacturers to obtain USDOT test and service life specifications.

You must:

- (5) Make sure PPE is maintained in a safe and reliable condition using your plan's procedures.
PPE maintenance includes:
 - Decontamination

NEW SECTION

WAC 296-824-700 Postemergency response.

Your responsibility:

To protect employees during postemergency response activities by following appropriate work practices, training and other requirements.

NEW SECTION

WAC 296-824-70005 Follow the appropriate postemergency response requirements.

Important:

• Postemergency response is the stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.

• When cleanup is done by the employees who were part of the initial emergency response, the employees are not covered by this section (however, training, PPE and other requirements in WAC 296-824-20005 through 296-824-60015 apply to these employees).

You must:

- (1) Follow Table 10 to determine which requirements apply to your postemergency response activities.
- (2) Maintain clean-up equipment as specified in Table 10.

Table 10
Rules that Apply to Postemergency Response Activities

<p>When postemergency response cleanup is performed by employees who were not part of the initial emergency response and:</p>	<p>The following rules or requirements apply:</p>
<p>It is necessary to remove hazardous substances, health hazards and contaminated materials (example: Soil) from the site</p>	<p>Chapter 296-62 WAC, Part P, Hazardous waste operations and treatment, storage and disposal facilities.</p>
<p>Cleanup is done on plant property using plant or workplace employees AND It is not necessary to remove hazardous substances, health hazards and contaminated materials from the site.</p>	<p>For training:</p> <ul style="list-style-type: none"> • WAC 296-24-567(1), Employee emergency action plans • Chapter 296-62 WAC, Part E, Respiratory protection • WAC 296-800-170, Employer chemical hazard communication • Other appropriate training requirements relevant to personal protective equipment (PPE) and decontamination <p>For equipment:</p> <ul style="list-style-type: none"> • Make sure that all equipment used for clean-up work is serviced and inspected before use.

EXPEDITED

NEW SECTION

WAC 296-824-800 Definitions. The following definitions are specific to this chapter:

Annually

Any twelve-month cycle.

Buddy system

A system of organizing employees (who enter or stand by danger areas) into work groups, so each employee can be observed by at least one other member of the group. The purpose of this system is to provide rapid assistance to employees in an emergency.

Clean-up operation(s)

An operation where hazardous substances are removed, contained, incinerated, neutralized, stabilized, cleared up or, in any other manner, processed or handled with the goal of making the site safer for people or the environment.

Danger area

Areas where conditions pose a serious danger to employees, such as areas where:

- Immediately dangerous to life or health (IDLH) conditions could exist

OR

- High levels of exposure to toxic substances could exist

OR

- There is a potential for exceeding the lower explosive limit (LEL), also known as the lower flammability limit (LFL), of a substance.

Decontamination

Removing hazardous substances from employees and their equipment so potential adverse health effects will not occur.

Emergency response

An organized response to an anticipated release of a hazardous substance that is, or could become an uncontrolled release.

Emergency response plan

A written plan that requires coordination between emergency response participants, and contains procedures, criteria,

and other information that will be applied to emergency response operations. Each employer's plan should be compatible with local and state plans.

Engineering controls

Methods of controlling employee exposures by modifying the source or reducing the quantity of contaminants.

Hazardous materials team (HAZMAT team)

A group of employees who are expected to perform responses to releases, or possible releases, of hazardous substances for the purpose of control and stabilization. As a result of their duties, HAZMAT team members may have close contact with hazardous substances.

Note: A HAZMAT team may be a separate component of a fire brigade or fire department.

Hazardous substance

Any of the following substances that could adversely affect an exposed employee's health or safety:

- Substances defined under section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) or "Superfund" Act (visit: <http://www.epa.gov>)

- Biological or other disease-causing agents released that could reasonably be expected to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in a person or their offspring when the person:
 - Is directly exposed to the agent in the environment
 - Directly ingests, inhales, or assimilates the agent from the environment
 - Indirectly ingests the agent through a food chain

- Substances listed by the United States Department of Transportation as hazardous materials under Title 49 (Transportation) in the Code of Federal Regulations (CFR), Part 172, section 101 and appendices (visit: <http://www.nara.gov> and search for "List of CFR subjects")

- Hazardous wastes as defined in this chapter.

Hazardous waste

A substance designated by chapter 173-303 WAC, Dangerous waste regulations, department of ecology, as a dangerous waste or an extremely hazardous waste and any waste fitting the definition of "health hazard" in this chapter.

Note: For department of ecology regulations, visit: <http://www.ecy.wa.gov>

Health hazard

A chemical, a mixture of chemicals, or a pathogen for which there is statistically significant evidence, based on at least one study conducted according to established scientific principles, that acute or chronic health effects may occur in exposed employees.

The term "health hazard" includes stress due to temperature extremes and chemicals that are:

- Carcinogens
- Toxic or highly toxic agents
- Reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, or neurotoxins
- Agents acting on the hematopoietic system agents that damage lungs, skin, eyes, or mucous membranes. (Detailed definitions of these chemical terms can be found in the Safety and health core rules, WAC 296-800-170, chemical hazard communication.)

Incident command system (ICS)

An organized approach to control and manage operations at an emergency response incident.

Incidental release

A release that can be safely controlled at the time of the release and does not have the potential to become an uncontrolled release.

Note:

Example of a situation that results in an incidental release:

A tanker truck is receiving a load of hazardous liquid when a leak occurs. The driver knows the only hazard from the liquid is minor skin irritation. The employer has trained the driver on procedures and provided equipment to use for a release of this quantity. The driver puts on skin protection and stops the leak. A spill kit is used to contain, absorb, and pick up the spilled material for disposal.

Immediately dangerous to life or health (IDLH)

Any atmospheric condition that would:

- Cause an immediate threat to life

OR

- Cause permanent or delayed adverse health effects

OR

- Interfere with an employee's ability to escape

Limited action

Action necessary to:

- Secure an operation during emergency responses,

OR

- Prevent an incident from increasing in severity.

Examples include shutting down processes and closing emergency valves.

Lines of authority

A preestablished ranking of individuals, qualified to assume a commanding role during an emergency response, noted in an emergency response plan and implemented during a response. This is most important when responders from multiple employers could participate in an emergency response.

Lower explosive limit (LEL)

See lower flammable limit (LFL).

Lower Flammable limit (LFL)

The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent (by volume) of the material in air (or other oxidant).

Must

Must means mandatory.

Permissible exposure limit (PEL)

Means the established time-weighted-average (TWA) concentration or ceiling concentration of a contaminant that must not be exceeded. The exposure, inhalation, or dermal permissible limit specified in chapter 296-62 WAC, Part H, Air contaminants.

Personal protective equipment (PPE)

Protective items designed to be worn by the user to protect them against airborne, skin contact and other hazards. This includes items such as respiratory protection, protective suits, gloves, eye protection, etc.

Postemergency response

The stage of the emergency response where the immediate threat from the release has been stabilized or eliminated, and cleanup of the site has started.

Published exposure level

Exposure limits published in "*National Institute for Occupational Safety and Health (NIOSH) Recommendations for Occupational Safety and Health*" (DHHS publication #92-100, 1992).

If an exposure limit is not published by NIOSH, then "published exposure level" means the exposure limits published by the American Conference of Governmental Industrial Hygienists (ACGIH) in "*TLVs and BEIs-Threshold Limit Values for Chemical Substances and Physical Agents*" (1999 edition).

Note: Additional exposure levels published by recognized organizations such as the American Industrial Hygiene Association are not required to be observed by this rule; however, they may be a useful resource when a hazardous substance is not covered by NIOSH and ACGIH publications.

Release

A spill, leak, or other type of hazardous substance discharge.

Uncontrolled release

A release where significant safety and health risks could be created. Releases of hazardous substances that are either incidental or could not create a safety or health hazard (i.e., fire, explosion or chemical exposure) are not considered to be uncontrolled releases.

Examples of conditions that could create a significant safety and health risk:

- Large-quantity releases
- Small releases that could be highly toxic
- Potentially contaminated individuals arriving at hospitals
- Airborne exposures that could exceed a WISHA permissible exposure limit or a published exposure limit and employees are not adequately trained or equipped to control the release.

Example of an uncontrolled release:

A forklift driver knocks over a container of a solvent-based liquid, releasing the contents onto the warehouse floor. The driver has been trained to recognize the vapor is flammable and moderately toxic when inhaled. The driver has not been trained or provided appropriate equipment to address this type of spill. In this situation, it is not safe for the driver to attempt a response. The driver needs to notify someone of the release so an emergency response can be initiated.

Workplace

- A fixed facility
- OR
- A temporary location (such as a traffic corridor)
- OR
- Locations where employees respond to emergencies.

You

The employer. For a complete definition of "employer" see Safety and health core rules, chapter 296-800 WAC.

WSR 02-15-171

EXPEDITED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed July 23, 2002, 4:33 p.m.]

Title of Rule: Amend WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

Purpose: Incorporate minor changes to personal financial affairs statement (PDC Forms F-1 and F-1A).

Statutory Authority for Adoption: RCW 42.17.370.

Statute Being Implemented: RCW 42.17.241.

Summary: Update the PDC forms to standardize current dollar amounts and include toll free number and e-mail addresses.

Reasons Supporting Proposal: To standardize referenced amounts regarding payments an entity receives from business customers and other government agencies and to update agency and filer contact information.

Name of Agency Personnel Responsible for Drafting and Implementation: Doug Ellis, 711 Capitol Way, Room 206, Olympia, (360) 664-2735; and Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, (360) 664-8853.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendments would make the dollar amounts listed on the current form of personal financial affairs (Form F-1) and the F-1 supplement page the same, update the PDC contacts and add a space on the form for e-mail addresses. These changes would eliminate confusion and facilitate communication.

Proposal Changes the Following Existing Rules: Updates the personal financial affairs statement (PDC Form F-1), the supplement page to the personal financial affairs statement and the personal financial affairs statement short form (PDC Form F-1A).

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 Doug Ellis, delis@pdc.wa.gov, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, AND RECEIVED BY September 23, 2002.

July 23, 2002

Vicki Rippie

Executive Director

AMENDATORY SECTION (Amending WSR 00-22-053, filed 10/27/00, effective 11/27/00)

WAC 390-24-010 Forms for statement of financial affairs. The official form for statements of financial affairs as required by RCW 42.17.240 is designated "F-1," revised ((11/00)) 9/02. Copies of this form are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.



PDC FORM F-1 (11/00)	PERSONAL FINANCIAL AFFAIRS STATEMENT	PDC OFFICE USE P O S T R E C E I V E D
DOLLAR CODE AMOUNT A \$1 to \$2,999 B \$3,000 to \$14,999 C \$15,000 to \$29,999 D \$30,000 to \$74,999 E \$75,000 or more		

Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials – by April 15.
 Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

Last Name	First	Middle Initial	Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.
Mailing Address (Use PO Box or Work Address)			
City	County	Zip + 4	
Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office			Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____

1 INCOME List each employer, or other source of income (pension, social security, legal judgment) from which you or a family member received \$1,500 or more during the period. (Report interest and dividends in Item 3 on reverse)

Show Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)

Check Here if continued on attached sheet

2 REAL ESTATE List street address, assessor's parcel number, or legal description, AND county for each parcel of Washington real estate with value of over \$7,500 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current
All Other Property Entirely or Partially Owned					

Check here if continued on attached sheet

CONTINUE ON REVERSE

EXPEDITED

EXPEDITED

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS		List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.	
Name and address of each bank or financial institution in which you or a family member had an account over \$15,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$15,000 during the period.			
Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,500. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here if continued on attached sheet.

4 CREDITORS			List each creditor you or a family member owed \$1,500 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.		AMOUNT (USE CODE)	
Creditor's Name and Address	Terms of Payment	Security Given	Original	Present		

Check here if continued on attached sheet.

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? ___ If yes, complete Supplement, Part A.

B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ___ If yes, complete Supplement, Part A.

C. Did you, your spouse or dependents own a business at any time during the reporting period? ___ If yes, complete Supplement, Part A.

D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ___ If yes, complete Supplement, Part B.

E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ___ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? ___ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

Contact Telephone: () _____

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE

PUBLIC DISCLOSURE COMMISSION
 711 CAPITOL WAY RM 206
 PO BOX 40906
 OLYMPIA WA 98504-0906
 (360) 753-1111
 TOLL FREE 1-877-601-2828

PDC FORM F-1 SUPPLEMENT (11/97)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name	First	Middle Initial	DATE
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A

OFFICE HELD, BUSINESS INTERESTS:

For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner -- provide the following information:

- Legal Name: Report name used on legal documents establishing the entity.
- Trade or Operating Name: Report name used for business purposes if different from the legal name.
- Position or Percent of Ownership: The office, title and/or percent of ownership held.
- Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
- Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
- Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$5,000 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
- Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1

Reporting For: Self Spouse Dependent

LEGAL NAME:

POSITION OR PERCENT OF OWNERSHIP

TRADE OR OPERATING NAME:

ADDRESS:

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION:

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
Purpose of payments

Amount (actual dollars)
\$

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:
Customer name:

Purpose of payment (amount not required)

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

CONTINUE PARTS B AND C ON REVERSE

EXPEDITED

F-1 Supplement

Name _____

ENTITY NO. 2 _____ Reporting For: Self Spouse Dependent

LEGAL NAME: _____ POSITION OR PERCENT OF OWNERSHIP _____

TRADE OR OPERATING NAME: _____

ADDRESS: _____

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: _____

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:
 Purpose of payments _____ Amount (actual dollars) _____
 \$ _____

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:
 Customer name: _____ Purpose of payment (amount not required) _____

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel): _____

Check here if continued on attached sheet

B LOBBYING: List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here if continued on attached sheet

C FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$ _____	

Check here if continued on attached sheet

EXPEDITED



PDC FORM F-1 (9/02)	PERSONAL FINANCIAL AFFAIRS STATEMENT	P M PDC OFFICE USE O A S R T K
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Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials – by April 15.
 Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

RECEIVED

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

Last Name	First	Middle Initial	Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.
Mailing Address (Use PO Box or Work Address)			
City	County	Zip + 4	

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____
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1 INCOME List each employer, or other source of income (pension, social security, legal judgment) from which you or a family member received \$1,500 or more during the period. (Report interest and dividends in Item 3 on reverse)

Show Self (S) Spouse (SP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)

Check Here if continued on attached sheet

2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$7,500 in which you or a family member held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms
			Security Given
			Mortgage Amount - (Use Code) Original Current
All Other Property Entirely or Partially Owned			

Check here if continued on attached sheet

CONTINUE ON REVERSE

EXPEDITED

EXPEDITED

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS

List bank and savings accounts, insurance policies, stock, bonds and other intangible property held during the reporting period.

A. Name and address of each bank or financial institution in which you or a family member had an account over \$15,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you or a family member had a policy with a cash or loan value over \$15,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you or a family member owned or had a financial interest worth over \$1,500. Include stocks, bonds, ownership, retirement plan, IRA, notes, and other intangible property.			

Check here if continued on attached sheet.

4 CREDITORS

List each creditor you or a family member owed \$1,500 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.

AMOUNT (USE CODE)

Creditor's Name and Address	Terms of Payment	Security Given	Original	Present

Check here if continued on attached sheet.

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

- A. Were you, your spouse or dependents an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity at any time during the reporting period? If yes, complete Supplement, Part A.
- B. Did you, your spouse or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? If yes, complete Supplement, Part A.
- C. Did you, your spouse or dependents own a business at any time during the reporting period? If yes, complete Supplement, Part A.
- D. Did you, your spouse or dependents prepare, promote or oppose state legislation, rules, rates or standards for current or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? If yes, complete Supplement, Part B.
- E. Only for Persons Filing Annual Report. Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse and/or dependents to travel or to attend a seminar or other training? If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

Contact Telephone: (____) _____

Email: _____ (Work)

Email: _____ (Home)

REPORT NOT ACCEPTABLE WITHOUT FILER'S SIGNATURE



PDC FORM F-1 SUPPLEMENT (9/02)	SUPPLEMENT PAGE PERSONAL FINANCIAL AFFAIRS STATEMENT
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PROVIDE INFORMATION FOR YOURSELF, SPOUSE, DEPENDENT CHILDREN AND OTHER DEPENDENTS IN YOUR HOUSEHOLD

Last Name	First	Middle Initial	DATE
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EXPEDITED

A OFFICE HELD, BUSINESS INTERESTS: For each corporation, non-profit organization, association, union, partnership, joint venture or other entity in which you, your spouse or dependents are an officer, director, general partner, trustee, or 10 percent or more owner -- provide the following information:

- Legal Name: Report name used on legal documents establishing the entity.
- Trade or Operating Name: Report name used for business purposes if different from the legal name.
- Position or Percent of Ownership: The office, title and/or percent of ownership held.
- Brief Description of the Business/Organization: Report the purpose, product(s), and/or the service(s) rendered.
- Payments from Governmental Unit: If the governmental unit in which you hold or seek office made payments to the business entity concerning which you're reporting, show the purpose of each payment and the actual amount received.
- Payments from Business Customers and Other Government Agencies: List each corporation, partnership, joint venture, sole proprietorship, union, association, business or other commercial entity and each government agency (other than the one you seek/hold office) which paid compensation of \$7,500 or more during the period to the entity. Briefly say what property, goods, services or other consideration was given or performed for the compensation.
- Washington Real Estate: Identify real estate owned by the business entity if the qualifications referenced below are met.

ENTITY NO. 1 Reporting For: Self Spouse Dependent

LEGAL NAME: _____ POSITION OR PERCENT OF OWNERSHIP _____

TRADE OR OPERATING NAME: _____

ADDRESS: _____

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: _____

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
	\$

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:

Customer name:	Purpose of payment (amount not required)
----------------	--

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

CONTINUE PARTS B AND C ON REVERSE

F-1 Supplement

Page 2

Name _____

Reporting For: Self Spouse Dependent

ENTITY NO. 2 _____ POSITION OR PERCENT OF OWNERSHIP _____

LEGAL NAME: _____

TRADE OR OPERATING NAME: _____

ADDRESS: _____

BRIEF DESCRIPTION OF THE BUSINESS/ORGANIZATION: _____

PAYMENTS ENTITY RECEIVED FROM GOVERNMENTAL UNIT IN WHICH YOU SEEK/HOLD OFFICE:

Purpose of payments	Amount (actual dollars)
	\$

PAYMENTS ENTITY RECEIVED FROM BUSINESS CUSTOMERS AND OTHER GOVERNMENT AGENCIES OVER \$7,500:

Customer name:	Purpose of payment (amount not required)
----------------	--

WASHINGTON REAL ESTATE IN WHICH ENTITY HELD A DIRECT FINANCIAL INTEREST (Complete only if ownership in the ENTITY is 10% or more and assessed value of property is over \$15,000. List street address, assessor parcel number, or legal description and county for each parcel):

Check here if continued on attached sheet

B LOBBYING: List persons for whom you or any immediate family member lobbied or prepared state legislation or state rules, rates or standards for current or deferred compensation. Do not list pay from government body in which you are an elected official or professional staff member.

Person to Whom Services Rendered	Description of Legislation, Rules, Etc.	Compensation (Use Code)

Check here if continued on attached sheet

C FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
			\$	

Check here if continued on attached sheet

EXPEDITED

AMENDATORY SECTION (Amending WSR 00-22-052, filed 10/27/00, effective 11/27/00)

WAC 390-24-020 Forms for amending statement of financial affairs. (1) The official form for amending statements of financial affairs as required by RCW 42.17.240 for all persons who have previously filed the Form F-1 is designated Form "F-1A," revised (~~11/00~~) 9/02.

(2) No more than three F-1A forms may be filed to amend a previously submitted statement of financial affairs (Form F-1). The form can be used only to update information required on an F-1.

(3) The commission reserves the right to reject amendatory forms and require a new statement of financial affairs (Form F-1) at any time the amendments are confusing or create misunderstandings. Authority is delegated to the commission's executive director to make this determination.

(4) Copies of Form F-1A are available at the Commission Office, 711 Capitol Way, Room 206, Evergreen Plaza Building, PO Box 40908, Olympia, Washington 98504-0908. Any paper attachments must be on 8-1/2" x 11" white paper.

EXPEDITED



PUBLIC DISCLOSURE COMMISSION
 711 CAPITOL WAY RM 206
 PO BOX 40908
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-601-2828

PDC FORM F-1A (11/00)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M PDC OFFICE USE O A S R T K R E C E I V E D											
The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports. Deadlines: Incumbent elected and appointed officials -- by April 15. Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.	<table border="1"> <tr> <th>DOLLAR CODE</th> <th>AMOUNT</th> </tr> <tr> <td>A</td> <td>\$1 to \$2,999</td> </tr> <tr> <td>B</td> <td>\$3,000 to \$14,999</td> </tr> <tr> <td>C</td> <td>\$15,000 to \$29,999</td> </tr> <tr> <td>D</td> <td>\$30,000 to \$74,999</td> </tr> <tr> <td>E</td> <td>\$75,000 or more</td> </tr> </table>		DOLLAR CODE	AMOUNT	A	\$1 to \$2,999	B	\$3,000 to \$14,999	C	\$15,000 to \$29,999	D	\$30,000 to \$74,999	E
DOLLAR CODE	AMOUNT												
A	\$1 to \$2,999												
B	\$3,000 to \$14,999												
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D	\$30,000 to \$74,999												
E	\$75,000 or more												

Last Name	First	Middle Initial	Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do
Mailing Address (Use PO Box or Work Address)			
City	County	Zip + 4	

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____
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Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

NO CHANGE REPORT. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period.

MINOR CHANGES REPORT. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers describing changes. Provide all information required on F-1 report.

FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)

Check here if continued on attached sheet

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box. <input type="checkbox"/> I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns. <input type="checkbox"/> I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.	CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge. _____ Signature Date Contact Telephone: ()
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Report Not Acceptable Without Filer's Signature

EXPEDITED



PDC FORM F-1A (9/02)	PERSONAL FINANCIAL AFFAIRS STATEMENT Short Form	P M PDC OFFICE USE O A S R T K
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The F-1A form is designed to simplify reporting for persons who have no changes or only minor changes to an F-1 report previously filed. A complete F-1 form must be filed at least every four years; an F-1A form may be used for no more than three consecutive reports.

Deadlines: Incumbent elected and appointed officials – by April 15.
 Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position.

DOLLAR CODE	AMOUNT
A	\$1 to \$2,999
B	\$3,000 to \$14,999
C	\$15,000 to \$29,999
D	\$30,000 to \$74,999
E	\$75,000 or more

R
E
C
E
I
V
E
D

Last Name	First	Middle Initial	Names of immediate family members. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse. See F-1 manual for details.
Mailing Address (Use PO Box or Work Address)			
City	County	Zip + 4	

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office	Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____
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Select either "No Change Report" or "Minor Change Report," whichever reflects your situation. Supply all the requested information.

NO CHANGE REPORT. I have reviewed my last complete F-1 report dated _____ and F-1A reports (if any) dated (1) _____ and (2) _____. The information disclosed on those reports is accurate for the current reporting period.

MINOR CHANGES REPORT. I have reviewed my last complete F-1 report dated _____. The changes listed below have occurred during the reporting period. Specify F-1 Form Item numbers describing changes. Provide all information required on F-1 report.

FOOD TRAVEL SEMINARS Complete this section if a source other than your own governmental agency paid for or otherwise provided all or a portion of the following items to you, your spouse or dependents, or a combination thereof: 1) Food and beverages costing over \$50 per occasion; 2) Travel occasions; or 3) Seminars, educational programs or other training.

Date Received	Donor's Name, City and State	Brief Description	Actual Dollar Amount	Value (Use Code)
Check here <input type="checkbox"/> if continued on attached sheet				

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office or am an executive state officer. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17.130 regarding the use of public facilities in campaigns.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____
 Contact Telephone: (____) _____
 Email: _____ (Work)
 Email: _____ (Home)

Report Not Acceptable Without Filer's Signature

EXPEDITED

WSR 02-14-023
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

(Division of Employment and Assistance Programs)

[Filed June 21, 2002, 4:00 p.m., effective July 1, 2002]

Date of Adoption: June 19, 2002.

Purpose: Amending rules in chapter 388-406 WAC and WAC 388-452-0005 and 388-472-0005 to clarify and streamline policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-406-0040, 388-406-0045, 388-406-0050, 388-406-0055, 388-406-0060, 388-406-0065, 388-452-0005, and 388-472-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Adopted under notice filed as WSR 02-09-065 on April 15, 2002.

Changes Other than Editing from Proposed to Adopted Version: The following changes were made as a result of comments received:

1. WAC 388-406-0040(2), deleted the words "we discover that" after the word "If."

2. WAC 388-406-0045 (2)(c)(ii), deleted "Proof of your resources" and replaced with "For cash assistance, extensive property appraisals."

3. WAC 388-406-0060, added the word "or" at the end of subsections (a), (b) and (c).

4. WAC 388-406-0060(2), added new subsections:
 "(a) You mistakenly apply for benefits you already get;
 or

(b) We reconsidered your eligibility under WAC 388-406-0065 and you are eligible to get benefits."

5. WAC 388-406-0065, changed the former subsection (2) to (3) added the following new subsection (2):

"(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application, if:

(a) You timely request a fair hearing; and
 (b) You give us the information needed to determine eligibility and you are eligible."

6. WAC 388-406-0065, added to the following at the end of subsection (3) (formerly (2)): "For all programs the eligibility date is based on the date of your original application that was denied."

7. WAC 388-472-0005, added a new subsection: "(3) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section." This subsection was inadvertently left off of the rules as published in WSR 02-09-065, and was noted by commenters.

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 8, 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 8, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: These rules must take effect simultaneously with the July 1, 2002, effective date of rules adopted as WSR 02-11-137. The earlier effective date is necessary because of imminent peril to the public welfare. A later date could cause some clients to lose needed benefits.

Effective Date of Rule: July 1, 2002.

June 19, 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 388-406-0040 ((Delays in application)) What happens if the processing(+) of my application is delayed? (1) ~~((When the department discovers that a food assistance application has not been processed within the initial thirty day time limit, and:~~

~~(a) The department has sufficient information to determine eligibility, the application will be processed without further delay; or~~

~~(b) If additional information is needed to determine eligibility, the household will be:~~

~~(i) Mailed or given a written request for the additional information needed to determine eligibility; and~~

~~(ii) Allowed an additional thirty day period to provide the information.~~

~~(2) When a household files a joint application requesting food assistance and medical or cash assistance:~~

~~(a) Approval of the food assistance application cannot be delayed pending the processing of the application for medical or cash assistance;~~

~~(b) A new application for food assistance cannot be required if the application for medical or cash assistance is denied;~~

~~(c) Approval for a medical program is not delayed pending the processing of the application for cash or food assistance.~~

~~(3) For medical and cash assistance, application processing may be delayed only when good cause exists as specified in WAC 388-406-0045)) We process your application for benefits as soon as possible. We do not intentionally delay processing your application for benefits for any reason. If we have enough information to decide eligibility for:~~

~~(a) Food assistance, then we promptly process your request for food assistance even if we need more information to determine eligibility for cash or medical;~~

(b) Medical assistance, then we promptly process your request for medical even if we need more information to determine eligibility for cash or food assistance.

(2) If your application for food assistance is not processed within the first thirty days and we have enough information to determine eligibility, then we promptly process your application. If additional information is needed to determine eligibility, we give you:

(a) A written request for the additional information; and

(b) An additional thirty days to provide the information.

(3) If your application for food assistance has not been processed by the sixtieth day and you are responsible for the delay, then we deny your request for benefits. If we are responsible for the delay, then we:

(a) Promptly process your request if we have the information needed to determine eligibility; or

(b) Deny your request if we don't have enough information to determine eligibility. If we deny your request we notify you of your right to file a new application and that you may be entitled to benefits lost. If you reapply by the sixtieth day of your first application and are eligible, we give you benefits lost from:

(i) The date of your first application if we caused the delay in the first thirty days; or

(ii) The month following the month of your first application if you caused the delay in the first thirty days.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0045 ~~Is there a good (cause for delay in processing)) reason my application for cash or medical (and cash)) assistance ((applications)) has not been processed? If your application for cash or medical assistance is not processed within the time limits under WAC 388-406-0035, the department must decide if there is a good reason for the delay. This good reason is also called "good cause."~~

(1) ((Good cause reasons for delay in processing a medical or cash assistance application include:

(a) The applicant does not provide requested information or take another required action;

(b) The eligibility decision depends on medical reports and there is a delay in obtaining the reports or in securing medical information;

(c) An eligibility determination depends on correspondence with out of state or intercity contacts and no other verification is available for the eligibility factor;

(d) An administrative or other emergency occurs which is beyond the department's control; or

(e) For cash assistance, an eligibility determination depends on extensive property appraisals)) ~~We do not have a good reason for not processing your application for TANF or SFA within thirty days if:~~

(a) We did not give or send you a notice of what information we needed to determine your eligibility within twenty days from the date of your application;

(b) We did not give or send you a notice that we needed additional information or action within five calendar days of

the date we learned that more information was needed to determine eligibility;

(c) We did not process your application within five calendar days from getting the information needed to decide eligibility; and

(d) We decide good cause exists but do not document our decision in the case record on or before the time limit for processing the application ends.

(2) We do have a good reason for not processing your application timely if:

(a) You do not give us the information or take an action needed for us to determine eligibility;

(b) We have an emergency beyond our control; or

(c) There is no other available verification for us to determine eligibility and the eligibility decision depends on information that has been delayed such as:

(i) Medical documentation;

(ii) For cash assistance, extensive property appraisals; or

(iii) Out-of-state documents or correspondence.

(3) For medical assistance, good cause exists only when the department otherwise acted promptly at all stages of the application process.

~~((3) For TANF and SFA, good cause exists only when the department:~~

~~(a) Notifies the applicant in writing of specific information needed to determine eligibility within twenty days of the date of application;~~

~~(b) Notifies the applicant in writing of the need for additional information or action within five calendar days;~~

~~(c) Determines eligibility and disposes of the application within five working days of receiving all information necessary to determine eligibility; and~~

~~(d) Determines good cause exists and documents the decision in the case record on or before the time limit for processing the application expires.))~~

AMENDATORY SECTION (Amending WSR 99-16-024, filed 7/26/99, effective 9/1/99)

WAC 388-406-0050 ~~((Completing the)) How do I know when my application ((process)) is processed? (1) You're application ((processing is completed when the department makes an eligibility decision and:~~

~~(a) Authorizes benefits and, for food assistance, mails or gives a written approval notice to the applicant; or~~

~~(b) Mails or gives a written withdrawal or denial notice to the applicant.~~

~~(2) The applicant will be notified of the department's eligibility decision in writing. A notice of denial or withdrawal must meet the adequate notice requirements in WAC 388-458-0005.~~

~~(3) For cash, medical, and food assistance, an applicant may voluntarily withdraw an application orally or in writing.~~

~~(4) For cash assistance, an application is considered withdrawn when the applicant:~~

~~(a) Fails to appear for a scheduled interview required for eligibility determination; and~~

~~(b) Does not contact the department to reschedule the interview within thirty days from the date of application.~~

~~(5) For approved applications, the date the applicant becomes eligible for assistance is established according to WAC 388-406-0055.~~

~~(6) A decision to deny an application must be made according to the requirements of WAC 388-406-0060) is processed when:~~

~~(a) We approve or deny benefits; and~~

~~(b) We give or send you a letter telling you if you are eligible to get benefits.~~

~~(2) Any letters we send you must meet the requirements under chapter 388-458 WAC.~~

~~(3) We send you a letter of withdrawal under WAC 388-458-0006 if you voluntarily withdraw an application verbally, in sign language, or in writing.~~

~~(4) We send you a letter of denial according to the requirements of WAC 388-406-0060.~~

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0055 (~~(Date of eligibility for approved applications.)~~) **When do my benefits start?** The ~~((effective)) date ((of eligibility for approved applications is)) we approve your application affects the amount of benefits you get. If you are eligible for:~~

~~(1) ((For)) Cash assistance, ((the earlier of)) your benefits start:~~

~~(a) The date ((the department has sufficient)) we have enough information to make an eligibility decision; or~~

~~(b) ((The last day of the time limit period specified in WAC 388-406-0035:~~

~~(2) For medical programs, as specified in chapter 388-416 WAC:~~

~~(3) For food assistance, except as described in subsections (4) and (5) of this section:~~

~~(a) The first day of the month following the end of the previous certification period for:~~

~~(i) All households that reapply before their previous certification period ends; and~~

~~(ii) Migrant and seasonal farmworker households that reapply within one month after their previous certification period ends; or~~

~~(b) The date of application for all other households.~~

~~(4) For food assistance applications approved after reconsideration as required by WAC 388-406-0065:~~

~~(a) The date the household provides required verification when:~~

~~(i) The application is denied because the applicant fails to respond to a written request for the verification, and~~

~~(ii) The household provides the requested verification after the end of the initial thirty day time limit; or~~

~~(b) The date the household becomes eligible for TANF or SFA when:~~

~~(i) The household is denied nonassistance food assistance; and~~

~~(ii) Is later found to be categorically eligible for food assistance because TANF or SFA is approved.~~

~~(5) For food assistance applications not processed within the thirty day time limit, the first day of the month following the month of application when:~~

~~(a) Required verification is not provided by the household by the end of the initial thirty day time limit;~~

~~(b) The household provides the required verification by the end of the second thirty day period; and~~

~~(c) The delay in providing the required verification is the fault of the household)) No later than the thirtieth day for TANF, SFA, or RCA; or~~

~~(c) No later than the forty-fifth day for general assistance (GAU).~~

~~(2) Food assistance, your benefits start from the date you applied unless:~~

~~(a) You are recertified for food assistance, then the date we start your benefits is under WAC 388-434-0020;~~

~~(b) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, then we approve your benefits starting the first day of the month following the month of application if you submit required verification by the end of the second thirty-day period, even if we denied your application; or~~

~~(c) We denied your application for food assistance and your assistance unit becomes categorically eligible (CE) within sixty days from the date you applied, then the date we approve food assistance is the date you become CE. You are CE if you meet the criteria specified in WAC 388-414-0001.~~

~~(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.~~

AMENDATORY SECTION (Amending WSR 00-13-076, filed 6/19/00, effective 7/20/00)

WAC 388-406-0060 **What happens when my application is denied?** (1) ~~We~~ (the department ((will))) deny your application ((when we cannot decide your eligibility based on the information we have.

~~(2) If we ask you to provide information and you do not provide it by the due date, we will not deny your application unless this information is needed to decide your eligibility.~~

~~(3) We will deny your application for everyone in the assistance unit when:~~

~~(a) You do not provide information that is required to decide eligibility for everyone in your assistance unit; or~~

~~(b) Your situation causes everyone in your assistance unit to be not eligible.~~

~~(4) We will tell you about our decision to deny your application by following notice requirements in WAC 388-458-0005.~~

~~(5) If we deny your application, you may request a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you can provide the needed information.~~

~~(6) For medical and cash assistance applications:~~

~~(a) If getting medical information is slowed down beyond your and our control, we will not deny your application;~~

~~(b) If you have good cause under WAC 388-406-0045, we will wait to deny your application; and~~

~~(c) If you do not meet a medical spenddown obligation, we will not deny your medical application before thirty days after the end of the base period as defined in WAC 388-519-0110.~~

(7) For food assistance applications:

(a) If you do not keep your first scheduled appointment:

(i) We will send you a letter telling you to get in touch with us to schedule another appointment; and

(ii) We will deny your application on the thirtieth day after you applied if you do not schedule a new appointment.

(b) If you do not provide the requested information within ten days:

(i) We will deny your application right after the ten days if you do not have a pending application for TANF, SFA, or SSI; or

(ii) We may wait to deny your application up to thirty days from the date you applied if you have a pending application for TANF, SFA or SSI.

(c) If we do not deny your application within the first thirty days from the date you applied, we will deny your application at the end of the second thirty day period when:

(i) We could not make an eligibility decision based on the information provided to us; and

(ii) You did not provide the requested information that was necessary to decide eligibility)) for cash, medical, or food assistance benefits if:

(a) You do not show for your interview appointment for cash or food assistance if required under WAC 388-452-0005 and have not rescheduled and your application is over thirty days old; or

(b) We do not have the information we need to determine your eligibility within ten days of request and you did not ask for additional time to give us the information; or

(c) Your entire assistance unit does not meet certain eligibility criteria to get benefits; or

(d) For food assistance, your application has not been processed by the sixtieth day because of a delay on your part.

(2) If we deny your application, you do not get benefits unless:

(a) You mistakenly apply for benefits you already get; or

(b) We reconsider your eligibility under WAC 388-406-0065 and you are eligible to get benefits.

(3) We can reconsider if you are eligible for benefits under the requirements of WAC 388-406-0065 even after your application is denied.

(4) We give or send a letter to you explaining why your application was denied as required under WAC 388-458-0011.

(5) If you disagree with our decision about your application, you can ask for a fair hearing. If we deny your application because we do not have enough information to decide that you are eligible, the hearing issue is whether you are eligible using:

(a) Information we already have; and

(b) Any more information you can give us.

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-406-0065 ((Reconsideration of denied applications-)) Can I still get benefits even after my application is denied? (1) ((For medical and cash assistance, an applicant is allowed thirty days from the date of a denial

notice to provide information needed to determine eligibility as specified in the notice.

(a) A redetermination of eligibility will be made and eligibility will be determined based on the information provided unless the applicant's circumstances have changed to the extent that additional information is needed to determine eligibility.

(b) If eligibility is approved based on the information provided, the eligibility date is based on the application date of the denied application.

(2) A denial of an application for medical benefits will be rescinded if the applicant, following the thirty day period specified in subsection (1) of this section:

(a) Timely requests a fair hearing to appeal the denial; and

(b) Provides additional information needed to establish eligibility, including medical expenses sufficient to meet spenddown if the applicant shows reasonable cause for the delay in verifying the medical expenses.

(3) For food assistance, an applicant is allowed thirty days from the end of the initial thirty day period to provide information needed to determine eligibility as specified in a denial notice. If the information is provided, the eligibility date is determined as specified under WAC 388-406-0055.

(4) A denied food assistance application will be re-evaluated within sixty days of the application date when the household was:

(a) Applying for both food assistance and TANF, SFA or SSI; and

(b) Denied food assistance before TANF, SFA or SSI was approved)) If we (the department) deny your application for benefits, we can redetermine your eligibility for benefits without a new application if:

(a) For cash or medical assistance, you give us the information we need within thirty days from the date we denied your application;

(b) For food assistance:

(i) You give us the information we need by the end of the month following the month you applied; or

(ii) You become categorically eligible for food assistance under WAC 388-414-0001 within sixty days of the date you applied for benefits.

(2) For medical assistance, if the thirty days to reconsider your application under subsection (1) of this section has ended you can still get benefits without a new application if:

(a) You timely request a fair hearing; and

(b) You give us the information needed to determine eligibility and you are eligible.

(3) If you are eligible for cash or food assistance, we decide the date your benefits start according to WAC 388-406-0055. If you are eligible for medical assistance, we decide the date your benefits start according to chapter 388-416 WAC. For all programs the eligibility date is based on the date of your original application that was denied.

AMENDATORY SECTION (Amending WSR 01-14-060, filed 6/29/01, effective 8/1/01)

WAC 388-452-0005 Do I have to be interviewed in order to get benefits? (1) Unless you are applying for medi-

cal only or meet certain hardship criteria listed in subsection (8) below, you or your authorized representative must have a face-to-face interview with the department:

- (a) At initial certification; and
- (b) At least once every twelve months if your assistance unit (AU) is certified for twelve months or less.

(2) You are not required to attend an interview when your application or review is just for medical benefits. If we ~~((the department))~~ deny your application for cash or food assistance because you did not appear for an interview, we ~~((will))~~ continue to process your request for medical benefits:

- (a) If you are pregnant;
- (b) If you are a child under the age of nineteen;
- (c) If you have a family with children under the age of nineteen; or
- (d) If we have enough information to determine if you are eligible or can get the information by mail.

(3) You will have ~~((only a single))~~ just one interview even when you apply for or have a review for more than one assistance program.

(4) If you are not interviewed on the same day that we get your application, we schedule an interview appointment for you. We schedule your appointment the day we get your application or on the next business day if we get your application on a holiday or a weekend.

(5) We schedule an interview so your AU has at least ten days after the interview to provide needed verification:

- (a) Before the end of the thirty-day processing period for applications; or
- (b) Before your certification period ends for eligibility reviews.

(6) If you miss your first interview and request another interview within thirty days of the date of your application for benefits, we schedule a second interview for you.

(7) You or another person who can give information about your AU must attend the interview. You may bring another person to the interview. You may choose another person to go to the interview for you when:

- (a) You cannot come to the local office for us to decide if you are eligible for cash assistance; or
- (b) You have an authorized representative as described in WAC 388-460-0005 for food assistance.

(8) We usually have interviews at the local office. You can have a scheduled telephone interview or an interview in your home if attending an interview at the local office causes a hardship for you or your representative. Examples of hardships include:

- (a) If your entire assistance unit is elderly or mentally or physically disabled;
- (b) If you live in a remote area or have transportation problems;
- (c) Severe weather;
- (d) If someone in your AU is ill, or you have to stay home to care for an AU member;
- (e) Your work or training hours make it difficult to come into the office during regular business hours;
- (f) Someone in your AU is affected by family violence such as physical or mental abuse, harassment, or stalking by the abuser; or

(g) Any other problem which would make it difficult for you to come into the office for an interview.

AMENDATORY SECTION (Amending WSR 01-10-104, filed 5/1/01, effective 6/1/01)

WAC 388-472-0005 What are my rights and responsibilities? For the purposes of this chapter, "we" and "us" refer to the ~~((administrations within the))~~ department ~~((of social and health services that provide cash and medical assistance benefits. "You" refers to the head of the household))~~ and "you" refers to the applicant or recipient.

~~((The following rules apply to cash, food and medical assistance programs unless stated otherwise.))~~

(1) If you apply for or ~~((receive))~~ get cash, food or medical assistance benefits you have the right to:

(a) ~~((Be fully informed, in writing, of all legal rights and responsibilities in connection with benefits;~~

~~((b) Be treated politely and fairly without regard to race, color, political beliefs, national origin, religion, age, gender, disability or birthplace;~~

~~((c) Give us a written request for benefits using a form or alternative method designated by us. You have the right to get a receipt when leaving an application or other materials with us;~~

~~((d) Ask that the application be processed without delay if you are pregnant, in need of immediate medical care, experiencing an emergency such as having no money for food, or facing an eviction. If you are pregnant and request an interview, you have the right to have one within five working days;~~

~~((e) Get a written decision in most cases within thirty days.~~

~~((i) Medical and some disability decisions may take forty-five to sixty days. Pregnancy medical will be authorized within fifteen working days.~~

~~((ii) Food assistance will be authorized within thirty days if you are eligible. If you are eligible and have little or no money, food assistance will be authorized within five days.~~

~~((f) Have information you give us kept private. We share some facts with other agencies for efficient management of federal and state programs;~~

~~((g) For cash and medical assistance programs, ask us not to collect child support if the absent parent may harm you or your child;~~

~~((h) For some cash assistance programs, ask for extra money to help in an emergency, such as an eviction or a utility shutoff;~~

~~((i) Get a written notice, in most cases, at least ten days before we make changes to reduce or end your benefits;~~

~~((j) Ask for a fair hearing if you do not agree with us about a decision. You can also ask a supervisor or administrator to review our decision or action without affecting your right to a fair hearing;~~

~~((k) Have interpreter or translator services provided at no cost to you and without delay;~~

~~((l) Refuse to speak to a fraud investigator. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. Such a request will not affect your eligibility for benefits;~~

(m) If you are applying for or receiving medical assistance, limited casualty programs, medical care services, or children's health services you have the same rights as cash assistance clients; and

(n) Receive help from us to register to vote.

(2) You are responsible to:

(a) Report any changes to us within:

(i) Ten days for all cash and food assistance programs; and

(ii) Twenty days for all medical assistance programs.

(b) Give all the facts needed to determine eligibility;

(c) Give us proof of any facts for which proof is needed;

(d) For most cash or medical assistance programs related to children, cooperate with us to get child support or medical care support unless you show that cooperation may harm you or your child;

(e) Apply for and get any benefits from other agencies or programs prior to getting cash or medical assistance from us;

(f) Complete reports and reviews when asked to do so;

(g) Get a job or training if required;

(h) Show your medical identification card or other notification of eligibility from us to your medical care provider; and

(i) Cooperate with the quality assurance review process.

(3) You will be screened for and provided necessary supplemental accommodation services as described in this chapter.) Have your rights and responsibilities explained to you and given to you in writing;

(b) Be treated politely and fairly no matter what your race, color, political beliefs, national origin, religion, age, gender, disability or birthplace;

(c) Request benefits by giving us an application form using any method listed under WAC 388-406-0010. You can ask for and get a receipt when you give us an application or other documents;

(d) Have your application processed as soon as possible. Unless your application is delayed under WAC 388-406-0040, we process your application for benefits within thirty days, except:

(i) If you are eligible for expedited services under WAC 388-406-0015, you get food assistance within five days. If we deny you expedited services, you have a right to ask that the decision be reviewed by the department within two working days from the date we denied your application;

(ii) If you are pregnant and otherwise eligible, you get medical within fifteen working days.

(iii) General assistance (GAU), alcohol or drug addiction treatment (ADATSA), or medical assistance may take up to forty-five days; and

(iv) Medical assistance requiring a disability decision may take up to sixty days.

(e) Be given at least ten days to give us information needed to determine your eligibility and be given more time if you ask for it. If we do not have the information needed to decide your eligibility, then we may deny your request for benefits;

(f) Have the information you give us kept private. We may share some facts with other agencies for efficient management of federal and state programs;

(g) Ask us not to collect child support or medical support if you fear the noncustodial parent may harm you, your children, or the children in your care;

(h) Ask for extra money to help pay for temporary emergency shelter costs, such as an eviction or a utility shutoff, if you get TANF;

(i) Get a written notice, in most cases, at least ten days before we make changes to lower or stop your benefits;

(j) Ask for a fair hearing if you disagree with a decision we make. You can also ask a supervisor or administrator to review our decision or action without affecting your right to a fair hearing;

(k) Have interpreter or translator services given to you at no cost and without delay;

(l) Refuse to speak to a fraud investigator. You do not have to let an investigator into your home. You may ask the investigator to come back at another time. Such a request will not affect your eligibility for benefits; and

(m) Get help from us to register to vote.

(2) If you get cash, food, or medical assistance, you are responsible to:

(a) Tell us if you are pregnant, in need of immediate medical care, experiencing an emergency such as having no money for food, or facing an eviction so we can process your request for benefits as soon as possible;

(b) Report the following expenses so we can decide if you can get more food assistance:

(i) Shelter costs;

(ii) Child or dependent care costs;

(iii) Child support that is legally obligated;

(iv) Medical expenses; and

(v) Self-employment expenses.

(c) Report changes as required under WAC 388-418-0005 and 388-418-0007. If you get:

(i) Cash or food assistance, changes must be reported within ten days from the date you learn of the change; or

(ii) Medical assistance, changes must be reported within twenty days from the date you learn of the change.

(d) Give us the information needed to determine eligibility;

(e) Give us proof of information when needed. If you have trouble getting proof, we help you get the proof or contact other persons or agencies for it;

(f) Cooperate in the collection of child support or medical support unless you fear the noncustodial parent may harm you, your children, or the children in your care;

(g) Apply for and get any benefits from other agencies or programs prior to getting cash assistance from us;

(h) Complete reports and reviews when asked;

(i) Look for, get, and keep a job or participate in other activities if required for cash or food assistance;

(j) Give your medical identification card or letter of eligibility from us to your medical care provider; and

(k) Cooperate with the quality control review process.

(3) If you are eligible for necessary supplemental accommodation (NSA) services under chapter 388-472 WAC, we help you comply with the requirements of this section.

WSR 02-15-018
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-129—Filed July 8, 2002, 3:46 p.m.]

Date of Adoption: June 7, 2002.

Purpose: To amend WAC 232-28-299 Mandatory report of hunting activity, 232-12-267 Field identification of wildlife—Evidence of sex—Definitions, and 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons.

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-299, 232-12-267, and 232-28-276.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-10-128 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 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 1, 2002

Nancy Burkhart
for Russ Cahill, Chairman
Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-299 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag acquired, by January 31.

(b) Reports must be made using the department's designated automated telephone hunter reporting system (toll free) or internet hunter reporting system.

(c) Any hunter not reporting, for each tag acquired, by January 31 will be in noncompliance of reporting requirements.

(d) Compliance will be credited for each species for which a transport tag is acquired.

(2) As an incentive for prompt reporting, all successful hunters who report harvest within 10 days of killing an animal and unsuccessful hunters who report by midnight January 10 will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters

must report their hunting activity for each transport tag acquired.

Special incentive permits for 2002.

(a) There will be two (2) any elk special incentive permits for western Washington and two (2) for eastern Washington for use in any area open to general or permit hunting seasons EXCEPT private lands wildlife management areas and GMUs 157, 162, 166, and 485.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT private lands wildlife management areas and GMUs 157 and 485.

(c) Open season: The deer or elk special incentive permit hunter must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon at other times if there are no firearm restrictions.

(d) The dates for the hunts will be September 1 to December 31, 2002.

(e) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

(f) Bag limit: One additional deer or elk.

(3) Beginning with license year 2002 and there after, hunters who have not reported hunting activity for the tags acquired the previous year will be required to complete a hunting report for those species before a new license for that species will be issued.

AMENDATORY SECTION (Amending Order 555, filed 6/1/92, effective 7/2/92)

WAC 232-12-267 Field identification of wildlife—Evidence of sex—Definitions. (1) It is unlawful to possess or transport game birds unless the feathered heads are left attached to the carcass, except falconry caught birds, until the carcass is processed and/or stored for consumption.

(2) It is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains naturally attached to the carcass until the carcass is processed and/or stored for consumption.

(a) Evidence of sex means the head with antlers or horns attached or penis or testes of male big game animals or the head or udder of female big game animals any of which must be naturally attached to at least one quarter of the carcass or to the largest portion of meat.

(b) For the purpose of this rule, "stored for consumption" means at the final point of storage prior to consumption of the meat.

(3) It is unlawful to possess or transport goat, sheep, moose, deer or elk taken in hunting areas which have horn or antler restrictions unless the head or skull plate, with both horns or both antlers naturally attached, accompanies the carcass.

(4) The possession of a taxidermist's receipt which includes the taxidermist's name, address, and telephone number, the hunter's name, address, telephone number, license, and tag number, the species and sex of the game bird or big

game animal taken, as well as antler points or horn size and the date and GMU location or special deer/elk permit area where taken, shall be deemed to constitute compliance with this section.

For the purpose of this rule "accompanies the carcass" means to remain with the carcass until it has reached the point of processing or storage.

(5) It is lawful for persons who have complied with the department of fish and wildlife's chronic wasting disease sampling program to possess deer and elk without proof of sex under the following provisions:

(a) The head of the deer or elk must have been surrendered to an authorized department collection site.

(b) The hunter is in possession of an official department disease testing program identification card, completely filled out and signed and dated by a department employee or authorized agent.

(c) The carcass of the deer or elk is transported directly from where the head has been surrendered to the point of processing or storage.

Failure to comply with (a) through (c) of this subsection constitutes unlawful possession of big game and is punishable under RCW 77.15.410.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons.

2000-01 OFFICIAL HUNTING HOURS

FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS((f-))*

September 1, 2000 to January 31, 2001

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
	Daylight Savings Time					
Fri. Sept. 1 - Sun. Sept. 3	6:00		7:50	5:45		7:35
Mon. Sept. 4 - Sun. Sept. 10	6:05		7:40	5:55		7:25
Mon. Sept. 11 - Sun. Sept. 17	6:15		7:25	6:05		7:10
Mon. Sept. 18 - Sun. Sept. 24	6:25		7:10	6:10		7:00
Mon. Sept. 25 - Sun. Oct. 1	6:35		6:55	6:20		6:45
Mon. Oct. 2 - Sun. Oct. 8	6:45		6:40	6:30		6:30
Mon. Oct. 9 - Sun. Oct. 15	6:55		6:25	6:40		6:15
Mon. Oct. 16 - Sun. Oct. 22	7:05		6:15	6:50		6:00
Mon. Oct. 23 - Sat. Oct. 28	7:10		6:05	7:00		5:50
	Pacific Standard Time					
Mon. Oct. 30 - Sun. Oct. 29	6:20		5:00	6:05		4:45
Mon. Nov. 6 - Sun. Nov. 5	6:25		4:50	6:10		4:40
Mon. Nov. 13 - Sun. Nov. 12	6:35		4:40	6:25		4:30
Mon. Nov. 20 - Sun. Nov. 19	6:45		4:30	6:35		4:20
Mon. Nov. 27 - Sun. Nov. 26	6:55		4:25	6:45		4:15
Mon. Dec. 4 - Sun. Dec. 3	7:05		4:20	6:55		4:10
Mon. Dec. 11 - Sun. Dec. 10	7:15		4:20	7:00		4:05
Mon. Dec. 18 - Sun. Dec. 17	7:20		4:20	7:10		4:05
Mon. Dec. 25 - Sun. Dec. 24	7:25		4:20	7:10		4:10
Mon. Dec. 31 - Sun. Dec. 31	7:25		4:25	7:15		4:10
Mon. Jan. 1 - Sun. Jan. 7	7:30		4:30	7:15		4:20
Mon. Jan. 8 - Sun. Jan. 14	7:25		4:40	7:15		4:30
Mon. Jan. 15 - Sun. Jan. 21	7:20		4:50	7:10		4:40
Mon. Jan. 22 - Sun. Jan. 28	7:15		5:00	7:00		4:50
Mon. Jan. 29 - Wed. Jan. 31	7:10		5:05	6:55		4:50

((f-))* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

PERMANENT

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-02 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS((f-))*

September 1, 2001 to January 31, 2002

Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Sat.	Sept. 1	-	Sun. Sept. 2	6:00		7:50	5:45		7:40
Mon.	Sept. 3	-	Sun. Sept. 9	6:05		7:40	5:50		7:30
Mon.	Sept. 10	-	Sun. Sept. 16	6:15		7:25	6:00		7:15
Mon.	Sept. 17	-	Sun. Sept. 23	6:20		7:10	6:10		7:00
Mon.	Sept. 24	-	Sun. Sept. 30	6:30		6:55	6:20		6:45
Mon.	Oct. 1	-	Sun. Oct. 7	6:40		6:45	6:30		6:30
Mon.	Oct. 8	-	Sun. Oct. 14	6:50		6:30	6:40		6:15
Mon.	Oct. 15	-	Sun. Oct. 21	7:00		6:15	6:50		6:05
Mon.	Oct. 22	-	Sat. Oct. 27	7:10		6:05	7:00		5:50
Pacific Standard Time									
			Sun. Oct. 28	6:15		5:00	6:05		4:45
Mon.	Oct. 29	-	Sun. Nov. 4	6:20		4:50	6:10		4:40
Mon.	Nov. 5	-	Sun. Nov. 11	6:35		4:40	6:20		4:30
Mon.	Nov. 12	-	Sun. Nov. 18	6:45		4:35	6:30		4:20
Mon.	Nov. 19	-	Sun. Nov. 25	6:55		4:25	6:45		4:15
Mon.	Nov. 26	-	Sun. Dec. 2	7:05		4:20	6:50		4:10
Mon.	Dec. 3	-	Sun. Dec. 9	7:10		4:20	7:00		4:05
Mon.	Dec. 10	-	Sun. Dec. 16	7:20		4:20	7:05		4:05
Mon.	Dec. 17	-	Sun. Dec. 23	7:25		4:20	7:10		4:05
Mon.	Dec. 24	-	Sun. Dec. 30	7:25		4:25	7:15		4:10
Mon.	Dec. 31	-	Sun. Jan. 6	7:25		4:30	7:15		4:20
Mon.	Jan. 7	-	Sun. Jan. 13	7:25		4:40	7:15		4:25
Mon.	Jan. 14	-	Sun. Jan. 20	7:20		4:45	7:10		4:35
Mon.	Jan. 21	-	Sun. Jan. 27	7:15		4:55	7:05		4:45
Mon.	Jan. 28	-	Thur. Jan. 31	7:10		5:05	7:00		4:55

((f-))* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PERMANENT

2002-2003 OFFICIAL HUNTING HOURS
 FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS((f-))^{*}
 September 1, 2002 to January 31, 2003

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	from to	P.M.	A.M.	from to	P.M.
	Daylight Savings Time					
		Sun.	Sept. 1	6:00	7:50	5:45 7:40
Mon.	Sept. 2	- Sun.	Sept. 8	6:00	7:45	5:45 7:30
Mon.	Sept. 9	- Sun.	Sept. 15	6:10	7:30	6:00 7:15
Mon.	Sept. 16	- Sun.	Sept. 22	6:20	7:15	6:10 7:00
Mon.	Sept. 23	- Sun.	Sept. 29	6:30	7:00	6:20 6:45
Mon.	Sept. 30	- Sun.	Oct. 6	6:40	6:45	6:30 6:35
Mon.	Oct. 7	- Sun.	Oct. 13	6:50	6:30	6:40 6:20
Mon.	Oct. 14	- Sun.	Oct. 20	7:00	6:20	6:50 6:05
Mon.	Oct. 21	- Sat.	Oct. 26	7:10	6:05	7:00 5:55
	Pacific Standard Time					
		Sun.	Oct. 27	6:15	5:00	6:00 4:50
Mon.	Oct. 28	- Sun.	Nov. 3	6:20	4:55	6:10 4:50
Mon.	Nov. 4	- Sun.	Nov. 10	6:30	4:45	6:20 4:30
Mon.	Nov. 11	- Sun.	Nov. 17	6:40	4:35	6:30 4:20
Mon.	Nov. 18	- Sun.	Nov. 24	6:50	4:25	6:40 4:15
Mon.	Nov. 25	- Sun.	Dec. 1	7:00	4:20	6:50 4:10
Mon.	Dec. 2	- Sun.	Dec. 8	7:10	4:20	7:00 4:10
Mon.	Dec. 9	- Sun.	Dec. 15	7:15	4:20	7:05 4:10
Mon.	Dec. 16	- Sun.	Dec. 22	7:20	4:20	7:10 4:10
Mon.	Dec. 23	- Sun.	Dec. 29	7:25	4:25	7:10 4:15
Mon.	Dec. 30	- Sun.	Jan. 5	7:25	4:30	7:15 4:15
Mon.	Jan. 6	- Sun.	Jan. 12	7:25	4:35	7:15 4:25
Mon.	Jan. 13	- Sun.	Jan. 19	7:20	4:45	7:10 4:35
Mon.	Jan. 20	- Sun.	Jan. 26	7:15	4:55	7:05 4:45
Mon.	Jan. 27	- Fri.	Jan. 31	7:10	5:05	7:00 4:55

((f-))^{*} These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2000-01 OFFICIAL HUNTING HOURS
 FOR GAME ANIMALS AND FOREST GROUSE((f-))^{*}
 September 1, 2000 to January 31, 2001

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	from to	P.M.	A.M.	from to	P.M.
	Daylight Savings Time					
Fri.	Sept. 1	- Sun.	Sept. 3	6:00	8:20	5:45 8:05
Mon.	Sept. 4	- Sun.	Sept. 10	6:05	8:10	5:55 7:55

PERMANENT

2000-01 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE((†-))
September 1, 2000 to January 31, 2001

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:55	6:05		7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:40	6:10		7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		7:25	6:20		7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		7:10	6:30		7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:55	6:40		6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:45	6:50		6:30
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10		6:35	7:00		6:20
Pacific Standard Time										
			Sun.	Oct. 29	6:20		5:30	6:05		5:15
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25		5:20	6:10		5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		5:10	6:25		5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		5:00	6:35		4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:55	6:45		4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:50	6:55		4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:50	7:00		4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:50	7:10		4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:50	7:10		4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:55	7:15		4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		5:00	7:15		4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		5:10	7:15		5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		5:20	7:10		5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:30	7:00		5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:35	6:55		5:20

((†-))* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2001-2002 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE((†-))
September 1, 2001 to January 31, 2002

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		8:20	5:45		8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		8:10	5:50		8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:55	6:00		7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:40	6:10		7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		7:25	6:20		7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		7:15	6:30		7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		7:00	6:40		6:45

PERMANENT

2001-2002 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE((f-))
September 1, 2001 to January 31, 2002

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:45	6:50		6:35
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:35	7:00		6:20
Pacific Standard Time										
			Sun.	Oct. 28	6:15		5:30	6:05		5:15
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		5:20	6:10		5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		5:10	6:20		5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		5:05	6:30		4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:55	6:45		4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:50	6:50		4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:50	7:00		4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:50	7:05		4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:50	7:10		4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:55	7:15		4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		5:00	7:15		4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		5:10	7:15		4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		5:15	7:10		5:05
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		5:25	7:05		5:15
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10		5:35	7:00		5:25

((f-))* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

2002-2003 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2002 to January 31, 2003

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time										
			Sun.	Sept. 1	6:00		8:20	5:45		8:10
Mon.	Sept. 2	-	Sun.	Sept. 8	6:00		8:15	5:45		8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10		8:00	6:00		7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20		7:45	6:10		7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30		7:30	6:20		7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40		7:15	6:30		7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50		7:00	6:40		6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00		6:50	6:50		6:35
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10		6:35	7:00		6:25
Pacific Standard Time										
			Sun.	Oct. 27	6:15		5:30	6:00		5:20
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20		5:25	6:10		5:20

2002-2003 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE.*
September 1, 2002 to January 31, 2003

Dates (Inclusive)					Western Washington			Eastern Washington		
					from	to	P.M.	from	to	P.M.
Mon.	Nov. 4	-	Sun.	Nov. 10	A.M. 6:30		P.M. 5:15	A.M. 6:20		P.M. 5:00
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40		5:05	6:30		4:50
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50		4:55	6:40		4:45
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00		4:50	6:50		4:40
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10		4:50	7:00		4:40
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15		4:50	7:05		4:40
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20		4:50	7:10		4:40
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25		4:55	7:10		4:45
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25		5:00	7:15		4:45
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25		5:05	7:15		4:55
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20		5:15	7:10		5:05
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15		5:25	7:05		5:15
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10		5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

- 1) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

Hound Hunting During Deer and Elk Hunting Seasons

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan,

Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 5, 2000-Mar. 15, 2001; Sept. 4, 2001-Mar. 15, 2002; Sept. 3, 2002-Mar. 15, 2003; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31, 2000; Sept. 1-Dec. 31, 2001; Sept. 1-Dec. 31, 2002.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

Upland Birds

Eastern Washington

Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7-Dec. 31, 2000; Oct. 6-Dec. 31, 2001; Oct. 5-Dec. 31, 2002.

Chukar

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: Oct. 1, 2000-Jan. 15, 2001; Oct. 1, 2001-Jan. 21, 2002; Oct. 1, 2002-Jan. 20, 2003.

Mountain Quail

Season closed throughout Eastern Washington.

California (valley) Quail and northern Bobwhite

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 7, 2000-Jan. 15, 2001; Oct. 6, 2001-Jan. 21, 2002; Oct. 5, 2002-Jan. 20, 2003.

Yakama Indian Reservation: The 2000-01, 2001-02, 2002-03 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

Western WashingtonRing-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 23 and 24, 2000; Sept. 22 and 23, 2001; Sept. 21 and 22, 2002. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 25-29, 2000; Sept. 24-28, 2001; Sept. 23-27, 2002.

Regular Season: Sept. 30-Nov. 30, 2000; Sept. ~~((28)-(29))~~ 29-Nov. 30, 2001; Sept. 28-Nov. 30, 2002. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 7, 2000; Oct. 6, 2001; Oct. 5, 2002.

Extended Season: Dec. 1-Dec. 15, 2002. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants during three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

Mountain Quail

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

California (valley) Quail and northern Bobwhite

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Oct. 7-Nov. 30, 2000; Oct. 6-Nov. 30, 2001; Oct. 5-Nov. 30, 2002.

WILD TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 2001; April 15-May 15, 2002; April 15-May 15, 2003.

Fall Season

Either Sex

Permit Only - Asotin, Columbia, Garfield, Klickitat, Skamania, Stevens, and Walla Walla counties, and GMU 133: Oct. 1-5, 2000; Oct. 1-5, 2001; Oct. 1-5, 2002.

Permit Area	Number of Permits
Asotin, Columbia, Garfield, and Walla Walla counties	50
Klickitat and Skamania counties	75
Stevens County	((300)) 1000
GMU 133	((75)) 100
Ferry County	((50)) 100
Pend Oreille County	((25)) 100

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One (1) wild turkey per day, only two (2) may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog training season, but may not be killed except during established hunting seasons. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2000-Mar. 31, 2001; Aug. 1, 2001-Mar. 31, 2002; Aug. 1, 2002-Mar. 31, 2003, except from Sept. 15-Nov. 30, dog training is only allowed from 8:00 a.m. to 4:00 p.m. on designated Western Washington pheasant release sites.

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area;

Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Statewide: Sept. 9-14, 2000; Sept. 8-13, 2001; Sept. 7-12, 2002. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2001; Sept. 1-15, 2002.

BAND-TAILED PIGEON

~~((Closed season statewide.))~~ Sept. 15-23, 2002.

Daily bag limit: 2 band-tailed pigeons.

Possession limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 28 or postmarked on or before August 28 in order for applicants to be mailed a 2002 authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, 2002, 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 band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2000; Sept. 1-15, 2001; Sept. 1-15, 2002.

PERMANENT

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2000-Mar. 15, 2001; Sept. 1, 2001-Mar. 15, 2002; Sept. 1, 2002-Mar. 15, 2003.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2000-Jan. 31, 2001; Oct. 1, 2001-Jan. 31, 2002; Oct. 1, 2002-Jan. 31, 2003.

FALCONRY SEASONSUpland Game Bird and Forest Grouse - Falconry

Daily Bag: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day. Possession limit is twice the daily bag limit.

Statewide: Sept. 1, 2000-Mar. 15, 2001; Aug. 1, 2001-Mar. 15, 2002; Aug. 1, 2002-Mar. 15, 2003.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 2000; Sept. 1-15 and Oct. 1-Dec. 31, 2001; Sept. 1-15 and Oct. 1-Dec. 31, 2002.

Cottontail and Snowshoe Hare - Falconry

Daily Bag: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2000-Mar. 15, 2001; Aug. 1, 2001-Mar. 15, 2002; Aug. 1, 2002-Mar. 15, 2003.

WSR 02-15-019**PERMANENT RULES****DEPARTMENT OF****FISH AND WILDLIFE**

[Order 02-135—Filed July 8, 2002, 3:48 p.m., effective January 1, 2003]

Date of Adoption: June 7, 2002.

Purpose: To adopt WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits; and to repeal WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-277.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-10-128 on May 1, 2002.

Changes Other than Editing from Proposed to Adopted Version: Under big game auction permits section (page 1):

- For the hunt area section of the deer auction permit, add GMU 157 to areas closed to hunting. This is because GMU 157 is a city watershed and access is restricted.
- For the hunt area section of the Westside elk auction permit, add GMU 485 to areas closed to hunting. This is because GMU 485 is a city watershed and access is restricted.

Under section for big game raffle permits (pages 2-3):

- For the hunt area section of the deer raffle permit, add GMU 157 to areas closed to hunting. This is because GMU 157 is a city watershed and access is restricted.
- For the hunt area section of the Westside elk raffle permit, add GMU 485 to areas closed to hunting. This is because GMU 485 is a city watershed and access is restricted.

Under section for special incentive permits (page 4):

- Subsection (a): For the hunt area section of the Westside elk incentive permits, delete GMUs 418 and 522 from the areas closed to hunting. This is because the language is redundant; those GMUs are currently closed to elk hunting.
- Subsection (b): For the hunt area section of the statewide deer incentive permits, delete GMUs 418 and 522 from the areas closed to hunting. This is because the language is redundant; those GMUs are currently closed to deer hunting.

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 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: January 1, 2003.

July 1, 2002

Nancy Burkhart

for Russ Cahill, Chairman

Fish and Wildlife Commission

NEW SECTION**WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.****BIG GAME AUCTION PERMITS**

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31
 Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
 Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
 Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31
 Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), Sheep Unit 13 (Quilomene), or Sheep Unit 14 (Swakane).
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30

Hunt Area: Any open moose unit.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31
 Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)**DEER RAFFLE PERMIT HUNT**

Bag limit: One additional any buck deer
 Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
 Open season: September 1 - December 31.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk
 Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.
 Open season: September 1 - December 31.
 Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
 Number of permits: 1
 Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk
 Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
 Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), Sheep Unit 13 (Quilomene), or Sheep Unit 14 (Swakane).

Open season: September 1 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: October 1 - November 30.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).

Open season: September 15 - October 31.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31.

Weapon: Archery or shotgun only.

Number of permits: 2

Raffle ticket cost: \$5.00 including a 50-cent vendor fee.

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2003:

WAC 232-28-277 2001, 2002, 2003 Big game and wild turkey auction permits and raffles.

WSR 02-15-020
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed July 8, 2002, 4:23 p.m.]

Date of Adoption: July 8, 2002.

Purpose: New section WAC 458-16-560 Housing for very low-income households, this rule contains definitions of various terms used in both the statute and rule; describes the requirements to obtain either a total or partial exemption; explains how the exemption for a facility with only three or less units or for a mobile home park with only three or less lots with a vacancy on the January 1 assessment date will be determined; provides detailed information about how the exemption will be determined when the income of the occupants rises from very low-income to low-income; explains how the incomes of individual residents of group homes will be viewed in determining the size of the exemption to be granted; describes how the exemption works for property unoccupied at the time of initial application or at any time after the exemption is granted; and gives details about the annual in-lieu payments that a qualifying nonprofit entity may agree to make to the city, county, or other political subdivision for the improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the exempt rental housing or mobile home lots.

Statutory Authority for Adoption: RCW 84.36.865.

Other Authority: RCW 84.36.560.

Adopted under notice filed as WSR 02-11-051 on May 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 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 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: Thirty-one days after filing.

July 8, 2002

Russell W. Brubaker

Assistant Director

Legislation and Policy Division

NEW SECTION

WAC 458-16-560 Housing for very low-income households. (1) **Introduction.** This rule explains the exemption that may be claimed by nonprofit entities providing rental housing or lots for mobile homes within a mobile home park for occupancy by a very low-income household in accordance with RCW 84.36.560.

(2) **Definitions.** For the purposes of this rule, the following definitions apply:

(a) "CTED" means the state department of community, trade, and economic development or its successor agency;

(b) "Department" means the state department of revenue;

(c) "Group home" means a single-family dwelling financed, in whole or in part, by the state department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105. A "group home" has multiple units occupied on a twenty-four-hour basis by persons who are not related by birth or marriage and who are not dependent upon each other financially. Residents of a "group home" typically receive financial assistance from the federal or state government, such as Social Security benefits or supplementary security insurance;

(d) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(e) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing or mobile home park becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted;

(f) "Rental housing" means a residential housing facility or group home that is occupied, but not owned, by very low-income households;

(g) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located. The median income level is that which is in effect as of January 1st of the year the application for exemption is submitted; and

(h) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended;

(ii) Limited partnership in which a general partner is a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a

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housing authority meeting the definition in RCW 35.82.210 (2)(a); or

(iii) Limited liability company in which a managing member is a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal Internal Revenue Code, as amended, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210 (2)(a).

(3) Total exemption - Requirements for rental housing or lot(s) for a mobile home. Real and personal property is exempt from all property taxes if:

(a) The property is owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide a lot of land upon which a mobile home for a very low-income household will be placed in a mobile home park;

(b) The benefit of the exemption is received by the nonprofit entity. That is, if the property is leased to or used by, but not owned by, a nonprofit entity, the reduction in property taxes due to the exemption is passed on to the nonprofit user either through a reduction in rent, reimbursement of rent, or property tax paid;

(c) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in the mobile home park are occupied by very low-income households; and

(d) The rental housing or lots in the mobile home park are insured, financed, or assisted, in whole or in part, through:

(i) A federal or state housing program administered by CTED; or

(ii) An affordable housing levy authorized under RCW 84.52.105.

(4) Partial exemption - Determination of the amount of exemption. If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption on the housing's or park's personal property. The property must be owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide a lot upon which a mobile home for a very low-income household will be placed in a mobile home park.

(a) A partial exemption will be allowed for each dwelling unit in the rental housing or for each lot in the mobile home park occupied by a very low-income household; and

(b) The amount of the real property exemption will be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The formula for determining the fraction is as follows:

(i) The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing facility or mobile home park becomes operational or on January 1st of each subsequent assessment year in which the claim for exemption is submitted; and

(ii) The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year in which the rental housing facility or mobile home park becomes operational or on January 1st of each subsequent assessment year in which the claim for exemption is submitted.

(5) Exempt facility with only three or less units or mobile home park with only three or less lots with vacancy on January 1st - Size of exemption. If the rental housing or mobile home park is comprised of *only* three or less dwelling units or lots and there are any unoccupied dwelling units or lots on January 1st after receipt of a property tax exemption, the department will determine the size of the exemption based on the number of occupied dwelling units or lots on May 1st of the assessment year in which a claim for exemption is submitted. For example, if one-half of an exempt duplex is vacant on January 1st, which is the duplex's third year of operation, the department will determine the size of the exemption based on the number of occupied units on May 1st of that assessment year.

(6) Facilities with ten or less units or mobile home parks with ten or less lots - Allowance for income growth. Because the occupants of rental housing and mobile home parks granted an exemption under RCW 84.36.560 are generally attempting to improve their financial situation, the income of the household is likely to fluctuate during the time they occupy the housing unit or lot in the mobile home park.

(a) In an attempt to assist these households in improving their circumstances, the exemption will continue for specific rental units or mobile home lots when the household's income rises above fifty percent of median income under the following conditions:

(i) The currently exempt rental housing unit in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted;

(ii) The household's income rises above fifty percent of the median income but remains at or below eighty percent of median income adjusted for family size as most recently determined by the federal Department of Housing and Urban Development for the county in which the rental housing or mobile home park is located; and

(iii) The rental housing or mobile home park continues to meet the certification requirements of a very low-income housing program administered by CTED or the affordable housing levy under RCW 84.52.105; and

(b) If a dwelling unit or mobile home lot receiving an exemption under this exception becomes vacant and is subsequently re-rented, the income of the household moving into the unit or onto the mobile home lot must be at or below fifty percent of the median income adjusted for family size as most recently determined by the federal Department of Housing and Urban Development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(c) Example. If a unit is occupied by a household whose income rises up to sixty percent of median income, the unit will retain its exempt status as long as the household continues to occupy the unit and the household's income remains

below eighty percent of median income. If the residents of this unit move out on June 1st and the unit is subsequently rented to a household whose income is at or below fifty percent of median income, the unit will retain its exempt status. Conversely, if the unit is rented to a household whose income is above fifty percent of median income, the unit becomes ineligible for exemption as of January 1st of the following year.

(7) **Group homes - Income of residents.** The income of the individual residents of a group home, as defined in subsection (2) of this rule, will not be combined so as to constitute the income of a single household. Each resident will be considered an independent household occupying a separate dwelling unit. In other words, the income of the residents of a group home will not be aggregated when the department determines the size of the exemption the group home is entitled to receive. For example, if there are six residents in a group home, the department will process the application for exemption as if there were six separate dwelling units and determine the size of the exemption on that basis. If three of the residents have income at or below fifty percent of median income, the home will receive a fifty percent reduction in the property taxes due on the home.

(8) **Eligibility of property unoccupied at the time of initial application or at any time after the exemption is granted.** Property that is unoccupied at the time of application or on January 1 of any subsequent year is still eligible for exemption if certain conditions are met. If the property is currently taxable, it may receive exempt status as of the assessment year in which the claim for exemption is submitted. If the property is currently exempt but the exempt use will cease or will be reduced because of renovations or repairs, the exempt status of the property may be continued for taxes payable the next year. The following conditions must be satisfied to receive an exemption under either of these circumstances:

(a) The rental housing or mobile home park will be used for the exempt purpose stated in RCW 84.36.560 within two assessment years;

(b) The nonprofit entity applying for or receiving the exemption has obtained a commitment for financing, in whole or in part, to acquire, construct, remodel, renovate, or otherwise convert the property to provide housing for very low-income households from:

(i) A federal or state housing program administered by CTED; or

(ii) An affordable housing levy authorized under RCW 84.52.105;

(c) The nonprofit entity has manifested its intent in writing to construct, remodel, renovate, or otherwise convert the rental housing or mobile home park to housing for very low-income households; and

(d) If less than the entire facility or mobile home park will be used to provide rental housing or mobile home lots for very low-income households, only that portion that will be so used is entitled to an exemption under this subsection.

(9) **Exclusive use required.** To be exempt under RCW 84.36.560, the property must be exclusively used to provide

rental housing or mobile home lots for very low-income households, except as provided in RCW 84.36.805.

(10) **Payments in-lieu of property tax will be accepted.** Any nonprofit entity that qualifies for a property tax exemption under RCW 84.36.560 may agree to make payments to the city, county, or other political subdivision for the improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the exempt rental housing facility or mobile home lots. However, these payments may not exceed the amount of property tax last levied as the annual tax by the city, county, or political subdivision upon the property prior to the time the exemption was effective.

WSR 02-15-023

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed July 9, 2002, 4:42 p.m.]

Date of Adoption: July 3, 2002.

Purpose: These rules implement the 2001 state operating budget, which provides funding for salary bonuses for teachers who attain certification by the national board for professional teaching standards. Additionally, the 2002 legislature increased the number of years an employee may receive the bonus from three to four years.

Citation of Existing Rules Affected by this Order: New sections WAC 392-140-970 through 392-140-974.

Statutory Authority for Adoption: RCW 28A.150.-290(2).

Other Authority: Section 514(12), chapter 7, Laws of 2001 (the state operating budget).

Adopted under notice filed as WSR 02-10-007 on April 19, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, 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 5, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 1, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

PERMANENT

SALARY BONUS FOR TEACHERS WHO ATTAIN CERTIFICATION BY THE NATIONAL BOARD

NEW SECTION

WAC 392-140-970 Salary bonus for teachers who attain certification by the national board—Applicable provisions—Authority. The provisions of WAC 392-140-970 through 392-140-974 govern administration of the salary bonus for teachers who attain certification by the national board for professional teaching standards. The authority for WAC 392-140-970 through 392-140-974 is the state Biennial Operating Appropriations Act and RCW 28A.150.290(1).

NEW SECTION

WAC 392-140-971 Salary bonus for teachers who attain certification by the national board—Purpose. These rules determine eligibility for state funding and establish guidelines for the administration of the bonus.

NEW SECTION

WAC 392-140-972 Salary bonus for teachers who attain certification by the national board—Definitions. As used in this chapter:

(1) "Form SPI 1525" means the form provided by the superintendent of public instruction on which districts may request payment of the salary bonus for teachers who attain certification by the national board for professional teaching standards.

(2) "Teacher" means an employee assigned to one of the following duties as defined in the *S-275 Personnel Reporting Handbook*:

- (a) Elementary teacher, duty root 31;
- (b) Secondary teacher, duty root 32;
- (c) Other teacher, duty root 33;
- (d) Long-term substitute teacher, duty root 52;
- (e) Contractor teacher, duty root 63; or
- (f) If the district certifies that the employee is assigned teaching responsibilities or serves as a mentor teacher:
 - (i) Other support personnel, duty root 40;
 - (ii) Library media specialist, duty root 41;
 - (iii) Counselor, duty root 42; or
 - (iv) Reading resource specialist, duty root 49.

NEW SECTION

WAC 392-140-973 Salary bonus for teachers who attain certification by the national board—Eligibility. Candidates who are eligible for the bonus shall be limited to those meeting the following requirements:

- (1) Hold current certification by the national board for professional teaching standards; and
- (2) Who are:
 - (a) Teachers employed full time or part time by Washington public school districts or educational service districts pursuant to RCW 28A.405.210; or

- (b) Teachers employed full time or part time by a contractor pursuant to WAC 392-121-188 and 392-121-206 (2)(a).

NEW SECTION

WAC 392-140-974 Salary bonus for teachers who attain certification by the national board—Administrative procedures. (1) School districts that employ teachers eligible for the salary bonus shall report those employees to the office of superintendent of public instruction by submitting Form SPI 1525 for each individual.

(2) Districts shall document each teacher's eligibility by maintaining on file for audit a copy of the teacher's national board certification notice and, if the teacher is not shown on Report S-275, evidence of employment and duties assigned.

(3) Report forms received by the superintendent of public instruction by the 15th of the month shall be paid in that month's apportionment and displayed on Report 1197, in revenue account 4158.

(4) For each candidate, the superintendent of public instruction shall send the district the amount of the salary bonus set in the operating appropriations act plus an amount for the district's (employer) portion of social security benefits.

(5) The district shall pay the bonus to the employee in a lump sum amount on a supplemental contract pursuant to RCW 28A.400.200.

(6) The salary bonus is excluded from the definition of "earnable compensation" under RCW 41.32.010(10).

(7) Teachers achieving certification by the national board for professional teaching standards shall receive the salary bonus for no more than four years.

WSR 02-15-038

PERMANENT RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-153—Filed July 11, 2002, 12:57 p.m.]

Date of Adoption: July 9, 2002.

Purpose: Adopt duplicate license fees.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-55-20000A.

Statutory Authority for Adoption: RCW 77.12.047, chapter 222, Laws of 2002.

Adopted under notice filed as WSR 02-12-130 on June 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 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: Thirty-one days after filing.

July 10, 2002

J. P. Koenings

Director

NEW SECTION

WAC 220-55-200 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-55-20000A Interim hunting and fishing license.

WSR 02-15-043

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 3:54 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: The purpose of this rule is to deal with incumbents' status, salary, periodic increment dates, vacation leave, sick leave, appeal rights and how it will be determined what methodology will be used to establish the effective date for incumbent seniority when positions are converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-120 on June 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 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: September 1, 2002.

July 11, 2002

E. C. Matt

Director

NEW SECTION

WAC 356-56-070 Incumbent status for positions converted by the board from exempt to classified. (1)

When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington management service will be in accordance with subsections (2) through (9) of this section.

(2) The incumbent shall not be required to meet any additional agency selection requirements in order to be placed into the converted position.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the Washington management review period that the agency requires to obtain permanent status shall not be required to complete a review period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the established review period shall be required to complete the remaining portion of the Washington management service review period.

(4) Incumbents whose salary is higher than the range of consideration or band assigned to the Washington management service shall retain their current salary, which will be administered as a Y-rate in accordance with WAC 356-14-075.

(5) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(6) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(7) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency is entitled to a presumption that its calculations are accurate and

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in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(8) The director will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the director will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the director's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the director's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(9) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Title 356 WAC and Title 358 WAC.

WSR 02-15-044

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 3:56 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: The language in subsection (2) of this rule has been in place since 1973. At that time, referrals were done manually and this was used to speed up the process when additional names were needed. This practice is no longer used.

Citation of Existing Rules Affected by this Order: Amending WAC 356-26-060.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-108 on June 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 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: September 1, 2002.

July 11, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 95-05-043 [99-05-043], filed 2/19/99 [2/12/99], effective 4/1/99)

WAC 356-26-060 Certification—General methods.

Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to six more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

~~((2)) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register. Provided, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute seven names per vacancy to be filled.~~

~~((3))~~ (2) The names of candidates from the same register who have the same score as the lowest score to be certified will also be certified.

~~((4))~~ (3) An unranked register may be used to complete a certification. An agency may request the transfer, reemployment, and/or voluntary demotion register(s) to complete a certification. In such cases, all names appearing on the specified register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

~~((5))~~ (4) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are persons with disabilities, Vietnam Era veterans and dis-

abled veterans, and persons age 40 and above. More than three additional names per vacancy will be certified if there are eligibles in these categories with the same score as the lowest score to be certified. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are eligibles in these categories on the existing registers. If there are fewer than three such eligibles on the register, the agency shall:

- (a) Appoint one of the eligibles from the register; or
- (b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

~~((6))~~ (5) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than seven names available for consideration:

- (a) The position is in an isolated or undesirable location.
- (b) The position has undesirable working conditions.
- (c) The agency needs to fill several positions in the class.
- (d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains seven or more available promotional candidates, agencies shall appoint from the promotional candidates.

~~((7))~~ (6) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

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

WSR 02-15-045

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 3:59 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: The modification is housekeeping in nature. RCW 41.06.100 was repealed in 1982. Staff is proposing adoption effective September 1, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 356-18-100.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-109 on June 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 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: September 1, 2002.

July 11, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 02-03-061, filed 1/10/02, effective 3/1/02)

WAC 356-18-100 Accrued vacation leave disposition—Computation—How made. (1) When an employee separates from service by reason of resignation with adequate notice, layoff, dismissal, retirement or death, he or she is entitled to a lump sum payment of unused vacation leave. The compensation shall be computed by using the formula published by the office of financial management. No contributions are to be made to the department of retirement systems (DRS) for lump sum payment of excess vacation leave accumulated under the provisions of WAC 356-18-095(2), nor shall such payment be reported to the DRS as compensation.

(2) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction in force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(~~((22), 41.06.100,))~~) or WAC 356-06-055. Seasonal career employees, as defined in WAC 356-05-380, may defer payment of their accumulated vacation leave during the period between consecutive employment cycles.

(3) The separation cited in subsection (2) of this section will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

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

WSR 02-15-046

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:02 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: The intent of the proposed modifications is to make it easier to understand the administration of overtime and call-back penalty pay when Department of Natural

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Resources' employees are performing emergency duty under an incident command system for long hours and, in some cases, days or weeks at a time. This proposal would allow miscellaneous leave to be approved in consideration of employees' need to recuperate after extended periods of emergency work under an incident command system. The modification to WAC 356-15-090(6) is housekeeping in nature.

Citation of Existing Rules Affected by this Order: Amending WAC 356-15-090, 356-15-100, 356-15-110, and 356-18-120.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-112 on June 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 4, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Effective Date of Rule: September 1, 2002.

July 11, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 97-24-038, filed 11/26/97, effective 1/1/98)

WAC 356-15-090 Schedule change and compensation. (1) The agency shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the agency changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the agency deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursday schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice, and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, performing emergency response duty under an Incident Command System, defined in RCW 38.52.010, including controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For (~~non-forest fire~~) personnel in scheduled work period positions whose work is not performed under an Incident Command System, the agency shall not be bound by the above scheduled shift change notice requirement if the agency notifies affected employees of the

contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the agency shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (7) of this section.

(b) For ~~((forest fire control and fire camp support))~~ personnel in scheduled work period positions whose work is performed under an Incident Command System, the above schedule change notice requirement shall not apply if the agency notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

~~((When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the agency shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.~~

~~When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.))~~

Such employees, in the department of natural resources, performing emergency work who are receiving overtime compensation for work which meets subsection (1)(a) through (d) of WAC 356-15-030 and who continue working at the end of one workday into the next workday shall continue to receive overtime compensation thereafter until relieved from duty for a period of at least five consecutive hours or until released from further emergency work, whichever occurs first.

(6) In the department of corrections, ~~((division of prisons))~~ office of correctional operations, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of twenty four hours or more will be on "extended duty assignment." Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their nonfire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct up to eight hours of nonwork time each day for sleep, plus up to three hours for meals, provided that:

(i) The employee has no responsibility during time deducted for meal periods.

(ii) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(iii) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Scheduled work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and 356-15-110 for a maximum of one payment, equal to three

straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work week on extended duty assignment shall be unchanged from the last previous work week on the employee's regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of forty straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall be paid shift premium as follows:

(i) Employees whose regular schedules are all night shifts will continue to receive night shift premium for all paid hours of the extended duty assignment.

(ii) Employees whose regular schedules call for some, but less than four hours of, night shift work each day will continue to receive the same number of hours at shift premium during each workday of the extended duty assignment.

(iii) Employees whose regular schedules call for some, but not all, full night shifts each week will receive shift premium for all paid hours on those same days during the extended duty assignment.

(7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight-time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

(8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

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AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-100 Call-back for work preceding or following a scheduled workshift. (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled, exceptions, and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

(3) In the department of corrections institutions bargaining unit, lack of such notice as provided in subsection (1) of this section shall not result in penalty of three hours of pay at the basic salary when such change in an employee's start time of their next scheduled workshift is a result of the employee signing up on a volunteer overtime sheet.

(4) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a single callback penalty payment equivalent to three (3) hours of straight time pay if they begin to perform emergency work after their scheduled quitting time on a scheduled work day. This provision applies separately to each emergency incident unless responding to more than one emergency incident from the same camp.

AMENDATORY SECTION (Amending WSR 99-19-113, filed 9/21/99, effective 11/1/99)

WAC 356-15-110 Call-back for work on scheduled days off or holidays. (1) Management may assign employees to work on a day off or holiday. Scheduled and nonscheduled work period employees shall be notified of such assignments at least prior to the employees' normal quitting times on their second work day preceding the day off or holiday (except Sunday when it is within the assigned workshift).

(a) If management does not give such notice, affected employees shall receive a penalty payment of three hours pay at the basic salary in addition to all other compensation due them.

(b) Management may cancel work assigned on a day off or holiday. However, if management does not notify affected employees of such cancellation at least prior to their normal quitting times on their second work day preceding the day off or holiday work assignment, affected employees shall receive a penalty payment of three hours pay at the basic salary.

(2) These provisions shall apply to employees in paid leave status.

(3) These provisions shall not apply to an employee assigned work on a day off or holiday while in standby status or on a contingency schedule as provided in WAC 356-15-090(5).

(4) Only the provisions provided in subsection (1)(b) of this section shall apply to employees within the department of corrections institutions bargaining unit when the employee has volunteered to work such time on an overtime sign-up sheet.

(5) In the Department of Natural Resources and in lieu of (1) above, employees dispatched to emergency response duty under an Incident Command System, defined in RCW 38.52.010, will be paid a callback penalty payment equivalent to three (3) hours of straight time pay for the first scheduled day off on which they perform emergency work after dispatch to an incident. Thereafter, a callback penalty payment equivalent to one (1) hour of straight time pay will be paid for each subsequent scheduled day off on which they perform emergency work on the same incident. This provision applies separately to each emergency incident unless responding to more than one incident from the same camp.

AMENDATORY SECTION (Amending WSR 89-21-055 (Order 332), filed 10/16/89, effective 12/1/89)

WAC 356-18-120 Miscellaneous leave. (1) Leave with pay may be allowed to permit an employee to take an examination for a state position, receive assessment from the employee advisory service, serve as a member of a jury, or perform other civil duties. In the Department of Natural Resources, leave with pay equivalent to one regular workshift may be allowed for the purpose of rest and recuperation after ten consecutive calendar days performing emergency work under an Incident Command System, defined in RCW 38.52.010.

(2) Employees on miscellaneous leave shall receive their basic salary and, in addition, shall be allowed to retain any compensation paid to them by their civil duty employer.

WSR 02-15-047

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:03 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: The purpose of this rule is to deal with incumbent status for positions converted by the Washington Personnel Resources Board from exempt to classified.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-110 on June 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.

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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: September 1, 2002.

July 11, 2002

E. C. Matt
Secretary

NEW SECTION

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the 15th of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the 15th of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited will all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or

she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review with the director. The written request for review must be filed with the director and received within 30 calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Once an incumbent is placed in a position converted under the provisions of this section, he/she shall be covered by the merit system rules and shall have appeal rights as set forth in these rules and Title 358 WAC.

WSR 02-15-048

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:05 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: These modifications are due to the passage of the civil service reform bill (SHB 1268), determinations of bargaining units. Certification and decertification of exclusive bargaining representatives and unfair labor practice issue[s] will be under the jurisdiction of the Public Employment Relations Commission.

Citation of Existing Rules Affected by this Order: Amending WAC 356-42-010 Membership in employee organization, 356-42-042 Election provisions—General, 356-42-045 Union shop elections, 251-14-005 Purpose, 251-14-020 Employee organization filing requirements, 251-14-052 Union shop representative election, 251-14-054 Union shop representative decertification election, 251-14-056 Employee listings, 251-14-058 Union shop requirements, 251-14-060 Contents of written agreements, 251-14-120 Requests for mediation and arbitration and 356-42-105 Requests for arbitration; and repealing WAC 356-42-020 Determination of bargaining unit, 356-42-030 Determination of bargaining unit—Of exclusive representative, 356-42-040 Decertification of exclusive representative, 356-42-049 Disclaimer of interest—Notice—Automatic termination of exclusive representation, 251-14-030 Determination of bargaining unit, 251-14-040 Election and certification of exclusive representative, 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative, 251-14-050 Petition for decertification of exclusive representative, 251-14-070 Unfair labor

practices—Management—Employee organizations, 251-14-080 Unfair labor practices—Powers of board—Procedure, 251-14-082 Investigation of and disposition of unfair labor practice charges, 251-14-083 Unfair labor practice notice and complaint—Procedure, 251-14-085 Amendment of complaint or answer—Unfair labor practice, 251-14-086 Hearings and investigation—Unfair labor practice, 251-14-087 Enforcement—Unfair labor practice, 251-14-090 Unfair labor practice—Hearings, 356-42-060 Unfair labor practices for management, 356-42-070 Unfair labor practices for employee organizations, 356-42-080 Unfair labor practice, 356-42-082 Filing unfair labor practice charge, 356-42-083 Investigation of and disposition of unfair labor practice charges, 356-42-084 Answer to complaint—Unfair labor practice, 356-42-085 Amendment of complaint or answer—Unfair labor practice, 356-42-086 Hearing—Unfair labor practice, 356-42-088 Hearings and investigation—Unfair labor practice, and 356-42-089 Enforcement—Unfair labor practice.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-111 on June 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 11, Repealed 26.

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.

July 11, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-42-010 Membership in employee organization. (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

~~((2) Any employee organization or person desiring to represent state employees before the board or in collective negotiations with an appointing authority must first file a notice of intent to represent state employees with the director of personnel. Such notice of intent to represent state employees must set forth the name of the person or employee organization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by laws, or any other documents defining powers and authorizing representation of the parties filing the notice of intent.))~~

~~((3))~~ (2) An employee organization which is, or desires to be, an exclusive bargaining representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 356-42-020 Determination of bargaining unit.
- WAC 356-42-030 Determination of bargaining unit—Of exclusive representative.
- WAC 356-42-040 Decertification of exclusive representative.

AMENDATORY SECTION (Amending WSR 88-18-010 (Order 307), filed 8/26/88)

WAC 356-42-042 Election provisions—General. (1) To provide that ~~((certification/decertification and))~~ union shop elections are truly representative of the desires of the employees and that all employees eligible to vote have every opportunity to do so, employee participation in these elections will be encouraged to the greatest extent possible.

(2) The director or designee shall administer all elections and be responsible for the processing and adjudication of all disputes that arise as a consequence of elections.

(3) Upon being notified by the director or designee that a valid petition for an election has been received, the affected appointing authority shall submit to the director or designee and the petitioning party and/or exclusive representative a list of all employees included in the bargaining unit as of the preceding payroll period. This list shall contain the employees' names, job classifications, work locations, and home mailing addresses. For purposes of an election, the director or designee shall also provide such listing to an affected employee organization which has submitted proof that it represents at least ten percent of the employees in the bargaining unit

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and/or to a group of affected employees who have submitted a written request signed by at least ten percent of the employees in the unit.

(4) Upon receipt of a valid petition for an election, the director or designee shall conduct a preelection conference which shall include representatives of the appointing authority, and representatives of the employee organization and/or petitioning party. At the preelection conference, determinations will be made on such matters as method of balloting, date(s) of election, absentee voting, eligibility of voters, locations, personnel at each election site, campaign activities, and any other matter that should be resolved concerning that election. Following the preelection conference, the director or designee will establish rules, regulations and procedures for holding the election.

(5) At least ten days prior to the scheduled date, the director or designee will distribute a notice of election for posting in the work areas of affected employees. Such notice will contain information regarding the date(s), time(s) and location(s) of balloting, the rules, regulations and procedures established for the election, and a sample ballot.

(6) To the extent feasible, as determined by the director or designee, on-site voting shall take place during the employees' regular work schedules. Eligible voters shall be given ample opportunity to vote during work time while the polls are open.

(7) An employee who cannot appear at the voting site on the date of the vote, may vote by absentee ballot. A request for an absentee ballot must be submitted to the director or designee prior to the close of voting at the employee's voting site. To be counted, absentee ballots must be postmarked within five calendar days thereafter and must be received by the department of personnel within ten calendar days of the close of the polls.

(8) Employees on leave of absence without pay for the entire calendar month preceding the start of the balloting shall not be eligible to vote.

(9) Rules governing campaign activities shall be determined at the preelection conference. Employees included in the affected bargaining unit and representatives of the petitioning party and/or the affected employee organization shall have the right to conduct such activities on the employer's grounds during work hours so long as the work of the employee and the operation of the employer are not disturbed.

(10) Electioneering shall not be permitted within twenty-five feet of the posted election area during the hours of voting or at any place after the close of the polls.

(11) Each party to an election may have one observer present during on-site voting to assist the election agent in identifying eligible voters. An employee who serves as such an observer shall be released with pay from duties normally performed during his/her work hours.

(12) The department of personnel will maintain the official voter eligibility list and will provide a copy of that list to each party. The official observer for either party may bring a copy of that list to the on-site polling place(s) for his/her own use, provided such use does not interfere with the conduct of the election.

(13) Within five working days of the date of the tally of the ballots, the petitioning party, the affected employee organization, or an employee in the bargaining unit may file objections to the election. Such objections must be in writing and must be received by the director within the five working day period. The director or designee shall investigate and determine an appropriate remedy if the objection is found to be meritorious.

(14) Any violation of these rules should be immediately reported to the director or designee. Upon receiving a complaint, the director or designee will immediately investigate; and if necessary, take steps to cause the violation to stop. If it is found by the director or designee that violations of these rules or the preelection agreements have affected the outcome of the election, the director may invalidate the election, order a new election, or take other appropriate remedial action.

AMENDATORY SECTION (Amending WSR 89-02-011 (Order 312), filed 12/28/88, effective 2/1/89)

WAC 356-42-045 Union shop elections. (1) An employee organization is eligible to petition for a union shop representation election if the employee organization is certified as exclusive bargaining representative for a bargaining unit (~~(in accordance with WAC 356-42-030)~~).

(2) Upon receipt of a valid petition from the certified exclusive bargaining representative, the director or designee shall order a union shop representation election. If the employee organization does not already have the opinion of counsel required by WAC 356-42-010(3) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(3) The election will be conducted under the general procedures outlined in WAC 356-42-042.

(4) A petitioning employee organization will be certified as union shop representative if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(5) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.

(6) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.

(7) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(8) When ~~((the board, pursuant to WAC 356-42-020, adds))~~ a new classification of employees is added into an existing bargaining unit which has a union shop provision in place, such action shall effect an automatic request for a new union shop certification election to determine the desires of the employees of the new unit unless fewer than twelve months have elapsed since the last union shop election and:

(a) The same employee organization is the certified union shop representative for each of the units being combined; or

(b) The results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit; or

(c) A majority of the incumbents in the positions to be added have signed a petition indicating acceptance of the union shop condition.

(9) No union shop election petition will be honored within twelve months following the director's certification of the results of a prior union shop certification election or a prior union shop decertification election.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-42-049 Disclaimer of interest—Notice—Automatic termination of exclusive representation.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-005 Purpose. The general purpose of this chapter is to establish rules designed specifically to provide for a sound labor relations policy covering employer-employee relations in higher education institutions. Determination of ~~((exclusive representatives and))~~ union shop provisions shall be decided, to the maximum extent practical, by providing the fullest opportunity for each affected employee to participate through the election process.

AMENDATORY SECTION (Amending WSR 88-18-018 (Order 172), filed 8/29/88, effective 10/1/88)

WAC 251-14-020 Employee organization filing requirements. ~~((1) Any employee organization authorized to represent employees before the board or in collective bargaining with an appointing authority must first file with the director a notice of intent to represent employees. Such notice must set forth the name of the employee organization; the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation and the number of classified higher education employees who are presently members of the employee organization; and a copy of a constitution, bylaws, or any other documents defining powers and authorizing representation. The director or designee shall, after verification of the docu-~~

~~ments submitted, notify the employee organization, each institution and related board of the authorized recognition.))~~

~~((2))~~ (1) An employee organization which is, or desires to be, an exclusive representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 251-14-030	Determination of bargaining unit.
WAC 251-14-040	Election and certification of exclusive representative.
WAC 251-14-042	Disclaimer of interest petition—Decertification as exclusive representative.
WAC 251-14-050	Petition for decertification of exclusive representative.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-14-052 Union shop representative election. (1) The director shall order a union shop representative election to be held upon petition from an employee organization which has been certified ~~((per WAC 251-14-040))~~ as the exclusive representative of the employees of a bargaining unit. If the employee organization does not already have the opinion of counsel required by WAC 251-14-020(2) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(2) The director shall, ~~((upon))~~ after receipt of a petition for a union shop representative election, inform all affected employees of the union shop provisions contained in chapter 41.06 RCW.

(3) The director or designee, at a preelection conference, shall review with the employee organization and appointing authority or designee the standards and procedures for the conduct of the election and shall inform all affected employees of the conditions set forth therein.

(4) The election shall be held on state property during working hours unless otherwise ~~((agreed to by all parties))~~ determined during the preelection conference.

(5) All employees on the active payroll and employed within the bargaining unit on the date of election will be eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot.

(6) Absentee ballots may be requested prior to date of election but will be counted only if received by the director or

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designee no later than two regular working days following the closing date of election.

(7) Transportation to official places of voting shall be provided to the degree practicable as determined by preelection conference.

(8) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of a union shop.

(9) The director will certify the employee organization as the union shop representative if a majority of employees in the bargaining unit vote in favor of requiring membership in the employee organization to be a condition of employment.

(10) Another union shop representative election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop representative election.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-054 Union shop representative decertification election. (1) The director shall, upon petition of thirty percent of the members of a bargaining unit, order an election to determine if a majority of employees in such bargaining unit wish to rescind membership in the employee organization as a condition of employment, providing twelve months have lapsed since the original election which established the union shop representative. Such election shall be conducted in accordance with WAC 251-14-052 (2), (3), (4), (5), (6), (7), and (8).

(2) Another union shop representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop decertification election.

(3) The director will issue a notice of union shop representative decertification, which will nullify the requirement of membership in an employee organization or the payment of a representation fee as a condition of employment when a majority of the employees in the bargaining unit vote to rescind membership in an employee organization as a condition of employment.

(4) When existing bargaining units are combined into one new unit and/or additional classes and/or positions are accreted to a bargaining unit, such action shall effect an automatic decertification of any union shop representative provision in effect except in the following instances:

(a) Where the same employee organization is certified as the union shop representative in each of the existing bargaining units that are being combined into one new unit;

(b) Where results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit. Majority vote will be determined by adding the number of employees not previously covered by a union shop provision to the total number of employees eligible to vote in the previous election.

AMENDATORY SECTION (Amending WSR 88-08-018 (Order 167), filed 3/29/88, effective 5/1/88)

WAC 251-14-056 Employee listings. When elections are requested per the provisions of WAC ((251-14-040, 251-14-050,)) 251-14-052 and 251-14-054, institutions shall, upon request from a petitioning party and/or an affected employee organization, provide copies of a current listing indicating names, mailing addresses provided by the employee at the time of hire or subsequently, classes and work locations of all employees eligible to vote in the election.

AMENDATORY SECTION (Amending WSR 89-01-071 (Order 175), filed 12/20/88, effective 2/1/89)

WAC 251-14-058 Union shop requirements. (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to pay to such employee organization the regular dues of the organization, or pay a representation fee or a nonassociation fee, within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization is satisfied by the payment of monthly or other periodic dues, or representation fees, and does not require payment of initiation, reinstatement, or any other fees or fines, and includes full and complete membership rights.

(3) Employees who wish to exercise the right of nonassociation with an employee organization based on bona fide religious tenets, or teachings of a church or religious body of which they are a member, must present a request for nonassociation to the personnel office of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop nonassociation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any included monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the nonassociation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization,

but is entitled to the same representation rights as a member of the employee organization.

(7) Employees who object to payment for activities of the exclusive representative which are supported by regular dues and which are not related to representation of the employees in the bargaining unit may pay a representation fee in lieu of regular dues. The representation fee is to be calculated by the representative in accordance with applicable constitutional and statutory requirements. See WAC 251-01-367.

(8) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative is membership in that employee organization or the regular payment of a union shop representation fee or a nonassociation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation or nonassociation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, constitutes cause for dismissal per the provisions of WAC 251-11-100.

(9) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with this section.

(10) The requirement to be a member of an employee organization or the payment of a union shop representation fee or a nonassociation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC ((251-14-050 or) 251-14-054.

(11) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization to pay a union shop representation fee or a nonassociation fee as a condition of employment.

(12) Payroll deductions for employee organization dues or union shop representation or nonassociation fees may be provided by the institution upon written authorization from the employee.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-14-060 Contents of written agreements.

(1) Written agreements may contain provisions covering all personnel matters over which the institution/related board may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director or designee and for arbitration by the board. Mediation by the director or designee and arbitration by the board of a grievance dispute shall not apply in those instances where the same complaint has been filed for hearing either through the unfair labor practice or appeal procedures of the board or the personnel appeals board rules.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues and/or union shop representation fees upon written authorization from the employee. Any employee may cancel his/her payroll deduction of employee organization dues by filing a written notice with the appointing authority or designee and the employee organization thirty calendar days prior to the effective date of such cancellation.

(4) Written agreements shall be for a minimum of one year in duration and shall not exceed three years. Automatic renewal or extension provisions may extend the term of a contract for only one year at a time. ((An automatic renewal or extension provision in a contract cannot act as a bar to a request for an exclusive representative decertification election per WAC 251-14-050(1).))

(5) Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC ((251-14-030) 251-14-054, the board shall determine the application of such bargaining agreements or terms thereof when there is an impasse between the exclusive representative and the institution.

(6) Institutions shall file signed written agreements with the director. Provisions of such agreements shall not prevail if in conflict with the higher education rules, chapter 41.06 RCW or other applicable law.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 251-14-070 Unfair labor practices—Management—Employee organizations.
- WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.
- WAC 251-14-082 Investigation of and disposition of unfair labor practice charges.
- WAC 251-14-083 Unfair labor practice notice and complaint—Procedure.
- WAC 251-14-085 Amendment of complaint or answer—Unfair labor practice.
- WAC 251-14-086 Hearings and investigation—Unfair labor practice.
- WAC 251-14-087 Enforcement—Unfair labor practice.
- WAC 251-14-090 Unfair labor practice—Hearings.

AMENDATORY SECTION (Amending WSR 97-06-012, filed 2/25/97, effective 4/1/97)

WAC 251-14-120 Requests for mediation and arbitration. Mediation and arbitration requests per WAC 251-

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14-100(2) and 251-14-110(2) shall not be allowed if the same charges are pending before the board or the personnel appeals board for processing per chapter 251-12 WAC (~~or WAC 251-14-099~~).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 356-42-060 Unfair labor practices for management.
- WAC 356-42-070 Unfair labor practices for employee organizations.
- WAC 356-42-080 Unfair labor practice.
- WAC 356-42-082 Filing unfair labor practice charge.
- WAC 356-42-083 Investigation of and disposition of unfair labor practice charges.
- WAC 356-42-084 Answer to complaint—Unfair labor practice.
- WAC 356-42-085 Amendment of complaint or answer—Unfair labor practice.
- WAC 356-42-086 Hearing—Unfair labor practice.
- WAC 356-42-088 Hearings and investigation—Unfair labor practice.
- WAC 356-42-089 Enforcement—Unfair labor practice.

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-42-105 Requests for arbitration. A request for arbitration per WAC 356-42-055 shall not be allowed if the grievant(s) involved has the same (~~charges or~~) issues pending (~~before the board for processing per WAC 356-42-082 or~~) before the personnel appeals board for processing per Title 358 WAC.

WSR 02-15-049

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:07 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: These modifications are due to the passage of the civil service reform bill (SHB 1268). These modifications reflect language that was deleted or changed in the statute regarding salary surveys.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-14-060, 251-08-051, 251-08-060 and

251-01-180; and amending WAC 356-14-010, 356-14-026, 251-08-005, and 251-08-021.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-116 on June 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 4, Repealed 4.

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.

July 11, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-010 Compensation plan—General provisions. The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units (~~for positions of a similar nature to provide like pay for like work~~).

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay, shift premium, and standby pay schedules determined by the board in the same manner as are basic salaries.

~~((6) Appropriate statistical standards and reporting requirements as outlined in chapter 356-14 WAC for comprehensive and trend salary/fringe benefit surveys.))~~

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-14-026 Salary surveys (~~Application—Indexing~~). ~~((1) Comprehensive and trend salary))~~ Salary surveys will be ~~(conducted)~~ undertaken in accordance with applicable portions of chapter 41.06 RCW.

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~~((2) All classes shall be identified and indexed (affixed) to a particular salary survey benchmark class (or group average of selected benchmark classes). Such indexing shall display the number of salary schedule ranges that each class is aligned above, the same, or below the respective benchmark class or group. Such class by class indexing shall be published on twenty day notice and approved by the board.~~

~~(3) The salary relationships so established by indexing will remain the same upon application of the salary survey data to respective benchmark classes and groups. Provided, That the board may approve exceptions to correct for inequities, substantial changes in duties and responsibilities, or recruiting and retention problems, consistent with other provisions of this chapter.)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-14-060 Compensation plan—Additional salary surveys and studies.

AMENDATORY SECTION (Amending WSR 95-19-055, filed 9/15/95, effective 10/16/95)

WAC 251-08-005 Compensation plans—General.

The director shall prepare, and subject to board approval shall periodically revise in a manner consistent with the development of the original plan, compensation plans for all classes. The plans shall provide for:

(1) Full compensation to each employee for all work assigned and performed.

(2) Regular salary increment increases based upon length of service for all employees whose performance is such as to permit them to retain job status in the classified service.

(3) Assignment of each class to a salary range reflecting prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, provided funds are available as defined in WAC 251-08-051.

(4) The rates in the salary schedules or plans to be increased if necessary to attain comparable worth.

~~(((5) Equal pay for similar duties, responsibilities, and qualifications among classes as determined by the salary survey process.))~~

~~(((6)))~~(5) Such other provisions as are appropriate in the establishment and maintenance of compensation equity in relation to prevailing practices found in Washington state private industries and other governmental units.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-08-021 Compensation plans—Salary survey. ~~((Comprehensive and trend salary))~~ Salary surveys will be ~~((conducted))~~ undertaken in accordance with applicable portions of chapter 41.06 RCW.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 251-08-051 Compensation plans—Implementation.

WAC 251-08-060 Compensation plans—Additional salary survey.

WAC 251-01-180 Fringe benefits.

WSR 02-15-050

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:09 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: These modifications are a result of legislative action (SHB 1268).

Citation of Existing Rules Affected by this Order: Repealing WAC 356-06-020 and 251-04-040; and amending WAC 356-10-020.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-113 on June 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 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

July 11, 2002

E. C. Matt

Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-06-020 Exemptions.

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AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-10-020 Classification plan—Revision. The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) In adopting these revisions the board shall comply with RCW 41.06.152, 41.06.150(~~(+15))~~(12), and chapter 43.88 RCW.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-04-040 Exemptions.

WSR 02-15-051

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:10 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: These modifications are needed as a result of SB 6628. This bill modifies the probationary and trial service periods for campus police officers.

Citation of Existing Rules Affected by this Order: Amending WAC 251-19-060 and 251-06-090.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-114 on June 5, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

July 11, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 99-19-118, filed 9/21/99, effective 11/1/99)

WAC 251-19-060 Trial service period. (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

(a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) The class is lower in that same class series, or

(c) The employee is being reallocated per the provisions of WAC 251-06-080, or

(d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140(-), or

(e) The employee is moving to the campus police officer class. The trial service period of a permanent employee moving to the campus police officer class or successor title shall extend from the date of appointment until twelve months following the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy or twelve months from the date of appointment if academy training is not required.

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110, except as provided in WAC 251-19-060 (1)(e).

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180.

(4) A trial service period shall be required upon appointment from a statewide layoff list as provided in WAC 251-10-060.

(5) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(6) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

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(b) A reasonable opportunity to overcome identified deficiencies.

(7) An employee who is reverted may appeal to the personnel appeals board regarding:

(a) Whether the employer complied with the requirements of subsection (6) of this section; and

(b) Whether the claimed deficiencies existed at the time of reversion.

(8) In the event an employee is on leave without pay status and/or shared leave for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

(9) Successful completion of the trial service period shall result in permanent status in the class.

(10) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115 and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

WAC 251-06-090 Probationary period—Duration.

(1) ~~((The))~~ Except as provided in WAC 251-06-091, the probationary period for all classes in the classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

NEW SECTION

WAC 251-06-091 Campus police officer probationary period—Duration. The probationary period for the campus police officer class (or successor title) shall extend from the date of appointment until twelve months following the successful completion of the Washington State Criminal Justice Training Commission Basic Law Enforcement Academy or twelve months from the date of appointment if academy training is not required.

WSR 02-15-052

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:12 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: The purpose of these modifications is to address the passage of SSB 5366, SSB 5263, and SB 6375.

Citation of Existing Rules Affected by this Order: Amending WAC 356-22-220 Veterans scoring in examinations, 356-18-160 Military leave—Reemployment, 251-17-150 Veterans scoring in examinations, 251-01-175 Final examination score, 251-22-180 Military leave without pay—Reemployment, and 251-22-060 Vacation leave—Accrual.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-115 on June 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 6, 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.

July 11, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 98-19-034, filed 9/10/98, effective 10/12/98)

WAC 356-22-220 Veterans ((preference)) scoring in examinations. ~~(((1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during:~~

~~(a) World War II;~~

~~(b) The Korean Conflict;~~

~~(c) The Viet Nam Era, beginning August 5, 1964 and ending May 7, 1975;~~

~~(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;~~

~~(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; or~~

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~~(f) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.))~~

(1) In all competitive examinations, any veteran who submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.

~~((2) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.))~~

~~((3))~~ (2) In all competitive examinations, veterans, as defined in subsection (4) of this section and upon submission of their qualifying DD214 form, shall be given ((a preference)) additional percentages by adding to the passing ((grade)) score, ((based upon a possible rating of 100 points as perfect,)) a percentage of such passing ((grade)) score under the following conditions:

(a) Ten percent to a veteran who ((is not receiving any veterans retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

~~((b) Five percent to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.))~~

~~((e))~~ (b) Five percent to a veteran who((, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)) was called from state employment to active military service for one or more years. ((This preference shall be utilized on the first promotional examination only.)) The percentage shall be added to the first promotional examination only.

~~((4))~~ (3) The ((above preference)) provisions in subsection (1) and (2) must be claimed within ((eight)) fifteen years of the date of release from active military service. This period may be extended by the director or designee for valid and extenuating reasons to include but not be limited to:

(a) Documented medical reasons beyond control of the veteran;

(b) United States department of veterans' affairs documented disabled veteran; or

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

(4) The term veteran as used in subsection (2) of this section shall include any person who has served in any branch of the armed forces of the United States during:

(a) World War II;

(b) The Korean Conflict;

(c) The Viet Nam Era means:

(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.

(ii) The period beginning August 5, 1964, and ending on May 7, 1975.

(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor;

(f) The period beginning on the date of any future declaration of war by the congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress; or

(g) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.

(4) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.

AMENDATORY SECTION (Amending WSR 89-06-028 (Order 314), filed 2/24/89, effective 4/1/89)

WAC 356-18-160 Military leave—Reemployment.

~~(1) ((Any person who is a resident of this state and who voluntarily or upon demand vacates a position of employment other than temporary to determine physical fitness to enter or who actually does enter upon active duty or training in the Washington National Guard, the armed forces of the United States or the United States Public Health Service shall be reemployed under the conditions prescribed in RCW 73.16.031 through 73.16.061.)) A classified employee shall be entitled to military leave of absence without pay for service in the uniformed services of the United States or the state, and to reinstatement as provided in chapter 73.16 RCW.~~

~~(2) ((Such persons must:)) No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.~~

~~((a) Provide written notice to their employer within ninety days of the date of separation or release from training and service (rejected applicants must apply within thirty days from date of rejection);~~

~~(b) Furnish a receipt of honorable discharge, report of separation or certificate of satisfactory service or other proof of satisfactorily completed service (rejected applicants must furnish proof of orders for examination and rejection);~~

~~(c) Return to state service within three months after serving four years or less provided that any additional service imposed by law will not affect their reemployment rights (RCW 73.16.035).~~

~~(3) The employer shall, upon receipt of an individual's notice to return, restore the individual to his/her former position, or to a position in the same or similar class located within a reasonable commuting distance of the former position.~~

~~(4) Any person who is reemployed under the conditions prescribed in RCW 73.16.031 through 73.16.041 shall return without loss of seniority and be entitled to all rights and benefits.)~~

AMENDATORY SECTION (Amending WSR 96-11-061, filed 5/10/96, effective 6/6/96)

WAC 251-17-150 Veterans (~~(preference)~~) scoring in examinations. (1) Any veteran who claims eligibility, submits the qualifying DD214 form, has honorably served in any branch of the armed forces, and did not serve during a period of war or in an armed conflict or is receiving military retirement shall have five percent added to their final passing score. The percentage shall be added until the person's first appointment and shall not be utilized in promotional examinations.

~~((4)) (2) Veterans who claim ((veterans preference)) eligibility, submit the qualifying DD214 form, and meet the criteria specified in subsection(s) ((2) through) (4) of this section shall have added to their final passing scores:~~

~~(a) Ten percent of the final passing score for a veteran who ((is not receiving any veteran's retirement payments)) served during a period of war or in an armed conflict and does not receive military retirement. ((This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.)) The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.~~

~~((b) Five percent of the final passing score for a veteran who is receiving any veteran's retirement payments. This preference shall be utilized in open competitive examinations until the veteran's first appointment and not in any promotional examination.))~~

~~((e)) (b) Five percent of the final passing score for a veteran who ((, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war)) was called from state employment to active military service for one or more years. ((This preference shall be limited to the first promotional examination following return from military service.)) the percentage shall be added to the first promotional examination only.~~

~~((2)) (3) ((Veterans preference)) The provisions in subsection (1) and (2) of this section must be claimed within ((eight)) fifteen years of the date of release from active military service. This period may be extended by the personnel officer for valid and extenuating reasons to include but not be limited to:~~

~~(a) Documented medical reasons beyond control of the veteran;~~

~~(b) United States department of veterans' affairs documented disabled veteran; or~~

(c) Any veteran who has his or her employment terminated through no fault or action of his or her own and whose livelihood is adversely affected may seek employment consideration under this section.

~~((3)) (4) The term "veteran" as used in ((these rules)) subsection (2) of this section shall include every person who has received an honorable discharge or received a discharge for physical reasons with an honorable record and:~~

~~(a) Has served in any branch of the armed forces of the United States between World War I and World War II or during any period of war; or~~

~~(b) Has served in any branch of the armed forces of the United States and received the armed forces expeditionary medal, or Marine Corps and Navy expeditionary medal, for opposed action on foreign soil.~~

~~((4)) (5) A "period of war" includes:~~

~~(a) World War I;~~

~~(b) World War II;~~

~~(c) The Korean conflict;~~

~~(d) The Viet Nam era((, beginning August 5, 1964 and ending on May 7, 1975.)) means:~~

~~(i) The period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period.~~

~~(ii) The period beginning August 5, 1964, and ending on May 7, 1975.~~

~~(e) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;~~

~~(f) The following armed conflicts, if the participant was awarded the respective campaign badge or medal; the crisis in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; and~~

~~(g) The period beginning on the date of any future declaration of war by the Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress.~~

AMENDATORY SECTION (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

WAC 251-01-175 Final examination score. An applicant's final passing score on an examination, plus any veterans (~~(preference)~~) or other applicable credits added in accordance with WAC 251-17-150 and/or 251-18-180 ~~((10)(b))~~.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-180 Military leave without pay—Reemployment. (1) A classified employee shall be entitled to military leave of absence without pay for service in the ((armed forces)) uniformed services of the United States or the state, and to reinstatement ((to his/her former position or to one in the same class, with cumulative seniority and increments, upon application to the personnel officer within ninety calendar days after the expiration of such period of military

~~service, in accordance with RCW 73.16.030 through 73.16.061) as provided in chapter 73.16 RCW.~~

(2) No adjustments shall be made to the seniority date, leave accrual rate, periodic increment date and anniversary date while an employee is on military leave.

AMENDATORY SECTION (Amending WSR 98-19-035, filed 9/10/98, effective 10/12/98)

- WAC 251-22-060 Vacation leave—Accrual.** (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:
- (a) During the first year of continuous state employment - 12 days (8.0 hours per month);
 - (b) During the 2nd year of continuous state employment - 13 days (8 hours, 40 minutes per month);
 - (c) During the 3rd and 4th years of continuous state employment - 14 days (9 hours, 20 minutes per month);
 - (d) During the 5th through the 9th years of total state employment - 15 days (10 hours per month);
 - (e) During the 10th year of total state employment - 16 days (10 hours, 40 minutes per month);
 - (f) During the 11th year of total state employment - 17 days (11 hours, 20 minutes per month);
 - (g) During the 12th year of total state employment - 18 days (12 hours per month);
 - (h) During the 13th year of total state employment - 19 days (12 hours, 40 minutes per month);
 - (i) During the 14th year of total state employment - 20 days (13 hours, 20 minutes per month);
 - (j) During the 15th year of total state employment - 21 days (14 hours per month);
 - (k) During the 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).
- (2) Employees working less than full-time schedules shall accrue vacation leave credit on the same prorata basis that their appointment bears to a full-time appointment.
- (3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.
- (4) The following shall apply for purposes of computing years of qualifying state employment:
- (a) Employment in the legislative and/or the judicial branch shall not be credited;
 - (b) Employment exempt by the provisions of WAC 251-04-040(4) or employment in a state agency which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;
 - (c) Each contract year of full-time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;
 - (d) Employment in part-time classified positions shall be credited as full-time service.
 - (5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual except during military leave without pay as provided in WAC 251-22-180.

WSR 02-15-053

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:13 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: HB 2401 added the Department of Natural Resources to the list of agencies cited in chapters 72.01 and 72.09 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 356-18-080, 356-30-260, and 356-30-305.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-117 on June 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 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 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.

July 11, 2002

E. C. Matt
Secretary

AMENDATORY SECTION (Amending WSR 96-13-076, filed 6/18/96, effective 8/1/96)

WAC 356-18-080 Leave—Worker's compensation.

(1) Employees who suffer a work related injury or illness (occupational disease) shall file an application for worker's compensation in accordance with chapter 51.28 RCW.

(2) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may elect to receive time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and paid leave. The employing agency shall make such options known to the employee.

(3) Employees who elect to use sick leave during a period in which they receive worker's time loss compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for worker's compensation is determined by the department of labor and industries, the employee may elect to use accrued sick leave, provided that the employee shall return any subsequent overpayment to the agency.

(b) Sick leave hours charged to an employee who receives worker's compensation as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the agency during the claim period.

(4) When an employee elects to receive pay for vacation leave, compensatory time off or exchange time and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment except for employees of the departments of social and health services, corrections, ~~((and))~~ veterans affairs, and natural resources who miss work due to an assault that occurred on the job and are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW. Pay for vacation leave, compensatory time off or exchange time to such employees shall be limited to an amount equal to the amount of their worker's compensation for time loss.

(5) When an employee receives pay for a holiday and also receives worker's compensation for time loss, the employee is entitled to both payments without any deductions for the time loss payment.

(6) Should an employee apply for time loss compensation and the claim is then or later denied, accrued leave may be used for the absence.

(7) Employees who suffer a work related injury or illness and are unable to work due to such injury or illness may request such leave be designated, or the agency may designate such leave, in accordance with WAC 356-18-145, Family and Medical Leave Act of 1993.

AMENDATORY SECTION (Amending WSR 01-23-014, filed 11/8/01, effective 1/1/02)

WAC 356-30-260 Probationary period—Provisions—Status of employee. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the board. Employees appointed from the open competitive or promotional register prior to completing their probationary period shall start a new probationary period, except as provided in WAC 356-30-280. The board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay or shared leave shall have their probationary period extended by the number of calendar days they are on leave without pay or shared leave including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, ~~((or))~~ veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending WSR 01-23-014, filed 11/8/01, effective 1/1/02)

WAC 356-30-305 Trial service period—Provision.

(1) Permanent employees appointed from a voluntary demotion register to a class not previously held, a promotional register, or from the inter-system employment register shall serve a trial service period of six months. The trial service

period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) Employees who during their trial service period go on leave without pay or shared leave shall have their trial service period extended by the number of calendar days they are on leave without pay or shared leave, including any intervening nonworking days.

(3) Employees shall have their trial service period extended by the number of calendar days in excess of 30 in which the employee is not at work, including any intervening nonwork days, if:

(a) Work is missed due to sick leave, vacation leave, military training leave, or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections, ~~((¶))~~ veterans affairs, or natural resources due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (3)(a) and (b) of this section which when added together exceed 30 calendar days.

(4) Work missed during the trial service period due to holidays shall be counted as part of the required trial service period.

(5) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a trial service period, the trial service period shall continue for the lower class.

(6) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

WSR 02-15-055

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed July 11, 2002, 4:15 p.m., effective September 1, 2002]

Date of Adoption: July 11, 2002.

Purpose: This modification is housekeeping and corrects a spelling error.

Citation of Existing Rules Affected by this Order: Amending WAC 356-18-220.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 02-12-118 on June 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 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: September 1, 2002.

July 11, 2002

E. C. Matt

Secretary

AMENDATORY SECTION (Amending WSR 01-07-057, filed 3/19/01, effective 5/1/01)

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's anniversary date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month;

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary date.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

(6) ~~((Employee))~~ ~~((f))~~ Employees ~~((t))~~ who are on leave without pay for any reason other than subsection (2) of this

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section, shall have their seniority date extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(7) Leave without pay shall not affect an employee's periodic increment date.

WSR 02-15-064
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed July 11, 2002, 4:28 p.m.]

Date of Adoption: July 10, 2002.

Purpose: Adopting new WAC 388-71-05949 What are the minimum qualifications for an instructor for basic or modified basic training?, this rule, originally filed as proposed WAC 388-71-05950 in WSR 01-23-072, was revised as a result of public comments.

Statutory Authority for Adoption: Chapter 74.39A RCW, Long-term care services options—Expansion.

Other Authority: Chapter 121, Laws of 2000.

Adopted under notice filed as WSR 01-23-072 on November 20, 2001, and WSR 02-11-129 (supplemental notice) on May 21, 2002.

Changes Other than Editing from Proposed to Adopted Version: This rule was originally proposed as WAC 388-71-05950 in WSR 01-23-072. As a result of public comments, the rule was revised and repropose as WAC 388-71-05949 in WSR 02-11-129.

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Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-71-05949	<p>What are the minimum qualifications for an instructor for basic or modified basic training?</p> <p>(2)(a)(i) A high school diploma and one year of <u>professional or caregiving</u> experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or d</p> <p>(ii) An associate degree in a health field and six months of <u>professional or caregiving</u> experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.</p> <p>(3)(b) Meet up to <u>Must have</u> forty hours of the one hundred hours of teaching while being mentored by an instructor who meets these qualifications, and must attend a class on adult education that meets the requirements of WAC 388-71-05951.</p>	<p>(2)(a)(i) and (ii) These changes were made in response to public comment. They allow professional experience as well as caregiving experience to meet the work requirement.</p> <p>(3)(b) Clarification based on public comment.</p>

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 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.

July 10, 2002

Brian H. Lindgren, Manager
 Rules and Policies Assistance Unit

NEW SECTION

WAC 388-71-05949 What are the minimum qualifications for an instructor for basic or modified basic training? An instructor for basic or modified basic training must meet the following minimum qualifications:

- (1) General qualifications:
 - (a) Twenty-one years of age;
 - (b) Has not had a professional health care or social services license or certification revoked in Washington state (however, no license or certification is required).
- (2) Education and work experience:
 - (a) Upon initial approval or hire, must have:
 - (i) A high school diploma and one year of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or
 - (ii) An associate degree in a health field and six months of professional or caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.
 - (3) Teaching experience:
 - (a) Must have one hundred hours of experience teaching adults on topics directly related to the basic training; or
 - (b) Must have forty hours of teaching while being mentored by an instructor who meets these qualifications, and must attend a class on adult education that meets the requirements of WAC 388-71-05951.
 - (4) The instructor must be experienced in caregiving practices and capable of demonstrating competency with respect to the course content or units being taught;
 - (5) Instructors who will administer tests must have experience or training in assessment and competency testing; and

(6) If required under WAC 388-71-05923 or 388-71-05929, instructors must successfully complete basic or modified basic training prior to beginning to train others.

WSR 02-15-065
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Aging and Adult Services Administration)
 [Filed July 11, 2002, 4:31 p.m.]

Date of Adoption: July 10, 2002.

Purpose: Adopting new WAC 388-112-0001 through 388-112-0195. These rules implement requirements for staff orientation in adult family homes and boarding homes; implements requirements for licensed boarding home administrators and caregivers to have basic training and specialty

training; moves all training requirements for these two settings into one training WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-76-59100, 388-76-59110, 388-76-59120 and 388-110-110; and amending WAC 388-76-570, 388-76-655, and 388-76-660.

Statutory Authority for Adoption: RCW 18.20.090, 70.128.040, 74.39A.050, and 34.05.020.

Other Authority: Chapter 121, Laws of 2000, and chapter 233, Laws of 2002.

Adopted under notice filed as WSR 01-23-073 on November 20, 2001, and supplemental notice filed as WSR 02-11-032 on May 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: These rules were originally filed as WSR 01-23-073. As a result of public comments and statutory directives, the rules were revised, renumbered, and repropoed.

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0005	What definitions apply to this chapter?	
	"Designee" means a person in a boarding home who supervises caregivers and who is designated by a boarding home administrator to take the trainings in this chapter required of the boarding home administrator. <u>A boarding home administrator may have more than one designee.</u>	Clarification.
WAC 388-112-0010	<u>When do the training requirements go into effect?</u> (1) <u>The training requirements of this chapter begin September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and apply to:</u> (2) <u>Adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who are hired or begin to provide hands-on personal care to residents subsequent to September 1, 2002; and</u> (3) <u>Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 and this chapter. Existing adult family home providers, resident managers, and caregivers, and boarding home administrators, designees, and caregivers, who have not successfully completed the training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130 are subject to all applicable requirements of this chapter. However, until September 1, 2002, nothing in this chapter affects the current training requirements under RCW 74.39A.010, 74.39A.020, 70.128.120, or 70.128.130.</u>	New WAC section, added from statute per chapter 233, Laws of 2002 for clarification.
WAC 388-112-0035	(5) The location of name of the home giving the orientation; and	Clarify meaning of "location" based on comments.
WAC 388-112-0040	Who is required to complete orientation, and when must it be completed? (1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC), resident managers, and a All paid or volunteer staff who begin work September 1, 2002 or later must complete orientation before having routine interaction with residents.	Clarify that AFH providers do not have to have this orientation, but all other staff do.
WAC 388-112-0070	What documentation is required for successful completion of basic training? (1)(c) The location of name of the home or training entity giving the training; ...	Clarify what was meant by location, based on public comment.
WAC 388-112-0075	Who is required to complete basic training, and when? (4) Boarding home administrators (or their designees), <u>except administrators with a current nursing home administrator license</u> , must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later.	Change based on public comment.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0100	<p>What documentation is required for successful completion of modified basic training? (1)(c) The location of <u>name of the home or training entity</u> giving the training. ...</p>	<p>Clarification based on public comment.</p>
WAC 388-112-0110	<p>What is specialty training? (1) Specialty or "special needs" training, including caregiver specialty training, provides instruction in caregiving skills that meet the special needs of people living with mental illness, dementia, or developmental disabilities. Specialty trainings are different for each population served and are not interchangeable. Specialty training may be integrated with basic training if the complete content of each training is included. DSHS must approve specialty training <u>curricula for managers and caregivers</u>, except for <u>adult family home caregiver dementia and mental health specialty training</u>. (2) Manager specialty training for boarding home administrators (or designees), adult family home providers and resident managers specialty training: After successfully completing the specialty training, the boarding home administrator (or designee) may train his or her own caregiver staff as follows:... (2) (3) Boarding home e <u>Caregiver specialty training for boarding homes:</u> (3) (4) Caregiver specialty training for adult family homes caregiver specialty training: The provider <u>or resident manager who has successfully completed the manager specialty training</u>, or a person knowledgeable about the specialty area trains adult family home caregivers in the specialty needs of the individual residents in the adult family home, and there is no required curriculum.</p>	<p>(1) Clarify that DSHS does not need to approve AFH caregiver specialty training curricula. (2) Differentiate between manager and caregiver specialty trainings. Information on administrators and designees training their own caregivers in specialty without meeting the instructor qualifications has been moved to the instructor qualifications for each specialty, sections 0385, 0390, and 0395. (3) Editing. (4) Clarification.</p>
WAC 288-112-0120	<p>What knowledge and skills must <u>manager and caregiver</u> developmental disabilities specialty training include? (1) <u>Manager and caregiver</u> developmental disabilities specialty training must include all of the learning outcomes and competencies published by DSHS for the following core knowledge and skills: (3) The <u>manager and caregiver</u> developmental disabilities specialty training learning outcomes and competencies may be obtained from the DSHS division of developmental disabilities.</p>	<p>Clarify that this training content is for both managers and caregivers.</p>
WAC 388-112-0125	<p>What knowledge and skills must <u>manager</u> dementia specialty include? (1) <u>Manager</u> dementia specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills:... (2) The <u>manager</u> dementia specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.</p>	<p>Clarify that this training is for managers, not caregivers.</p>
WAC 388-112-0135	<p>What knowledge and skills must <u>manager</u> mental health specialty training include? <u>Manager</u> mental health specialty training must include all the learning outcomes and competencies published by DSHS for the following core knowledge and skills: (2) The <u>manager</u> mental health specialty training learning outcomes and competencies may be obtained from the DSHS aging and adult services administration.</p>	<p>Clarify that this training is for managers, not caregivers.</p>
WAC 388-112-0155	<p>What documentation is required for successful completion of specialty training, including caregiver specialty training? (3) The location of <u>name of the home or training entity</u> giving the training. ...</p>	<p>Clarify "location" based on public comment.</p>
WAC 388-112-0160	<p>Who is required to complete <u>manager</u> specialty training, and when? Adult Family Homes (1) Adult family home providers (including entity representatives as defined under chapter 388-76 WAC) and resident managers must complete <u>manager</u> specialty training and demonstrate competency before admitting and serving residents who have special needs related to mental illness, dementia, or a developmental disability. (2) If a resident develops special needs while living in a home without a specialty designation, the provider and resident manager have one hundred twenty days to complete <u>manager</u> specialty training and demonstrate competency.</p>	<p>Clarify type of specialty training required.</p>

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
	<p>Boarding Homes</p> <p>(3) If a boarding home serves one or more residents with special needs, the boarding home administrator (or designee) must complete <u>manager</u> specialty training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of September 1, 2002, whichever is later. home. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.</p> <p>(4) If a resident develops special needs while living in a boarding home, the boarding home administrator (or designee) has one hundred twenty days to complete <u>manager</u> specialty training and demonstrate competency. A boarding home administrator with a current nursing home administrator license is exempt from this requirement, unless the administrator will train their facility caregivers in a caregiver specialty.</p>	<p>Clarify type of specialty training required.</p> <p>Changed based on public comment.</p>
WAC 388-112-0190	(1)(c) The location of name of the training entity giving the training,;	Clarification.
WAC 388-112-0195	<p>Who is required to complete nurse delegation core training, and when?</p> <p>(1) Before performing any delegated nursing task, adult family home staff must:</p> <p>(a) Successfully complete DSHS-designated nurse delegation core training; and</p> <p>(b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and</p> <p>(c) <u>If a nursing assistant registered, successfully complete basic training.</u></p> <p>(2) Before performing any delegated nursing task, boarding home staff must:</p> <p>(a) Successfully complete DSHS-designated nurse delegation core training; and</p> <p>(b) Be a nursing assistant registered or certified under chapter 18.88A RCW; and</p> <p>(c) <u>If a nursing assistant registered, successfully complete basic training.</u></p>	Add more complete information about nurse delegation requirements; editing.

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 40, Amended 3, Repealed 4.

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 40, Amended 3, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

July 10, 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 02-16 issue of the Register.

WSR 02-15-066
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Adult Services Administration)

[Filed July 11, 2002, 4:33 p.m.]

Date of Adoption: July 10, 2002.

Purpose: Adopting new WAC 388-112-0200 through 388-112-0410. These rules implement requirements for licensed boarding home administrators and caregivers to have continuing education; moves all training requirements for these two settings into one training WAC; and implements processes for approval of alternative curricula and instructors. Proposed amendments to WAC 388-78A-060 filed as WSR 01-23-074 were withdrawn.

Citation of Existing Rules Affected by this Order: Amending WAC 388-78A-050.

Statutory Authority for Adoption: RCW 18.20.090, 70.128.040, 74.39A.050, and 34.05.020.

Other Authority: Chapter 121, Laws of 2000 and chapter 233, Laws of 2002.

Adopted under notice filed as WSR 01-23-074 on November 20, 2001, and supplemental notice filed as WSR 02-11-031 on May 7, 2002.

Changes Other than Editing from Proposed to Adopted Version: These rules were originally filed as WSR 01-23-074. As a result of public comments and statutory directives, the rules were revised, renumbered, and repropoed.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
WAC 388-112-0225	May specialty training be used to meet continuing education requirements? Manager <u>Specialty training and caregiver specialty training, using an approved curriculum,</u> except any specialty training completed through a challenge test, may be used to meet continuing education requirements.	Clarify separate manager and caregiver specialty training, and that an approved curriculum must be used.
WAC 388-112-0240	What are the documentation requirements for continuing education? (1) (c) The instructor's name, <u>name of the home or training entity giving the training,</u> or the name of the video, on-line class, professional journal, or equivalent instruction materials completed;	Clarification, since instructor's name alone will not identify the home or other training entity involved.
WAC 388-112-0245	Who is required to complete continuing education training, and when? (3) Boarding home administrators (or their designees) and caregivers must complete ten hours of continuing education each calendar year (January 1 through December 31) after the year in which they successfully complete basic or modified basic training. <u>A boarding home administrator with a current nursing home administrator license is exempt from this requirement.</u>	Exemption for administrators with NH license based on public comment.
WAC 388-112-0260	What are the CPR and first aid training requirements? (4) Boarding home administrators <u>who provide direct care,</u> and caregivers must take <u>possess a valid CPR and first aid card or certificate</u> within thirty days of employment, and must maintain valid cards or certificates. <u>Boarding home licensed nurses must possess a valid CPR card or certificate within thirty days of employment, and must maintain a valid card or certificate.</u>	Based on public comment, licensed nurses are not required to take first aid; only BH administrators who provide direct care are required to take first aid. "Possess a valid card" rewording based on public comment that someone may already possess a valid card, and should not have to retake the training.
WAC 388-112-0285	What documentation is required for residential care administrator training? (1) (c) The location of <u>name of the training entity giving the training;</u>	Clarify the meaning of "location" because some people thought it meant the city, not the training entity.
WAC 388-112-0300	What training must include the DSHS-developed competency test? Basic, modified basic, <u>manager</u> specialty, caregiver <u>specialty in boarding homes,</u> and nurse-delegation core training must include the DSHS-developed competency test.	Renumbering; clarify separate specialty training for caregivers and managers; clarify that only the BH caregiver specialty includes a test, and not the AFH caregiver specialty training.
WAC 388-112-0305	How must competency test administration be standardized? To standardize competency test administration, testing must include the following components: (1) The person teaching the course must oversee <u>administer or supervise the administration of</u> all testing; and	"Oversee" was not clear, so it was reworded for clarity, based on comments.
WAC 388-112-0320	What trainings must be taught with a curriculum approved by DSHS? (1) (c) <u>Manager</u> mental health, dementia, and developmental disabilities specialty training; (d) <u>Caregiver specialty training in boarding homes;</u> and (e) Any training that integrates basic with a <u>manager</u> specialty training or caregiver specialty training. ... (4) A curriculum other than the DSHS curriculum must be approved by attestation before it is used. <u>An attestation that the curriculum meets all requirements under this chapter will be sufficient for initial approval. Final approval will be based on curriculum review, as described under WAC 388-112-0330.</u>	Separate references to manager and caregiver specialty. Clarify that a review and final approval will follow.
WAC 388-112-0335	What are the requirements for a boarding home or adult family home that wishes to conduct basic, modified basic, <u>manager specialty,</u> or <u>caregiver specialty staff</u> training? (1) A boarding home or adult family home wishing to conduct basic, modified basic, <u>manager specialty,</u> or <u>caregiver specialty training for boarding home caregivers</u> may do so if the home:	Renumbering within the section for clarity. Clarify manager and caregiver specialty training, and that this does not apply to AFH caregiver specialty training.
	(4a) Verifies ...; (2b) Teaches ...	Internal renumbering.
	(3c) Notifies DSHS in writing of the home's intent to conduct staff training prior to providing <u>the home's first training, and when changing training plans,</u> including:	Clarification based on public comment.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
	(aj) Home name; (bii) Name of training(s) ...; (eiii) Name of curriculum(s) ...;	Internal renumbering.
	(iv) <u>Name of lead instructor and instructor's past employment in boarding homes and adult family homes; and</u>	Add information needed per WAC 388-112-0345.
	(dv) Whether the home ... (4d) Ensures that ...;	Internal renumbering.
	(5e) Provides a certificate ...: (ai) The trainee's ... (bii) The name ...;	Internal renumbering.
	(eiii) <u>The location name of the home giving of the training;</u>	Clarification.
	(div) The instructor's ... (ev) The date(s) ...; (6f) Keeps a copy ...; (7g) Keeps ... (8h) Reports ...	Internal renumbering.
	<u>(2) An adult family home wishing to conduct caregiver specialty training that is taught by the provider, resident manager, or person knowledgeable about the specialty area, as required under WAC 388-112-0110 subsection (3), must document the specialty training as provided under WAC 388-112-0155.</u>	Clarify that AFH requirements are different from BH; not changing from current WAC except to clarify documentation requirement.
	(3) The home's instructor has been a licensee, boarding home administrator, or adult family home resident manager, as applicable, of any home while it was under <u>subject to</u> temporary management or subject to a revocation or summary suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more, while the instructor was the licensee, administrator, or resident manager; or	Response to public comment, that someone coming in after a home is under enforcement, to help the home improve, should not be prohibited from becoming an instructor.
WAC 388-112-0345	(4) The home has been operated under temporary management or has been subject to a revocation or suspension of the home's license, a stop placement of admissions order, a condition on the license related to resident care, or a civil fine of five thousand dollars or more <u>within the previous twelve months.</u>	Response to public comment, adding a clear time limit to this subsection.
WAC 388-112-0380	(1)(a) Upon initial approval or hire, must have: (i) A high school diploma and one year of <u>professional or</u> caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting; or (ii) An associate degree in a health field and six months <u>professional or</u> caregiving experience within the last five years in an adult family home, boarding home, supported living through DDD per chapter 388-820 WAC, or home care setting.	These changes were made in response to public comment to allow professional experience as well as caregiving experience to meet the work requirement.
	(b) Meet up to <u>Must have</u> forty hours of the one hundred hours of teaching experience, hour for hour, by teaching while being mentored by an instructor who meets these qualifications; and attend a class in adult education that meets the requirements of WAC 388-112-0400.	Clarification based on public comment.
WAC 388-112-0385	<u>What are the minimum qualifications for instructors for manager and caregiver mental health specialty instructors?</u> (1) <u>Instructors for manager mental health specialty training:</u> The minimum qualifications for <u>instructors for manager</u> mental health specialty, instructors , in addition to the general qualifications in WAC 388-112-0375, include:	Clarify there are different requirements for manager and caregiver training. This section includes both.
	(1a) The instructor ...;	Internal renumbering.
	(2b) Education - (ai) Bachelor's degree... (One year of education equals twenty-four semester hours, forty-five <u>thirty-six</u> quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)	Equivalent number of quarter hours changed in response to public comment.

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
	<p>(b) (ii) If required (3c) Work experience ... (4d) Teaching experience (ai) Two hundred hours... (bii) Successful completion ...: (Ai) For instructors ...; (iiB) For instructors ... (Se) Instructors</p>	<p>Internal renumbering.</p>
	<p>(2) Instructors for caregiver mental health specialty training:</p>	<p>Clarify separate training requirements.</p>
	<p>(a) Caregiver mental health specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager mental health specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.</p>	<p>Options for in home training with reduced requirements, based on public comments about cost. This was moved into this section from sections 0110 and 0360, based on public comment.</p>
	<p>(b) Caregiver mental health specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager mental health specialty in subsection (1).</p>	<p>Clarification.</p>
<p>WAC 388-112-0390</p>	<p>What are the minimum qualifications for <u>instructors for manager and caregiver dementia specialty instructors</u>? (1) The minimum qualifications for <u>instructors for manager dementia specialty instructors</u>, in addition to the general qualifications under WAC 388-112-0375, include:</p>	<p>Clarify there are different requirements for manager and caregiver training. This section includes both. Internal renumbering throughout the section.</p>
	<p>(1a) The instructor ...</p>	<p>Internal renumbering throughout subsection (1).</p>
	<p>(2b) Education - (ai) Bachelor's degree, ... (One year of education equals twenty-four semester hours, forty-five <u>thirty-six</u> quarter hours, or one hundred ninety-two hours of seminars, conferences, and continuing education.)</p>	<p>Equivalent number of quarter hours changed in response to public comment.</p>
	<p>(b)(ii) If required ... (3c) Work experience ... (4d) Teaching ... (ai) Two hundred .. (ii) Successful completion ... (B) For instructors (5d) Instructors</p>	<p>Internal renumbering.</p>
	<p>(2) Instructors for caregiver dementia specialty training:</p>	<p>Clarify different requirements for caregiver training.</p>
	<p>(a) Caregiver dementia specialty may be taught by a boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager dementia specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.</p>	<p>Options for home-based training with reduced requirements, based on public comments about cost. This was moved into this section from sections 0110 and 0360, based on public comment.</p>
	<p>(b) Caregiver dementia specialty taught by a person who does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager dementia specialty in subsection (1).</p>	<p>Clarification.</p>
<p>WAC 388-112-0395</p>	<p>What are the minimum qualifications for <u>instructors for manager and caregiver developmental disabilities specialty training instructors</u>? (1) The minimum qualifications for <u>instructors for manager developmental disabilities specialty instructors</u>, in addition to the general qualifications under WAC 388-112-0375, include:</p>	<p>Clarify there are different requirements for manager and caregiver training. This section includes both.</p>
	<p>(1a) Education ...: (i) Bachelor's ...</p>	<p>Internal renumbering.</p>
	<p>(bii) High school diploma ... (2b) Successful ... (3c) Teaching experience: (ai) Two hundred hours ... (bii) Successful ... (iA) For instructors ... (iiB) For instructors ... (4d) Instructors ...</p>	<p>Internal renumbering.</p>

PERMANENT

Rules as Proposed	Changes (additions underlined, deletions struck through)	Explanation of changes
	(2) Instructors for caregiver developmental disabilities specialty training:	Identify caregiver training requirements.
	(c) Caregiver developmental disabilities specialty may be taught by a <u>boarding home administrator (or designee), adult family home provider, or corporate trainer, who has successfully completed the manager developmental disabilities specialty training. A qualified instructor under this subsection may teach caregiver specialty to caregivers employed at other home(s) licensed by the same licensee.</u>	Options for home-based training with reduced requirements, based on public comments about cost.
	(d) Caregiver developmental disabilities specialty taught by a person who <u>does not meet the requirements in subsection (2)(a) must meet the same requirements as the instructors for manager developmental disabilities specialty in subsection (1).</u>	Clarification, given option listed above.
WAC 388-112-0405	What physical resources are required for basic, modified basic, <u>managers' specialty, caregivers' specialty, or nurse delegation core classroom training and testing?</u> (1) Classroom space used for basic, modified basic, <u>managers' specialty, caregiver specialty,</u> or nurse delegation core classroom training must be accessible to trainees and provide adequate space for learning activities, comfort, lighting, lack of disturbance, and tools for effective teaching and learning <u>learning</u> such as white boards and flip charts. Appropriate supplies and equipment must be provided for teaching and practice of caregiving skills in the class being taught.	Clarify two types of specialty; editing.

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 43, Amended 0, Repealed 1.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 43, Amended 0, Repealed 1.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Brian H. Lindgren, Manager
Rules and Policies

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 02-16 issue of the Register.

WSR 02-15-067

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 11, 2002, 4:36 p.m., effective August 1, 2002]

Date of Adoption: July 10, 2002.

Purpose: The Division of Employment and Training Assistance Programs is adopting these rules necessary to implement the sixty-month time limit statute for TANF/SFA cases, RCW 74.08A.010. Amended rules include WAC 388-

310-1600 WorkFirst—Sanctions, 388-310-1000 WorkFirst—Vocational education, 388-310-1050 WorkFirst job skills training, 388-310-1700 WorkFirst—Self employment, 388-310-1800 WorkFirst—Post employment services, 388-310-0200 WorkFirst—Activities, 388-310-0400 WorkFirst—Entering the WorkFirst program, 388-310-0500 WorkFirst—Individual responsibility plan, 388-310-0600 WorkFirst—Job search, and 388-310-0900 WorkFirst—Basic education.

Citation of Existing Rules Affected by this Order: Amending WAC 388-310-0200, 388-310-0400, 388-310-0500, 388-310-0600, 388-310-0900, 388-310-1000, 388-310-1050, 388-310-1600, 388-310-1700, and 388-310-1800.

Statutory Authority for Adoption: RCW 74.08A.010(4), 74.08A.340, 74.08.090, 74.04.050.

Adopted under notice filed as WSR 02-09-075, 02-09-076, and 02-09-077 on April 16, 2002.

Changes Other than Editing from Proposed to Adopted Version:

WAC 388-310-1600:

(2)(c) After "we will" deleted "have to" and inserted "make sure you have been screened for family violence and";

(2)(d) Added a new second sentence: "If you have been unable to meet your WorkFirst requirements because of family violence, you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate agencies.";

(6) Added after "when" the words "you are"; and

(6)(a) Added after "until you" the words "or the household member."

WAC 388-310-0200:

(1)(k) Deleted "; and/or";

(1)(l) Deleted "family violence" after "such as"; and

Added new "(1)(m) Activities identified by your case manager on your individual responsibility plan to help you cope with family violence as defined in WAC 388-61-001."

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WAC 388-310-0400:

(1) Added after "(See WAC 388-310-0500)" the words ", which is written after the case manager asks you a series of questions about your situation to evaluate your employability.";

(1) Added after the sentence ending "develop your IRP with you." a new sentence "If you have been identified as a victim of family violence (defined in WAC 388-61-001), you and your case manager will develop an IRP to help you with your situation, including referrals to appropriate services.";

(1)(a), (b), (d), and (f), at the end of each subsection deleted the word "or";

(1)(g) Deleted the word "special", and changed the last sentence in parentheses to read "(For example, you may be able to look for job while you have health problems or you are homeless.)" deleting the words "or you" and "and/or dealing with family violence."; and

Added new "(1)(h) Your situation prevents you from looking for work because you are a victim of family violence and you are conducting activities on your IRP to help you with your situation."

WAC 388-310-0600:

(6) Deleted "for an" after "case manager" and inserted "who will conduct a new".

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 10, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 10, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The August 1, 2002, effective date is required by the TANF sixty-month statute, RCW 74.08A.010(1), that states "A family that includes an adult who has received temporary assistance for needy families for sixty months after July 27, 1997, shall be ineligible for further assistance for needy family assistance." This provision takes effect July 27, 2002. Adoption of these rules is required to implement exemptions in statute described in RCW 74.08.010. The earlier effective date is also necessary because of imminent peril to the public health, safety and welfare. To delay would cause needy TANF clients and their children to be cut off from benefits.

Effective Date of Rule: August 1, 2002.

July 10, 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 02-16 issue of the Register.

WSR 02-15-068**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 02-09—Filed July 11, 2002, 4:38 p.m.]

Date of Adoption: July 10, 2002.

Purpose: This rule is intended to update the adoption by reference of national emission standards for hazardous air pollutants (NESHAPS), 40 C.F.R. 61 and appendices and 40 C.F.R. 63 and appendices, from July 1, 2000, to May 15, 2002.

Citation of Existing Rules Affected by this Order: Amending WAC 173-400-075.

Statutory Authority for Adoption: RCW 70.94.331.

Adopted under notice filed as WSR 02-10-107 on April 30, 2002.

Changes Other than Editing from Proposed to Adopted Version: Changed from incorrect citations to correct the names of the sections of 40 C.F.R. 61 and 40 C.F.R. 63 that were adopted by reference.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Tom Fitzsimmons

Director

AMENDATORY SECTION (Amending Order 99-06, filed 8/15/01, effective 9/15/01)

WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants. (1) **National emission standards for hazardous air pollutants (NESHAPS).** 40 CFR Part 61 and Appendices in effect on ((February 20, 2001)) May 15, 2002, is adopted by reference. The term "administrator" in 40 CFR Part 61 includes the **permitting agency**.

(2) The **permitting agency** may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants

regulated under 40 CFR Parts 61, 63 and/or 65 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) **Source** testing, monitoring, and analytical methods for sources of hazardous air pollutants must conform with the requirements of 40 CFR Parts 61, 63 and/or 65.

(4) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(5) **Maximum achievable control technology (MACT) standards.** MACT standards are officially known as **National Emission Standards for Hazardous Air Pollutants for Source Categories.**

(a) Adopt by reference.

~~((i))~~ 40 CFR Part 63 and Appendices in effect on ~~((February 20, 2001))~~ May 15, 2002, is adopted by reference. Exceptions are listed in (5)(b) of this section.

~~((ii))~~ 40 CFR Part 63, subpart MM (kraft, soda, sulfite, and stand-alone semi-chemical pulp mills), in effect on ~~March 13, 2001, is adopted by reference.~~

The following list is provided for informational purposes:

Subpart A	General Provisions	Subpart M	((NESHAP for PCE Dry Cleaners— as it applies)) <u>National Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities (as applicable to major sources)</u>
Subpart B	Requirements for Control Technology Determinations for Major Sources ((According to)) <u>in accordance with Clean Air Act Sections 112(g) and 112(j)</u> ((of the federal Clean Air Act))	Subpart N	((NESHAPs for Chromium Electroplating and Anodizing)) <u>National Emissions Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks</u>
Subpart D	Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants	Subpart O	((NESHAPs for Commercial Ethylene Oxide Sterilizers)) <u>Ethylene Oxide Emissions Standards for Sterilization Facilities</u>
Subpart F	((NESHAPs for)) <u>National Emissions Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry</u> ((rule-BOOK))	Subpart Q	((NESHAPs)) <u>National Emissions Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers</u>
Subpart G	((NESHAPs for)) <u>National Emissions Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry: Process Vents, Storage Vessels, Transfer Operations, and Wastewater</u>	Subpart R	((NESHAPs for Gasoline Distribution/Marketing (stage 1))) <u>Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)</u>
Subpart H	((NESHAPs)) <u>National Emissions Standards for Organic Hazardous Air Pollutants for the</u> ((Synthetic Organic Chemical Manufacturing Industry)) <u>Equipment Leaks</u>	Subpart S	((NESHAP for the)) <u>National Emissions Standards for Hazardous Air Pollutants from Pulp and Paper Industry</u>
Subpart I	((NESHAPs)) <u>National Emissions Standards for Organic Hazardous Air Pollutants for certain Processes Subject to the Negotiated Regulation for Equipment Leaks</u>	Subpart T	((NESHAPs for)) <u>National Emissions Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning Machines</u>
Subpart L	((NESHAPs)) <u>National Emissions Standards for Coke Oven Batteries</u> ((Charging, topside and door leaks))	Subpart U	((NESHAPs for)) <u>National Emissions Standards for Hazardous Air Pollutants: Group I Polymers and Resins</u>
		Subpart W	((NESHAPs)) <u>National Emissions Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production</u>
		Subpart X	((NESHAPs)) <u>National Emissions Standards for Hazardous Air Pollutants for</u> ((the)) <u>Secondary Lead</u> ((Smelters)) <u>Smelting</u>
		Subpart Y	((NESHAP)) <u>National Emissions Standards for Marine Tank Vessel Loading Operations</u>
		Subpart AA	((NESHAP for)) <u>National Emissions Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants</u>
		Subpart BB	((NESHAP for)) <u>National Emissions Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants</u>
		Subpart CC	((NESHAPs for the Petroleum Refinery Industry)) <u>National Emissions Standards for Hazardous Air Pollutants from Petroleum Refineries</u>

Subpart DD	((NESHAPs)) <u>National Emissions Standards for Hazardous Air Pollutants</u> from Off-site Waste and Recovery Treatment Operations	Subpart WW	((NESHAP)) <u>National Emissions Standards for Storage Vessels (Tanks) - Control Level 2</u>
Subpart EE	((NESHAPs)) <u>National Emissions Standards for Magnetic Tape Manufacturing Operations</u>	Subpart YY	((NESHAP for Source Categories: Generic MACT)) <u>National Emissions Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology Standards</u>
Subpart GG	((NESHAPs)) <u>National Emissions Standards for the Aerospace Manufacturing and Rework Facilities</u>	Subpart CCC	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Steel Pickling - HCL Process Facilities and Hydrochloric Acid Regeneration Plants
Subpart HH	((NESHAP for)) <u>National Emissions Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities</u>	Subpart DDD	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Mineral Wool Production
Subpart II	((NESHAPs for)) <u>Shipbuilding and Ship Repair (surface coating)</u>	Subpart EEE	((NESHAP for)) <u>National Emissions Standards for Hazardous Air Pollutants from Hazardous Waste Combustors</u>
Subpart JJ	((NESHAPs)) <u>National Emissions Standards for Wood Furniture Manufacturing Operations</u>	Subpart GGG	((NESHAP)) <u>National Emissions Standards for Pharmaceuticals Production</u>
Subpart KK	((NESHAPs)) <u>National Emissions Standards for Printing and Publishing Industry</u>	Subpart HHH	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> from Natural Gas Transmission and Storage Facilities
Subpart LL	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Primary Aluminum Reduction Plants	Subpart III	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Flexible Polyurethane Foam Production
Subpart MM	((NESHAP for)) <u>National Emissions Standards for Hazardous Air Pollutants from Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semi-chemical Pulp Mills</u>	Subpart JJJ	((NESHAP for)) <u>National Emissions Standards for Hazardous Air Pollutants: Group IV Polymers and Resins</u>
Subpart OO	((NESHAPs)) <u>National Emissions Standards for Tanks - Level 1</u>	Subpart LLL	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> from the Portland Cement Manufacturing Industry
Subpart PP	((NESHAPs)) <u>National Emissions Standards for Containers</u>	Subpart MMM	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Pesticide Active Ingredient Production
Subpart QQ	((NESHAPs)) <u>National Emissions Standards for Surface Impoundments</u>	Subpart NNN	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Wool Fiberglass Manufacturing
Subpart RR	((NESHAPs)) <u>National Emissions Standards for Individual Drain Systems</u>	Subpart OOO	((NESHAP)) <u>National Emissions Standards for Hazardous Air Pollutants</u> for Manufacture of Amino/Phenolic Resins
Subpart SS	((NESHAP)) <u>National Emissions Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process</u>	Subpart PPP	((NESHAP from)) <u>National Emissions Standards for Hazardous Air Pollutants for Polyether Polyols Production</u>
Subpart TT	((NESHAP)) <u>National Emissions Standards for Equipment Leaks - Control Level 1</u>		
Subpart UU	((NESHAP)) <u>National Emissions Standards for Equipment Leaks - Control Level 2 Standards</u>		
Subpart VV	((NESHAPs)) <u>National Emissions Standards for Oil-Water Separators and Organic Water Separators</u>		

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Subpart RRR ((NESHAP)) National Emissions Standards for Hazardous Air Pollutants for Secondary Aluminum Production. Under WAC 173-401-300 (1)(d), area sources are deferred from the air operating permit regulation until December 4, 2004

Subpart TTT ((NESHAP)) National Emissions Standards for Hazardous Air Pollutants for Primary Lead Smelting

Subpart UUU National Emissions Standards for Hazardous Air Pollutants from Petroleum Refineries—Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

Subpart VVV ((NESHAP)) National Emissions Standards for Hazardous Air Pollutants from Publicly Owned Treatment Works

Subpart XXX ((NESHAP)) National Emissions Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

Subpart CCCC National Emissions Standards for Hazardous Air Pollutants for Manufacturing of Nutritional Yeast

Subpart GGGG National Emissions Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

Subpart HHHH National Emissions Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production

Subpart TTTT National Emissions Standards for Hazardous Air Pollutants for Leather Finishing Operations

Subpart VVVV National Emissions Standards for Hazardous Air Pollutants for Boat Manufacturing

Appendix A Test Methods ((Amended 10/17/00))

Appendix B Sources Defined for Early Reduction Provisions

Appendix C Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit

Appendix D Alternative Validation Procedure for EPA Waste and Wastewater Methods

Appendix E Monitoring Procedures for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions

- (b) Exceptions to adopting 40 CFR Part 63 by reference.
 - (i) The term "administrator" in 40 CFR Part 63 includes the **permitting agency**.
 - (ii) The following subparts of 40 CFR Part 63 are not adopted by reference:
 - (A) Subpart C: List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, source Category List.
 - (B) Subpart E: Approval of State Programs and Delegation of Federal Authorities.
 - (C) Subpart M: National Perchloroethylene Emission Standards for Dry Cleaning Facilities as it applies to nonmajor sources.
 - (6) **Consolidated requirements for the synthetic organic chemical manufacturing industry.** 40 CFR Part 65, in effect on ~~((December 14, 2000))~~ July 1, 2001, is adopted by reference.
 - (7) **Emission Standards for Perchloroethylene Dry Cleaners.**
 - (a) **Applicability.**
 - (i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 regulatory **source categories** by the type of equipment they use and the volume of PCE purchased. Each dry cleaning system must follow the applicable requirements in Table 1:

TABLE 1. PCE Dry Cleaner Source Categories

Dry cleaning facilities with:	Small area source purchases less than:	Large area source purchases between:	Major source purchases more than:
(1) Only Dry-to-Dry Machines	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
(2) Only Transfer Machines	200 gallons PCE/yr	200-1,800 gallons PCE/yr	1,800 gallons PCE/yr
(3) Both Dry-to-Dry and Transfer Machines	140 gallons PCE/yr	140-1,800 gallons PCE/yr	1,800 gallons PCE/yr

- (ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, ~~((2000))~~ 2001).
- (b) **Operations and maintenance record.**

- (i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.
- (ii) The information in the operations and maintenance record must be kept on-site for five years.
- (iii) The operations and maintenance record must contain the following information:

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(A) Inspection: The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed.

(B) Repair: The date, time, and result of each repair of the dry cleaning system.

(C) Refrigerated condenser information. If you have a refrigerated condenser, enter this information:

(I) The air temperature at the inlet of the refrigerated condenser;

(II) The air temperature at the outlet of the refrigerated condenser;

(III) The difference between the inlet and outlet temperature readings; and

(IV) The date the temperature was taken.

(D) Carbon adsorber information. If you have a carbon adsorber, enter this information:

(I) The concentration of PCE in the exhaust of the carbon adsorber; and

(II) The date the concentration was measured.

(E) A record of the volume of PCE purchased each month must be entered by the first of the following month;

(F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;

(G) All receipts of PCE purchases; and

(H) A record of any pollution prevention activities that have been accomplished.

(c) General operations and maintenance requirements.

(i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.

(ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.

(iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.

(iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.

(v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.

(vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.

(vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

Small area source	Large area source	Major source
Refrigerated condenser for all machines installed after September 21, 1993.	Refrigerated condenser for all machines.	Refrigerated condenser with a carbon adsorber for all machines installed after September 21, 1993.

(d) Inspection.

(i) The owner or operator must inspect the dry cleaning system at a minimum following the requirements in Table 3:

TABLE 3. Minimum Inspection Frequency

Small area source	Large area source	Major source
Once every 2 weeks.	Once every week.	Once every week.

(ii) An inspection must include an examination of these components for condition and perceptible leaks:

(A) Hose and pipe connections, fittings, couplings, and valves;

(B) Door gaskets and seatings;

(C) Filter gaskets and seatings;

(D) Pumps;

(E) Solvent tanks and containers;

(F) Water separators;

(G) Muck cookers;

(H) Stills;

(I) Exhaust dampers; and

(J) Cartridge filter housings.

(iii) The dry cleaning system must be inspected while it is operating.

(iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.

(e) Repair.

(i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.

(ii) If repair parts are unavailable, they must be ordered within two working days of detecting the leak.

(iii) Repair parts must be installed as soon as possible, and no later than five working days after arrival.

(iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

(v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.

(f) Requirements for systems with refrigerated condensers. A dry cleaning system using a refrigerated condenser must meet all of the following requirements:

(i) Outlet air temperature.

(A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.

(B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.

(C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.

(D) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2°F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC outlet."

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(ii) Inlet air temperature.

(A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.

(B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.

(C) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991.

(II) The air temperature sensor must be accurate to within 2 °F (1.1°C).

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C).

(IV) The air temperature sensor must be labeled "RC inlet."

(iii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:

(A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.

(B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).

(C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.

(iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;

(v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and

(vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

(g) **Requirements for systems with carbon adsorbers.** A dry cleaning system using a carbon adsorber must meet all of the following requirements:

(i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.

(ii) The concentration of PCE must be written in the operations and maintenance record each time the concentration is checked.

(iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.

(iv) The colorimetric tube must meet these requirements:

(A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.

(B) The colorimetric tube must be accurate to within 25 parts per million.

(C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.

(v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:

(A) The sampling port must be easily accessible;

(B) The sampling port must be located 8 stack or duct diameters downstream from a bend, expansion, contraction or outlet; and

(C) The sampling port must be 2 stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.

WSR 02-15-075

PERMANENT RULES

WASHINGTON STATE UNIVERSITY

[Filed July 15, 2002, 9:50 a.m.]

Date of Adoption: July 10, 2002.

Purpose: To clarify Washington State University's requirements for student conduct. Rules will also streamline the hearing and disciplinary process and provide for parental notification under revised FERPA rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 504-25-005, 504-25-010, 504-25-210, 504-25-225, 504-25-220, 504-25-235 and 504-25-240; and amending WAC 504-25-015, 504-25-020, 504-25-025, 504-25-030, 504-25-035, 504-25-045, 504-25-050, 504-25-055, 504-25-060, 504-25-065, 504-25-075, 504-25-080, 504-25-085, 504-25-090, 504-25-095, 504-25-100, 504-25-120, 504-25-125, 504-25-130, 504-25-135, 504-25-138, 504-25-140, 504-25-200, 504-25-202, 504-25-205, 504-25-215, and 504-25-230.

Statutory Authority for Adoption: RCW 28B.30.150.

Adopted under notice filed as WSR 02-11-093 on May 17, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 2, 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 25, Amended 30, Repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 25, Amended 30, Repealed 7.

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 25, Amended 30, Repealed 7.

Effective Date of Rule: Thirty-one days after filing.

July 10, 2002

Loretta M. Lamb

Associate Vice-President for
Administration and Personnel

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 02-16 issue of the Register.

WSR 02-15-081

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed July 15, 2002, 3:56 p.m.]

Date of Adoption: July 11, 2002.

Purpose: The department is adopting the amendments to WAC 388-76-535, 388-76-61510, and 388-76-710. WAC 388-76-535 is amended to include RCW 69.41.085 as authority. WAC 388-76-61510 changes the timeline required for developing a negotiated care plan from fourteen to thirty days from date of a resident's admission. This change has resulted from stakeholder input. WAC 388-76-710 is amended to correct the Board of Appeals mailing address and correct cross-references concerning administrative proceedings to chapter 388-02 WAC. Other proposed rules on medication practices in community-based settings, originally proposed as new WAC 388-76-64005, 388-76-64015, 388-76-64020, 388-76-64025, 388-76-64030 and 388-76-64035 in WSR 02-03-117, have been revised and repropoed as WSR 02-14-161 for further public comment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-76-535, 388-76-61510, and 388-76-710.

Statutory Authority for Adoption: RCW 70.128.040, 69.41.085.

Adopted under notice filed as WSR 02-03-117 on January 22, 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 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 3, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 11, 2002

Brian H. Lindgren, Manager

Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3984, filed 6/19/96, effective 7/20/96)

WAC 388-76-535 Authority. The following rules are adopted under RCWs 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210, ~~((and))~~ 18.88A.230, and 69.41.085.

AMENDATORY SECTION (Amending WSR 98-12-054, filed 5/29/98, effective 7/1/98)

WAC 388-76-61510 When must the negotiated care plan be developed? The plan must be developed within ~~((fourteen))~~ thirty days of the resident's admission.

AMENDATORY SECTION (Amending WSR 96-14-003 (Order 3984), filed 6/19/96, effective 7/20/96)

WAC 388-76-710 Notice, hearing rights, and effective dates relating to imposition of remedies. (1) Chapter 34.05 RCW applies to department actions under this chapter and chapter 70.128 RCW, except that orders of the department imposing license suspension, stop placement, or conditions on a license are effective immediately upon notice and shall continue pending a final administrative decision on the merits.

(2) Civil monetary penalties shall become due twenty-eight days after the provider or the owner or operator of an unlicensed adult family home is served with a notice of the penalty unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the penalty becomes due ten days after a final decision in the department's favor is issued. Interest shall accrue beginning thirty days after the department serves the provider with notice of the penalty at a rate of one percent per month in accordance with RCW 43.20B.695.

(3) A person contesting any decision by the department to impose a remedy shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office))~~ Board of Appeals ~~((, P.O. Box 2465, Olympia, WA 98504))~~ at the mailing address contained in WAC 388-02-0030; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, where applicable, this section, and chapter ~~((388-08))~~ 388-02 WAC. If any provision in this section conflicts with chapter ~~((388-08))~~ 388-02 WAC, the provision in this section governs.

WSR 02-15-082
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
[Filed July 15, 2002, 4:01 p.m.]

Date of Adoption: July 10, 2002.

Purpose: To meet the requirements of the centers for Medicare and Medicaid services (CMS), the department is amending home health services sections in chapter 388-551 WAC that refer to "homebound" criteria. The rules also update rule content for the home health program, including the addition of a new section, and reflect current department policy and business practices. The department is also changing references to "Plan of treatment (POT)" to "Plan of care (POC)" to be consistent with Department of Health (DOH) rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-551-2000, 388-551-2010, 388-551-2020, 388-551-2100, 388-551-2110, 388-551-2120, 388-551-2130, 388-551-2200, 388-551-2210, and 388-551-2220.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520, 74.09.530, and 74.09.500.

Adopted under notice filed as WSR 02-08-089 on April 3, 2002.

Changes Other than Editing from Proposed to Adopted Version: Deletions are indicated by ~~strike through~~ and additions by underline.

WAC 388-551-2010 Home health services—Definitions.

1. "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88 RCW who, under the direction and supervision of a registered nurse or licensed therapist, assists in the delivery of nursing or therapy related activities, or both, ~~to patients of a home health or hospice agency, or hospice care center.~~

Clarifies that the definition for "home health aide" is defined for the purposes of MAA's Home Health Program by deleting references "to patients of a home health or hospice agency or hospice care center."

2. "Home health aide services" means services provided by a home health aide only when a client has an acute, intermittent, short-term need for the services of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract with a home health agency. Such services are provided under the supervision of the previously identified authorized practitioners; and include, but are not limited to, ambulation and exercise, assistance with self-administered medications, reporting changes in a client's condition and needs, and completing appropriate records.

Clarifies what home health aide services include.

3. "Residence" means a client's home or place of living, ~~including an adult family home and/or boarding home, but not including a hospital, skilled nursing facility, or residential facility with skilled nursing services avail-~~

~~able~~ (See WAC 388-551-2030 (2)(g)(ii) for clients in residential facilities whose home health services are not covered through MAA's home health program.)

Clarifies the definition of "residence" to include residential facilities that house clients whose home health services are not covered through MAA's Home Health Program.

WAC 388-551-2020 Home health services—Eligible clients.

4. (1) Clients in the following fee-for-service MAA programs are eligible to receive home health services subject to the limitations described in this chapter. Clients enrolled in a healthy options managed plan receive all home health services through their designated plan; ~~subject to the plan's coverages and limitations.~~

Clarifies that a client eligible under a Healthy Options managed care plan receives all home health services through their designated plan.

5. (2) ~~Clients in the following emergency-only MAA programs are eligible to receive home health services, subject to the limitations described in this chapter. Coverage is limited to two skilled nursing visits per eligibility enrollment period. Specialized therapy services and home health aide visits are not covered:~~
 - (a) ~~CNP-emergency medical only;~~ and
 - (b) ~~LCP-MNP-emergency medical only.~~
See WAC 388-551-2100(3) for limitations of coverage under these programs.

MAA does not cover home health services under the home health program for clients in the CNP-emergency medical only and LCP-MNP-emergency medical only programs. MAA evaluates a request for home health skilled nursing visits on a case-by-case basis under the provisions of WAC 388-501-0165, and may cover up to two skilled nursing visits within the eligibility enrollment period if the following criteria are met:

- (a) The client requires hospital care due to an emergent medical condition as described in WAC 388-500-0005; and
- (b) MAA authorizes up to two skilled nursing visits for follow-up care related to the emergent medical condition.

Clarifies that MAA evaluates requests for home health services for clients receiving medical benefits under the CNP-emergency medical only and LCP-MNP-emergency medical only programs under the provisions of WAC 388-501-0165 and lists the limitations of coverage.

WAC 388-551-2030 Home health skilled services—Requirements.

6. (2)(g) Be provided in the client's residence, ~~as defined in WAC 388-551-2010.~~
 - (i) ~~MAA does not reimburse for services if provided...~~
 - (ii) Clients in residential facilities contracted with the state and paid by other programs such as home and community programs to provide limited skilled nursing services, are not eligible for MAA-funded limited skilled nursing services unless the services are prior

authorized under the provisions of WAC 388-501-0165.

Clarifies that clients in residential facilities contracted with the state and paid by other programs to provide limited skilled nursing services are not eligible for MAA-funded limited skilled nursing services unless the services are prior authorized under the provisions of WAC 388-501-0165.

7. (2)(h) Be provided by:
- (i) A home health agency that is Title XVIII (Medicare) certified and state-licensed;
 - (ii) A registered nurse (RN) prior authorized by MAA when no home health agency exists in the area a client resides; or
 - (iii) An RN authorized by MAA when the RN is unable to contract with a Medicare-certified home health agency.

Deletes "and state-licensed" in subsection (2). If the agency is Medicare-certified, the agency is state-licensed. Adds (i) and (ii) to (h) in subsection (2) to identify other providers that may provide home health services under the Home Health Program.

WAC 388-551-2100 Covered home health services—Nursing.

8. (3) MAA limits skilled nursing visits provided to eligible clients to two per day, except clients eligible under either of the emergency medical programs listed in WAC 388-551-2020 (2)(a) and (b) are limited to two skilled nursing visits within the eligibility enrollment period.

Deletes the limitations for clients eligible under the CNP-emergency medical only and LCP-MNP-emergency medical only programs. MAA does not cover home health services under the Home Health Program for these clients except under the provisions of WAC 388-501-0165. Added language to clarify this policy in WAC 388-551-2020(2).

WAC 388-551-2200 Home health services—Eligible providers.

9. A home health agency may contract with MAA to be a provider if the agency The following may contract with MAA to provide home health services through the home health program, subject to the restrictions or limitations in this section and other applicable published WAC:
- (1) A home health agency that:
 - (a) Is Title XVIII (Medicare) certified;
 - (2) (b) Is department of health (DOH) licensed as a home health agency;
 - (3) Meets DOH requirements;
 - (4) (c) Submits a completed, signed core provider agreement to MAA; and
 - (5) (d) Is assigned a provider number.

Deletes subsection that is not necessary.

10. (2) A registered nurse (RN) who:

- (a) Is prior authorized by MAA to provide intermittent nursing services when no home health agency exists in the area a client resides;
- (b) Is unable to contract with a Medicare-certified home health agency;
- (c) Submits a completed, signed core provider agreement to MAA; and
- (d) Is assigned a provider number.

Adds language that clarifies when a registered nurse may provide intermittent nursing services under the Home Health Program.

WAC 388-551-2210 Home health services—Provider requirements.

11. (2)(a) The client's name, date of birth, and address (to include name of residential care facility, if applicable);
- (a)(b) The primary diagnosis...;
 - (b)(c) All secondary medical diagnoses...;
 - (c)(d) The prognosis;
 - (d)(e) The type(s) of equipment required;
 - (e)(f) A description of each planned service...;
 - (f)(g) Specific procedures and modalities;
 - (g)(h) A description of the client's mental status;
 - (h)(i) A description of the client's rehabilitation potential;
 - (i)(j) A list of permitted activities;
 - (j)(k) A list of safety measures taken on behalf of the client; and
 - (k)(l) A list of medication which indicates:
 - (i) Any new prescription; and
 - (ii) Which medications are changed for dosage or route of administration.

Adds criteria the provider must include in the client's plan of care (POC).

12. (6)(c) Referral to a wound care specialist, if wound If a client's wound is not healing, the client's physician has been notified, the client's wound management program has been appropriately altered and, if possible, the client has been referred to a wound care specialist; and

Clarifies that it must be documented in the client's plan of care that a client's physician must be notified when the client's wound is not healing, that the client's wound management program has been appropriately altered, and that the client has been referred to a wound care specialist, if appropriate.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 10, 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 1, Amended 10, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 10, 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 02-16 issue of the Register.

WSR 02-15-093

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 00-26—Filed July 16, 2002, 1:07 p.m.]

Date of Adoption: July 16, 2002.

Purpose: Current statutes do not allow the reconstruction of farmhouses or other residential structures if they are substantially damaged and are located within the regulatory floodway. As directed by the legislature through ESHB 1963 and ESHB 2934, ecology is amending the floodplain management regulations, chapter 173-158 WAC, to provide a process through which a waiver to the reconstruction prohibition can be provided as a recommendation to the local permitting authority.

Citation of Existing Rules Affected by this Order: Amending chapter 173-158 WAC.

Statutory Authority for Adoption: Chapter 86.16 RCW.

Adopted under notice filed as WSR 02-06-040 on February 27, 2002.

Changes Other than Editing from Proposed to Adopted Version: A modification was made to WAC 173-158-075(2) to clarify that the replacement farmhouse may be located in close proximity to the farm operation, per the intent of ESHB 2934 and 1963. A definition of "existing farmhouse" was added to WAC 173-158-030 to clarify how to determine if a farmhouse is considered existing or new under this rule.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 2, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 2, 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.

July 16, 2002

Tom Fitzsimmons
Director

AMENDATORY SECTION (Amending WSR 90-21-089, filed 10/19/90, effective 11/19/90)

WAC 173-158-030 Definitions. For the purposes of this chapter the following definitions shall apply:

~~((1))~~ "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year. Also referred to as the "one hundred year flood."

~~((2))~~ "Best available information" means in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

~~((3))~~ "Designated floodway" means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of a community's flood insurance study and is included in the community's flood damage prevention ordinance.

~~((4))~~ "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, extraction or drilling operations or storage of equipment or materials.

"Dwelling" means one or more rooms designed for occupancy by a person or family for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, for use solely by the dwelling's occupants.

"Encroachment" means any alteration or development within the regulatory floodway that would result in any increase in flood levels during the occurrence of the base flood discharge.

"Existing farmhouse" means a farmhouse which was built prior to the adoption of the local flood insurance rate map and local ordinances implementing the NFIP.

"Farmhouse" means a single family dwelling located on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

~~((a))~~ • The overflow of inland or tidal waters; and/or

~~((b))~~ • The unusual and rapid accumulation of runoff of surface waters from any source.

~~((5))~~ "Flood insurance rate map (FIRM)" means the official map on which the federal insurance administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

~~((6))~~ "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

PERMANENT

~~((7))~~ "New construction" means structures for which the "start of construction" commenced on or after the effective date of the local ordinance.

~~((8))~~ "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

~~((9))~~ "Replacement residential structure" means a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

"Residential structure" means a place in which one lives; Dwelling.

"Special flood hazard area" means an area subject to a base or one hundred year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, or V.

~~((10))~~ "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

~~((11))~~ "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

~~((12))~~ "~~Substantial improvement~~" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- ~~(a) Before the improvement or repair is started; or~~
- ~~(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

The term does not, however, include either:

- ~~(i) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or~~
- ~~(ii) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.~~

~~((13))~~ "Substantial damage" means damage of any origin sustained by a structure where the cost of restoring the structure to its before damage condition would equal or exceed

fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions; or

- Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

~~((14))~~ "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. Wetlands have one or more of the following three attributes: ~~((a))~~ At least periodically, the land supports predominantly hydrophytes; ~~((b))~~ the substrate is predominantly undrained hydric soil; and ~~((c))~~ the substrate is non-soils and is saturated with water or covered by shallow water at some time during the growing season of each year.

AMENDATORY SECTION (Amending WSR 90-21-089, filed 10/19/90, effective 11/19/90)

WAC 173-158-070 Additional floodway requirements. The following additional state requirements are established in accordance with RCW 86.16.041.

(1) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential structures except for: (a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty percent of the market value of the structure either (i) before the repair, reconstruction, or improvement is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes ~~((or to structures identified as historic places))~~ which have been identified by the local code enforcement or building official and are the minimum necessary to assure safe living conditions shall not be included in the fifty percent determination in (b) of this subsection. A residential dwelling located partially within a designated floodway will be considered as totally within a designated floodway and must comply with this chapter. However, the floodway prohibition in this subsection does not apply to existing farmhouses in designated floodways that meet the

provisions of WAC 173-158-075, or to residential dwellings other than farmhouses that meet the depth and velocity and erosion analysis provisions of WAC 173-158-076, or to structures identified as historical places.

(2) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3 (b)(3) and (4), and (c)(10) of the NFIP regulations.

NEW SECTION

WAC 173-158-075 Existing farmhouse standards. Repairs, reconstruction, replacement, or improvements to existing farmhouse structures located in designated floodways and which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170 shall be permitted subject to the following:

(1) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(2) There is no potential safe building site for a replacement farmhouse on the same farm site outside the designated floodway or the location requires close proximity to other structures in the farm operation in order to maintain the integrity and operational viability of the farm; in no case shall a replacement be located into an area with higher flood hazards in terms of depths, velocities and erosion;

(3) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse;

(4) A replacement farmhouse shall not exceed the total square footage of encroachment of the structure it is replacing;

(5) A farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within ninety days after occupancy of a new farmhouse;

(6) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is a minimum one foot higher than the base flood elevation;

(7) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(8) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters; and

(9) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

NEW SECTION

WAC 173-158-076 Substantially damaged residential dwellings other than farmhouses. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the department, at the request of the local government, is authorized to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based upon scientific analysis of depth, velocity, flood-related erosion and debris load potential, the department may exercise best professional judgment in recommending to the local permitting authority repair, replacement or relocation of a substantially damaged structure. The property owner shall be responsible for submitting to local government any information necessary to complete the assessment required by this section when such information is not otherwise available.

(1) Recommendation to repair or replace a substantially damaged residential structure located in the regulatory floodway shall be based on the flood characteristics at the site. In areas of the floodway that are subject to shallow and low velocity flooding, low flood-related erosion potential, and adequate flood warning time to ensure evacuation, the department may recommend the replacement or repair of the damaged structure. Any substantially damaged residential structure located in the regulatory floodway in a high risk zone based on the flood characteristics will not be recommended to be repaired or replaced. Flood warning times must be twelve hours or greater, except if the local government demonstrates that it has a flood warning system and/or emergency plan in operation. For purposes of this paragraph flood characteristics must include:

(a) Flood depths can not exceed more than three feet; flood velocities cannot exceed more than three feet per second.

(b) No evidence of flood-related erosion. Flood erosion will be determined by location of the project site in relationship to channel migration boundaries adopted by the local government. Absent channel migration boundaries, flood erosion will be determined by evidence of existing overflow channels and bank erosion.

At the request of local government, the department will prepare a report of findings and recommendations for local government concurrence on repair or replacement of substantially damaged residential structures located in the regulatory floodway.

Without a recommendation from the department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

(2) Before the repair, replacement, or reconstruction is started, all requirements of the National Flood Insurance Program, the state requirements adopted pursuant to RCW 86.16.031(8), and all applicable local regulations must be satisfied. In addition the following conditions must be met:

(a) There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.

(b) A replacement residential structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size.

(c) Repairs or reconstruction or replacement of a residential structure shall not increase the total square footage of floodway encroachment.

(d) The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one foot higher than the base flood elevation.

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood water into the system.

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood water into the system and discharge from the system into the flood waters.

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 16, 2002
M. C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 01-14-047, filed 6/29/01, effective 7/30/01)

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	\$250.
Shellstock Shipper	
0 - 49 Acres	\$282.
50 or greater Acres	\$452.
Scallop Shellstock Shipper	\$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	\$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	\$622.
Plants with floor space > 5000 sq. ft.	\$1,147.

(2) The fee for each export certificate is \$10.

(3) ~~((The fee for a harvester shellfish operation license is \$125 for the period of time between October 1, 2001, and March 31, 2002. This subsection expires on April 1, 2002.))~~
Annual PSP testing fees for companies harvesting intertidally (between the extremes of high and low tide):

<u>Fee Category</u>	<u>Type of Operation</u>	<u>Number of Harvest Sites</u>	<u>Fee</u>
	Harvester	≤ 2	\$173
	Harvester	3 or more	\$259
	Shellstock Shipper	≤ 2	\$195
	0 - 49 acres		
	Shellstock Shipper	3 or more	\$292
	0 - 49 acres		
	Shellstock Shipper	N/A	\$468
	50 or greater acres		
	Shucker-Packer	≤ 2	\$354
	(plants < 2000 ft ²)		
	Shucker-Packer	3 or more	\$533
	(plants < 2000 ft ²)		
	Shucker-Packer	≤ 2	\$429
	(plants 2000-5000 ft ²)		
	Shucker-Packer	3 or more	\$644
	(plants 2000-5000 ft ²)		
	Shucker-Packer	N/A	\$1,189
	(plants > 5000 ft ²)		

WSR 02-15-094
PERMANENT RULES
DEPARTMENT OF HEALTH
[Filed July 16, 2002, 3:23 p.m.]

Date of Adoption: July 11, 2002.

Purpose: The proposed rule creates a fee assessed to commercial shellfish operations to pay for PSP testing of commercial shellfish product. This new fee is necessary to implement the 2002 supplemental operating budget, section 220, chapter 371, Laws of 2002, that transferred Department of Health funding authority for commercial paralytic shellfish poison (PSP) testing from general fund - state to general fund - local.

Citation of Existing Rules Affected by this Order: Amending WAC 246-282-990 Sanitary control of shellfish—Fees.

Statutory Authority for Adoption: RCW 43.70.250.

Other Authority: Adoption of the proposed fee implements the 2002 supplemental operating budget that switched the funding for commercial PSP testing from the general fund - state account to the general fund - local account.

Adopted under notice filed as WSR 02-12-102 on June 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 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 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

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(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

- (i) At the time of first licensure; or
- (ii) January 1 of each year for companies licensed as harvesters; or
- (iii) July 1 of each year for companies licensed as shell-stock shippers and shucker packers.
- (b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.
- (4) Annual PSP testing fees for companies harvesting subtidal geoduck (below extreme low tide):

<u>Harvester</u>	<u>Fee</u>
<u>Department of natural resources (leased tracts harvested by nontribal licensees)</u>	<u>\$17,178</u>
<u>Jamestown S'Klallam Tribe</u>	<u>\$3,135</u>
<u>Lower Elwah Klallam Tribe</u>	<u>\$3,423</u>
<u>Nisqually Indian Tribe</u>	<u>\$4,316</u>
<u>Port Gamble S'Klallam Tribe</u>	<u>\$5,312</u>
<u>Puyallup Tribe of Indians</u>	<u>\$3,862</u>
<u>Skagit System Cooperative</u>	<u>\$555</u>
<u>Skokomish Indian Tribe</u>	<u>\$2,490</u>
<u>Squaxin Island Tribe</u>	<u>\$5,153</u>
<u>Suquamish Tribe</u>	<u>\$11,595</u>
<u>Tulalip Tribe</u>	<u>\$981</u>

- (5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.
- (6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

WSR 02-15-097
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-158—Filed July 16, 2002, 3:55 p.m.]

Date of Adoption: July 16, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-124, 220-56-195, 232-28-619, 232-28-620, and 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Adopted under notice filed as WSR 02-10-127 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 0, Amended 5, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 16, 2002

J. P. Koenings

Director

by Larry Peck

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 220-56-124 Unlawful provisions—Hoodspport Hatchery. During the period July 1 through December ~~((+5))~~ 31, those waters of Catch Record Card Area 12 within a 2,000 foot arc seaward of yellow buoys at the mouth of Finch Creek at the Hoodspport Salmon Hatchery are regulated as provided for in this section:

(1) These waters are open to salmon angling regardless of the status of the surrounding waters of Area 12.

(2) Special daily limit of four salmon, of which no more than two salmon may be chinook salmon greater than 24 inches in length. Release chum salmon July 1 through October 15.

(3) It is unlawful to fish for or possess salmon taken from these waters from one hour after sunset to one hour before sunrise.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 220-56-195 Closed areas—Saltwater salmon angling. The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling May 1 through ~~((July 31))~~ June 30.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling ~~((August))~~ July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and

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then to the Port Williams boat ramp are closed to salmon angling (~~(August)~~) May 1 through September 30 and November 1 through April (~~(10)~~) 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August (~~(16)~~) 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed (~~(June)~~) July 1 through July 31 and April 1 through April 10.

(7) Rosario Strait and eastern Strait of Juan de Fuca:

(a) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running from Sandy Point to Point Migley on Lummi Island, and following the westerly shore of Lummi Island to a straight line running from shore through Lummi Rocks Buoy to Peapod Rocks Buoy, then to Lydia Shoal Buoy, then (~~to the easternmost point of Obstruction Island, then true south to Blakely Island, and south along the Blakely Island shore to the southernmost point on Blakely Island, then across Thatcher Pass to Fauntleroy Point, then along the eastern shore of Decatur Island~~) southerly to Black Rock, then to the easternmost point on James Island, then to Bird Rocks, then westerly to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - July 31.

(b) Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to (~~the~~) Bird Rocks (~~(Buoy)~~), then (~~(true west)~~) westerly from Bird Rocks (~~(Buoy)~~) to (~~Decatur Island, and then along the eastern shore of Decatur Island to~~) the southern-

most point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon August 1 - September 30.

(8) Strait of Juan de Fuca:

~~((a) Waters of Areas 4 and 5 in the Strait of Juan de Fuca southerly of a line running from Kydaka Point to Shipwreck Point - Release all salmon August 1 - September 30.~~

~~(b))~~ Waters of Area 6 within 1000 feet of the mouth of the Elwha River - Closed to fishing for salmon (~~(August)~~) July 1 - August 31.

(a) Tulalip Bay: Waters of Area 8-2 east of a line from Mission Point to Hermosa Point are closed to salmon angling at all times.

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 fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: ~~((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)~~ August 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground June 1 through last day in February season except closed August 16 through October 31 from mouth to Rodgers Street: August 16 through December 31 - closed to fishing from one hour after official sunset to one hour before official sunrise in those waters upstream from Rodgers Street to the Highway 101 Bridge. Selective gear rules. All game fish: Release all fish. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5

through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five,

minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be chinook. Release pink and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only (~~October 1~~) September 16 through November 30. Daily limit (~~2~~) 4 hatchery coho 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 (~~4~~) 16 through January 31 from mouth to Porter Bridge, and October 16 through last day in February (~~28~~) from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. September (~~4~~) 16 through (~~January 31~~) November 30, 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, release adult chinook. December 1 through (~~November 30~~) January 31, mouth to Porter Bridge (to High Bridge), the daily limit may contain no more than one wild adult coho, and

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release (~~(ehum and)~~) adult chinook. December 1 through last day in February ((28)), Porter Bridge to High Bridge, release (~~(ehum,)~~) 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 at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Land-locked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Single point barbless hooks required September 1 through November 30. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hvas 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))~~ 2 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))~~ 2 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 and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through July 31 daily limit 6 fish, except release all salmon except jack chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho ((and adult)). Release wild chinook January 1 through March 31.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. September 1 through October 15: Non-buoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boat-

ing deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 fish, except release all salmon except jack chinook. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam. (~~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))~~ 1 through ~~((July 31))~~ June 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon and trout: Daily limit 2 fish combined.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary

marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted

PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: 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~~) year-round. 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~~) May 1 through July 31 the daily limit may contain no more than one adult salmon. Release chum and wild coho August 1 through April 30. (~~Release chinook August 1 through December 31~~) Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31.

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.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth

to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): Last Saturday in April 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)~~ December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 hatchery coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only (~~September~~) October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon (~~, except the daily limit may contain no more than one wild adult coho and one~~). Release adult chinook. (~~Release chum~~.)

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. August 1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. Fishers may not allow their line, lure or bait to remain

stationary in the water September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cut-throat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge except closed from Hatchery Road Bridge to posted sign at hatchery outlet. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. April 1 through July 31 release wild chinook. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and September ((+5)) 16 through last day in February season except waters from the SW 43rd Street/South 180th Street Bridge to the South 277th Street Bridge are closed September ((+5)) 16 through September 30. Nonbuoyant lure restriction and night closure September ((+5)) 16 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 31 through August 15 and September ((+5)) 16 through November 30. Salmon: Open only September ((+5)) 16 through December 31 except closed September 16 through September 30 from SW 43rd Street/South 180th Street Bridge to the South 277th Street

Bridge. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. Wild steelhead may be retained July 1 through July 31 and October 16 through November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. Wild steelhead may be retained July 1 through November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

~~((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))~~ Willoughby Creek and October 16 through November 30 Willoughby Creek to 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))~~ May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches.

From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only ~~((September))~~ October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except ~~((the daily limit may contain no more than one wild adult coho and one))~~ release 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~~) November 30 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. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only (~~September~~) October 1 through November 30 from mouth to Ballon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except (~~the daily limit may contain no more than one wild adult coho and one~~) release 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.

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.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

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)~~) August 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, 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)~~) six fish of which not more than one may be an adult salmon. August 1 through April 30, daily limit of 6 fish of which no more than 2 may be adult salmon (~~(, 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.

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)~~) six fish of which not more than one may be an adult salmon. August 1 through April 30 daily limit 6 fish of which no more than 2 may be adult salmon (~~(, 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)~~) April 30.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal 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 Fridgeger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon (~~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. Non-buoyant 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 last day in 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 last day in 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 salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October (~~(+5)~~) 16 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. (~~(Nonbuoyant lure restriction and)~~) Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October (~~(+5)~~) 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season. (~~(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.

Ohanapcosh 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(~~(non-buoyant 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 and of which not more than one may be an adult chinook salmon. Release pink salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quillayute River (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. July 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): 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.

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.

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

PERMANENT

Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

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))~~ Mainstem and East Fork single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park ((and on)). Middle and West forks ((upstream)) downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. ~~((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))~~ release adult chinook ((and one wild adult coho. Release ehum)).

~~((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~~) September 1 through December 31. Daily limit ((4)) 2 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~~) September 1 through December 31. Daily limit ((4)) 2 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~~) September 16 through (~~July~~) December 31 (~~from Dalles Bridge to the Baker River, daily limit 2 sock-~~

~~eye, and Dalles Bridge to Cascade River October 1 through October 31~~) Gilligan Creek to the Cascade River, daily limit two (~~coho~~) salmon. 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 (~~(;)~~) and night closure (~~(and non-buoyant 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 (~~(ehum 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)~~) Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 1 hatchery chinook. Open (~~(only)~~) September 1 through December 31. Daily limit 2 salmon. Release chinook and pink salmon.

From the mouth of the (~~(Sultan)~~) Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing for game fish from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only (~~(November)~~) September 1 through December 31. Daily limit 2 ((ehum)) salmon. Release chinook and pink salmon.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. Single point barbless hooks, (~~(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

and pink salmon. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing for game fish from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls, 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.

Soes 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 ((43)) 12 through October ((28)) 27 to fishing by juveniles only. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply.

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.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only (~~September 1~~) October 16 through December 31. Daily limit 2 chum 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~~) October 16 through December 31. Daily limit 2 chum 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.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless

hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon (~~(, except September 1 through November 30 daily limit 6 fish)~~). Release chum and (~~(chum)~~) wild coho in mainstem. Release wild coho in North Fork. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

All species: Release all fish except sturgeon may be retained downstream from Highway 300 Bridge. From Highway 300 Bridge upstream to watershed boundary: Selective gear rules.

From Highway 300 Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish:

Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish and of the adult fish not more than one may be a wild adult coho. Release chum and adult chinook.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From the mouth to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 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. Upstream of Little Washougal River, release chinook October 1 through December 31.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: 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.

Wauhup Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): 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 North-western Dam: November 16 to April 30 season. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season. Night closure and single point barbless hooks August 16 through November 30 mouth to Highway 6 Bridge. Nonbuoyant lure restriction, night closure and single point barbless hooks required August 16 through November 30 Highway 6 Bridge to Fork Creek. (~~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 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only (~~September~~) October 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~~). Release 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): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. (~~Trout: Minimum length fourteen inches.~~) Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge (~~to barrier dam~~) upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained. (~~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.

AMENDATORY SECTION (Amending Order 01-107, filed 6/21/01, effective 7/22/01)

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the daily limit codes in WAC 220-56-180:

(1) Catch Record Card Area 1:

(a) May 1 through May 24 - Closed.

(b) May 25 through June 16 - Daily limit of two chinook salmon ((not more than one of which may be a chinook salmon, except release wild coho salmon)).

(c) June 17 through July 6 - Closed.

(d) July 7 through August 15 - Open Sundays through Thursdays only((, July 1 through September 3 and seven days per week September 4 through September 30, except)) - Daily limit of 2 salmon, except release wild coho.

(e) August 16 through September 30 - Daily limit of two salmon, except release wild coho.

(f) October 1 through April 30 - Closed.

(g) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through May 24 - Closed.

(b) May 25 through June 16 - Daily limit of two chinook salmon ((only one of which may be a chinook salmon, except release wild coho salmon -)).

(c) June 17 through June 29 - Closed.

(d) June 30 through August 15 - Open Sundays through Thursdays only((, July 1 through September 30)). Daily limit 2 salmon except release wild coho.

(e) August 16 through September 8 - Daily limit 2 salmon except release wild coho.

(f) September 9 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) ((July 1)) May 1 through May 24 - Closed.

(b) May 25 through August 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling((;)).

((b)) (c) September 1 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon except no more than one of which may be ((a wild)) an adult ((coho)) chinook.

(d) December 1 through April 30 - Closed.

(e) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon((- August 16 through January 31)).

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) ((July 1)) May 1 through May 24 - Closed.

(b) May 25 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

((b)) (c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through May 24 - Closed.

(b) May 25 through June 16 - Daily limit of two chinook salmon ((~~except no more than one of which may be a chinook and release wild coho salmon~~)).

(c) June 17 through July 6 - Closed.

(d) July ((+) (7) through September ((~~23 in all Area 3 and September 24 through October 21 only in those waters outside the mouth of the Quillayute River and inside a line northwesterly from Teahwit Head to "Q" buoy, then to Cake Rock, then true east to shore~~)) 8 - Daily limit of 2 salmon except release wild coho.

(e) September 9 through April 30 - Closed.

(f) Notwithstanding the provisions of this subsection, waters inside a line from Teahwit Head to "Q" buoy and then to Calce Rock then east to shore open September 21 through October 6 - Daily limit two salmon except release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through May 24 - Closed.

(b) May 25 through June 16 - Daily limit of two chinook salmon ((~~except no more than one of which may be a chinook salmon and~~)).

(c) June 17 through July 6 - Closed.

(d) July 7 through September 8 - Daily limit of 2 salmon except release wild coho salmon, release chinook salmon caught east of the Bonilla-Tatoosh line, and release chum salmon August 1 through September ((~~30—July 1 through September 30~~)) 8.

(e) September 9 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 02-53, filed 3/29/02, effective 5/1/02)

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through ((~~August 31~~)) September 30 - Daily limit of 2 salmon, except((;)) release chum and wild coho salmon. Release chinook ((~~retention will be prohibited when 2000 chinook quota is estimated to be reached~~)) July 1 through July 7. Daily limit may contain not more than one chinook July 8 through September 30.

((~~b~~—September)) (c) October 1 through ((September 30)) October 31 - ((Daily limit of 2 salmon, except release chinook and chum)) Closed.

((~~e~~)) (d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

((~~d~~)) (e) December 1 through February 14 - Closed.

(f) February ((+6)) 15 through April 10 - Daily limit of 1 salmon.

(g) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) ((~~August~~)) May 1 through June 30 - Closed.

(b) July 1 through September 30 - Daily limit of 2 salmon, except release chinook, chum and wild coho salmon.

((~~b~~)) (c) October 1 through October 31 - Closed except Dungeness Bay inside a line from Dungeness Spit Light to the No. 2 red buoy and then to the Port Williams boat ramp ((open only October 1 through October 31)) - Daily limit of 2 coho salmon((, release all salmon except coho salmon)).

((~~e~~)) (d) November 1 through November 30 - Daily limit of 2 salmon of which no more than one may be a chinook salmon.

((~~d~~)) (e) December 1 through February 14 - Closed.

(f) February ((+6)) 15 through April 10 - Daily limit of 1 salmon.

(g) April 11 through April 30 - Closed.

(3) Catch Record Card Area 7:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

((~~b~~)) (c) August 1 through September 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon, release chum and wild coho.

((~~e~~)) (d) October 1 through October 31 - Daily limit of 2 salmon, except release chinook salmon.

((~~d~~)) (e) November 1 through November 30 - Daily limit of 2 salmon, no more than one of which may be a chinook salmon.

((~~e~~)) (f) December 1 through January 31 - Closed.

(g) February ((+6)) 1 through ((~~April 10~~)) March 31 - Daily limit of one salmon.

((~~f~~)) (h) April 1 through April 30 - Closed.

(i) Notwithstanding the provisions of this subsection, during the period August 16 through October 31 the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon, no more than ((+) 2 of which may be chinook.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through ((~~September 30—Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.~~

(b) ~~October 1 through~~ October 31 - Daily limit 2 salmon, release chinook.

(c) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.

(d) December 1 through January 31 - Closed.

(e) February ((+6)) 1 through ((~~April 10~~)) March 31 - Daily limit of one salmon.

(f) April 1 through April 30 - Closed.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed.

(b) August 1 through ((~~September 30—Daily limit of 4 salmon, no more than two of which may be coho or chum, and release chinook.~~

(b) ~~October 1 through~~ October 31 - Daily limit 2 salmon, release chinook.

(c) ((~~Waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings at Old Bower's Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open only 12:01 a.m. each Friday through 11:59 a.m. the following~~

~~Monday, July 1 through September 30. Daily limit of 2 salmon not more than 1 of which may be a chinook salmon.~~

~~((d)) November 1 through November 30 - Daily limit of 2 salmon, not more than 1 of which may be a chinook salmon.~~

~~(d) December 1 through February 14 - Closed.~~

~~(e) February ~~((16))~~ 15 through April 10 - Daily limit of one salmon.~~

~~(f) April 11 through April 30 - Closed.~~

~~(g) Notwithstanding the provisions of this subsection, waters adjacent to Tulalip Bay west of a line from Mission Point to Hermosa Point and within 2,000 feet of shore between pilings on Old Bowers Resort on the south and a fishing marker 1.4 miles northwest of Hermosa Point open Friday through 11:59 a.m. the following Monday of each week June 30 through September 30. Daily limit two salmon.~~

~~(6) Catch Record Card Area 9:~~

~~(a) ~~((August))~~ May 1 through June 30 - Closed.~~

~~(b) July 1 through September 30 - Daily limit of 2 salmon except release chinook and chum salmon.~~

~~((b)) (c) October 1 through October 31 - Daily limit of 2 salmon except release chinook.~~

~~((e)) (d) November 1 through November 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.~~

~~((d)) (e) December 1 through January 31 - Closed.~~

~~(f) February 1 through March 31 - Daily limit one salmon.~~

~~(g) April 1 through April 30 - Closed.~~

~~(h) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Edmonds fishing pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum August 1 through September 30.~~

~~((e)) (i) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Hood Canal Bridge Fishing pontoon - Daily limit of 2 salmon not more than one of which may be a chinook salmon, except release chinook July 1 through August 31 and release chum salmon August 1 through October 15.~~

~~((f) February 16 through April 10 - Daily limit of one salmon:))~~

~~(7) Catch Record Card Area 10:~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through October 31 - Daily limit of 2 salmon except release chinook salmon, release chum ~~((July))~~ August 1 through September 15, and:~~

~~(i) During the period July 1 through August 31, Elliott Bay east of a line from West Point to Alki Point is closed, except ~~((waters east of a line from Pier 91 to Duwamish Head open July 20 through July 22, July 27 through July 29, August 3 through August 5, and August 10 through August 11))~~ July 12 through August 18 - Open Friday through Sunday only of each week - Daily limit of 2 salmon ~~((not more than one of which may be a chinook salmon))~~, release chum August 1 through August 18.~~

~~(ii) During the period July 1 through August 31, Shilshole Bay east of a line from Meadow Point to West Point is closed.~~

~~(iii) During the period July 1 through September 15, it is lawful to retain chinook salmon in the daily limit in waters of~~

Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point and west of a line projected true south from Point White ~~((Daily limit of 2 salmon, release chum July 1 through September 15))~~.

~~((b)) (c) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((e)) (d) December 1 through December 15 - Release all salmon. ~~((Only one single pointed hook allowed.~~~~

~~((d)) (e) December 16 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~((e) March)) (f) January 1 through ~~((April 10))~~ last day in February - Daily limit of 1 salmon.~~

~~((f)) (g) March 1 through April 30 - Closed.~~

~~(h) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Elliott Bay public fishing pier at Terminal 86, Seacrest pier, Waterman pier, Bremerton boardwalk, and the Illahee State Park pier - Daily limit of 2 salmon not more than one of which may be a chinook salmon, release chum ~~((July))~~ August 1 through September 15.~~

~~((g)) (i) During ~~((all))~~ salmon openings in the Duwamish Waterway ~~((provided for in this section))~~ July 1 through October 31, it is unlawful to fish with terminal gear other than bait suspended above the bottom on a float. The Duwamish Waterway is defined as those waters downstream from the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island.~~

~~(8) Catch Record Card Area 11:~~

~~(a) ~~((June 1 through June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon:))~~ May 1 through June 30 - Closed.~~

~~(b) July 1 through October 31 - Daily limit of 2 salmon ~~((release pink salmon))~~.~~

~~(c) November 1 through December 31 - Daily limit of 2 salmon not more than one of which may be a chinook salmon.~~

~~(d) ~~((February 16))~~ January 1 through April 10 - Daily limit of one salmon.~~

~~(e) April 11 through April 30 - Closed.~~

~~(f) Notwithstanding the provisions of this subsection, salmon fishing is permitted year-round from the Les Davis public fishing pier, Des Moines public fishing pier, Redondo public fishing pier, Dash Point Dock and the Point Defiance Boathouse Dock - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.~~

~~(9) Catch Record Card Area 12:~~

~~(a) May 1 through June 30 - Closed.~~

~~(b) July 1 through ~~((September 30))~~ October 15 in waters south of Ayock Point - Daily limit of 4 salmon, not more than two of which may be chinook salmon and release chum salmon.~~

~~((b) August 16 through October 15 in waters north of a true east-west line from Point Whitney to the Toandos Peninsula - Daily limit of 4 coho salmon only.~~

~~(c) September 1 through September 30 in the waters north of Ayock Point - Daily limit of 4 coho salmon only.~~

~~(d) October 1 through October 15 - Daily limit of 4 coho only.)~~ (c) July 1 through August 31 - Water north of Ayock Point - Closed.

(d) September 1 through October 15 - Water north of Ayock Point - Daily limit 4 coho salmon.

(e) October 16 through ~~((November 30))~~ December 31 - Daily limit of ~~((2))~~ 4 salmon, ~~((release))~~ not more than one of which may be a chinook salmon.

(f) ~~((March 1 through March 31))~~ January 1 through February 14 - Closed.

(g) February 15 through April 10 - Daily limit of 1 salmon.

~~((g))~~ (h) April 11 through April 30 - Closed.

(i) Notwithstanding the provisions of this subsection, in those contiguous waters north of a line from Point Whitney due west to the Tonandos Peninsula, open only: August 16 through October 31 - Daily limit 4 coho salmon; November 1 through December 31 - Daily limit 4 salmon not more than one of which may be a chinook; and February 15 through April 10 - Daily limit one salmon.

(j) Waters of the Hoodspout Hatchery Zone are managed separately as provided for in WAC 220-56-124.

~~((h))~~ (k) The Hood Canal Bridge fishing pier is managed under Area 9.

(10) Catch Record Card Area 13:

(a) May 1 through ~~((December 31))~~ June 30 - Daily limit of 2 salmon not more than one of which may be a chinook salmon ~~((May 1 through June 30 and November 1 through December 31 and release wild coho salmon July 1 through October 31)).~~

(b) July 1 through October 31 - Daily limit 2 salmon except release wild coho. Carr Inlet north of a line from Green Point to Penrose Point restricted to fly fishing gear only July 1 through July 31 with daily limit two coho, except release wild coho.

(c) November 1 through December 31 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February ~~((15))~~ 14 - Release all salmon. ~~((Only one single pointed hook allowed.~~

~~((e))~~ (e) February ~~((16))~~ 15 through April 10 - Daily limit of one salmon.

~~((d))~~ (f) April 11 through April 30 - Release all salmon. ~~((Only one single pointed hook allowed.~~

~~((e))~~ (g) Notwithstanding the provisions of this section, salmon fishing is permitted year-round from the Fox Island public fishing pier - Daily limit of 2 salmon, not more than one of which may be a chinook salmon and release wild coho salmon July 1 through October 31.

(11) In the above waters there are specified closures as provided for in WAC 220-56-128 and 220-56-195. Additionally, there are gear and area restrictions at Shilshole Bay, the Duwamish Waterway, Budd Inlet, Titlow Beach and the Elliott Bay, Les Davis, and Des Moines public fishing piers. See specific sections in chapter 220-56 WAC for salmon angling restrictions at these locations.

WSR 02-15-098
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed July 16, 2002, 4:26 p.m.]

Date of Adoption: July 12, 2002.

Purpose: To rewrite current CPS rules in a clear writing format, to comply with Executive Order 97-02 and to repeal outdated rules.

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 02-16 issue of the Register.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-15-130, 388-15-131, 388-15-132, and 388-15-134.

Statutory Authority for Adoption: RCW 74.13.031, 74.04.050.

Other Authority: Chapter 26.44 RCW.

Adopted under notice filed as WSR 02-03-118 on January 22, 2002.

Changes Other than Editing from Proposed to Adopted Version: **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 02-16 issue of the Register.

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 37, Amended 0, Repealed 4.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 37, Amended 0, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.

July 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 02-16 issue of the Register.

WSR 02-15-102
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 17, 2002, 11:22 a.m., effective October 1, 2002]

Date of Adoption: July 17, 2002.

Purpose: Dipping and coating operations (dip tanks), chapter 296-835 WAC; chapter 296-24 WAC, General safety

and health standards; chapter 296-62 WAC, General occupational health standards; and chapter 296-78 WAC, Safety standards for sawmills and woodworking operations.

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 02-16 issue of the Register.

Citation of Existing Rules Affected by this Order: Amending WAC 296-62-11021 Open surface tanks and 296-78-71015 Tanks and chemicals; and repealing WAC 296-24-405 Dip tanks containing flammable and combustible liquids, 296-24-40501 Definitions, 296-24-40503 Ventilation, 296-24-40505 Construction of dip tanks, 296-24-40507 Liquids used in dip tanks, storage and handling, 296-24-40509 Electrical and other sources of ignition, 296-24-40511 Operations and maintenance, 296-24-40513 Extinguishment, and 296-24-40515 Special dip tank operations.

Statutory Authority for Adoption: RCW 49.17.010, [49.17].040, and [49.17].050.

Adopted under notice filed as WSR 02-07-100 on March 20, 2002.

Changes Other than Editing from Proposed to Adopted Version: **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 02-16 issue of the Register.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 33, Amended 2, Repealed 9; 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 33, Amended 2, Repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 33, Amended 2, Repealed 9.

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 33, Amended 2, Repealed 9.

Effective Date of Rule: October 1, 2002.

July 17, 2002

Gary Moore
Director

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 02-16 issue of the Register.

WSR 02-15-119
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Office of the Secretary)

[Filed July 18, 2002, 4:40 p.m.]

Date of Adoption: July 17, 2002.

Purpose: Adopting new WAC 388-01-015 Does any provision of this title create a right or cause of action, or compel DSHS to establish a program or entitlement? DSHS is

adopting this new rule to clarify the department's responsibilities where rules may be silent as to whether the rules created or implied a right of action or compelled the department to create a program or entitlement.

Statutory Authority for Adoption: RCW 42.17.250 and 43.17.060.

Adopted under notice filed as WSR 02-03-119 on January 22, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; or **Recently Enacted State Statutes:** New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 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.

July 17, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

NEW SECTION

WAC 388-01-015 Does any provision in this title create a right or cause of action, or compel DSHS to establish a program or entitlement? No provision in Title 388 WAC creates or is intended to create any right or cause of action, or adds to or intends to add to any existing right or cause of action, nor may anything in Title 388 WAC be relied upon to compel the establishment of any program or special entitlement.

WSR 02-15-122

PERMANENT RULES

WASHINGTON STATE LOTTERY

[Filed July 19, 2002, 9:27 a.m.]

Date of Adoption: July 18, 2002.

Purpose: To establish the rules for the multistate lottery game, Mega Millions.

Statutory Authority for Adoption: RCW 67.70.040.

Adopted under notice filed as WSR 02-12-080 on June 4, 2002.

Changes Other than Editing from Proposed to Adopted Version: Addition of this sentence: "At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed."

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 20, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 19, 2002

Mary Jane Ferguson
Rules Coordinator

Chapter 315-38 WAC

MEGA MILLIONS

NEW SECTION

WAC 315-38-010 General description. Mega Millions is a game conducted by the Washington state lottery, pursuant to chapter 67.70 RCW and Title 315 WAC and pursuant to the requirements of the multistate agreement. The Mega Millions game awards prizes to ticket holders matching specified combinations of numbers randomly selected in regularly scheduled drawings. Chapter 315-38 WAC applies only to Mega Millions tickets purchased and redeemed in Washington state. Players who purchase Mega Millions tickets in other party lottery states must comply with the rules of the party lottery state in which the ticket was purchased.

NEW SECTION

WAC 315-38-020 Definitions. Words and terms set forth below, when used herein, shall have the following meaning unless otherwise indicated:

(1) Annual/annuitized/annuity option - The manner in which the Mega Millions jackpot prize may be paid in twenty-six annual installments. In order to allow for the efficient purchase of securities, the first installment may be of a different value from the second through the twenty-sixth installment. The second through the twenty-sixth installments shall be of equal value.

(2) Authorized claim center - Any Mega Millions agent or retailer, or party lottery office, in the state where the winning official Mega Millions ticket was purchased.

(3) Cash option - The manner in which the Mega Millions jackpot prize may be paid in a single payment. The cash option amount shall be the proceeds of the sale of investments purchased to fund the particular winner's share of the annuitized jackpot prize. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(4) Claimant: Any person or entity submitting a claim form within the required time period to collect a prize for an

official Mega Millions ticket. A claimant may be the purchaser, the person or entity named on a signed official Mega Millions ticket, the bearer of an unsigned official Mega Millions ticket, or any other person or entity who may seek entitlement to a Mega Millions prize payment in accordance with the Mega Millions rules and party lottery governing laws, policies and rules. No claimant may assert rights different from the rights acquired by the original purchaser at the time of purchase.

(5) Director(s): The chief officers of the party lotteries or any other persons to whom the directors' authority is lawfully delegated.

(6) Multistate agreement: The amended and restated multistate agreement regarding the Mega Millions game, or any subsequent amended agreement, signed by the party lotteries and including the Mega Millions official game rules, finance and operations procedures for Mega Millions, and on-line drawing procedures for Mega Millions.

(7) Official Mega Millions ticket: A game ticket, produced on official paper stock by a Mega Millions agent or retailer in an authorized manner, bearing player or computer selected numbers, game name, drawing date, amount of wager, and validation data.

(8) Party lottery or lotteries: One or more of the state lotteries established and operated pursuant to the laws of Georgia, Illinois, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Virginia, Washington state or any other state lottery authorized to become a member of Mega Millions.

(9) Parimutuel: Total amount of sales allocated to pay prize claimants at the designated prize level, divided among the number of winning official Mega Millions tickets at the designated prize level.

(10) Prize fund: That portion of Mega Millions gross sales in the party lottery states set aside for the payment of prizes. The prize fund for any drawing is expected to be fifty percent of sales, but may be higher or lower based upon the number of winners at each set prize level, as well as the funding required to meet the advertised jackpot.

(11) Purchaser(s): Player(s) of Mega Millions who purchase tickets in accordance with Mega Millions rules and party lottery governing laws, policies, and rules.

(12) Quick-pick, auto-pick or easy pick: A player option in which Mega Millions number selections are determined at random by computer software.

(13) Subscription/season ticket: An extended, multi-draw purchase option, which may be offered in Washington state at the discretion of the director of the Washington State lottery, wherein the same set(s) of numbers may be played for a specified number of consecutive drawings (for example, 26, 52 or 104), effective on a future date. Subscription/season tickets are distinguished from multidraw tickets which are effective for specified future drawings and are sold at the retailer level.

(14) Mega Millions agent, sales agent or retailer: A location in one of the states which are party lotteries and which is licensed or contracted and equipped by its respective state lottery to sell official Mega Millions tickets.

(15) Mega Millions panel or play area: That area of an official Mega Millions ticket identified by an alpha character

and containing one field of five one-digit or two-digit player or computer selected numbers, and a second field of one one-digit or two-digit player or computer selected number.

(16) **Mega Millions play/bet slip:** A computer-readable form, printed and issued by each party lottery, used in purchasing an official Mega Millions ticket, with each play area consisting of two fields. The first field contains 52 areas/spaces numbered 1 through 52; the second field contains 52 areas/spaces numbered 1 through 52.

(17) **Mega Millions winning numbers -** Five one-digit or two-digit numbers, from 1 through 52 and one one-digit or two-digit number from 1 through 52, randomly selected at each Mega Millions drawing, which shall be used to determine winning Mega Millions plays contained on official Mega Millions tickets.

NEW SECTION

WAC 315-38-030 Ticket sales. (1) The sale of official Mega Millions tickets may be conducted only by such locations as the directors shall contract with and/or license pursuant to the governing laws, policies, and rules of the party lotteries and the Mega Millions rules.

(2) The director of the Washington state lottery shall have the discretion to take steps to improve the efficiency of ticket sales when the Mega Millions jackpot prize reaches what he or she considers a high enough level to warrant action. Steps include, but are not limited to, allowing retailers to restrict ticket purchases to quick pick only.

NEW SECTION

WAC 315-38-040 Ticket price. (1) Official Mega Millions tickets may be purchased for one dollar per play, or multiples thereof, at the discretion of the purchaser, in accordance with the number of game panels and inclusive drawings. The purchaser receives one play for each one dollar wagered in Mega Millions.

(2) Subject to the laws and regulations governing each party lottery, the directors may collectively authorize the sale of official Mega Millions tickets at a discount for promotional purposes.

(3) Individual directors may authorize sale of official Mega Millions tickets at a discount for promotional purposes within their respective jurisdictions, provided that such discounted sales shall be reported to the party lotteries at full gross sales value.

NEW SECTION

WAC 315-38-050 Play characteristics and restrictions. (1) Official Mega Millions tickets may only be sold to persons eighteen years of age or older, providing such persons are not prohibited from playing Mega Millions in a party lottery state by the governing law, policies or rules of that party lottery, or any contract executed by that party lottery.

(2) Official Mega Millions tickets may not be purchased in any other party lottery state by any party lottery board member or commissioner; or any officer or employee; or any spouse, child, brother, sister or parent residing as a member

of the same household in the principal place of residence of any such person.

(3) Under no circumstances will a claim be paid for either the jackpot prize or the second prize without an official Mega Millions ticket matching all game play, serial number, and other validation data residing in the selling party lottery's on-line gaming system computer, and such ticket shall be the only valid proof of the wager placed and the only valid receipt for claiming or redeeming any prize.

(4) Official Mega Millions tickets cannot be canceled.

(5) Purchasers may submit a manually completed Mega Millions play slip to a Mega Millions agent or retailer to have issued an official Mega Millions ticket. Mega Millions play slips shall be available at no cost to the purchaser and shall have no pecuniary or prize value, and shall not constitute evidence of purchase or number selections. The use of mechanical, electronic, computer generated or any other nonmanual method of marking play slips is prohibited.

(6) Purchasers may orally convey their selections to a Mega Millions agent or retailer to have issued an official Mega Millions ticket. Such selections shall be manually entered into the computer terminal by the Mega Millions agent or retailer.

(7) If player operated sales terminals or self-service terminals are available, purchasers may use such terminals for the purchase of official Mega Millions tickets.

NEW SECTION

WAC 315-38-060 Purchaser responsibility. It shall be the sole responsibility of the purchaser to verify the accuracy and condition of the data printed on the official Mega Millions ticket at the time of purchase.

NEW SECTION

WAC 315-38-070 Time, place and manner of conducting drawing. (1) Mega Millions drawings shall be conducted at the studios of WSB-TV, Atlanta, Georgia at 11:00 p.m. eastern time (8:00 p.m. Pacific time). Mega Millions drawings shall be conducted on both Tuesday and Friday at the designated time. However, the day, time or location of Mega Millions drawings may be modified as determined by the directors and publicly announced by the party lotteries, and/or as stated in the on-line drawing procedures for Mega Millions.

(2) The objective of Mega Millions drawings shall be to select at random, with the aid of drawing equipment, Mega Millions winning numbers, pursuant to the controls and methods defined by the party lotteries.

NEW SECTION

WAC 315-38-080 Prize structure and odds. Winning number matches for the Field 1 of 5 of 52 and Field 2 of 1 of 52 shall win prizes as set forth below, based on an estimated anticipated prize fund of fifty percent of gross sales and estimated percents of prize fund, as defined in WAC 315-38-020(10) and the Mega Millions multistate agreement:

PRIZE LEVEL	FIELD 1 MATCH FIVE WHITE BALLS 1-52	FIELD 2 MATCH MEGA BALL 1-52	PRIZE	ODDS (per \$1 play)	PERCENT OF PRIZE FUND
Jackpot Prize	5	1	Jackpot	1:135,145,920	63.38
Second	5	0	\$175,000*	1:2,649,920	13.21
Third	4	1	\$5,000*	1:575,089	1.74
Fourth	4	0	\$150*	1:11,276	2.66
Fifth	3	1	\$150*	1:12,502	2.40
Sixth	2	1	\$10	1:833	2.40
Seventh	3	0	\$7	1:245	5.71
Eighth	1	1	\$3	1:152	3.96
Ninth	0	1	\$2	1:88	4.54
Overall odds of winning: 1:43					

* Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine.

(i) The player must elect this cash option within sixty days of the validation of his or her prize, by following the procedure required by the lottery;

(ii) If the federal tax code is interpreted by federal authorities to require that this cash option be exercised within sixty days of the drawing for the prize, then (a)(i) of this subsection will not apply and instead, the player must elect this cash option within sixty days of the date of the drawing for the prize;

(iii) The player's choice of payment method as designated by signing the appropriate lottery form is final and may not be changed by the player at a later date;

(iv) Cash option jackpot prizes shall be paid in a single payment in accordance with the internal validation procedures and settlement procedures pursuant to the multistate agreement and the Washington state lottery. At the director's discretion, an initial payment of a portion of the cash option prize may be paid to the winner at the time the prize is claimed.

(b) **Annuity:** A player who chooses not to elect the cash option or who does not elect the cash option within the sixty-day limit will be paid his or her prize in twenty-six annual installment payments. The initial payment shall be paid in accordance with the internal validation procedures and settlement procedures established by the multistate agreement and the Washington state lottery. The subsequent twenty-five payments shall be paid annually to coincide with the month of the federal auction date at which the bonds were purchased. All such payments shall be made within seven days of the anniversary of the actual auction date. This date of payment of the subsequent payments is subject to the discretion of the director of the Washington state lottery, acting in the best interest of the lottery.

(4) In the event multiple Mega Millions panels match all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, and the annuitized Mega Millions jackpot prize divided by the number of winning game panels is less than \$1,000,000, each Mega Millions jackpot prize winner shall be paid an amount equal to the "cash equivalent grand/jackpot prize," as defined by the multistate agreement, divided equally by the number

NEW SECTION

WAC 315-38-090 Jackpot prize payments. (1) Prior to each drawing, the directors shall determine the estimated annuitized jackpot prize amount to be advertised. The advertised jackpot prize amount shall be the basis for determining the amount to be awarded for each Mega Millions panel matching all five of the five Mega Millions winning numbers drawn for Field 1 and the one Mega Millions winning number drawn for Field 2. No annuitized jackpot prize, when there is only one jackpot prize winning ticket, shall be less than \$10 million.

(2) If, in any Mega Millions drawing, there are no Mega Millions panels that qualify for the jackpot prize category, the portion of the prize fund allocated to such jackpot prize category shall remain in the jackpot prize category and be added to the amount allocated for the jackpot prize category in the next consecutive Mega Millions drawing.

(3) If the annuitized jackpot prize divided by the number of Mega Millions panels matching all five of the five Mega Millions winning numbers for Field 1 and the one Mega Millions winning number for Field 2, is equal to or greater than \$1,000,000, the jackpot prize(s) will be paid under the annuity option unless a cash option was selected by the winner(s), as follows:

(a) **Cash option:** After a player has claimed a jackpot prize or a share of a jackpot prize, and after the claim has been validated (including a debt check pursuant to WAC 315-06-125), the player may elect to be paid a one-time single cash option payment as defined by WAC 315-38-020(3), provided:

PERMANENT

of jackpot prize winners. Each such jackpot prize winner will be paid in a single cash payment.

NEW SECTION

WAC 315-38-100 Second through ninth level prizes.

(1) Mega Millions panels matching five of the five Mega Millions winning numbers drawn for Field 1, but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a second prize of \$175,000 subject to subsection (5) of this section.

(2) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a third prize of \$5,000 subject to subsection (5) of this section.

(3) Mega Millions panels matching four of the five Mega Millions winning numbers drawn for Field 1 but not matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fourth prize of \$150 subject to subsection (5) of this section.

(4) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive a fifth prize of \$150 subject to subsection (5) of this section.

(5) Should total prize liability, exclusive of jackpot prize rollover from previous drawings, exceed three hundred percent of draw sales or fifty percent of draw sales plus \$50,000,000, whichever is less, (both hereinafter referred to as the "liability cap"), the second through fifth prizes shall be paid on a parimutuel rather than set prize basis, provided, however, that in no event shall the parimutuel prize be greater than the set prize. The amount to be used for the allocation of such parimutuel prizes shall be the liability cap less the amount paid for the jackpot prize and prize levels six through nine.

(6) Mega Millions panels matching two of the five Mega Millions winning numbers drawn for Field 1 and matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a sixth prize of \$10.

(7) Mega Millions panels matching three of the five Mega Millions winning numbers drawn for Field 1 but not the Mega Millions winning number drawn for Field 2 shall be entitled to receive a seventh prize of \$7.

(8) Mega Millions panels matching one of the five Mega Millions winning numbers drawn for Field 1 and the Mega Millions winning number drawn for Field 2 shall be entitled to receive an eighth prize of \$3.

(9) Mega Millions panels matching no numbers of the five Mega Millions winning numbers drawn for Field 1 but matching the Mega Millions winning number drawn for Field 2 shall be entitled to receive a ninth prize of \$2.

(10) Each Mega Millions second through ninth prize shall be paid in one payment.

NEW SECTION

WAC 315-38-110 Single prize. In a single drawing, a claimant may win in only one prize category per single Mega

Millions panel in connection with Mega Millions winning numbers and shall be entitled only to the highest prize.

NEW SECTION

WAC 315-38-120 Parimutuel prize calculation. For purpose of prize calculation with respect to any Mega Millions parimutuel prize, the calculation shall be rounded down so that prizes shall be paid in multiples of one dollar.

NEW SECTION

WAC 315-38-130 Annuitized jackpot prize calculation. The jackpot prize shall be set in accordance with the rules and procedures established by the multistate agreement.

NEW SECTION

WAC 315-38-140 Promotional prizes. The number of prize categories and the allocation of the prize fund among the prize categories may be changed at the discretion of the directors, for promotional purposes. Such change shall be announced by public notice.

NEW SECTION

WAC 315-38-150 Ticket responsibility. (1) A winning official Mega Millions ticket is a bearer instrument and is deemed to be owned by the person or entity named on the ticket or, in the case of a ticket not completed with name, the ticket is deemed to be owned by the claimant.

(2) The Washington state lottery shall not be responsible for lost or stolen official Mega Millions tickets, unless otherwise provided in the laws and regulations governing the lottery.

(3) The purchaser of an official Mega Millions ticket has the sole responsibility for verifying the accuracy and condition of the data printed on the ticket at the time of purchase.

(4) The Washington state lottery shall not be responsible to the claimant for official Mega Millions tickets redeemed in error by a Mega Millions agent or retailer.

(5) Winners are determined by the numbers drawn and not the numbers reported. The party lotteries shall not be responsible for Mega Millions winning numbers reported in error.

NEW SECTION

WAC 315-38-160 Ticket validation requirements. In order to be deemed a valid, winning, official Mega Millions ticket, all of the following conditions must be met:

(1) The ticket must meet the requirements of WAC 315-30-050 and the requirements of the multistate agreement.

(2) In submitting an official Mega Millions ticket for validation, the claimant agrees to abide by applicable laws, all rules and regulations, instructions, conditions, and final decision of the director of the Washington state lottery, or other party lottery, which issued the ticket.

(3) To be a valid ticket, the ticket data must have been recorded on the central computer system prior to the drawing

and the ticket data must match this computer record in every respect. In the event of a contradiction between information as printed on the ticket and as accepted by the party lottery computer, the wager accepted by the party lottery computer shall be the valid wager.

(4) There must not be any other breach of rules in relation to the ticket which, in the opinion of the director of the party lottery which issued the ticket, justifies disqualification.

(5) The ticket must be submitted to the party lottery which issued it, and only that party lottery which issued the ticket may pay the prize.

NEW SECTION

WAC 315-38-170 Validations. An official Mega Millions ticket submitted for validation that fails any of the preceding validation conditions shall be considered void, subject to the following determinations:

(1) In all cases of doubt, the determination of the director of the party lottery which sold the official Mega Millions ticket shall be final and binding; however, the director may, at his/her option, replace an invalid ticket with an official Mega Millions ticket of equivalent sales price;

(2) In the event a defective ticket is purchased or in the event the director determines to adjust an error, the sole and exclusive remedy shall be the replacement of such defective or erroneous ticket(s) with an official Mega Millions ticket of equivalent sales price;

(3) In the event an official Mega Millions ticket is not paid by the Washington state lottery and a dispute occurs as to whether the ticket is a winning ticket, the Washington state lottery may, at its option, replace the ticket as provided in WAC 315-06-120(17).

NEW SECTION

WAC 315-38-180 Procedures for claiming and payment of prizes. (1) Prizes shall be redeemed or claimed only in the state where the official Mega Millions ticket was purchased and only through Mega Millions agents or retailers or other authorized claim centers, effective upon determination of prize payouts.

(2) A Mega Millions prize claimed in Washington state must be claimed no later than one hundred eighty days after the Mega Millions drawing for which the ticket was purchased. Pursuant to WAC 315-02-230 a "claim" means the actual physical receipt of a ticket and claim form if necessary under these rules, by a location authorized to pay the prize sought. Placement of the ticket, and claim form, if necessary, in the United States mail or another mail service does not constitute receipt.

(3) Claimants of a winning official Mega Millions ticket must comply with the prize claim requirements of the party lottery which issued the winning ticket.

(4) In the event that a single official Mega Millions ticket contains two or more winning game panels, the cumulative prize amount shall be claimed or redeemed in accordance with the specified prize payment limits for the party lottery which issued the winning ticket.

(5) Federal withholding taxes, and any other applicable taxes, shall be withheld from Mega Millions prizes in such amounts as may be required by law.

(6) Mega Millions prizes shall not be paid to any persons prohibited from playing Mega Millions in a particular party lottery state by Mega Millions rules or by the governing law or rules of that party lottery or any contract executed by that party lottery.

(7) The name and city or other location of the winner of a jackpot prize, or second prize, will be disclosed in a news conference or in a news release and the winner may be requested to participate in a news conference.

(8) If the winner claims a Mega Millions jackpot or second prize as a legal entity pursuant to WAC 315-06-120, the entity shall provide the name of a natural person who is a principal of the legal entity. This natural person shall be available for appearance at any news conference regarding the prize and shall be featured in any lottery's news releases.

NEW SECTION

WAC 315-38-190 Unclaimed prize money. For winning official Mega Millions tickets for which no claim or redemption is made within the specified claim period for each respective party lottery, the corresponding prize moneys shall be returned to the other party lotteries in accordance with procedures for the reconciliation of prize liability pursuant to the multistate agreement and as may be agreed from time to time by the directors of the party lotteries.

NEW SECTION

WAC 315-38-200 Governing law. (1) In purchasing a ticket issued for Mega Millions, the purchaser agrees to comply with and be bound by all applicable statutes, administrative rules and regulations, and procedures of the individual state in which the ticket is issued, and by directives and determinations of the director of that state's lottery. The purchaser agrees, as its sole and exclusive remedy, that claims arising out of this ticket can be pursued only against the state of ticket purchase. Litigation, if any, shall only be maintained against the party lottery of the state of ticket purchase and within the state of ticket purchase.

(2) In the event of conflict between the multistate agreement and the statutes, rules or regulations of any party lottery, the party lottery's statutes, rules, and regulations shall control.

(3) All decisions made by the directors of the party lotteries, including the declaration of prizes and the payment thereof and the interpretation of Mega Millions rules, shall be final and binding on all purchasers and on every person making a claim in respect thereof.

WSR 02-15-126
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 708—Filed July 19, 2002, 3:07 p.m.]

Date of Adoption: July 19, 2002.

Purpose: The purpose of this rule amendment is to increase the fee, set in WAC 332-150-030, as directed by the Board of Natural Resources by resolution.

Citation of Existing Rules Affected by this Order: Amending WAC 332-150-030.

Statutory Authority for Adoption: RCW 58.24.070.

Adopted under notice filed as WSR 02-09-046 on April 12, 2002.

Changes Other than Editing from Proposed to Adopted Version: The date of implementation was corrected to August 19, 2002, from 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 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.

July 19, 2002

Doug Sutherland

AMENDATORY SECTION (Amending Order 509, filed 7/14/87)

WAC 332-150-030 Filing and recording fees. Effective ((July 26, 1987)) August 19, 2002, each county auditor shall collect the fee of ((twenty-six)) forty-six dollars per instrument in addition to any other fees required by law, as a condition precedent to the filing and recording of any surveys, subdivision plats, short plats or condominium surveys, plats or maps.

WSR 02-15-128
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed July 22, 2002, 8:16 a.m.]

Date of Adoption: July 15, 2002.

Purpose: Strawberry marketing order, to create a new position on the board of the Strawberry Commission, increasing membership from one to two positions for District 3.

Citation of Existing Rules Affected by this Order: Amending WAC 16-555-020.

Statutory Authority for Adoption: RCW 15.65.050 and 15.65.200.

Adopted under notice filed as WSR 02-06-129 on March 6, 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.

July 15, 2002

Valoria H. Loveland

Director

AMENDATORY SECTION (Amending WSR 00-10-024, filed 4/24/00, effective 5/25/00)

WAC 16-555-020 Strawberry commodity board. (1) **Administration.** The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) **Board membership.**

(a) The board shall consist of ((seven)) eight members. ((Six)) seven members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and shall be divided into four representative districts as follows:

(i) District I shall have two board members, being Positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being Positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have ((one)) two board members, being Position 5 and Position 7, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(iv) District IV shall have one board member, being Position 6, and shall include the remaining counties in the state of Washington.

(3) **Board membership qualifications.** The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) **Term of office.**

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((six))~~ seven and the member appointed by the director, position ~~((seven))~~ eight.

(c) The term of office for the initial board members shall be as follows:

Position one - shall terminate on August 31, 1986;

Positions three and five - shall terminate on August 31, 1987;

Positions two and four - shall terminate on August 31, 1988.

(d) The term of office for the initial board member in Position 6, shall terminate on August 31, 1995.

(e) The term of office for the initial board member in Position 7 shall terminate on August 31, 2005.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly elected.

(6) **Election of board members.**

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the

director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the marketing order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the marketing order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in marketing order to defray the costs of formulating the marketing order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate

records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited at least every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the marketing order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the marketing order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of the board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(1) or any agricultural chemical which is of use or potential use in producing strawberries, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semi-annually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days

prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: Provided, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 02-15-138

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed July 22, 2002, 11:16 a.m.]

Date of Adoption: July 18, 2002.

Purpose: The amendment of WAC 388-71-0820 corrects an incorrect WAC cross-reference without changing the rule's effect.

Citation of Existing Rules Affected by this Order: Amending WAC 388-71-0820.

Statutory Authority for Adoption: RCW 74.04.057, 74.08.090, and 74.09.520.

Adopted under notice filed as WSR 02-12-067 on May 31, 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 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: Thirty-one days after filing.

July 18, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 99-19-048, filed 9/13/99, effective 10/14/99)

WAC 388-71-0820 How do I qualify for Medicaid-funded PACE services? To qualify for Medicaid-funded PACE services, you must apply for an assessment by contacting your local Home and Community Services office. A case worker will assess and determine whether you:

(1) Are age:

(a) Fifty-five or older, and blind or disabled as defined in WAC 388-15-202, Long-term care services—Definitions; or

(b) Sixty-five or older.

(2) Need nursing facility level of care as defined in WAC ((388-97-235)) 388-71-0435(4), titled ((Medical eligibility for nursing facility care.)) Am I eligible for COPES-funded services? Note: If you are already enrolled, but no longer need nursing facility care, you might still be eligible for PACE services if the case manager reasonably expects you to need nursing facility care within the next six months;

(3) Live within the designated service area of the PACE provider, currently the central Seattle area; and

(4) Meet financial eligibility requirements. This means the department will assess your finances and determine if your income and resources fall within the limits set in WAC 388-513-1315, Eligibility determination—Institutional.

WSR 02-15-140

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 22, 2002, 1:54 p.m.]

Date of Adoption: July 22, 2002.

Purpose: This rule would increase fees for service within the fiscal growth factor for fiscal year 2003 in the WSDA weights and measures program, to offset the costs of furnishing the services. The rule title would also be changed to read "Calibration Services, Special Inspection and Testing Fees." The department will move sections currently located in chapter 16-674 WAC establishing fees for special inspections and tests and fees for railroad track scales to this WAC. When this change is implemented fees established in rule for weights and measures services will be consolidated in a single chapter. The text will be amended to clear and readable format and updated to conform to current standards.

Citation of Existing Rules Affected by this Order: Amending WAC 16-675-010, 16-675-030, and 16-675-040.

Statutory Authority for Adoption: RCW 19.94.216, 19.94.315.

Adopted under notice filed as WSR 02-12-129 on June 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 2, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, 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 2, Amended 3, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Fee increases are within the fiscal growth factor for fiscal year 2003.

Effective Date of Rule: Thirty-one days after filing.

July 22, 2002

Valoria Loveland

Director

Chapter 16-675 WAC

CALIBRATION SERVICES, SPECIAL INSPECTION AND TESTING FEES

AMENDATORY SECTION (Amending WSR 97-12-024, filed 5/29/97, effective 6/29/97)

WAC 16-675-010 Purpose. The department of agriculture promulgates this chapter to implement the provisions of RCW 19.94.216(1) and 19.94.325(2) which allows the director of the state department of agriculture to establish reasonable fees for inspection, tolerance testing and calibration services performed by the metrology laboratory on weights and measures standards. This chapter also implements the provisions of RCW 19.94.175(3) which allows the director to establish inspection and testing fees for weighing and measuring devices specially requested to be inspected or tested by the device owner.

AMENDATORY SECTION (Amending WSR 98-12-030, filed 5/28/98, effective 6/28/98)

WAC 16-675-030 Condition of submitted weights and measures. Weights and measures standards submitted to the laboratory for tolerance testing or calibration must be in a physical condition that makes them acceptable for the service to be performed. Unacceptable weights and measures standards may be returned to the sender at the sender's expense or, if repairs can be made, these repairs shall be charged at the rate of seventy-five dollars an hour. Effective August 1, 2002, the rate will be \$77.46 per hour. Repair fees shall be charged in addition to any testing or other calibration fees. Repairs will only be done by written agreement between the department and the owner of the weights or measures to be repaired.

AMENDATORY SECTION (Amending WSR 98-12-030, filed 5/28/98, effective 6/28/98)

WAC 16-675-040 Schedule of laboratory fees. The following fees will be charged for services performed by the metrology laboratory of the department:

(1) An hourly fee of seventy-five dollars per hour will be charged for inspection, tolerance testing and calibration services performed at the metrology laboratory.

(2) Inspection, tolerance testing and calibration services performed at other than the metrology laboratory will be charged an hourly rate of seventy-five dollars per hour plus the current mileage and per diem rates established by the office of financial management. Effective August 1, 2002, the hourly rate will be \$77.46 per hour.

(3) There will be a minimum one-half hour charge for any services provided by the laboratory.

NEW SECTION

WAC 16-675-050 Special inspection and testing fees.

(1) The following fees shall be charged for the inspection and testing of weighing or measuring instruments or devices specially requested to be inspected or tested by the device owner or his/her representative:

Weighing and Measuring Device		
Device	Fee	Fee Effective August 1, 2002
Small scales "zero to four hundred pounds capacity"	\$15.00	\$15.49
Intermediate scales "four hundred pounds to five thousand pounds capacity"	\$50.00	\$51.64
Large scales "over five thousand pounds capacity"	\$125.00	\$129.11
Large scales with supplemental devices	\$150.00	\$154.93
Railroad track scales	\$1,000.00	\$1,032.90
Liquid fuel meters with flows of less than twenty gallons per minute	\$15.00	\$15.49
Liquid fuel meters with flows of twenty but not more than one hundred fifty gallons per minute	\$50.00	\$51.64
Fuel meters with flows over one hundred fifty gallons per minute	\$150.00	\$154.93
Liquid petroleum gas meters with one inch diameter or smaller dispensers	\$50.00	\$51.64
Liquid petroleum gas meters with greater than one inch diameter dispensers	\$150.00	\$154.93

(2) The fees to be charged for the inspection of any device used in an agency or institution to which moneys are appropriated by the legislature or of the federal government shall be the same fees as those that are listed above.

(3) For inspection services not covered under the above special inspection fee schedule, the department shall charge a fee of \$33.75 per hour for labor and travel time. Effective August 1, 2002, the hourly rate will be \$34.86 per hour. There will be a minimum one-hour charge for these services.

NEW SECTION

WAC 16-675-060 Fees for railroad track scales. All railroad track scale owners in this state shall provide suitable facilities for testing track scales. Track scale owners shall provide a suitable car or other device or facility to be used in testing track scales. The cost of providing and maintaining the car, device, or facility shall be equitably and reasonably apportioned by the department among all railroad track scale owners. The car, device, or facility shall be used by the department to test the accuracy of all track scales and the railroad companies shall, without charge, move the car, device, or facility to locations designated by the department.

WSR 02-15-141

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed July 22, 2002, 1:57 p.m.]

Date of Adoption: July 22, 2002.

Purpose: This rule will be given a new title and amended to clarify weighmaster licensing and operating requirements. The changes will update exemptions for certain weighing or measuring devices or instruments. A change will be made to require the registration of weighing and measuring devices when the device is first placed into commercial use. Three sections regarding fees for inspections, tests, grain elevator scale tests and railroad track scales will be repealed. These repealed sections will be modified and moved to chapter 16-675 WAC. In this process, the fees will be increased within the fiscal growth factor for fiscal year 2003. The text will be amended to clear and readable format and updated to conform to current standards.

Citation of Existing Rules Affected by this Order: Repealing WAC 16-674-065, 16-674-080 and 16-674-090; and amending WAC 16-674-010, 16-674-030, 16-674-040, and 16-674-095.

Statutory Authority for Adoption: RCW 19.94.010, 19.94.190, and 15.18.410.

Adopted under notice filed as WSR 02-12-128 on June 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 1, Amended 4, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 4, 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 1, Amended 4, Repealed 3.

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Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Fee increases are within the fiscal growth factor for fiscal year 2003.

Effective Date of Rule: Thirty-one days after filing.
 July 22, 2002
 Valoria Loveland
 Director

Chapter 16-674 WAC

WEIGHTS AND MEASURES—((SEALING, MARKING, RETESTING DEVICES)) EXEMPTIONS, WEIGHMASTERS AND DEVICE REGISTRATION

AMENDATORY SECTION (Amending WSR 96-01-040, filed 12/13/95, effective 1/13/96)

WAC 16-674-010 Exemptions and definitions. (1)

The weighing or measuring instruments or devices listed below ~~((shall be specifically))~~ are exempted from the sealing or marking inspection and testing requirements of ~~((section 2, chapter 355, Laws of 1995))~~ RCW 19.94.163, because they are of such character or size that such sealing or marking ~~((inspection and testing))~~ would be inappropriate, impractical, or damaging to the apparatus in question:

- (a) Measure containers
- (b) Milk bottles
- (c) Lubricating oil bottles
- (d) Berry baskets and boxes.

(2) ~~((The classes of weighing or measuring instruments or devices listed below shall be specifically exempted from section 6, of chapter 237, Laws of 1992 because they are of such character that periodic testing is unnecessary to ensure continued accuracy:))~~

- ~~(a) Vehicle tanks used as measures*~~
- ~~(b) Farm milk tanks*~~
- ~~(c) Liquid measures*~~
- ~~(d) Glass graduates~~
- ~~(e) Measures containers~~
- ~~(f) Milk bottles~~
- ~~(g) Lubricating oil bottles~~
- ~~(h) Linear measures*~~
- ~~(i) Dry measures*~~
- ~~(j) Berry baskets and boxes.~~

~~((*) Whenever an item of this class is damaged, repaired or modified in any way that affects the accuracy of measurement, it shall not thereafter be used for measurement until it has been officially inspected and reapproved.~~

~~((3)) Unless the context clearly requires otherwise, the definitions provided for in chapter 19.94 RCW and in this section shall apply to this chapter.~~

(a) "Commercial weighing or measuring device" shall be construed to include any weighing or measuring device commercially used or employed in establishing the size, quantity, extent, area, or measurement of quantities, things, produce, or articles for distribution or consumption, purchased, offered, or submitted for sale, hire, or award, or in computing any basic charge or payment for services rendered on the basis of weight or measure. It shall also include any accessory attached to or used in connection with a commercial weighing or measuring device when such accessory is so designed or installed that its operation affects the accuracy of the device.

(b) "Owner" shall be construed to mean the individual or business actually using a weighing or measuring device for commercial purposes, regardless of who is the legal owner or lien holder of such device.

AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-030 Weighmaster license issuance, expiration and fees. (1) Weighmaster licenses issued under RCW 15.80.460 shall expire on June 30th following the date of issuance.

(2) Upon expiration, suspension or revocation of the license, the weighmaster must surrender their impression seal to the director or his representative within ten days if they do not renew their license, if their license is suspended or if their license is revoked. The seal may be surrendered by sending the seal to the department or by surrendering the seal to the director or his duly appointed representative.

(3) Businesses or individuals applying to renew their license or applying for their initial license with the department must have a current bond in the amount of one thousand dollars and that bond must remain in force and effect for not less than the entire licensing period.

(4) Weighing and measuring devices used by weighmasters are considered to be in commercial use and must be registered. Registrations are accomplished through the department of licensing as part of the master license service under chapter 19.02 RCW.

(5) Proof of a scale test within the last twelve months must be submitted with the application.

(6) Applications must be submitted with proper fees.

(7) Fees for weighmasters are as follows:

Item	Fee
Annual application	\$ 20.00
Each weigher	\$ 5.00
Each seal rental	\$ 5.00
Replacement seal	\$ 25.00
Late renewal penalty	50% of total renewal fee

(8) Applications received without subsections (3), (4), (5) and (6) of this section will be considered incomplete applications and will be returned to the applicant.

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AMENDATORY SECTION (Amending Order 2091, filed 7/25/91, effective 8/25/91)

WAC 16-674-040 Weighmaster license—Late renewal penalty. (1) Renewal applications for weighmaster licenses issued under chapter 15.80 RCW not filed by July 1st of any one year are subject to a penalty of fifty percent of the renewal fee as provided by RCW 15.80.470.

(2) Nothing herein shall be construed to limit the department's ability, as otherwise provided by law, to deny a license, to condition license renewal, or to enforce violations of applicable laws, subsequent to the expiration of a license.

NEW SECTION

WAC 16-674-055 Weighing and measuring devices.

(1) Weighing and measuring devices used by weighmasters must meet all legal requirements for commercial weighing and measuring devices.

(2) Effective September 1, 2002, weighmaster scales must be tested not less than every twelve months and must conform to the tolerances and specifications in the edition of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," adopted by the department in chapter 16-662 WAC. Inspections must be performed by either service agents registered with the department or by the department. The department is under no obligation to provide this inspection service.

(3) A legible copy of the current scale inspection and current master business license must be maintained at the same site as the scale and must be immediately made available to the director or his representative upon request.

AMENDATORY SECTION (Amending WSR 96-01-040, filed 12/13/95, effective 1/13/96)

WAC 16-674-095 Device registration. (1) All weighing or measuring devices used for commercial purposes in the state shall be registered annually. Devices in commercial use within a city having a city sealer and a weights and measures program that has adopted registration fees shall be registered with the city. Devices used commercially outside of such city shall register with the department. If the commercial use of the device is within such city that has not adopted fees, the device shall be registered with the department.

(2) The device registration fees established in RCW 19.94.175 shall apply unless a city jurisdiction has adopted separate registration fees for devices used within its jurisdiction. Cities may establish separate annual registration fees for devices within city jurisdictions; however, they may not exceed the fees in RCW 19.94.175 for registering the use of a similar instrument or device. Payment of the device registration fee constitutes registration. Cities shall notify the department of agriculture regarding the adoption of fee levels and any changes in fees.

(3) All device registrations with the department shall be accomplished as part of the department of licensing, master license system under chapter 19.02 RCW. Devices shall be initially registered at the time the owner applies for a master

license for a new business or ((at the first renewal of the license that occurs after)) when the device is first placed into commercial use. Device registrations with a city may be accomplished through the master licensing system with a letter of request for implementation assistance from the city to the department of agriculture.

(4) The department of licensing shall remit to the department of agriculture all registration fees collected less reasonable collection expenses. The department of agriculture shall forward to the city that portion of fees attributable to city registrations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-674-065	Special inspection and testing fees.
WAC 16-674-080	Fees for federal grain elevator scales.
WAC 16-674-090	Fees for railroad track scales.

WSR 02-15-148

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed July 22, 2002, 4:01 p.m., effective September 1, 2002]

Date of Adoption: July 18, 2002.

Purpose: The division of employment and assistance programs is adopting these amendments to clarify and explain WASHCAP (Washington combined application program) and its eligibility rules. The amended WAC will comply with the original federal food and nutrition service waiver that makes any client eligible if they are also eligible for federal SSI (supplemental security income).

Citation of Existing Rules Affected by this Order: Amending WAC 388-492-0010, 388-492-0020, 388-492-0030, 388-492-0040, 388-492-0050, 388-492-0060, 388-492-0070, 388-492-0080, 388-492-0090, 388-492-0100, 388-492-0110, 388-492-0120, and 388-492-0130.

Statutory Authority for Adoption: RCW 74.04.57 [74.04.057], 74.04.500, 74.04.510.

Adopted under notice filed as WSR 02-12-071 on May 31, 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 13, 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 13, Repealed 0.

Effective Date of Rule: September 1, 2002.

July 18, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0010 Washington state combined application ((project)) program (WASHCAP) definitions. "Assistance unit" (AU) — For this chapter, a person who ((gets)):

- (1) Is eligible to receive federal SSI,
- (2) Is eighteen years old or older,
- (3) Is not in an institution,
- (4) Meets the definition of living arrangement "A((;))" (Social Security considers you as a separate household),
- (5) Has no earned income, and
- (6) States that they buy and cook food on their own.

"Centralized unit" — The unit that handles all WASHCAP cases for the state except for cases that get services from a home and community service office (HCS). The centralized unit or HCS office processes new applications for WASHCAP benefits and handles current WASHCAP cases.

"Pure SSI household" — Every member of the assistance unit is eligible for SSI on their own behalf.)

"SSA" — Social Security Administration. A federal agency that issues all SSA and SSI cash benefits.

"SSA benefits" — A federal program that gives money to aged, blind or disabled clients based on their past wages.

"SDX" — State data exchange. The computer system for exchanging information between SSA and DSHS regarding SSI applicants, beneficiaries and terminated SSI beneficiaries.

"SSI benefits" — Supplemental Security Income. The SSA federal cash grant program for needy aged, blind or disabled clients who did not have enough wages in the past to qualify for SSA benefits.

"WASHCAP" — Washington state combined application ((project)) program. A simplified food assistance program that automatically opens food assistance benefits for certain SSI clients.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0020 What is WASHCAP? WASHCAP stands for the Washington state combined application ((project)) program. WASHCAP is a simplified food assistance program for clients that ((get)) are eligible for SSI from SSA and meet some other basic requirements:

(1) If you live in Washington state and get SSI, SSA asks you if you want to get food assistance benefits. If you meet the requirements of WAC 388-492-0030, you will get your food assistance benefits through WASHCAP.

(2) If you are eligible for WASHCAP, SSA electronically sends us the information we need to open your benefits. You do not have to go to your local community services office to apply for food assistance benefits.

(3) ~~((If you want food assistance benefits right away, you must apply for regular food assistance benefits at your local community services office.~~

(4)) While you get WASHCAP benefits, you must report all changes to SSA. SSA automatically shares your information ((with us)) we need for your WASHCAP benefits. You can report changes to your WASHCAP worker, but you do not have to do so. See WAC 388-492-0080 regarding changes to shelter costs.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0030 Who can get WASHCAP? (1) When you apply for food assistance, you can get WASHCAP benefits when you are eighteen years of age or older and:

(a) ~~((Get at least one dollar))~~ Are eligible to receive federal SSI benefits((from SSA. We do not consider the state supplement as federal SSI benefits));

(b) Live alone or SSA considers you as a single household;

(c) Buy and cook your food separately from others you live with;

(d) Do not have any earned income(~~and~~ ~~((If you live in an institution, SSA expects you to be there for less than ninety days)).~~

(2) You are not eligible for WASHCAP if:

(a) You live in an institution(~~(for ninety days or longer;~~

(b) SSA expects you to live in an institution for ninety days or longer;

(c) ~~SSA tells us you have earned income for more than three months in a row);~~ or

((d)) (b) You are under age twenty-two and you live in the same home as your parents.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance? You can choose to have regular food assistance benefits instead of WASHCAP benefits when:

(1) Your shelter costs are more than four hundred eighty dollars a month. We count the following items as a shelter cost:

- (a) Rent or mortgage;
- (b) Property taxes;
- (c) Homeowner's insurance (for the building only);
- ((and)) or
- (d) Mandatory homeowner's association or condo fees.

(2) Your out-of pocket medical expenses are more than thirty-five dollars a month; ((or))

(3) You would get more benefits from being in the regular food assistance program; or

(4) You are waiting to receive WASHCAP benefits.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0050 How do I apply for Washington state combined application program (WASHCAP) benefits? (1) You apply for WASHCAP at Social Security Administration (SSA) when you apply for Supplemental Security Income (SSI). If you want food assistance, your SSA worker will ask you ~~((to complete a one-page application))~~ questions for WASHCAP eligibility when you have your SSI interview.

(2) If you are eligible for WASHCAP benefits, your benefits will start the first of the month after the month you start getting on-going SSI benefits.

(3) If you need food assistance in five days or less, you must apply for expedited service at ~~((the))~~:

(a) Your local community services office (CSO) ((or));

(b) Your local home and community services office (HCS ((office))) if you get long-term care services; or

(c) The SSA district office if you give them an application for expedited services when you apply for SSI. SSA ((may also take your application)) forwards the food assistance application to the local CSO to process.

(4) If you want food assistance before you get SSI, you must apply for regular food assistance at:

(a) SSA if you give them an application for food assistance when you apply for SSI;

(b) Your local ~~((community services office ()))~~CSO(~~(;))~~;

or
(c) Your local ~~((home and community services ()))~~HCS(~~(;))~~ office if you get long-term care services.

(5) If you get regular food assistance~~((, you will still get))~~ these benefits will continue:

(a) Through the end of your certification period; or

(b) ~~((Until you are approved for))~~ Through the month before your WASHCAP benefits start.

(6) If your regular food assistance ends before you are eligible for WASHCAP, you must reapply for these benefits to continue.

(7) If you get regular food assistance and you become eligible for WASHCAP, we will automatically change your benefits to WASHCAP.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0060 How do I get my Washington state combined application program (WASHCAP) benefits? (1) If you are eligible for WASHCAP, you will get your food assistance benefits through electronic benefits transfer (EBT).

(2) The department issues your EBT food assistance benefits according to WAC 388-412-0025.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0070 How are my Washington state combined application program (WASHCAP) benefits calculated? We calculate your WASHCAP benefits as follows:

(1) We begin with your gross income. (Social Security Administration (SSA) tells us how much income you have.)

(2) We subtract ~~((a standard deduction of))~~ one hundred thirty-four dollars from your gross income to get your countable income.

(3) We figure your shelter cost as follows:

(a) If ~~((Social Security))~~ SSA tells us you pay two hundred ninety dollars or more a month for shelter, we use three hundred dollars as your shelter cost; or

(b) If ~~((Social Security))~~ SSA tells us you pay ~~((less than))~~ two hundred ~~((ninety))~~ eighty-nine dollars a month or less for shelter, we use one hundred forty-four dollars as your shelter cost; and

(c) We add the current standard utility allowance under WAC 388-450-0195 to determine your total shelter cost.

(4) We figure your shelter deduction by subtracting one half of your countable income from your shelter cost.

(5) We figure your net ~~((WASHCAP))~~ income by subtracting your shelter deduction from your countable income.

(6) We figure your WASHCAP benefits (allotment) by:

(a) Multiplying your net ~~((WASHCAP))~~ income by thirty percent and rounding up to the next whole dollar; and

(b) Subtracting the result from the maximum allotment under WAC 388-478-0060.

(c) If you are eligible for WASHCAP, your assistance unit will get at least ten dollars food benefits each month.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0080 Where do I report changes? (1) You report all changes to Social Security Administration (SSA) according to their reporting requirements. Social Security reports these changes to your department of social and health services (DSHS) worker. SSA will not accept or report shelter costs changes until SSA does its redetermination.

(2) You do not have to report any changes to DSHS.

(3) You can choose to report the following changes to your Washington combined application project (WASHCAP) worker to see if you will get more food assistance benefits.

(a) A change in your address;

(b) An increase in your shelter costs; or

(c) An increase in your out-of-pocket medical expenses.

(4) If changes are reported to DSHS, proof will be required.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0090 How often does my Washington state combined application program (WASHCAP) case

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need to be reviewed? (1) Your ((certification period is the amount of time your AU is eligible)) eligibility for WASHCAP benefits ((-We certify WASHCAP for up to)) must be reviewed at least every twenty-four months.

(2) Your certification period is the amount of time your assistance unit is eligible for WASHCAP benefits.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0100 How is my eligibility for Washington state combined application program (WASHCAP) reviewed? (1) If Social Security Administration (SSA) reviews your Supplemental Security Income (SSI) eligibility, they will also complete your review for WASHCAP benefits. SSA sends us this information electronically.

(2) If SSA does not review your SSI eligibility, we will mail you a one-page application two months before your WASHCAP benefits end. You must complete and return this application to the WASHCAP unit or your local home and community services office (HCS ((effie))).

(3) We do WASHCAP reviews by mail. If you bring your WASHCAP application to the local office, we will process the application as follows:

(a) If you get long-term care services, your local HCS office will process your application; or

(b) If you do not get long-term care services, the local office will forward your application to the WASHCAP central unit.

(4) If we get your completed one-page application after your WASHCAP benefits end, we will reopen your benefits back to the first of the month if:

(a) We get your application form within thirty days from the end of your certification period; and

(b) You are still eligible for WASHCAP.

(5) If your application is not complete, we will return it to you to complete.

(6) If you are no longer eligible for WASHCAP benefits, we will decide if you are eligible for regular food assistance. We may ask you to give us more information or verification if we cannot make a decision with the information we have.

~~((6))~~ (7) If we get your completed one-page application form more than thirty days after your benefits end, ((we will open)) your WASHCAP benefits open the first of the next month after you turn in your application and SSA shows you are eligible for WASHCAP in their system.

~~((7))~~ (8) If you want regular food assistance while you are waiting for WASHCAP benefits, you must apply for these benefits at the local CSO or HCS office.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0110 What happens if my Washington state combined application program (WASHCAP) benefits end? (1) If your WASHCAP benefits end because you did not have the review required under WAC 388-492-0100, you must finish the required review or apply for food

assistance ((benefits)) at your local community services office (CSO) or home and community services (HCS) office.

(2) If your WASHCAP benefits end because you are disqualified for food assistance under WAC 388-400-0040, you are not eligible for regular food assistance. If you get medical assistance, we will send your medical assistance case to your local office. If you are a HCS client, your medical case will remain at HCS.

(3) If your WASHCAP benefits end because SSA stopped your SSI benefits:

(a) We will send you an application for regular food assistance and information about what you must verify in order to get benefits and tell you where to take your application to find out if you are eligible for benefits. If you are an HCS client, your case will remain at your HCS office.

(b) You will still receive the same medical benefits until we decide what medical programs you are eligible for under WAC 388-418-0025.

~~((c))~~ When we get your completed application, we will interview you over the phone. If we need more information to decide if you are eligible, we will tell you what we need.

~~((d))~~ After we decide if you are eligible for regular food assistance, we will send your case to the local office.

(4) If your WASHCAP benefits end for any other reason:

(a) We will send you an application for regular food assistance along with:

(i) The address of your local office; and

(ii) Information about what you must verify in order to get benefits.

(b) If you get medical assistance, we will send your medical assistance case to the local office unless you are a HCS client;

(c) For the office to decide if you are eligible for food assistance, you must:

(i) Finish the application process for food assistance under chapter 388-406 WAC; and

(ii) Have an interview for food assistance under WAC 388-452-0005.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0120 What happens to my Washington state combined application program (WASHCAP) benefits if I am disqualified? (1) If you are disqualified from receiving SSI for any reason, you will not be able to get WASHCAP food benefits. See WAC 388-492-0030, Who can get WASHCAP?

(2) If you are disqualified from receiving food assistance for any reason, you will not get WASHCAP food benefits. ~~((See))~~ This includes clients who:

(a) Are ineligible for food assistance under WAC 388-400-0040(9) ((for persons disqualified)); or

(b) Did not cooperate with quality assurance as required under WAC 388-465-001.

AMENDATORY SECTION (Amending WSR 01-21-058, filed 10/16/01, effective 12/1/01)

WAC 388-492-0130 What can I do if I disagree with a decision the department made about my Washington state combined application program (WASHCAP) benefits? (1) If you disagree with a decision about your benefits, you may ask for a fair hearing.

(2) You can ask for a hearing by contacting the central unit, home community service office or any responsible department or office of administrative hearings employee.

(3) See chapter 388-08 WAC for information on the fair hearing process.

WSR 02-15-150
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 22, 2002, 4:15 p.m.]

Date of Adoption: July 11, 2002.

Purpose: Amend chapter 392-120 WAC to reflect the addition of the University of Washington's Academy and to identify student enrollment (eighty students). Minor changes were also made to clarify terms under WAC 392-120-030.

Citation of Existing Rules Affected by this Order: Amending chapter 392-120 WAC.

Statutory Authority for Adoption: RCW 28A.150.290.

Adopted under notice filed as WSR 02-12-097 on June 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 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 18, 2002

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-120-001 Authority. The authority for this chapter is RCW 28A.185.040 which authorizes the superintendent of public instruction to adopt rules relating to the

allocation of any state and federal moneys for students attending a University of Washington transition school and/or early entrance program.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-005 Purpose. The purpose of this chapter is to set forth policies and procedures relating to the allocation of state and federal moneys to the University of Washington for eligible highly capable students attending a University of Washington transition school and/or early entrance program.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-010 Definition—University of Washington transition school and early entrance program. As used in this chapter, "University of Washington transition school and early entrance program" means ((&)) programs operated by the University of Washington for the education of highly capable students.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-020 Definition—Eligible student. As used in this chapter, "eligible student" means a student:

(1) Enrolled in the University of Washington transition school and/or early entrance program for not more than three years; and

(2) Eighteen years of age or younger at the beginning of the school year.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-025 Definition—Full-time equivalent student. As used in this chapter, "full-time equivalent student" means an eligible student enrolled in and attending all courses required for continued enrollment in ((the)) a transition school, and also means an eligible student who is enrolled in the early entrance program for 12 college credits or more per quarter.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-030 Definition—School year—Beginning—End. As used in this chapter, "school year" ((means the beginning of autumn quarter through the end of summer quarter)) shall begin on the first day of September and end with the last day of August.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-035 Definition—Resident school district. As used in this chapter, "resident school district" means

the same as that term is defined in WAC ((392-137-010(4))) 392-137-120.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-050 Contract between the superintendent of public instruction and the University of Washington. The superintendent of public instruction shall contract under the Interlocal Cooperation Act, chapter 39.34 RCW, with the University of Washington for the admission and enrollment in the transition school of up to thirty highly capable students in the state of Washington each academic year and up to eighty highly capable students in the University of Washington's Academy each academic year, and for the continued enrollment and instruction in ~~((the))~~ these early entrance program(s) of such students until they turn eighteen or complete three years at the transition school and/or early entrance program, whichever first occurs.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-055 Responsibilities—University of Washington. The allocation of moneys pursuant to this chapter are conditioned on the University of Washington transition school and early entrance program(s) performing the following:

- (1) Reporting for each count date for each eligible student of their:
 - (a) Full-time equivalency; and
 - (b) Resident school district.
- (2) Expending the moneys allocated pursuant to this chapter on allowable activities.
- (3) Providing health screening as agreed to by contract with the superintendent of public instruction; enforcing chapter 180-140 WAC and all applicable federal laws relating to student discipline and rights for students enrolled in the transition school or early entrance program(s) who have not yet registered or enrolled in college level courses; and enforcing Title 478 WAC and all applicable federal laws relating to student conduct, discipline, records and rights, for students who have registered and enrolled in one or more college level courses.
- (4) Reporting for the October count date of each year to the resident school district of the enrollment of each student in the University of Washington transition school and early entrance program(s).
- (5) Reporting annually to the superintendent of public instruction the actual expenditures on allowable activities.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-060 Responsibilities—Superintendent of public instruction. In carrying out the responsibilities associated with this chapter, the superintendent of public instruction shall:

- (1) Perform such calculations as are necessary to carry out the several provisions of this chapter;
- (2) Allocate such moneys as determined to the University of Washington transition school and early entrance program(s) quarterly.

AMENDATORY SECTION (Amending Order 97-05, filed 9/17/97, effective 10/18/97)

WAC 392-120-065 Calculation of quarterly allocation. The superintendent of public instruction shall calculate the quarterly allocation of moneys to the University of Washington transition school and early entrance program(s) using information available at the time the calculation is made as follows:

- (1) Sum the following for each eligible student:
 - (a) Determine the revenue per eligible annual average full-time equivalent student; and
 - (b) Multiply the result obtained in (a) of this subsection by the annual average full-time equivalency of the eligible student.
- (2) Adjust the result obtained in subsection (1) of this section by any over or under payments resulting from prior quarterly allocations.

AMENDATORY SECTION (Amending Order 90-04, filed 4/12/90, effective 5/13/90)

WAC 392-120-070 Recovery of unspent moneys. The University of Washington transition school and early entrance program(s) shall remit the positive difference determined by subtracting the actual expenditures on allowable activities from the total allocation.

WSR 02-15-156
PERMANENT RULES
SECRETARY OF STATE
 [Filed July 23., 2002, 10:10 a.m.]

Date of Adoption: July 23, 2002.

Purpose: To establish a definition and standards for the implementation of a system to file declarations of candidacy electronically.

Citation of Existing Rules Affected by this Order: Amending WAC 434-215-012 and 434-208-060.

Statutory Authority for Adoption: Section 3, chapter 140, Laws of 2002.

Adopted under notice filed as WSR 02-11-133 on May 21, 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 4, Amended 2, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 4, 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.

July 23, 2002

Steve Excell

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 02-09-007, filed 4/4/02, effective 4/4/02)

WAC 434-215-012 Declaration of candidacy—
Offices subject to a primary. Declarations of candidacy for all partisan and nonpartisan offices (~~shall be~~) filed either in person or by mail shall be in substantially the following form:

PERMANENT

FILING DATA . . . FOR OFFICE USE ONLY

Date/Time _____	Fee Paid \$ _____	File No. _____
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	Office _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Clerk/Cashier initials _____
		Code: _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____ (STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

_____ (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

_____ (TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

_____ (NAME OF OFFICE)

_____ (CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

_____ (POSITION NUMBER IF APPLICABLE)

_____ (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- A full term or a full term and a short term, or
- An unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am: a candidate of the _____ party, or an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot exactly as follows: _____

(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X _____

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

SIGNED OR ATTESTED BEFORE ME ON _____ (DATE)

by _____ (CANDIDATE)

_____ (SIGNATURE OF NOTARY)

_____ (TITLE)

MY APPOINTMENT EXPIRES _____

(SEAL OR STAMP)

SSE 84-1 (2002)

Candidate: Return all copies of this declaration to your Elections Dept. Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate

PERMANENT

The form((s)) shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.15.030, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

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.

NEW SECTION

WAC 434-215-070 Definition and standards for systems to file declarations of candidacy electronically. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that records the information specified in RCW 29.15.010 (1) through (4) and WAC 434-215-090. At a minimum, the system shall perform the following functions:

- (1) Verify the candidate's voter registration status;
- (2) Check the candidate's name against the name returned by electronic transfer of funds process;
- (3) Allow the filing officer to verify filings before filing information is made public;
- (4) Accept electronic transfer of funds for the payment of filing fees required by RCW 29.15.050, except that a candidate submitting a nominating petition in the place of a filing fee may not file the declaration of candidacy electronically;
- (5) Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29.15.050; and
- (6) Inform the candidate that knowingly providing false information on a declaration of candidacy is a class C felony as provided by RCW 29.85.100.

NEW SECTION

WAC 434-215-080 Jurisdictions eligible to accept electronically filed declarations of candidacy. The secretary of state and county auditors may accept electronically filed declarations of candidacy for any office for which they are authorized to accept filings provided by RCW 29.15.030. Any system designed to accept electronically filed declarations of candidacy must comply with the requirements of WAC 434-215-070.

NEW SECTION

WAC 434-215-090 Information requirements for electronically filed declarations of candidacy beyond those required in RCW 29.15.010. At a minimum, electronically filed declarations of candidacy shall provide:

- (1) The month and day of the candidate's date of birth;
- (2) An electronic mail address, phone number, and mailing address where the candidate may be contacted.

NEW SECTION

WAC 434-215-110 Interlocal agreements to provide electronic filing services. The secretary of state may enter into interlocal agreements with county auditors to provide services in order that county auditors may accept electronic filings. Nothing in an agreement shall contravene RCW 29.15.030, determining where candidates file for office.

AMENDATORY SECTION (Amending WSR 98-08-010, filed 3/18/98, effective 3/18/98)

WAC 434-208-060 Filing of electronic facsimile documents. In addition to those documents specified by RCW 29.04.230, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

- (1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
- (2) Any minor party or independent candidate filing material except nominating petitions;
- (3) Lists of presidential electors selected by political parties or independent candidates;
- (4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;
- (5) Resolutions from cities, towns, and other districts calling for a special election;
- (6) Filling of vacancies on the ticket by a major political party;
- (7) Voter registration form.

WSR 02-15-158

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed July 23, 2002, 1:42 p.m.]

Date of Adoption: July 23, 2002.

Purpose: Rule 217 explains the administrative collection remedies and procedures available to the Department of Revenue to collect unpaid and overdue tax liabilities. The rule also explains the personal liability of persons in control of collected but unpaid sales tax.

The department has revised subsection (8)(f) of this rule. This subsection explains that a person receiving a notice of a personal liability assessment for retail sales taxes collected but not remitted to the department is encouraged to contact the department's local field office that issued the assessment

and request a supervisory conference if the person disputes the assessment. This subsection also explains that if unable to reach agreement, RCW 82.32.145(4) provides that the person is entitled to the administrative and judicial appeal procedures provided by Title 32 RCW.

The department has replaced the erroneous citation to Title 32 RCW with the specific statutory citations identified in RCW 82.32.145(4), which are RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200. This subsection has also been revised to identify the department representative that issued the assessment and/or the representative's supervisor as the person to contact for requesting a supervisory conference. A citation to WAC 458-20-100 for information about the department's administrative appeal procedures has also been added.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-217 Lien for taxes.

Statutory Authority for Adoption: RCW 82.32.300.

Adopted under notice filed as WSR 02-11-044 on May 8, 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.

July 23, 2002

Russell W. Brubaker

Assistant Director

Legislative and Policy Division

AMENDATORY SECTION (Amending WSR 00-16-016, filed 7/21/00, effective 8/21/00)

WAC 458-20-217 Lien for taxes. (1) Introduction.

This rule provides an overview of the administrative collection remedies and procedures available to the department of revenue (department) to collect unpaid and overdue tax liabilities. It discusses tax liens and the liens that apply to probate, insolvency, assignments for the benefit of creditors, bankruptcy and public improvement contracts. The rule also explains the personal liability of persons in control of collected but unpaid sales tax. Although the department may use judicial remedies to collect unpaid tax, most of the department's collection actions are enforced through the administrative collection remedies discussed in this rule.

(2) **Tax liens.** The department is not required to obtain a judgment in court to have a tax lien. A tax lien is created

when a warrant issued under RCW 82.32.210 is filed with a superior court clerk who enters it into the judgment docket. A copy of the warrant may be filed in any county in this state in which the department believes the taxpayer has real and/or personal property. The department is not required to give a taxpayer notice prior to filing a tax warrant. *Peters v Sjöholm*, 95 Wn.2d 871, 877, 631 P.2d 937 (1981) *appeal dismissed, cert. denied* 455 U.S. 914 (1982). The tax lien is an encumbrance on property. The department may enforce a tax lien by administrative levy, seizure or through judicial collection remedies.

(a) **Attachment of lien.** The filed warrant becomes a specific lien upon all personal property used in the conduct of the business and a general lien against all other real and personal property owned by the taxpayer against whom the warrant was issued.

(i) The specific lien attaches to all goods, wares, merchandise, fixtures, equipment or other personal property used in the conduct of the business of the taxpayer. Other personal property includes both tangible and intangible property. For example, the specific lien attaches to business assets such as accounts receivable, chattel paper, royalties, licenses and franchises. The specific lien also attaches to property used in the business which is owned by persons other than the taxpayer who have a beneficial interest, direct or indirect, in the operation of the business. (See subsection (3) below for what constitutes a beneficial interest.) The lien is perfected on the date it is filed with the superior court clerk. The lien does not attach to property used in the business that was transferred prior to the filing of the warrant. It does attach to all property existing at the time the warrant is filed as well as property acquired after the filing of the warrant. No sale or transfer of such personal property affects the lien.

(ii) The general lien attaches to all real and personal non-business property such as the taxpayer's home and non-exempt personal vehicles.

(b) **Lien priorities.** The department does not need to levy or seize property to perfect its lien. The lien is perfected when the warrant is filed. The tax lien is superior to liens that vest after the warrant is filed.

(i) The lien for taxes is superior to bona fide interests of third persons that vested prior to the filing of the warrant if such persons have a beneficial interest in the business.

(ii) The lien for taxes is also superior to any interest of third persons that vested prior to the warrant if the interest is a mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as the trustee for unsecured creditors of the taxpayer mentioned in the warrant.

(iii) In most cases, to have a vested or perfected security interest in personal property, the secured party must file a UCC financing statement indicating its security interest. RCW 62A.9-301. See RCW 62A.9-302 for the exceptions to this general rule. The financing statement must be filed prior to the filing of the tax warrant for the lien to be superior to the department's lien.

(c) **Period of lien.** A filed tax warrant creates a lien that is enforceable for the same period as a judgment in a civil case that is docketed with the clerk of the superior court.

RCW 82.32.210(4). A judgment lien expires ten years from the date of filing. RCW 4.56.310. The department may extend the lien for an additional ten years by filing a petition for an order extending the judgment with the clerk of the superior court. The petition must be filed within ninety days of the expiration of the original ten-year period. RCW 6.17.020.

(3) **Persons who have a beneficial interest in a business.** A third party who receives part of the profit, a benefit, or an advantage resulting from a contract or lease with the business has a beneficial interest in the operation of the business. A party whose only interest in the business is securing the payment of debt or receiving regular rental payments on equipment does not have a beneficial interest. Also, the mere loaning of money by a financial institution to a business and securing that debt with a UCC filing does not constitute a beneficial interest in the business. Rather, a party who owns property used by a delinquent taxpayer must also have a beneficial interest in the operation of that business before the lien will attach to the party's property. The definition of the term "beneficial interest" for purposes of determining lien priorities is not the same as the definition used for tax free transfers described in WAC 458-20-106.

(a) **Third party.** A third party is simply a party other than the taxpayer. For example, if the taxpayer is a corporation, an officer or shareholder of that corporation is a "third party" with a beneficial interest in the operation of the business. If the corporate insider has a security interest in property used by the business, the tax lien will be superior even if the corporate insider's lien was filed before the department's lien.

(b) **Beneficial interest of lessor.** In some cases a lessor or franchisor will have a beneficial interest in the leased or franchised business. For example, an oil company that leases a gas station and other equipment to an operator and requires the operator to sell its products is a third party with a beneficial interest in the business. Factors which support a finding of a beneficial interest in a business include the following:

- (i) The business operator is required to pay the lessor or franchisor a percentage of gross receipts as rent;
- (ii) The lessor or franchisor requires the business operator to use its trade name and restricts the type of business that may be operated on the premises;
- (iii) The lease places restrictions on advertising and hours of operation; and/or
- (iv) The lease requires the operator to sell the lessor's products.

(c) A third party who has a beneficial interest in a business with a filed lien is not personally liable for the amounts owing. Instead, the amount of tax, interest and penalties as reflected in the warrant becomes a specific lien upon the third party's property that is used in the business.

(4) **Notice and order to withhold and deliver.** A tax lien is sufficient to support the issuance of a writ of garnishment authorized by chapter 6.27 RCW. RCW 82.32.210(4). A tax lien also allows the department to issue a notice and order to withhold and deliver. A notice and order to withhold and deliver (order) is an administrative garnishment used by the department to obtain property of a taxpayer from a third

party such as a bank or employer. See RCW 82.32.235. The department may issue an order when it has reason to believe that a party is in the possession of property that is or shall become due, owing or belonging to any taxpayer against whom a warrant has been filed.

(a) **Service of order.** The department may serve an order to withhold and deliver to any person, or to any political subdivision or department of the state. The order may be served by the sheriff or deputy sheriff of the county where service is made, by any authorized representative of the department, or by certified mail.

(b) **Requirement to answer order.** A person upon whom service has been made is required to answer the order in writing within twenty days of service of the order. The date of mailing or date of personal service is not included when calculating the due date of the answer. All answers must be true and made under oath. If an answer states that it cannot presently be ascertained whether any property is or shall become due, owing, or belonging to such taxpayer, the person served must answer when such fact can be ascertained. RCW 82.32.235.

(i) If the person served with an order possesses property of the taxpayer subject to the claim of the department, the party must deliver the property to the department or its duly authorized representative upon demand. If the indebtedness involved has not been finally determined, the department will hold the property in trust to apply to the indebtedness involved or for return without interest in accordance with the final determination of liability or nonliability. In the alternative, the department must be furnished a satisfactory bond conditioned upon final determination of liability. RCW 82.32.235.

(ii) If the party upon whom service has been made fails to answer an order to withhold and deliver within the time prescribed, the court may enter a default judgment against the party for the full amount claimed owing in the order plus costs. RCW 82.32.235.

(c) **Continuing levy.** A notice and order to withhold and deliver constitutes a continuing levy until released by the department. RCW 82.32.237.

(d) **Assets that may be attached.** Both tangible assets, as a vehicle, and intangible assets may be attached. Examples of intangible assets that may be attached by an order to withhold and deliver include, but are not limited to, checking or savings accounts; accounts receivable; refunds or deposits; contract payments; wages and commissions, including bonuses; liquor license deposits; rental income; dealer reserve accounts held by service stations or auto dealers; and funds held in escrow pending sale of a business. Certain insurance proceeds are subject to attachment such as the cash surrender value of a policy. The department may attach funds in a joint account that are owned by the delinquent taxpayer. Funds in a joint account with the right of survivorship are owned by the depositors in proportion to the amount deposited by each. RCW 30.22.090. The joint tenants have the burden to prove the separate ownership.

(e) **Assets exempt from attachment.** Examples of assets which are not attachable include Social Security, rail-

road retirement, welfare, and unemployment benefits payable by the federal or state government.

(5) **Levy upon real and/or personal property.** The department may issue an order of execution, pursuant to a filed warrant, directing the sheriff of the county in which the warrant was filed to levy upon and sell the real and/or personal property of the taxpayer in that county. RCW 82.32.220. If the department has reason to believe that a taxpayer has personal property in the taxpayer's possession that is not otherwise exempt from process or execution, the department may obtain a warrant to search for and seize the property. A search warrant is obtained from a superior or district court judge in the county in which the property is located. See RCW 82.32.245.

(6) **Probate, insolvency, assignment for the benefit of creditors or bankruptcy.** In all of these cases or conditions, the claim of the state for unpaid taxes and increases and penalties thereon, is a lien upon all real and personal property of the taxpayer. RCW 82.32.240. All administrators, executors, guardians, receivers, trustees in bankruptcy, or assignees for the benefit of creditors are required to notify the department of such administration, receivership, or assignment within sixty days from the date of their appointment and qualification. In cases of insolvency, this includes the duty of the person who is winding down the business to notify the department.

(a) The state does not have to take any action to perfect its lien. The lien attaches the date of the assignment for the benefit of creditors or of the initiation of the probate or bankruptcy. In cases of insolvency, the lien attaches at the time the business becomes insolvent. The lien, however, does not affect the validity or priority of any earlier lien that may have attached in favor of the state under any other provision of the Revenue Act.

(b) Any administrator, executor, guardian, receiver, or assignee for the benefit of creditors who does not notify the department as provided above is personally liable for payment of the taxes and all increases and penalties thereon. The personal liability is limited to the value of the property subject to administration that otherwise would have been available to pay the unpaid liability.

(c) In probate cases in which a surviving spouse is separately liable for unpaid taxes and increases and penalties thereon, the department does not need to file a probate claim to protect the state's interest against the surviving spouse. The department may collect from the surviving spouse's separate property and any assets formerly community property which become the surviving spouse's property. If the deceased spouse and/or the community also was liable for the tax debt, the claim also could be asserted in the administration of the deceased spouse's estate.

(7) **Lien on retained percentage of public improvement contracts.** Every public entity engaging a contractor under a public improvement project of twenty thousand dollars or more, shall retain five percent of the total contract price, including all change orders, modifications, etc. This retainage is a trust fund held for the benefit of the department and other statutory claimants. In lieu of contract retainage, the public entity may require a bond. All taxes, increases, and

penalties due or to become due under Title 82 RCW from a contractor or the contractor's successors or assignees with respect to a public improvement contract of twenty thousand dollars or more shall be a lien upon the amount of the retained percentage withheld by the disbursing officer under such contract. RCW 60.28.040.

(a) **Priorities.** The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under the public improvement contract have a first priority lien against the bond or retainage. The department's lien for taxes, increases, and penalties due or to become due under such contract is prior to all other liens. The amount of all other taxes, increases and penalties due from the contractor is a lien upon the balance of the retained percentage after all other statutory lien claims have been paid. RCW 60.28.040.

(b) **Release of funds.** Upon final acceptance by the public entity or completion of the contract, the disbursing officer shall contact the department for its consent to release the funds. The officer cannot make any payment from the retained percentage until the department has certified that all taxes, increases, and penalties due have been paid or are readily collectible without recourse to the state's lien on the retained percentage. RCW 60.28.050 and 60.28.051.

(8) **Personal liability for unpaid trust funds.** The retail sales tax is to be held in trust. RCW 82.08.050. As a trust fund, the retail sales tax is not to be used to pay other corporate or personal debts. RCW 82.32.145 imposes personal liability on any responsible person who willfully fails to pay or cause to be paid any collected but unpaid retail sales tax. Collection authority and procedures prescribed in chapter 82.32 RCW apply to the collection of trust fund liability assessments.

(a) **Responsible person.** A responsible person is any officer, member, manager, or other person having control or supervision of retail sales tax funds collected and held in trust or who has the responsibility for filing returns or paying the collected retail sales tax.

(i) A responsible person may have "control and supervision" of collected retail sales tax or the responsibility to report the tax under corporate bylaws, job description, or other proper delegation of authority. The delegation of authority may be established by written documentation or by conduct.

(ii) A responsible person must have significant but not necessarily exclusive control or supervision of the trust funds. Neither a sales clerk who only collects the tax from the customer nor an employee who only deposits the funds in the bank has significant supervision or control of the retail sales tax. An employee who has the responsibility to collect, account for, and deposit trust funds does have significant supervision or control of the tax.

(iii) A person is not required to be a corporate officer or have a proprietary interest in the business to be a responsible person.

(iv) A member of the board of directors, a shareholder, or an officer may have trust fund liability if that person has the authority and discretion to determine which corporate

debts should be paid and approves the payment of corporate debts out of the collected retail sales trust funds.

(v) More than one person may have personal liability for the trust funds if the requirements for liability are present for each person.

(b) **Requirements for liability.** In order for a responsible person to be held personally liable for collected and unpaid retail sales tax:

(i) The tax must be the liability of a corporate or limited liability business;

(ii) The corporation must be terminated, dissolved, or abandoned;

(iii) The failure to pay must be willful; and

(iv) The department must not have a reasonable means of collecting the tax from the corporation.

(c) **Willful failure to pay.** A willful failure to pay means that the failure was an intentional, conscious, and voluntary course of action. An intent to defraud or a bad motive is not required. For example, using collected retail sales tax to pay other corporate obligations is a willful failure to pay the trust funds to the state.

(i) A responsible person depositing retail sales tax funds in a bank account knowing that the bank might use the funds to off-set amounts owing to it is engaging in a voluntary course of action. It is a willful failure to pay if the bank does exercise its right of set off which results in insufficient funds to pay the corporate retail sales tax that was collected and deposited in the account. To avoid personal liability in such a case, the responsible party can set aside the collected retail sales tax and not commingle it with other funds that are subject to attachment or set off.

(ii) If the failure to pay the trust funds to the state was due to reasons beyond that person's control, the failure to pay is not willful. For example, if the person responsible for remitting the tax provides evidence that the trust funds were unknowingly stolen or embezzled by another employee, the failure to pay is not considered willful. To find that a failure to pay the trust funds to the state was due to reasons beyond that person's control, the facts must show both that the circumstances caused the failure to pay the tax and that the circumstances were beyond the person's control.

(iii) If a responsible person instructs an employee or hires a third party to remit the collected sales tax, the responsible person is not relieved of personal liability for the tax if the tax is not paid.

(d) **Extent of liability.** Trust fund liability includes the collected but unpaid retail sales tax as well as the interest and penalties due on the tax.

(i) An individual is only liable for trust funds collected during the period he or she had the requisite control, supervision, responsibility, or duty to remit the tax, plus interest and penalties on those taxes. RCW 82.32.145(2).

(ii) Any retail sales taxes that were paid to the department but not collected may be deducted from the retail sales taxes collected but not paid.

(e) **No reasonable means of collection.** The department has "no reasonable means of collection" if the costs of collection would be more than the amount that could be collected; if the amount that might be recovered through a levy, foreclo-

sure or other collection action would be negligible; or if the only means of collection is against a successor corporation.

(f) **Appeal of personal liability assessment.** ~~(Persons who receive a notice of a personal liability assessment under RCW 82.32.145 are encouraged to contact the department's local field office that issued the assessment and request a supervisory conference if they dispute the assessment. If they are unable to reach agreement, any person who receives a personal liability assessment is entitled to the administrative and judicial appeal procedures provided by Title 32 RCW. RCW 82.32.145(4).)~~ Any person who receives a personal liability assessment is encouraged to request a supervisory conference if the person disagrees with the assessment. The request for the conference should be made to the department representative that issued the assessment or the representative's supervisor at the department's field office. A supervisory conference provides an opportunity to resolve issues with the assessment without further action. If unable to resolve the issue, the person receiving the assessment is entitled to administrative and judicial appeal procedures. RCW 82.32.145(4). See also RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.

While encouraged to request a supervisory conference, any person receiving a personal liability assessment may elect to forego the supervisory conference and proceed directly with an appeal of the assessment. Refer to WAC 458-20-100 for information about the department's administrative appeal procedures, including how to timely file a petition for appeal.

WSR 02-15-164

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed July 23, 2002, 2:25 p.m.]

Date of Adoption: July 1, 2002.

Purpose: Chapter 246-333 WAC implements RCW 68.50.630, which states that corneal tissue may be provided by eyebanks licensed by the secretary of health under rules promulgated by the Department of Health. The 2002 legislature passed SB 6587, which repeals RCW 68.50.630, state regulation of eyebanks.

Citation of Existing Rules Affected by this Order: Repealing chapter 246-333 WAC, Eyebanks.

Statutory Authority for Adoption: RCW 68.50.630.

Adopted under notice filed as WSR 02-10-132 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 4.

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 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 4.

Effective Date of Rule: Thirty-one days after filing.
 July 19, 2002
 M. C. Selecky
 Secretary

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 246-333-010 Definitions.
- WAC 246-333-020 Approval process.
- WAC 246-333-030 HIV/AIDS education and training.
- WAC 246-333-040 Records.

WSR 02-15-168
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 23, 2002, 3:55 p.m., effective January 1, 2003]

Date of Adoption: July 22, 2002.

Purpose: To increase camping resort licensing and renewal fees for the purpose of having a sufficient level of revenue to defray the costs of administering the program as required by RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-420-240 Fees and charges.

Statutory Authority for Adoption: RCW 19.105.411 and 43.24.086.

Other Authority: ESSB 6153 (chapter 7, Laws of 2001) authorized the department to raise fees in excess of the fiscal growth factor pursuant to RCW 43.135.055.

Adopted under notice filed as WSR 02-12-081 on June 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Effective Date of Rule: January 1, 2003.

July 23, 2002
 Alan E. Rathbun
 Assistant Director

AMENDATORY SECTION (Amending WSR 98-18-082, filed 9/1/98, effective 10/2/98)

WAC 308-420-240 Fees and charges. The following fees shall be paid under the provisions of chapter 19.105 RCW:

~~((1) **Registration fees:** Applicants filing an original registration shall pay a basic fee of \$3,120.00 for one camping resort. For each additional camping resort in this state a fee of \$520.00 shall be paid.~~

~~(2) **Contract fees:** In addition to the registration fees, registrants shall pay fees for each grouping of contracts in the registration as provided in the following schedule:~~

~~(a) One to five hundred contracts—\$500.00.~~

~~(b) Each additional 500 contracts, or fraction thereof \$100.00 shall be paid.~~

~~(3) **Renewal fees:** Each application for an annual renewal shall be accompanied by a fee of \$1,040.00 for one resort plus \$365.00 for each additional resort in this state, plus the prescribed contract fees in subsection (2) of this section for each grouping of contracts authorized for sale during the registration period. A late fee of eight hundred dollars shall be assessed.~~

~~(4) **Fees for amending registration and public offering statements:**~~

~~(a) For each amendment of registration or the public offering statement, pursuant to RCW 19.105.420, not requiring an examination of documentation for adding campgrounds or additional contracts to the registration, a fee of fifty dollars shall be paid.~~

~~(b) Amendment for the establishment of an additional campground into the registration, for which an examination of documentation is required exclusive of any other fees owed under this rule, a fee of one thousand five hundred dollars shall be paid. A penalty fee of one hundred dollars shall be assessed and paid for failure to file an amendment within 30 days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040.~~

~~(5) **Fees for impounds, eserows, trusts and depositories:** For each impound, eserow, trust, or other arrangement requiring agency monitoring for purposes of satisfying the provisions of RCW 19.105.340 and 19.105.350, the initial fee for establishing the impound, eserow, trust or other arrangement shall be two hundred fifty dollars and the fee for each required periodic report shall be twenty dollars.~~

~~(6) **Fees and advertisement filings:**~~

~~(a) For each individual advertisement filed with the department, there shall be a fee of fifty dollars paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements in a timely manner, the fifty dollar fee for each advertisement shall be collected~~

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from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated.

(b) Registrants or applicant submitting an advertisement or advertisements involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of seventy five dollars.

(7) ~~Inspection fees:~~ Applicants and registrants shall pay the costs of site inspections. The inspection fee shall be paid within 30 days of the inspection. The inspection fee shall be the actual cost to the agency for conducting the inspection. The inspection fees must be paid prior to the processing of a registration, a renewal of registration, or amendment seeking addition of a campground to a program.

(8) ~~Salesperson fees:~~ Applicants for registration as camping resort salespersons shall pay an initial application renewal, or transfer fee of one hundred dollars. Failure to renew a salesperson registration within 30 days after expiration shall result in termination of the registration and a new application for registration must be made. A duplicate registration fee is \$35.00.

(9) ~~Fees for exemptions and exemption applications:~~ For a review of an application for exemption under RCW 19.105.320(2), the applicant shall submit a fee of one hundred fifty dollars. If the exemption request is denied, the registrant shall be given credit for the one hundred fifty dollars fee submitted toward the registration fee under subsection (1) of this section.

(10) All fees are nonrefundable after the application has been received.

(11) All fees shall be paid to the order of the Washington state treasurer.)

	TITLE OF FEE	FEE
(1)	<u>Original registration:</u>	
	<u>One camping resort</u>	<u>\$3,200.00</u>
	<u>Each additional camping resort in this state</u>	<u>1,000.00</u>
(2)	<u>Contract fees:</u>	
	<u>One to five hundred contracts</u>	<u>500.00</u>
	<u>Each additional five hundred contracts, or fraction thereof</u>	<u>100.00</u>
(3)	<u>Renewal fees:</u>	
	<u>Annual renewal</u>	<u>2,000.00</u>
	<u>Each additional camping resort in this state</u>	<u>800.00</u>
	<u>Contract fees as described in subsection (2) of this section for each grouping of contracts:</u>	
	<u>One to five hundred contracts</u>	<u>500.00</u>
	<u>Each additional five hundred contracts, or fraction thereof</u>	<u>100.00</u>
	<u>Late renewal penalty</u>	<u>800.00</u>
(4)	<u>Fees for amending registration and public offering statements:</u>	

For each amendment of registration or the public offering statement, not requiring an examination of documentation for adding campground or additional contracts to registration

50.00

Amendment for the establishment of an additional campground into the registration for which an examination of documents is required exclusive of any other fees

1,500.00

Penalty fee for failure to file an amendment within thirty days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040

100.00

(5) Fees for impounds, escrows, trust and depositories:

For each initial establishment of impound, escrow, trust or other arrangement requiring agency monitoring

250.00

Each required periodic report

20.00

(6) Advertising filings:

Each individual advertisement filed with the department

100.00

Advertisement involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies

75.00

(7) Salesperson fees:

Registration

150.00

Renewal

150.00

Transfer

150.00

Duplicate license

35.00

(8) Fees for exemptions and exemption applications:

Review of application for exemption under RCW 19.105.320(2)

150.00

(9) All fees are nonrefundable after the application has been received.

(10) All fees shall be paid to the order of the Washington state treasurer.

PERMANENT

WSR 02-15-169
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed July 23, 2002, 3:59 p.m., effective January 1, 2003]

Date of Adoption: July 22, 2002.

Purpose: To reduce timeshare licensing and renewal fees which will still allow for a sufficient level of revenue to defray the costs of administering the program as required under RCW 43.24.086.

Citation of Existing Rules Affected by this Order: Amending WAC 308-127-160 Fees.

Statutory Authority for Adoption: RCW 64.36.081 and 43.24.086.

Adopted under notice filed as WSR 02-12-082 on June 4, 2002.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 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: January 1, 2003.

July 22, 2002

Alan E. Rathbun

Assistant Director

AMENDATORY SECTION (Amending WSR 90-07-023, filed 3/14/90, effective 4/14/90)

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.086:

(1) Registration application fees:

Start-up timeshare program including one project.	((\$2500.00)) <u>\$1500.00</u>
Each additional project in program.	((1000.00)) <u>500.00</u>
Each apartment unit in program.	((150.00)) <u>50.00</u>
The first unit of personal property in the timeshare program.	1000.00
Each additional unit of personal property in the timeshare program.	100.00
Businesses of listing or brokering resale intervals.	500.00

(2) Interval Fees:	
For each interval through one thousand.	1.00
Intervals beyond one thousand.	0.00
Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals).	10.00
(3) Renewal fees:	
Timeshare program including one project.	((2000.00)) <u>1000.00</u>
Late renewal fee for timeshare program.	((2500.00)) <u>2000.00</u>
Each additional project to a maximum of five projects.	((500.00)) <u>350.00</u>
Each apartment unit - to maximum of twenty-five apartment units.	((100.00)) <u>50.00</u>
(4) Consolidation fees:	
Each additional project added.	((1000.00)) <u>500.00</u>
Each additional apartment unit.	((150.00)) <u>50.00</u>
The first additional unit of personal property being consolidated.	500.00
Each additional unit of personal property added in one consolidation.	100.00
(5) Exemption fees:	
Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals.	250.00
All other types of programs.	1000.00
(6) Impound fees:	
Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository.	500.00
Each required periodic report.	50.00
(7) Advertising fees:	
Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment.	100.00

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- Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments. 150.00
- (8) Fees for persons in the business of offering commercial promotional programs:
 - Registration of individual. 500.00
- (9) Salespersons fees:
 - Registration. ~~((150.00))~~ 50.00
 - Renewal. ~~((75.00))~~ 50.00
 - Transfer. ~~((75.00))~~ 50.00
 - Duplicate license. 25.00
- (10) Fees for amendment of registration:
 - For a timely submission of an amendment filing. 50.00
 - Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00
- (11) Inspection fees:
 - Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection.

WSR 02-15-174
PERMANENT RULES
UNIVERSITY OF WASHINGTON
 [Filed July 24, 2002, 10:34 a.m.]

Date of Adoption: July 19, 2002.

Purpose: To provide traffic, parking and pedestrian rules for the University of Washington, Tacoma campus as new chapter 478-118 WAC. Additionally, the University of Washington seeks to amend WAC 478-108-010, the university's list of matters subject to brief adjudication, by adding the appeals process for parking and traffic violations outlined in the new chapter 478-118 WAC.

Citation of Existing Rules Affected by this Order:
 Amending WAC 478-108-010.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130 for chapter 478-118 WAC; and chapter 34.05 RCW for WAC 478-108-010.

Adopted under notice filed as WSR 02-13-066 on June 14, 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 24, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, 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 24, Amended 1, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 22, 2002

Rebecca Goodwin Deardorff, Director
 Administrative Procedures Office

AMENDATORY SECTION (Amending WSR 02-08-023, filed 3/26/02, effective 5/1/02)

WAC 478-108-010 Matters subject to brief adjudication. This rule is adopted in accordance with RCW 34.05.479 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;
- (2) Appeals from traffic and parking violations as provided for in chapters 478-116 ~~((and))~~, 478-117 and 478-118 WAC;
- (3) Challenges to contents of educational records as provided for in chapter 478-140 WAC;
- (4) Proceedings under the animal control policy as detailed in chapter 478-124 WAC;
- (5) Requests for reconsideration of admission decisions as provided for in chapter 478-160 WAC;
- (6) Appeals of library charges as provided in chapter 478-168 WAC;
- (7) Reviews of denials of public records requests as provided in chapter 478-276 WAC;
- (8) Federal financial aid appeals as provided for by federal law;
- (9) Collection of outstanding debts owed by students or employees; and
- (10) Appeals from areas exempt from the rules requirements of chapter 34.05 RCW including standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships (except for all aspects of faculty and librarian employment relationships), and fiscal processes.

PERMANENT

Chapter 478-118 WAC

PARKING AND TRAFFIC RULES OF THE UNIVERSITY OF WASHINGTON, TACOMA

NEW SECTION

WAC 478-118-010 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 the University of Washington, Tacoma;
- (2) To assure access at all times for emergency equipment;
- (3) To minimize traffic disturbances;
- (4) To facilitate the operation of the university by assuring access to vehicles;
- (5) To allocate limited parking space for the most efficient use; and
- (6) To protect state property.

NEW SECTION

WAC 478-118-020 Definitions. The following definitions apply to this chapter:

- (1) Campus: The campus of University of Washington, Tacoma.
- (2) Employee: An employee of the university.
- (3) Public safety officers: Employees of the university who are responsible for campus security, safety, and parking and traffic control.
- (4) Student: A person enrolled in the university.
- (5) University: The University of Washington, Tacoma, and collectively those responsible for its control and operations.
- (6) Vehicle: An automobile, truck, motorcycle, motorized scooter, or bicycle.
- (7) Visitor: A person who is neither an employee nor a student of the university.

NEW SECTION

WAC 478-118-030 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 Tacoma; and
- (3) The parking and traffic rules in this chapter. If the Washington laws or the Tacoma traffic code conflicts with these rules, the Washington laws or the Tacoma traffic code shall govern.

NEW SECTION

WAC 478-118-040 Enforcement of parking and traffic rules. The university is responsible for parking and traffic management on campus. Duly appointed public safety officers or independent contractors hired by the university are authorized to enforce these parking and traffic rules.

NEW SECTION

WAC 478-118-050 Permits required for vehicles on campus. No person shall park or leave any vehicle (other than bicycles), whether attended or unattended, upon the campus unless the person first purchases a permit from the university or from the operator of the parking lot in which the vehicle is parked. Permission to park on campus will be shown by display of a valid permit, or (if a parking lot does not issue permits) by payment of the fee for parking.

(1) A valid permit is:

- (a) A current vehicle permit displayed in accordance with WAC 478-118-110. Vehicle permits are valid until revoked;
- (b) A temporary permit authorized by the university 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; or
- (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 478-118-060 and 478-118-080.

(3) The university reserves the right to refuse to issue parking permits.

(4) This section does not apply to vehicles that the university owns or operates.

(5) The university 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 478-118-060 Carpool and disability parking permits. (1) Carpool permits may be issued to employees and students. One transferable permit will be issued by the university 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 provided 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 university provides 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 478-118-070 Permit revocations. (1) Parking permits issued by the university are the property of the university, and may be recalled by the issuer for any of the following reasons:

- (a) When the purpose for which the permit was issued changes or no longer exists;
- (b) When an unauthorized individual uses a permit;
- (c) Falsification on a parking permit application;
- (d) Multiple or continued violations of parking rules;

(e) Counterfeiting or altering permits; or

(f) Failure to comply with a final decision of the citation review committee, or university hearing officer.

(2) Parking permit revocations under this chapter may be appealed pursuant to the procedures in WAC 478-118-420.

NEW SECTION

WAC 478-118-080 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 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 478-118-090 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 478-118-100 Display of permits. (1) Parking permits shall be displayed by hanging from the rear view mirror, 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 university.

(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 478-118-200 Parking fees. The regents of the University of Washington shall adopt parking fees, specifying the charge per day, quarter, and year.

NEW SECTION

WAC 478-118-210 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 university may impose additional traffic and parking policies to achieve the specified objectives of this chapter.

NEW SECTION

WAC 478-118-220 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 478-118-230 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; and

(2) Effectively setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 478-118-240 Regulatory signs, markings, barricades, etc. (1) The university 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 university shall move, deface, or in any way change a sign, barricade, structure, marking, or direction that regulates traffic or parking.

NEW SECTION

WAC 478-118-250 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 478-118-260 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 478-118-270 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 in 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 478-118-280 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 478-118-400 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 478-118-410 Fines and impounding. (1) The current schedule of fines shall be published by the university and made available for review in the safety and security office.

(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 university's finance 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 university 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; or
- (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; or
- (i) Parking a nonuniversity vehicle in a spot reserved for university use.

Not more than twenty-four hours after impoundment of any vehicle, the university 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 university 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 university.

NEW SECTION

WAC 478-118-420 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 university will make appeal forms available at the university's finance office. 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 university 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 university. 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 478-118-500 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 either or both vehicles of five hundred dollars 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 478-118-510 Liability of the university. Except for vehicles that the university owns or operates, the university assumes no liability under any circumstances for vehicles on the campus.



WSR 02-14-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 [Filed June 26, 2002, 3:53 p.m.]

Date of Adoption: June 17, 2002.

Purpose: The purpose of this emergency filing is to amend and add new sections of chapter 388-148 WAC, Licensing requirements for child foster homes, group care programs/facilities, and agencies, which impact the receipt of federal funding for eligible children in care with Children's Administration. The department has filed a CR-101 preproposal statement of inquiry, WSR 02-06-083, to initiate a rule-making proceeding on these rules.

Citation of Existing Rules Affected by this Order:

New or Amended	WAC #	Caption
Amended	388-148-0040	What first aid and cardiopulmonary resuscitation (CPA) training is required?
Amended	388-148-0045	What HIV/AIDS training is required?
Amended	388-148-0050	How do I apply for a license?
New	388-148-0058	May I have a license for both child day care and child foster care?
Amended	388-148-0060	When am I not allowed to receive a license from a child-placing agency?
Amended	388-148-0065	When may I be certified to provide care to children?
Amended	388-148-0120	What incidents involving children must I report?
Amended	388-148-0125	What are your requirements for keeping client records?
Amended	388-148-0140	What personnel policies must I have?
Amended	388-148-0220	What fire safety requirements must I follow to qualify for a license?
Amended	388-148-0260	What are the general requirements for bedrooms?
Amended	388-148-0270	What are the requirements for beds?
Amended	388-148-0335	When must I get medical exams for the children under my care?

Amended	388-148-0345	What must I do to prevent the spread of infections and communicable diseases?
Amended	388-148-0350	How do I manage medications for children under my care?
Amended	388-148-0395	What requirements must I meet for feeding babies?
New	388-148-0427	Are there specific requirements regarding Native American children?
Amended	388-148-0460	What requirements do you have for supervising children?
New	388-148-0462	Who may provide care to a foster child in the foster home when the foster parent is away from the home?
Amended	388-148-0520	What are the training requirements for foster parents and prospective foster parents?
New	388-148-0542	May a foster home be supervised by a person under eighteen in the foster home?
Amended	388-148-0560	Do I need a treatment plan for children under my care?
Amended	388-148-0585	What social service staff do I need?
Amended	388-148-0630	What fire prevention measures must I take?
Amended	388-148-0700	What are the qualifications for an executive director for a group care program or child-placing agency?
Amended	388-148-0720	What qualifications must the child care staff for a group care program and a child-placing agency have?
New	388-148-0722	What are the qualifications for health care staff for a group care program or a child-placing agency?
Amended	388-148-0725	What is the ratio of child care staff to children in group care facilities?
Amended	388-148-0785	What is the proper ratio of staff to children in home or group care facilities offering maternity services?

EMERGENCY

Amended	388-148-0880	What levels of secure CRCs exist?
New	388-148-0892	What are the requirements for a level three secure CRC?
Amended	388-148-0915	What steps must be taken after a youth is admitted into a CRC?
Amended	388-148-0995	What are the ratio requirements of youth care staff to youth in crisis residential centers?
Amended	388-148-1060	What services may a child-placing agency provide?
Amended	388-148-1070	What health histories need to be provided to adoptive parents?
New	388-148-1076	What are the qualifications for an executive director of a child-placing agency?
New	388-148-1077	What are the qualifications for a case aide for a child-placing agency program?
New	388-148-1078	What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care?
New	388-148-1079	What are the qualifications for consultants for child-placing agency programs?
Amended	388-148-1115	Do you have requirements for adoptive services?
Amended	388-148-1120	What is the process for adoptions?
New	388-148-1140	May a licensed child-placing agency provide emergency respite services?
New	388-148-1145	Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based?
New	388-148-1150	Does a child-placing agency providing emergency respite services need specific program staff?

New	388-148-1155	What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency?
New	388-148-1160	What services do child-placing agencies provide if they offer an emergency respite program?
New	388-148-1165	Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services?
New	388-148-1170	What age children may receive emergency respite services?
New	388-148-1175	Who may place a child for emergency respite?
New	388-148-1180	Must all children accepted for emergency respite care have current immunizations?
New	388-148-1185	What are the record-keeping requirements for a child-placing agency providing emergency respite services?
New	388-148-1190	What written information is needed before a child is accepted for emergency respite care by a child-placing agency?

Statutory Authority for Adoption: Chapter 74.15 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Children's Administration has found that some of the sections of chapter 388-148 WAC require waivers in order for provider compliance. The approval of waivers then jeopardizes federal funds received by Children's Administration to support services to children and their families.

Children's Administration is engaged in working with stakeholders for the permanent adoption of rule changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 21, Amended 31, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 21, Amended 31, Repealed 0.

Effective Date of Rule: Immediately.

June 17, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0040 What first aid and cardiopulmonary resuscitation (CPR) training is required? You ~~((and))~~, your staff, interns, volunteers, or any adult who may at any time be the sole caregiver, must have the following first-aid and CPR training:

(1) If you have a home or facility that provides care, the care givers must have current training in:

- (a) Basic standard first aid; and
- (b) Age-appropriate cardiopulmonary resuscitation (CPR).

(2) Approved first aid and CPR training must be in accordance with a nationally recognized standard such as the American Red Cross or American Heart Association.

(3) For any facilities other than foster homes, the person with first aid and CPR training must be on the premises at all times when children are present.

(4) The ~~((requirement for))~~ CPR training ~~((may be waived))~~ is not required for persons with a statement from their physician that the training is not advised for medical reasons.

(5) You must keep records in your home or facility showing who has completed current first aid and CPR training.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0045 What HIV/AIDS training is required? (1) You must provide or arrange for training for yourself ~~((and any of))~~, your staff, and any adult who may at anytime be the sole caregiver, on the prevention, transmission, and treatment of HIV and AIDS. Such training must include infection control requirements.

(2) You must use infection control requirements and educational material consistent with the current approved curriculum *Know - HIV/AIDS Prevention Education for Health Care Facility Employees*, published by the department of health, office on HIV/AIDS.

~~((3) The staff of group care programs are required to complete blood borne pathogen training.))~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0050 How do I apply for a license? To apply for a license, the person or legal entity responsible for your home or facility must follow these procedures:

(1) You must send the application form to your licensor at DLR or a child-placing agency.

(2) With the application form, you must send written verification for each applicant of the following information:

- ~~((a))~~ ~~((Written verification for each applicant of:))~~
- ~~((i))~~ A tuberculosis test or an x-ray unless you can demonstrate ~~((religious))~~ medical reasons prohibiting the test;
- ~~((ii))~~ ~~((b))~~ First-aid and cardio-pulmonary resuscitation (CPR) training appropriate to the age of the children in care; and

~~((iii))~~ ~~((c))~~ HIV/AIDS training including infection control standards.

~~((b))~~ ~~((3))~~ A completed background check form for anyone age sixteen years or older on the premises of the home or facility including, but not limited to:

- ~~((a))~~ Each applicant~~((;))~~;
- ~~((b))~~ Family member~~((;))~~;
- ~~((c))~~ Staff person~~((;))~~;
- ~~((d))~~ Board member~~((;))~~;
- ~~((e))~~ Intern or volunteer who:
 - (i) Is at least sixteen years old;
 - (ii) Is not a foster child; and
 - (iii) Has unsupervised access to children (see chapter 388-06 WAC).

~~((e))~~ ~~((4))~~ If you ~~((have))~~ or anyone age sixteen years or older in your home or facility has lived in Washington state less than three years, you must provide us with a completed FBI fingerprint form for that person.

~~((d))~~ ~~((We may require additional information from you including, but not limited to:~~

- ~~((i))~~ Substance and alcohol abuse evaluations and/or documentation of completed treatment;
- ~~((ii))~~ Psychiatric evaluations;
- ~~((iii))~~ Psycho-sexual evaluations; and
- ~~((iv))~~ Medical evaluations and/or medical records.

~~((3))~~ Except foster homes, if you are applying for a license renewal, you must send the application form to your licensor at least ninety days prior to the expiration of your current license.))

NEW SECTION

WAC 388-148-0058 May I have a license for both child day care and child foster care? The department does not issue licenses for both a foster home and a child day care home, except under the following conditions:

(1) It must be clear that one type of care does not interfere with the health and safety of any child while providing the other type of care.

(2) The total number of children in both categories must not exceed the number permitted by the most stringent capacity standards for the licensed care of children.

(3) Any exceptions to the limitation on capacity require the written approval of the director of the division of licensed

resources or their designee and the appropriate division of child care and early learning approval.

(4) Approval to have both a child foster care license and a child day care license must:

(a) Be in writing; and

(b) Signed by a licenser from the division of licensed resources (for a foster care license) and from the division of child care and early learning (for a child day care license).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0060 When am I not allowed to receive a license from a child-placing agency? (1) You or your relatives, are not allowed to be certified by a child-placing agency as a foster home, if you or your relative is in an administrative or supervisory role or directly involved in certification, placement, or authorization of payment to yourself or your relative for that same child-placing agency.

(2) You or your relative may apply to a different child-placing agency for a license.

(3) Licensed foster parents who become employed by ~~((the department))~~ children's administration or a child-placing agency must be relicensed through an agency other than their employer within six months of employment.

Note: Relative as defined under RCW 74.15.020 (4)(i) through (iv).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0065 When may I be certified to provide care to children? You may apply for certification of your home or facility by the department rather than a license, if ~~((you))~~ the following four conditions apply:

(1) You are exempt from needing a license (per chapter 74.15 RCW);

(2) You meet the licensing requirements; ~~((and))~~

(3) You wish to serve department-funded children; and

(4) You are licensed by authority of an Indian tribe within the state under RCW 74.15.190.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0120 What incidents involving children must I report? (1) You or your staff must report any of the following incidents ~~((immediately))~~ as soon as possible and in no instance later than forty-eight hours to your local children's administration intake staff, the child's social worker or case manager, and parent or legal guardian when the parent has placed the child:

(a) Any reasonable cause to believe that a child has suffered child abuse or neglect;

(b) Any violations of the licensing or certification requirements;

(c) Death of a child;

(d) Any child's suicide attempt that results in injury requiring medical treatment or hospitalization;

(e) Any use of physical restraint that is alleged improper or excessive;

(f) Sexual contact between two or more children that is not considered typical play between preschool age children;

(g) Any disclosures of sexual or physical abuse by a child in care;

(h) Physical assaults between two or more children that result in injury requiring off-site medical treatment or hospitalization;

~~(i) ((Unexpected health problems that require off-site medical treatment;~~

~~((j))) Any medication that is given incorrectly and requires off-site medical treatment; or~~

~~((k))) ((j)) Serious property damage that is a safety hazard and is not immediately corrected~~((; or~~~~

~~((l) Any emergent medical care)).~~

(2) ~~((You or your staff must report immediately))~~ The following are examples of significant incidents that must be reported as soon as possible or in no instance later than forty-eight hours, ~~((any of the following incidents))~~ to the child's social worker, if the child is in the department's custody or to the case manager if placed with a child-placing agency program:

(a) Suicidal/homicidal ideations, gestures, or attempts that do not require professional medical treatment;

(b) Unexpected health problems that do not require professional medical treatment;

(c) Any incident of medication incorrectly administered;

(d) Physical assaults between two or more children that result in injury but did not require professional medical treatment;

(e) Runaways; ~~((and))~~

(f) Any emergent medical care; and

(g) Use of physical restraints for routine behavior management.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0125 What are your requirements for keeping client records? (1) Any identifying and personal information about a child and the child's family must be kept confidential.

(2) You must keep records about children and their families in a secure place. If the child is in the department's custody, at the end of the child's placement, reports written by others about the child or the child's family must be returned to the child's social worker.

(3) During a placement in your foster home, your records must be kept at your home and contain, if available, at a minimum, the following information:

(a) The child's name, birth date, and legal status;

(b) Name and telephone number of the social worker for each child in care;

(c) Names, address and telephone numbers of parents or persons to be contacted in case of emergency;

(d) Information on specific cultural needs of the child;

(e) Medical history including any medical problems, name of doctor, type of medical coverage and provider;

(f) Mental health history and any current mental health and behavioral issues, including medical and psychological reports when available;

(g) Other pertinent information related to the child's health, including dental records;

(h) Record of immunizations. Receiving and interim care homes and facilities do not need to keep records of immunizations for children in their care less than thirty days. Crisis residential centers and children placed in a foster home by a child-placing agency licensed to provide emergency respite services do not need to keep records of immunizations for children in their care;

(i) Child's school records, report cards, school pictures, and individual education plans (IEP);

(j) Special instructions including supervision requirements and suggestions for managing problem behavior;

(k) Inventory of personal belongings at the time of placement; and

(l) The child's visitation plan.

(4) During a child's placement in a staffed residential home (~~(or a)~~), group care program, or a child-placing agency program your records must be kept at your site and contain, at a minimum, the following information in addition to the information in subsection (3)(a) through (l) of this section:

(a) Written consent from the child placing agency, if any, for providing medical care and emergency surgery (unless that care is authorized by a court order);

(b) Names, addresses, and telephone numbers of persons authorized to take the child under care out of the facility;

(c) A copy of the court order or voluntary placement agreement that gives approval to place the child;

(d) Case plans, such as children's administration's "individual service and safety plan"; (~~"and"~~)

(e) Daily logs of therapy treatment received by children with the signature of the person making the entry in the log; and

(f) Facility or program logs documenting the following:

(i) Date, time, and which residents and staff are participating in an activity;

(ii) Narrative to note behavior and issues of residents;

(iii) Any health or safety issues;

(iv) Signature of staff reviewing the log during each shift;

(v) Staff to resident ratio on each shift;

(vi) On-call and relief staff on premises during emergencies; and

(vii) After-hours telephone number of the supervisor.

(5) If you operate a group care program, staffed residential home, or child-placing agency and have client files with information not returned to the department, you must keep them for six years following the termination or expiration of any contract you have with the department.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0140 What personnel policies must I have? You must follow the personnel requirements listed below, at any home or facility we license.

(1) Each employee, intern, contractor, or volunteer who has unsupervised access to children must have completed an application for employment and signed a form enabling us to do a background check (chapter 388-06 WAC). You must keep a log of all the background check results.

(2) Misrepresentation by the prospective employee, interns, or volunteer will be grounds for termination or denial of employment or volunteer service.

(3) If you have five or more staff, volunteers, or interns you must have written policies covering qualifications, training, and duties for employees, interns, and volunteers.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0220 What fire safety requirements must I follow to qualify for a license? (1) If you operate a program or facility other than a foster home, staffed residential home, or child-placing agency, you must follow the regulations developed by the Washington State Fire Marshal's office. The regulations are minimum requirements for protecting life and property against fire. You can find these contained in the current Uniform Fire Code with Washington state amendments.

(2) Foster homes and staffed residential homes (~~(need)~~) must have inspections by fire marshal or local fire department if either:

(a) Licensors request the inspections; or

(b) Local ordinances or State Fire Marshal regulations require these inspections.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0260 What are the general requirements for bedrooms? You must meet all of the following requirements for bedrooms if you provide full-time care in a home or facility.

(1) An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping. In foster homes only, children age one through five years may sleep on separate floors provided that they are supervised with an electronic "baby" monitor to ensure health and safety. Infants under age one year must be on the same floor as an adult.

(2) You must use only bedrooms that have unrestricted direct access to hallways, corridors, living rooms, day rooms, or other such common use areas.

(3) You must not use hallways, kitchens, living rooms, dining rooms, and unfinished basements as bedrooms.

(4) For facilities licensed after December 31, 1986, bedrooms must have both:

(a) Adequate ceiling height for the safety and comfort of the occupants. Normally, this would be seven and a half feet; and

(b) A window of not less than one-tenth of the required floor space that can open into the outside, allowing natural light into the bedroom and permitting emergency access or exit.

(5) For any foster children six years of age and over, you must furnish separate sleeping quarters for each gender.

(6) Children in care must not share the same bed.

(7) In group care facilities, single occupancy bedrooms must provide at least fifty square feet of floor space.

(8) In foster homes, single occupancy bedrooms must provide adequate floor space for the safety and comfort of the child. Normally, this would be at least fifty square feet of floor space, not including closets.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0270 What are the requirements for beds? (1) Each child in care must have a bed of his or her own.

(2) For each child in care, you must provide a bed at least thirty inches wide with a clean and comfortable mattress in good condition, pillow, sheets, blankets, and pillowcases. Each child's pillow must be covered with waterproof material or be washable.

(3) Bedding must be clean.

(4) You must provide waterproof mattress covers or moisture resistant mattresses, if needed.

(5) You must provide an infant with a crib that ensures the safety of the infant and complies with chapter 70.111 RCW, Infant Crib Safety Act.

(6) Cribs must have no more than two and three-eighths inches space between vertical slats when used for infants under six months of age.

(7) Cribs, infant beds, bassinets, and playpens must:

(a) Have clean, firm, snug fitting mattresses covered with waterproof material that is easily sanitized; and

(b) Be made of wood, metal, or approved plastic with secure latching devices

(8) Crib bumpers, stuffed toys and pillows must not be used in cribs, infant beds, bassinets, or playpens with an infant.

(9) You must follow the recommendation of the American Academy of Pediatrics, 1-800-505-CRIB, placing infants on their backs each time for sleep.

(10) You may use toddler beds with a standard crib mattress that is sufficient in length and width for the comfort of children under six years of age.

(11) You must not allow children to use the loft style beds or upper bunks of double-deck beds if using them due to age, development or condition could hurt them. Examples: Preschool age children, expectant mothers and children with disabilities.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0335 When must I get medical exams for the children under my care? (1) ~~((You, together))~~ In consultation with the child's social worker, you must schedule a medical exam for any child who, within the past year, has not:

(a) Been under regular medical supervision; or

(b) Had a physical exam by a physician, a physician's assistant, or an advanced registered nurse practitioner (ARNP).

(2) A physical exam (EPSDT) must be completed within thirty days of placement and annually thereafter.

Note: You may contact the child's social worker for information on this.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0345 What must I do to prevent the spread of infections and communicable diseases? You must take precautions to guard against infections and communicable diseases infecting the children under care in your home or facility.

General communicable diseases and infections

(1) In each home or facility, other than a foster home, staff with a reportable communicable disease, as defined by the department of health, in an infectious stage must not be on duty until they have a physician's approval for returning to work.

(2) Each home or facility, other than a foster home, that cares for severely and multiple-handicapped children must have an infection control program supervised by a registered nurse.

(3) Foster homes with medically fragile children may use other alternatives, such as in-home nursing services, to consult on infection control procedures.

Tuberculosis

(4) Applicants for a license or adults authorized to have unsupervised access to children in a home or facility must have a tuberculin (TB) skin test by the Mantoux method of testing. They must have this skin test upon being employed or licensed unless:

(a) The person has evidence of testing within the previous twelve months;

(b) The person has evidence that they have a negative chest x-ray since a previously positive skin test;

(c) The person has evidence of having completed adequate preventive therapy or adequate therapy for active tuberculosis.

(5) The department does not require a tuberculin skin test if:

(a) A person has a tuberculosis skin test that has been documented as negative within the past twelve months; or

(b) A physician indicates that the test is medically unadvisable.

(6) Persons whose tuberculosis skin test is positive must have a chest x-ray within thirty days following the skin test.

(7) The department does not require retesting unless a person believes they have been exposed to someone with tuberculosis or if testing is recommended by their health care provider.

(8) The facility must keep the results of the applicant and employees TB test results in the personnel file on the premises of the facility.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0350 How do I manage medications for children under my care? (1) You must meet the department's requirements for managing prescription and nonprescription medication for children under your care.

(2) If you care for children in the custody of a tribal court you must follow the direction of that court regarding giving or applying prescription and nonprescription medications or ointments.

(3) Only you or another authorized care provider (example: respite provider) may (~~give or~~):

~~(a)~~ (a) Have access to medications for the child under your care;

~~((4))~~ (b) 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;

~~((5))~~ (c) Except for foster homes, keep a record of all medications you give a child;

~~((6))~~ (d) Foster homes must keep a record of all prescription medication given to foster children; and

~~((7) Properly dispose)~~

(4) You or another authorized care provider must follow the department of health protocol in the proper disposal of medications that are no longer being taken or have expired.

Prescription medications

~~((8))~~ (5) You or another authorized care provider must:

(a) Give prescription medications:

(i) Only as specified on the prescription label; or

(ii) As otherwise approved by a physician or another person legally authorized to prescribe medication.

(b) Check with the physician or pharmacist about possible side effects for any prescription medications, herbal supplements and remedies, and interactions with nonprescription drugs the child is taking.

Psychotropic medications

~~((9))~~ (6) Care providers must not approve giving psychotropic medications to a child in care. Approval can only be given by one of these:

(a) The child's parent;

(b) Dependency guardians;

(c) A court order; or

(d) The child's social worker, if:

(i) The child is legally free and in the permanent custody of the department; or

(ii) It is impossible to obtain informed parental consent after normal work hours, on weekends, or on holidays.

~~((10))~~ (7) Children who are at least thirteen years old may decline to take prescription psychotropic medication. If this happens contact the child's social worker immediately.

Nonprescription medications

~~((11))~~ (8) Children taking psychotropic medications must have the prescribing physician's authorization before any nonprescription drugs and herbal supplements are given.

~~((12))~~ (9) You or another authorized care provider must follow these requirements for nonprescription medications. You must:

(a) Give certain classifications of nonprescribed medications, only with the dose and directions on the manufacturer's label for the age and/or weight of the child needing the medication. These nonprescribed medications include but are not limited to:

(i) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(ii) Nonnarcotic cough suppressants;

(iii) Decongestants;

(iv) Antacids and anti-diarrhea medication;

(v) Anti-itching ointments or lotions intended specifically to relieve itching;

(vi) Shampoo for the removal of lice;

(vii) Diaper ointments and powders intended specifically for use in the diaper area of children;

(viii) Sun screen (for children over six months); and

(ix) Antibacterial ointments for first aid use.

(b) Give any other nonprescription medications only when approved in writing by a physician. These nonprescription medications may be given with a physician's standing order. Physician's standing orders must be patient specific.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0395 What requirements must I meet for feeding babies? You must meet the following requirements for feeding babies:

(1) In group care settings, all formulas must be in sanitized bottles with nipples and labeled with the child's name and date prepared if more than one child is bottle-fed.

(2) You must refrigerate filled bottles if bottles are not used immediately and contents must be discarded if not used within twenty-four hours.

(3) If you reuse bottles and nipples, you must sanitize them.

(4) If breast milk is provided by anyone other than a baby's biological mother, approval must be obtained from the child's social worker.

(5) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. You must take bottles from the child when the child finishes feeding or when the bottle is empty.

(6) You must not prop bottles while feeding infants.

NEW SECTION

WAC 388-148-0427 Are there specific requirements regarding Native American children? You must comply with all requirements of the Federal Indian Child Welfare Act, 25 USC 1901, et. seq. and all applicable state laws.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0460 What requirements do you have for supervising children? (1) You must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) You must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Foster parents and facility staff must provide the children in their care with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In group care children must be supervised during sleeping hours by at least one awake staff when:

(a) There are more than six children in care; and

(b) The major focus of the program is behavioral rather than the development of independent living skills such as a teen parent program or responsible living skills program; or

(c) The youth's behavior poses a risk to self or others.

(6) In foster homes and staffed residential homes, children must be supervised during sleeping hours by at least one awake staff when it is part of the written supervision plan with the child's social worker.

(7) Adequate supervision should be arranged and maintained during times of crisis when one or more family members or staff members may be unavailable to provide the necessary supervision or coverage for other children in care.

(8) When special supervision is required and agreed upon between the department and the agency or foster parent, the agency or foster parent provides the necessary supervision. This supervision may require auditory or visual supervision at all times.

(9) When a child has exhibited behavior in a previous placement or the placement agency believes the child poses a risk to other children the agency must inform the provider and jointly develop a plan to address the risk.

(10) When a child exhibits behavior that poses a safety risk to other children in care, ((the child must not share a)) sleeping arrangements and/or bedroom ((with)) assignments must be made, in consultation with the child's social worker, to ensure the safety of other children.

NEW SECTION

WAC 388-148-0462 Who may provide care to a foster child in the foster home when the foster parent is away from the home? (1) A foster parent may allow a friend, or a relative to provide care to a foster child in the foster home when the conditions that follow are met. The foster parent must:

(a) Be familiar and comfortable with the individual who will be caring for the foster child;

(b) Meet with the substitute caregiver and review the expectations regarding supervision and discipline of the foster child;

(c) Be responsible for providing the caregiver any special care instructions;

(d) Provide information on how to be contacted by the substitute caregiver; and

(e) Ensure the child has a safety plan.

(2) On an occasional basis and for less than twenty-four hours, the foster parent may use a friend or a relative as a sub-

stitute caregiver, without verifying criminal and founded child abuse/neglect history when the foster parent has no reason to suspect the substitute caregiver:

(a) Has a history that would disqualify them from caring for a department child; or

(b) Would be at risk in the their care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0520 What are the training requirements for foster parents and prospective foster parents?

(1) ~~((To receive a)) All foster ((home license, you)) parents (both parents in a two-parent household) must ((attend required orientation and preservice training programs that the department sponsors, or that your licensed child-placing agency offers.~~

~~((2) You need)) have:~~

~~((a) Proof of completion of current first-aid/CPR training that is geared for the ages of the foster children ((you)) they want in your home((-~~

~~((3) You need)); and~~

~~((b) Proof of completion of HIV/AIDS prevention training.~~

~~((4) The primary care givers must))~~

(2) The CPR training is not required for person with a statement from their physician that the training is not advised for medical reasons.

(3) At least one foster parent must:

(a) Attend required orientation and pre-service training programs that the department sponsors or that your licensed child-placing agency offers; and

(b) Complete all required DLR-approved training after licensing.

NEW SECTION

WAC 388-148-0542 May a foster child be supervised by someone under eighteen in the foster home? (1) A foster parent may use a friend or relative who is sixteen or seventeen to supervise (baby sit) a foster child under the following conditions:

(a) The foster parent knows the youth babysitter to be reliable and mature enough to provide appropriate care to the foster child.

(b) The youth babysitter has completed a background check within the past year. Exception: For occasional care of less than twenty-four hours, the verification of the background check is not required, provided the foster parent has no reason to suspect:

(i) The babysitter has a disqualifying criminal history or founded complaint of child abuse/neglect; and

(ii) The child would be at risk in the care of the babysitter.

(c) The youth babysitter must not be responsible for more than three foster children.

(2) If the care by the youth babysitter is a regular arrangement, the foster parents must have the written approval of the social worker for the foster child.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0560 Do I need a treatment plan for children under my care? (1) If you operate a staffed residential home ~~((or)),~~ a group care program, or a child-placing agency, you must assist in developing and implementing a written treatment plan for each child ~~((accepted for care))~~ in care after thirty days in any of the programs you provide.

(2) The treatment plan must:

- (a) Identify the service needs of the child, parent or guardian;
- (b) Describe the treatment goals and strategies for achieving those goals;
- (c) Include a running account of the treatment received by the child and others involved in the treatment plan, such as any group treatment or individual counseling; and
- (d) Be updated at least quarterly to show the progress toward meeting goals and list barriers to the permanent plan.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0585 What social service staff do I need ~~((for my home or facility))~~? (1) Except for foster homes, you must provide or arrange for social services by qualified persons who have specific educational training. Except for juvenile detention facilities, social service staff must meet education and training requirements that follow:

~~((1))~~ (2) One person who provides social services must have a master's degree in social work or a closely related field from an accredited school.

~~((2))~~ (3) Social service staff without a master's degree in social work or closely related field must have a bachelor's degree in social work or a closely related field. A person with a master's degree must consult at least eight hours per month with any social service staff who have only a bachelor's degree.

~~((3))~~ (4) When social services are provided by another agency, you must have a written agreement with the agency describing the scope of service they provide. Written agreements must meet the requirements of this rule.

~~((4))~~ (5) A social service staff person must review and sign approving the child's treatment plan.

~~((5))~~ (6) A social service staff person must review and sign approving licensing application packets before they are submitted to DLR.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0630 What fire prevention measures must I take? The department requires that you must take the following fire prevention measures for your staffed residential home and group care facility:

(1) You must request the local fire department to visit your home or facility to:

- ~~(a) Assist care givers in meeting all necessary fire safety requirements; and~~
- ~~(b))~~ become familiar with your home or facility.

(2) You must assure that furnace rooms are:

- (a) Maintained free of lint, grease, and rubbish; and
- (b) Suitably isolated, enclosed, or protected.

(3) Flammable or combustible materials must be stored away from exits and in areas that are not accessible to children. Combustible rubbish must not be allowed to collect and must be removed from the building or stored in closed, metal containers away from building exits.

(4) All trash must be removed daily from the building and thrown away in a safe manner outside the building. All containers used for the disposal of waste material must consist of noncombustible materials and have tops.

(5) All electrical motors must be kept free of dust.

(6) Open-flame devices capable of igniting clothing must not be left on, unattended or used in a manner that could result in an accidental ignition of children's clothing.

(7) Candles must not be used.

(8) All electrical circuits, devices and appliances must be properly maintained. Circuits must not be overloaded. Extension cords and multi-plug adapters must not be used in place of permanent wiring and proper outlets.

(9) House and facility numbers must be clearly visible from the street or road in front of the property. Where the home or facility is not clearly visible from the road, the address must be posted at the head of the driveway.

Note: This is to allow emergency vehicles and fire trucks to easily find addresses.

(10) Fireplaces, woodstoves, and similar devices must be installed and approved according to the rules that were in effect at the time of installation (see the local building permit). These devices must be properly maintained and must be cleaned and certified at least once a year or maintained according to the manufacturer's recommendations.

GROUP CARE AND CHILD-PLACING AGENCIES

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0700 What are the qualifications for an executive director for a group care program or child-placing agency? (1) A group care program or child-placing agency executive director or person responsible for the agency administration, agency oversight, and fiscal operation must meet, at a minimum, the requirements that follow.

(a) Be able to communicate to the department the roles, expectations and purposes of the program; and

(b) Work with representatives of other agencies.

(2) They must also meet one of these education or experience requirements:

(a) Have a bachelor's degree in social science or closely related field from an accredited school; or

(b) Have a minimum of two years of successful, full-time relevant experience, such as working in a group care facility; or

(c) Have a minimum of two years as a foster parent with a letter of recommendation from the licensing agency and supervising agency.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0720 What qualifications must the child care staff for a group care program and a child-placing agency have? The child care staff person of a group care program and child-placing agency is responsible for the care, supervision, and behavior management of children under your care. The department requires ~~((the))~~ child care staff of each group care program and child-placing agency:

- (1) Be at least twenty-one years old;
- (2) Exception: Child care staff may be eighteen to twenty years old if enrolled and participating in an internship or practicum program with an accredited college or university; and supervised by staff twenty-one years or older;
- (3) Have a high school diploma or GED;
- (4) Have one year of experience working with children;
- (5) Have the skills and abilities to work successfully with the challenging behaviors of children in care; and
- (6) Have effective communication and problem solving skills.

NEW SECTION

WAC 388-148-0722 What are the qualifications for health care staff for a group care program or a child-placing agency? (1) The health care staff, such as a licensed practical nurse (LPN) and certified nurse's assistant/aide (CNA), must meet the full professional competency requirements in their respective field.

(2) The health care staff must maintain their certification or licensure as required by the department of licensing.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0725 What is the ratio of child care staff to children in group care facilities? The department has specific requirements for the ratio of child care staff to children in group care.

(1) The ratio for group homes is at least one child care staff member on site for every eight children during waking and sleeping hours.

Note: Crisis residential centers, staffed residential homes, maternity programs, and programs for children with severe developmental disabilities have different requirements.

(2) At least two adults, including at least one child care staff person, must be on site whenever more than eight children are on the premises.

(3) To keep the proper ratio of staff to children, the executive director, on-site program manager, support staff and maintenance staff may serve temporarily as child care staff if they have adequate training.

(4) During sleeping hours of youth, at least one staff person must be awake in all group home programs when:

- (a) There are more than six youth in care; and
- (b) The major focus of the program is behavioral change rather than the development of independent living skills, such as teen parent and independent living skills programs; or

(c) The youth's behavior poses a safety risk to self or others.

(5) When only one child care staff is on site, a second staff must be on call.

(6) You must have relief staff so that all staff can have the equivalent of two days off a week.

(7) If you have more than one program in one building, such as a group care program and a crisis residential center, you must follow the most stringent staffing ratio requirements.

(8) For certified juvenile detention facilities, at least one child care staff member must be on duty for every ten children in care during the sleeping and waking hours.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0785 What is the proper ratio of staff to children in home or group care facilities offering maternity services? Residential programs provide twenty-four-hour care to expectant mothers and to new mothers with infants.

(1) These programs must employ sufficient numbers of residential staff to meet the physical, safety, health and emotional needs of the residents. Residential staff are in charge of supervising the day-to-day living situation for youth.

Note: Child care staff may carry out any maintenance tasks that do not detract from their primary function.

(2) When youth are on the premises, the ratio of staff to residents must be as follows:

(a) At least one residential staff member must be on duty for every eight ~~((mothers))~~ persons.

(b) When more than eight persons ~~((including mothers and children))~~ are on the premises, at least two adults, including at least one child care staff must be on duty.

(3) You must have relief staff so that all staff can have the equivalent of two days off a week.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0880 What levels of secure CRCs exist? The department licenses ~~((two))~~ three types of secure crisis residential centers (CRCs): Level one ~~((and))~~, level two, and level three. Level one is the most secure facility and level ~~((two))~~ three is the least secure facility.

NEW SECTION

WAC 388-148-0892 What are the requirements for a level three secure CRC? A level-three secure crisis residential center (CRC) must meet each of these requirements:

(1) Be a free-standing facility, separate unit or separate building within a campus with exterior doors that have special egress-control devices;

(2) Meet or exceed the current state building code for facilities with special egress-control devices; and

(3) Maintain a recreation area, within the secured facility or secured on the property of the facility, that can support

youth's vigorous physical activity. (Any fences used to secure the recreation area must meet or exceed the specifications of the level-two secure CRC referenced in WAC 388-148-0890(3)).

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0915 What steps must be taken after a youth is admitted into a CRC?

All CRCs

(1) The director or designee of ~~((a))~~ any crisis residential center (CRC) must immediately notify the parents of the youth who has been admitted.

(2) If the director or designee of any CRC is unable to contact the youth's parents within, forty-eight hours, he or she must:

(a) Contact the department and request that the case be reviewed for dependency filing under chapter 13.34 RCW or "child in need of services" filing under chapter 13.32A RCW; and

(b) Document the contact with the department in the youth's case record.

(3) After a youth is admitted to any CRC, the director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.

(4) By the first school day after admission, the staff of any crisis residential center must:

(a) Notify the youth's school district about the youth's placement; and

(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.

Secure CRCs

~~((3))~~ (5) Within the first twenty-four hours after admitting a youth to a secure crisis residential center, and each twenty-four hours after, the director or designee must assess the youth's risk of running.

~~((4))~~ (6) The secure CRC director or designee must determine what type of CRC, regular or secure, would be best for the youth.

~~((5))~~ (7) The secure CRC director or designee must use the following criteria in making the decision, considering the safety, health and welfare of the youth and others:

(a) The youth's age and maturity;

(b) The youth's physical, mental, and emotional condition upon arrival at the center;

(c) The circumstances that led to the youth's placement at the facility;

(d) The youth's behavior;

(e) The youth's history of running away;

(f) The youth's willingness to cooperate in conducting the assessment;

(g) The youth's need for continued assessment, protection, and intervention services in a CRC; and

(h) The likelihood the youth will remain at a CRC.

~~((6))~~ (8) The secure CRC director or designee must put the decision about the youth's status in writing in the youth's file.

~~((7) After a youth is admitted, the CRC director or designee must ensure that a youth is assessed for any health needs requiring immediate attention.~~

~~(8) By the first school day after admission, the crisis residential center staff must:~~

~~(a) Notify the youth's school district about the youth's placement; and~~

~~(b) Assess the youth for any educational needs as a part of the assessment process for inclusion in the discharge summary.)~~

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-0995 What are the ratio requirements of youth care staff to youth in crisis residential centers?

(1) You must ensure the safety of the youth that are residing in crisis residential centers (CRCs) by maintaining staffing ratios. This may require a staffing ratio higher than the minimum listed if necessary for the health and safety of youth and/or staff.

Regular CRCs

(2) At all times, regular crisis residential centers must have at least one youth care staff on duty for every four youth in care.

(3) Regular crisis residential centers must have at least two awake youth care staff on duty during waking hours of the youth.

(4) Regular crisis residential centers must have at least one awake youth care staff on duty during sleeping hours of the youth. One or more additional (back-up) staff must be on the premises during sleeping hours to maintain staffing ratios.

Under extraordinary circumstances, the DLR director may approve an alternative back-up plan.

Secure CRCs

(5) At all times, secure crisis residential centers must have at least two staff on duty ~~((at all times))~~ when youth are present.

(6) At all times, secure crisis residential centers not co-located with a detention center must have at least one youth care staff on duty for every three youth in care.

(7) At all times, secure crisis residential centers that are located in the same facility as a detention ((facilities)) center must have ~~((the))~~ at least one awake youth care staff on duty for every four youth in care.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1060 What services may a child-placing agency provide? The department licenses child-placing agencies to provide:

(1) Certification of eligible foster homes meeting full licensing requirements;

(2) Maternity services to expectant mothers;

(3) Specialized (treatment) foster care;

(4) Emergency respite services;

(5) Residential care programs, such as group homes, crisis residential centers, and independent living skills programs; and

~~((5))~~ (6) Adoption services.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1070 What health histories need to be provided to ~~((foster or))~~ adoptive parents? ~~((+))~~ To meet department requirements,)) Your child-placing agency must provide adoptive ~~((see WAC 388-25-0330, or foster))~~ parents with ~~((the following))~~ information ~~((when available, at the time of placement:~~

(a) ~~The mental and physical health histories of the birth parents;~~

(b) ~~A written health history for each child prior to placement, including a history of immunizations, allergies, previous illnesses, and conditions that may adversely affect the child's health; and~~

(c) ~~The developmental and psychological history for the adoptive children.~~

Note: ~~You must arrange for the child's medical examinations, immunizations, and health care as required by WAC 388-148-0335 and 388-148-0340.~~

~~(2) The adoptive parent(s) must sign one copy of the report, showing that they have received the information. You must retain this signed copy in the child's permanent file.~~

~~(3) When the child is being placed for adoption, your report must not contain information that might identify the birth parents)) that meets the federal and state statutes.~~

NEW SECTION

WAC 388-148-1076 What are the qualifications for an executive director of a child-placing agency? The executive director of a child-placing agency must meet the executive director qualifications outlined for programs and agencies in section WAC 388-148-0700.

NEW SECTION

WAC 388-148-1077 What are the qualifications for a case aide for a child-placing agency program? The qualifications for a case aide at a child-placing agency program must meet the qualifications for the child care staff at a group care program outlined in WAC 388-148-0720.

NEW SECTION

WAC 388-148-1078 What are the qualifications for health care staff hired or contracted by a child-placing agency to provide services to children in care? A child-placing agency health care staff, such as licensed practical nurses (LPN) and certified nursing assistants (CNA) must meet the health care staff qualifications outlined in WAC 388-148-0722.

NEW SECTION

WAC 388-148-1079 What are the qualifications for consultants for child-placing agency programs? The qualifications for consultants for child-placing agency programs are outlined in WAC 388-148-0600.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1115 Do you have requirements for adoptive services? (1) As a child-placing agency providing adoption services, you must ~~((meet the department's requirements under chapter 388-25 WAC.~~

~~((2) You must)) follow federal and state adoption laws.~~

(a) ~~Recruit potential adoptive families that reflect the diversity of children in your community((~~

~~((3) You must)); and~~

(b) ~~Provide adoptive applicants with the following services, at a minimum:~~

~~((a)) (i) Information about the adoption process;~~

~~((b)) (ii) Your agency's policies, practices and legal procedures;~~

~~((c)) (iii) Types of children available for adoption and implications for parenting different types of children; and~~

~~((d)) (iv) Information on adoption support programs.~~

~~((4)) (2) You must document that you provided this information to the adoptive applicant in the applicant's file.~~

(3) You must visit the adoptive home of all adoptive placements at least once in the first thirty days of placement and an additional face-to-face visit to observe the parent and child each sixty days after that until the adoption is finalized.

(4) You must be available for consultation regarding the adjustment of the adopted child and the family after finalization of the adoption.

AMENDATORY SECTION (Amending WSR 01-18-037, filed 8/28/01, effective 9/28/01)

WAC 388-148-1120 What is the process for adoptions? You must go through the following steps to place a child for adoption.

(1) The applicants must submit an application (including a completed background inquiry form) to the child-placing agency.

(2) Once you have received an application, but before you have sign a contract for services, you must give the applicants a written statement about:

(a) The adoption agency's fixed fees and fixed charges to be paid by the applicant;

(b) An estimate of additional itemized expenses to be paid by applicant; and

(c) Specific services covered by fees that you offer for child placement or adoption.

(3) Your staff must complete an adoptive home study as required in RCW 26.33.190 with the participation of the applicant(s). For the study, your staff and the applicants ~~((need to))~~ must decide ((about)) the following:

(a) The suitability of the applicant(s) to be adoptive parent(s); and

(b) The type of child(ren) for which the applicant or applicants are best suited.

(4) Your staff must accept or deny the application and give an explanation for your decision.

(5) You must file preplacement (home study) reports with the court (as required by RCW 26.33.180 through 26.33.190).

(6) Your staff must prepare the potential adoptive parent(s) for placement of a specific child by:

(a) Locating and providing information about the child and the birth family to the prospective adoptive family (~~as described in chapter 388-25 WAC~~) provided under federal and state statute;

(b) Discussing the likely implications of the child's background for adjusting in the adoptive family.

(7) Your staff must reevaluate the applicant(s) suitability for adopting a child each time an adoptive placement is considered.

CHILD-PLACING AGENCIES—EMERGENCY RESPITE SERVICES

NEW SECTION

WAC 388-148-1140 May a licensed child-placing agency provide emergency respite services? A licensed child-placing agency may offer emergency respite services by providing direct child care in a licensed foster home (for thirty days or less) or by contracting or by written agreement with a licensed child day care home or center (up to ten hours/day).

NEW SECTION

WAC 388-148-1145 Does an agency or individual need to be licensed as a child-placing agency to provide emergency respite services that are not center-based? An agency or individual must be licensed as a child-placing agency to provide community-based emergency respite services to children.

NEW SECTION

WAC 388-148-1150 Does a child-placing agency providing emergency respite services need specific program staff? A child-placing agency must have a program manager responsible for the emergency respite program.

NEW SECTION

WAC 388-148-1155 What are the education and training requirements for a program manager for an emergency respite program at a child-placing agency? The education and training requirements for a program manager for an emergency respite program at a child-placing agency are:

(1) A bachelor's degree in social services, child development, or a related field; or

(2) Five years of successful full-time experience in a relevant field; and

(3) Current first aid and CPR training; and

(4) HIV/AIDS prevention training; and

(5) If supervising other staff, then supervisory abilities that promote effective staff performance and relevant experience, training, and demonstrated skills in each area that he or she will be supervising.

NEW SECTION

WAC 388-148-1160 What services do child-placing agencies provide if they offer an emergency respite program? (1) A child-placing agency must provide the following emergency respite services:

(a) A family assessment of the need for the services;

(b) Direct child care; and

(c) Appropriate community service referrals.

(2) Family support services may be provided by the child-placing agency offering emergency respite services.

NEW SECTION

WAC 388-148-1165 Does a child-placing agency need approval from the division of licensed resources to provide emergency respite services? (1) An emergency respite program provided by a child-placing agency must be approved by DLR.

(2) The child-placing agency must send to DLR a detailed written program description outlining education, recreational, and any therapeutic services the agency will provide to children and their families.

(3) A foster home used for emergency respite care must be designated as a respite care home only, unless DLR gives administrative approval for a foster home to provide emergency respite care and regular foster care.

(4) The foster home must be assessed for health and safety with each emergency respite placement considering the other respite children in the home.

NEW SECTION

WAC 388-148-1170 What age children may receive emergency respite services? Emergency respite services may be provided to children birth through seventeen years.

NEW SECTION

WAC 388-148-1175 Who may place a child for emergency respite? Only a parent or legal guardian of a child may voluntarily place a child in emergency respite care. This is not to be used by foster parents for respite care for foster children.

NEW SECTION

WAC 388-148-1180 Must all children accepted for emergency respite care have current immunizations? A child accepted by a child-placing agency for emergency

respite care may be placed with a licensed foster home without current immunizations.

NEW SECTION

WAC 388-148-1185 What are the record-keeping requirements for a child-placing agency providing emergency respite services? (1) Emergency respite service records must be kept at the child-placing agency and contain, at a minimum, the following information:

- (a) Logs of children accepted for emergency respite care;
- (b) A copy of any suspected child abuse and/or neglect referrals made to children's administration with the child's name and birthdate;
- (c) Names, address and home and business telephone numbers of parents or persons to be contacted in case of emergency;
- (d) Dates and illnesses or accidents while in emergency respite care;
- (e) Any medications and treatments given to a child while in emergency respite care; and
- (f) Health screening information including any allergy information.

(2) Identifying and personal information about the child and their family must be kept confidential as described under federal and state laws, unless the parent has given permission for release.

(3) Information about the child and their families must be kept in a secure place.

NEW SECTION

WAC 388-148-1190 What written information is needed before a child is accepted for emergency respite care by a child-placing agency? Before accepting a child for emergency respite care, a child-placing agency must obtain the following written consent and information from the parent or legal guardian:

- (1) Permission from the child's parent or guardian authorizing the placement of their child;
- (2) Permission to seek emergency medical care or surgery on behalf of their child;
- (3) Permission to transport the child;
- (4) Basic family information, including address, telephone numbers, and emergency contacts; and
- (5) Basic medical information, including current medication, immunization history (if available), known allergies, and at-risk behaviors of the child.

WSR 02-14-064

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Division)

[Filed June 27, 2002, 3:18 p.m.]

Date of Adoption: June 26, 2002.

Purpose: The Division of Developmental Disabilities has been directed by the 2002 Washington state legislature to begin paying an income supplemental, called state supplementary payment (SSP). Implementation of this directive requires amendment of rules in chapters 388-820, 388-825 and 388-850 WAC, as well as adoption of new WAC 388-825-500 through 388-825-580, Division of Developmental Disabilities state supplemental payment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-850-035, 388-820-020, 388-820-060, 388-820-120, 388-825-020, 388-825-055, 388-825-120, 388-825-180, 388-825-252, and 388-825-254.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.10.020.

Other Authority: 2001-03 Supplemental Budget ESSB 6387 (chapter 371, 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: The state legislature in adopting ESSB 6387 (chapter 371, Laws of 2002), has directed the Division of Developmental Disabilities to begin paying an income supplement, called state supplemental payment. In its published "Final Budget - Statewide Agency Detail" for ESSB 6387, the legislature also clearly stated its intent that "Beginning July 2002, state supplemental payments will no longer be provided automatically to all persons receiving a federal SSI benefit. SSI recipients will continue to receive their federal benefits and their federally provided annual cost of living increases each January. Some recipients who are dependent on larger state supplements will be provided a transitional state supplemental payment. The remaining amount of state supplemental payments required by federal rules will be used to support low . . . income families who are struggling to continue to care for children and other relatives with developmental disabilities." Emergency adoption of these rules is necessary to implement ESSB 6387 and the legislature's intent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 17, Amended 10, 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 17, Amended 10, Repealed 0.

Effective Date of Rule: Immediately.

June 26, 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. 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 alternative 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.

"State supplemental payment (SSP)" is the state paid cash assistance program for certain DDD eligible SSI clients.

"**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 388-825-055 Authorization of services. (1) The division's field services section shall be responsible for authorizing state paid 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 available:

(a) Persons must meet the programmatic and financial eligibility requirements for the specific services;

(b) Funding for state paid services is available in the state operating budget; and

(c) SSP funding is not available to the client. The availability of SSP funding makes the client ineligible for state funding for the same service.

(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.116.010 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 deter-

mined 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 Order 3230 [WSR 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)) 388-825-030;

(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));

(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 WAC. If any provision in this chapter conflicts with chapter 388-08 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) Service termination or transfer for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

(iii) 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.

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 2086 [WSR 99-19-104], filed 9/20/99, effective 9/20/99)

WAC 388-825-180 Eligible persons. (1) To be eligible to apply for community alternatives program (CAP) services, the individual must:

(a) Meet the criteria for the division of developmental disabilities (DDD) eligibility.

(b) Meet the criteria for disability as established in the Social Security Act.

(c) Have an income of less than three hundred percent of the federal Supplemental Security Income (SSI) benefit amount.

(d) Need an IMR level of care as determined by a DDD nursing care consultant.

(e) Does not have SSP funding for the needed habilitation services and training.

(i) Require twenty-four hour care and require services that cannot be provided by a family member, and

(ii) Have a documented need for habilitation services and training.

(2) Participation in CAP is by choice of the otherwise IMR-eligible person.

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)) 388-825-030 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)) 388-825-252, Family support services, may volunteer to participate in the program.

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

(4) Availability of SSP (state supplemental payment) makes the client/family ineligible for state funding for the same service.

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) Receiving family support services is based on funding availability:

(a) Funding for state paid services must be available in the state operating budget; or

(b) SSP funding must be available to the client/family.

(4) The following rules, subsections (5) through (9), apply only to family support services authorized by the department and do not govern services purchased by the family with SSP funding (state supplemental payment).

(5) Up to nine hundred dollars of the service need level amount in WAC 388-825-254 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)) (6) 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)) (7) Payment for services specified in subsection (3), except (3)(a) and (h), shall cover only the portion of cost attributable to the client.

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

((7)) (9) 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))~~ (10) **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))~~ (11) 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))~~ (12) 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))~~ (13) If requested family support services are not authorized, such actions shall be deemed a denial of services.

~~((12))~~ (14) 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 02-01-074, filed 12/14/01, effective 1/14/02)

WAC 388-825-254 Service need level rates. (1) The department shall base periodic service authorizations on:

(a) Requests for family support services described in WAC 388-825-252(2) of this section;

(b) Service need levels as described in WAC 388-825-252(3) of this chapter. The amount of SSP (state supplemental payment) available to a child/family will be included when calculating the monthly allocation of state family support dollars. Service need level lid amounts are as follows:

(i) Clients designated for service need level one (WAC 388-825-256) may receive up to one thousand one hundred fifty-six dollars per month or two thousand four hundred sixty-two dollars per month if the client requires licensed nursing care in the home:

(A) If a client is receiving funding through Medicaid Personal Care or other DSHS in-home residential support, the maximum payable through family support shall be five hundred twelve dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than one thousand one hundred fifty-six dollars additional family support can be authorized to bring the total to one thousand one hundred fifty-six dollars.

(ii) Clients designated for service need level two may receive up to four hundred fifty-six dollars per month if not receiving funding through Medicaid personal care:

(A) If a client is receiving funds through Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be two hundred fifty-six dollars per month;

(B) If the combined total of family support services at this maximum plus in-home support is less than fifty-six hundred four dollars, additional family support can be authorized to bring the total to four hundred fifty-six dollars.

(iii) Clients designated for service need level three may receive up to two hundred fifty-six dollars per month provided the client is not receiving Medicaid personal care. If the client is receiving Medicaid personal care or other DSHS in-home residential support service, the maximum receivable through family support shall be one hundred twenty-eight dollars per month; and

(iv) Clients designated for service level four may receive up to one hundred twenty-eight dollars per month family support services.

(c) Availability of family support funding;

(d) Authorization by a review committee, in each regional office, which reviews each request for service;

(e) The amounts designated in subsection (1)(b)(i) through (iv) of this section are subject to periodic increase if vendor rate increases are mandated by the legislature.

(2) The department shall authorize family support services contingent upon the applicant providing accurate and complete information on disability-related requests.

(3) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(4) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.

NEW SECTION

WAC 388-825-500 What is the state supplemental payment that will be administered by the division of developmental disabilities (DDD)? The state supplemental payment (SSP) is a state-paid cash assistance program for certain clients of the division of developmental disabilities.

NEW SECTION

WAC 388-825-505 What are the eligibility requirements for the DDD/SSP program? To be eligible to receive DDD/SSP, you must be determined DDD eligible under RCW 71A.10.020 and meet all of the financial and programmatic criteria for DDD/SSP.

NEW SECTION

WAC 388-825-510 What is the financial eligibility requirement to receive DDD/SSP? You must be currently receiving SSI cash assistance.

NEW SECTION

WAC 388-825-515 What are the programmatic requirements for DDD/SSP? You received one or more of the following services from DDD with state-only funding between March 1, 2001 and February 28, 2002:

- (1) Voluntary placement program;
- (2) Family support;
- (3) Transition program for persons born between September 1, 1979 and August 31, 1980 and in need of an employment or community access services;
- (4) Residential services, i.e., adult family home, adult residential care, chore services, alternative living, group home, supported living, attendant care.

NEW SECTION

WAC 388-825-520 How often will my eligibility for DDD/SSP be re-determined? Redetermination of eligibility for the DDD/SSP program will be conducted at least annually, or more frequently if deemed necessary by DDD.

NEW SECTION

WAC 388-825-525 How will I know if I am eligible to receive a DDD/SSP payment? You will receive a written notification from DDD if you have been identified as eligible for this program.

NEW SECTION

WAC 388-825-530 Can I choose to keep my department paid state-only services and not accept DDD/SSP payments? You may refuse the DDD/SSP program but you cannot continue to receive your state-only services. The legislature has transferred this funding to the DDD/SSP program.

NEW SECTION

WAC 388-825-535 Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? You can apply through your case resource manager to determine eligibility for SSP. Availability of SSP is limited by the availability of funding.

NEW SECTION

WAC 388-825-540 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP or that there is no funding available? (1) You have the right to appeal the department's denial, termination, or reduction of services. Your rights to an adjudicative proceeding are in WAC 388-825-120.

(2) Your current services will not be continued while the matter is being appealed if the service termination or transfer is for a specific group of clients in order to meet the legislative intent of and comply with sections 205 and 207, chapter 371, Laws of 2002.

NEW SECTION

WAC 388-825-545 How much money will I receive? Your payment amount will be determined in one of two ways:

(1) If you receive state-only services, your payment will be based on the amount of state-only dollars spent on certain services between March 1, 2001 and February 28, 2002.

(2) If you have not received state-only services but need the services described in WAC 388-825-515(2), your payment will be determined based on your particular service need as identified by you and your family, and agreed to by your case manager. The division will determine the cash grant amount for each service need.

NEW SECTION

WAC 388-825-550 How often will I receive my DDD/SSP warrant/check? You will receive a "warrant" from the state monthly or quarterly.

NEW SECTION

WAC 388-825-555 Who will the warrant/check be sent to? (1) If you are a child under the age of eighteen, the warrant/check will be sent to your legal representative and/or protective payee and/or representative payee.

(2) If you are a person age eighteen and older, the warrant/check can be sent directly to you unless you have a protective payee and/or representative payee.

NEW SECTION

WAC 388-825-560 How will the warrant/check be sent? You may choose to have your check delivered through the US Postal Service, or as an electronic funds transfer.

NEW SECTION

WAC 388-825-565 When will DDD/SSP begin issuing payments? Payments will begin August 2002.

NEW SECTION

WAC 388-825-570 Are there rules restricting how I use my DDD/SSP money? You are free to determine the best use of your funds unless you belong to one of the following groups:

(1) Voluntary placement program (VPP): DDD/SSP funds for current VPP children must be used to purchase VPP services from a state licensed provider.

(2) Adult residential services: Requirements will vary according to residence:

Persons currently receiving services from a certified or licensed provider must use their DDD/SSP money to purchase residential services. Examples of these residential providers: Adult family home, adult residential care, group home, supported living.

(3) Transition services: Recipients will be required to purchase needed employment or community access services from a county contracted provider.

NEW SECTION

WAC 388-825-575 Do I have additional responsibilities when I purchase my own services? (1) When you purchase services from individuals, you become the employer. As the employer, you may have tax liabilities. If you have questions regarding employer tax issues, you can call the DSHS tax desk at (360) 664-5830.

(2) RCW 43.43.830 requires a criminal background check of any employee who will have unsupervised access to children or adults with developmental disabilities. You may get the background check done through the State Highway Patrol or DSHS. You can ask DDD to assist you with completing these background checks.

NEW SECTION

WAC 388-825-580 What happens if I do not spend my DDD/SSP money as required in WAC 388-825-550? DSHS has the right to recover any SSP benefit issued by DDD if it is determined that:

(1) The SSP benefits were not spent as required in WAC 388-825-550; or

(2) The client no longer receives SSI cash benefits, did not notify the case manager, and continued to collect DDD/SSP.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-020 What definitions apply to this chapter? "Agency" means an entity interested in becoming a service provider that offers residential instruction and support services to clients.

"Certification" means the determination by DSHS that an agency or service provider has satisfactorily complied with the requirements outlined in this chapter and in the department contract.

"Client" means a person who:

((*) (1) Has a developmental disability;

((*) (2) Is eligible under RCW 71A.10.020 (for eligibility criteria, see chapter 388-825 WAC); and

((*) (3) Is authorized by DDD to receive residential services outlined in this chapter or receives state supplemental payments to purchase residential services. ((For eligibility criteria, see chapter 388-825 WAC.))

"Client services" means instruction and support activities that benefit clients, as specified under WAC 388-820-450 through 388-820-510.

"Community alternatives program (CAP)" means a Title XIX Medicaid waiver program that serves a specific number of individuals. This waiver is for particular home- and community-based services not covered under the Medicaid state plan. (See WAC 388-825-170 for more details.)

"Community protection services" (Community Protection Intensive Supported Living Services, or CP-ISLS) means intensive supported living services provided to clients who meet the criteria of "Individual with Community Protection Issues."

"DDD" refers to the division of developmental disabilities at DSHS.

"DSHS" refers to the department of social and health services of Washington state.

"Exceptions" means DSHS' approval of a written request for an exception to a rule in this chapter. (There are no exceptions to RCWs.)

"Group home" means residential services provided in a dwelling that is:

((*) (1) Owned, leased, or rented by an entity other than the client;

((*) (2) Licensed by the applicable state authority; and

((*) (3) Operated by a provider.

(See WAC 388-820-090 for further details.)

"Group training home" means a certified nonprofit residential facility that provides full-time care, treatment, training, and maintenance for clients, as defined under RCW 71A.22.020(2).

"IFP" refers to individual financial plan. (See WAC 388-820-620.)

"IISP" refers to the individual instruction and support plan for clients. (See WAC 388-820-560 through 388-820-580.)

"Individual with community protection issues" means a client identified by DDD as needing one or more of the following criteria:

((*) (1) The person has been convicted of or charged with a crime of sexual violence as defined in chapter 71.09 RCW, including, but not limited to, rape, statutory rape, rape of a child, and child molestation;

((*) (2) The person has been convicted of or charged with acts directed towards strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization;

((*) (3) The person has been convicted of or charged with a sexually violent offense and/or predatory act, and may constitute a future danger;

((*) (4) The person has not been convicted and/or charged, but has a history of stalking, sexually violent, predatory, and/or opportunistic behavior which demonstrates a likelihood to commit a sexually violent and/or predatory act based on current behaviors that may escalate to violence;

((*) (5) The person has committed one or more violent crimes, such as murder, attempted murder, arson, first degree assault, kidnapping, or use of a weapon to commit a crime.

"Instruction" means goal-oriented teaching that is designed for acquiring and enhancing skills.

"ISP" refers to the individual service plan for clients. (See WAC 388-820-520 through 388-820-550.)

"Nursing assistant" means a person who is registered or certified by department of health under chapter 18.88A RCW. A nursing assistant performs certain nursing care tasks that are delegated by a registered nurse for a specific client in

authorized settings. (See chapter 246-841 WAC for more details.)

"**Reprisal**" means any negative action taken as retaliation against an employee.

"**Residential service**" means client services offered by certified service providers.

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

"**Service provider**" means an agency certified by and contracted with DDD to provide residential services to clients.

"**Severity**" means the seriousness of an incident. This is determined by the extent to which a client's physical, mental, or psychosocial well-being is or may be compromised or threatened.

"**Support**" means assistance as requested or needed by a client, based on their abilities, needs, and goals.

"**Supported living**" means residential services provided to clients living in their own homes, which are owned, rented, or leased by the clients or their legal representatives. (See WAC 388-820-080 for more details.)

"**Trust account**" means a bank account containing two or more clients' funds where the service provider has the authority to make deposits and withdrawals.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-060 Who may receive residential services? Clients ~~((who))~~ may receive residential services if they are at least eighteen years old and either authorized by DDD ((may receive)) or have an agreement with the service provider to purchase residential services from their own resources.

AMENDATORY SECTION (Amending WSR 01-22-020, filed 10/26/01, effective 1/1/02)

WAC 388-820-120 Who pays for a client's residential services? (1) DSHS must pay for residential services provided to department-funded clients under department contract at the contracted rate.

(2) ~~((DSHS must require a client to share the cost of services when mandated by federal or state statute or regulation))~~ Clients not included in the department contract may purchase services privately through a separate agreement with the service provider.

(3) The service provider must inform DSHS when the ~~((client))~~ department-funded clients requires additional supports.

(a) The service provider must submit a written request with justification for additional service hours.

(b) DSHS may approve and provide payment for additional expenses or services.

(c) The service provider must retain a copy of department approval.

(4) For a client who is receiving group home services and support:

(a) The client must pay for cost of care or services from earnings or other financial resources. Clients receiving SSI are responsible only for the cost of room and board.

(b) DSHS may pay for these services only after a department-funded client has used his or her own financial resources.

(c) When a client's guardian or legal representative controls the client's income, estate, or trust fund, they must reimburse the service provider as described in WAC 388-820-120.

(5) Clients receiving supported living services must pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

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

WAC 388-850-035 Services—Developmental disabilities. (1) A county may purchase and provide services listed under chapter 71A.14 RCW.

(a) The department shall pay a county for department authorized services provided to an eligible developmentally disabled person.

(b) DD eligible persons who receive SSP funding for transition services shall pay the county or a county contracted provider for services.

(2) A county may purchase or provide authorized services. Authorized services may include, but are not limited to:

- (a) Early childhood intervention services;
- (b) Employment services;
- (c) Community access services;
- (d) Residential services;
- (e) Individual evaluation;
- (f) Program evaluation;
- (g) County planning and administration; and
- (h) Consultation and staff development.

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

WSR 02-14-073
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed June 28, 2002, 12:02 p.m.]

Date of Adoption: June 28, 2002.

Purpose: Manufactured homes (chapter 296-150M WAC) and Factory-built and commercial structures (chapter 296-150F WAC). These rules are necessary to implement several of the changes that were authorized by chapter 268, Laws of 2002 (SSB 6364) that was enacted in 2002, including:

- Changes to the fee schedules for mobile/manufactured homes and factory-built housing and commercial structures rules;

- Provisions to allow the department to waive mobile/manufactured home alteration permit fees for indigent permit applicants;
- Revisions to the disclosure requirements pertaining to the sale of mobile/manufactured homes;
- Allowing the parties involved to enter into a conditional sales agreement as is consistent with the sale of a site-built home;
- Changes to the department's ability to prohibit the sale or lease of mobile/manufactured homes; and
- Establishing notification provisions when an inspection is requested and if alterations to the home constitute a hazard to life, safety, or health.

Citation of Existing Rules Affected by this Order: Amending WAC 296-150M-0020, 296-150M-0049, 296-150M-0050, 296-150M-0320, 296-150M-3000, and 296-150F-3000.

Statutory Authority for Adoption: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480 and 43.22.485, and chapter 268, Laws of 2002 (SSB 6364).

Other Authority: Chapter 43.22 RCW.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These emergency rules are necessary to implement chapter 268, Laws of 2002 (SSB 6364). Section 10 of this act states: "Sections 1, 2, and 4 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

As these emergency rules are for purposes of implementing several of the provisions authorized under sections 1, 2, and 4 through 9 of the act the department is authorized to adopt these rules using the emergency rule-making process and to put these rules into effect immediately per RCW 34.05.380(3).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 6, 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 6, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 6, Repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Chapter 268, Laws of 2002 (SSB 6364) contains an emergency clause (see section 10) that adopted several of the provisions of the act immediately. As these rules are necessary to implement

several of the provisions included in the act the department is authorized to adopt these rules using the emergency rule-making process and to put these rules into effect immediately per RCW 34.05.380(3).

Effective Date of Rule: Immediately.

June 28, 2002

Gary Moore

Director

AMENDATORY SECTION [(Amending WSR 02-03-048, filed 1/9/02)]

WAC 296-150M-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an alteration and requires a permit, an inspection and an alteration insignia.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration.

"Equipment" means the appliances used in the alteration or installation of a manufactured home.

Examples of appliances that require an alteration inspection include:

- Furnace;
- Water heater;
- Air conditioner; and
- Heat pump.

Examples of appliances that do not require an alteration inspection include:

- Microwave oven;
- Washer;
- Dryer; and
- Dishwasher and range that are connected to their source of power by a plug-in cord.

"**Equivalent air conditioning/heat pump components**" is equipment that performs the same function and is compatible with the equipment of another manufacturer, sometimes referred to as mix and match.

"**Footing**" is the portion of a support system that transmits loads from the manufactured home to the ground.

"**Foundation skirting**" or "**skirting**" is the material that surrounds and encloses the space under the manufactured home.

"**Homeowner**" is an individual who owns a manufactured home. Dealers, distributors, and developers are not regarded as homeowners.

"**HUD**" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"**Indigent**" means a person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the most recently published federal poverty level.

"**Installation**" is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

"**Installed manufactured or mobile home**" is a manufactured or mobile home that has been placed on either private property or in a park and has been approved for occupancy by the local authority having jurisdiction. This includes the approval of the blocking of the home, the connection of the home to all of the utilities, including water, sewer and electrical.

"**IPIA**" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington State.

"**Local enforcement agency**" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"**Manufactured home**" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and

- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet are based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

"**Mobile home**" is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

"**Park site**" is the installation location of a manufactured home within a residential area for manufactured homes.

"**Repair**" is to restore an item to sound condition, to fix.

"**Replacement**" is the act or process of replacing, to substitute.

"**Structural alteration-custom design**" is a design that can only be used once.

"**Structural alteration-master design**" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"**System**" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

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

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

AMENDATORY SECTION [(Amending WSR 02-03-048, filed 1/9/02)]

WAC 296-150M-0049 What must be done prior to the sale of an installed manufactured (mobile) home by a homeowner? (1) Prior to the sale of any installed manufactured ~~((A))~~ or mobile home, the homeowner must ~~((d))~~

(a) Deliver to the buyer a completed property transfer disclosure statement in accordance with chapter 64.06 RCW, unless the seller is exempt or the buyer waives his or her rights pursuant to chapter 64.06 RCW. The disclosure statement must include ~~((including))~~ all the criteria specified in RCW 64.06.020 and any variance(s) granted according to WAC 296-150M-0140, and:

~~((a))~~i) Have all department insignia required by this chapter; or

~~((b))~~ii) Have all department insignia required by this chapter for alterations performed during ownership of the

EMERGENCY

home and include in the property transfer disclosure statement all alterations that were known to have been performed by any previous owner of the home.

~~((2))~~ (b) Nothing in ~~(this)~~ subsection (1) of this section shall have any effect on any written warranty(ies) required by RCW 46.70.135.

~~((3))~~ (c) Subsection (1)~~((b))~~a(ii) of this section does not permit the sale of an ~~(apply to)~~ unsafe manufactured or ~~((f))~~ mobile homes ~~(that)~~ when the use of which may constitute a hazard to life, safety, or health.

(2) The homeowner may enter into a conditional sale of an altered manufactured or mobile home. A conditional sales agreement may be executed only if, prior to execution, the seller has complied with subsection (1) of this section. For purposes of this subsection "conditional sale" means an agreement between the seller and the purchaser which is contingent on the seller fulfilling the conditions established by the purchaser (i.e. the sale of the home is contingent on the seller ensuring that alterations performed to the manufactured or mobile home are in compliance with these rules).

(3) The homeowner may request an inspection by the department. If after the inspection the department determines that an alteration may constitute a hazard to life, safety or health the department must notify the homeowner in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

NOTE: In addition to the homeowner requesting an inspection by the department, any party including the buyer and/or party financing the sale may also request an inspection. The department will conduct the inspection and if after the inspection the department determines that an alteration may constitute a hazard to life, safety or health the department shall notify the interested parties identified by the requesting party in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

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

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

Reviser's note: The 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 96-21-146, filed 10/23/96)]

WAC 296-150M-0050 When can a manufactured home be posted with a prohibited sale or lease notice ~~((Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice? (1) If we find your manufactured home violates this chapter or federal standards in 24 CFR 3280, we may attach a prohibited sale or lease notice to your unit.~~

~~(2) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.~~

~~(3) A prohibited sale or lease notice shall remain posted until the code violation(s) is corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000))~~

(1) A manufactured home may be posted with a prohibited sale notice when:

(a) The home is being sold or offered for sale by a retailer, dealer, distributor or manufacturer and we find that the home has alterations that constitute a hazard to life, safety, or health; or

(b) The home is being sold or offered for sale by a homeowner and it is not an installed manufactured or mobile home per WAC 296-150M-0020.

(2) A manufactured home may be posted with a prohibited lease notice whenever the home is offered for lease by any party and we find that the home has alterations that constitute a hazard to life, safety, or health.

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

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

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

NEW SECTION

WAC 296-150M-0051 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice? (1) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.

(2) A prohibited sale or lease notice shall remain posted until the code violation(s) are corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000).

AMENDATORY SECTION [(Amending WSR 96-21-146, filed 10/23/96)]

WAC 296-150M-0320 What must I provide to request approval of an alteration? (1) For approval of an alteration, you must complete and return our alteration permit application form. The application must contain:

(a) A description of the proposed alteration(s);

(b) Applicable specifications, engineering data, test procedures and results; and

(c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

NOTE: the department may waive alteration permit fees for indigent permit applicants. (See WAC 296-150M-0322.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

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

NEW SECTION

WAC 296-150M-0322 Data requirements for the identification of indigent persons. (1) Any one of the following documents from shall be considered sufficient evidence upon which to base the final determination of indigent status, when the income information is annualized as may be appropriate:

- (a) A "W-2" withholding statement from all employers for the previous year;
- (b) Pay stubs from all employers for the previous year;
- (c) An income tax return from the most recently filed calendar year;
- (d) Forms approving or denying eligibility for Medicaid and/or state-funded medical assistance;

AMENDATORY SECTION [(Amending WSR 01-12-035, filed 5/29/01)]

WAC 296-150M-3000 Manufactured home fees.

WAC 296-150M-3000 MANUFACTURED HOME FEES

INITIAL FILING FEE \$ ((28.80)) 29.60

DESIGN PLAN FEES:

STRUCTURAL ALTERATION-MASTER DESIGN (CODE CYCLE)	\$ ((+15.90)) <u>119.10</u>
STRUCTURAL ALTERATION - ONE YEAR DESIGN	\$ ((81)) <u>80.00</u>
RENEWAL FEE	\$ ((34.70)) <u>35.60</u>
RESUBMITTAL FEE	\$ ((57.80)) <u>59.40</u>
ADDENDUM (Approval expires on the same date as original plan.)	\$ ((57.80)) <u>59.40</u>
ELECTRONIC PLAN SUBMITTAL FEE \$4.50 <u>4.60</u> per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	

DEPARTMENT INSPECTION FEES:

INSPECTION ((Per-hour*))	((57.80))
<u>MECHANICAL</u>	
Heat Pump	<u>30.00</u>
Air Conditioning	<u>30.00</u>
Furnace Installation (gas or electric)	<u>30.00</u>
Gas Piping	<u>30.00</u>
Wood Stove	<u>30.00</u>
Pellet Stove	<u>30.00</u>
Gas Room Heater	<u>30.00</u>
Gas Decorative Appliance	<u>30.00</u>
Range: changing from electric to gas	<u>30.00</u>
Gas Water Heater Replacement	<u>20.00</u>
Water Heater: changing from electric to gas	<u>20.00</u>
<u>ELECTRICAL</u>	
Heat Pump	<u>40.00</u>
Air Conditioner	<u>40.00</u>
Furnace Installation (gas or electric)	<u>40.00</u>
Wood Stove (if applicable)	<u>40.00</u>
Pellet Stove (if applicable)	<u>40.00</u>
Gas Room Heater (if applicable)	<u>40.00</u>
Gas Decorative Appliance (if applicable)	<u>40.00</u>
Range: changing from gas to electric	<u>40.00</u>
Electric Water Heater Replacement	<u>40.00</u>

- (e) Forms approving or denying unemployment compensation; or
 - (f) Written statements from all employers for the previous year or welfare agencies.
- (2) In the event that the responsible party is not able to provide any of the documentation described above, the department shall rely upon written and signed declarations under penalty of perjury from the responsible party for making a final determination of eligibility for classification as an indigent person.
- (3) Information requests, from the department to the responsible party, for the verification of income and family size shall be limited to that which is reasonably necessary to substantiate the responsible party's qualification for indigent status, and may not be used to discourage applications for such status. Only those facts relevant to eligibility may be verified, and duplicate forms of verification shall not be demanded.

EMERGENCY

<u>Electric Water Heater replacing Gas Water Heater</u>	40.00
<u>Each added or modified circuit</u>	40.00
<u>Hot Tub or Spa (power from home electrical panel)</u>	40.00
<u>Replace main electrical panel</u>	40.00
<u>Low voltage fire/intrusion alarm</u>	40.00
<u>Fire Safety</u>	40.00
PLUMBING	
<u>Fire sprinkler system (also requires a plan review)</u>	20.00
<u>Each added fixture</u>	20.00
<u>Replacement of water piping system (this includes 2 inspections)</u>	90.00
STRUCTURAL	
<u>Inspection as part of a mechanical/fire safety installation (Cut truss/floor joist, sheet rocking)</u>	40.00
<u>Reroofs (may require a plan review)</u>	70.00
<u>Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)</u>	70.00
<u>Other structural changes (may require a plan review)</u>	70.00
<u>Fire Safety</u>	40.00
MISCELLANEOUS	
<u>Other structural changes (may require a plan review)</u>	70.00
<u>Plan Review</u>	80.00
OTHER REQUIRED INSPECTIONS (Per hour*)	\$ 55.00 ((\$7.80))
ALL REINSPECTIONS (Per hour*)	\$ 55.00 ((\$7.80))
INSIGNIA FEES:	
ALTERATION	\$ ((28.80)) 10.10
REISSUED - LOST/DAMAGED	\$ 10.00 ((+6.90))
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	\$ ((26.40)) 27.10
Second and succeeding inspections of unlabelled sections (Per hour*)	\$ ((\$7.80)) 59.40
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	\$ ((\$7.80)) 59.40
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Attendance at manufacturers training classes (Per hour* only)	\$ ((\$7.80)) 59.40
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Alterations to a labelled unit (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage per each inspector)	\$ ((\$7.80)) 59.40
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	\$ ((\$7.80)) 59.40
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	\$ ((\$7.80)) 59.40
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	\$ ((\$7.80)) 55.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	\$ ((+1.00)) 11.30

NOTE: Local jurisdictions may have other fees that apply.

- * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.
- ** Per state guidelines.
- *** Actual charges incurred.

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

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 01-12-035, filed 5/29/01)]

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

WAC 296-150F-3000 FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES

INITIAL FILING FEE \$((40-30)) 54.00

DESIGN PLAN FEES:

INITIAL FEE - MASTER DESIGN (CODE CYCLE) \$((197-50)) 266.00

INITIAL FEE - ONE YEAR DESIGN \$((115-90)) 156.00

RENEWAL FEE \$((40-30)) 54.00

RESUBMIT FEE \$((57-80)) 78.00

ADDENDUM (Approval expires on same date as original plan.) \$((57-80)) 78.00

ELECTRONIC PLAN SUBMITTAL FEE ~~\$4.50~~ 4.60 per page for the first set of plans and \$0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.

ELECTRICAL PLAN REVIEW (When required by WAC 296-46A-140, Plan review

for educational, institutional or health care facilities and other buildings):

Electrical Plan submission fee \$((57-80)) 59.40

Service/feeder Ampacity:

0 - 100 \$((25-70)) 26.40

101 - 200 \$((32-10)) 32.90

201 - 400 \$((59-90)) 61.50

401 - 600 \$((70-70)) 72.60

601 - 800 \$((91-00)) 93.50

801 - 1000 \$((111-30)) 114.40

Over 1000 \$((120-80)) 124.10

Over 600 volts surcharge \$((19-20)) 19.70

Thermostats:

First \$((11-50)) 11.80

Each additional \$3.00

Low voltage fire alarm and burglar alarm:

Each control panel and up to four circuits or zones \$((10-50)) 10.70

Each additional circuit or zone \$2.00

Generators, refer to appropriate service/feeder ampacity fees

Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.

Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour* \$((68-40)) 70.30

MEDICAL GAS PLAN REVIEW:

SUBMISSION FEE \$((55-50)) 74.00

FIRST STATION \$((55-50)) 74.00

EACH ADDITIONAL STATION \$((20-50)) 27.00

RECIPROCAL PLAN REVIEW:

INITIAL FEE-MASTER DESIGN \$((88-20)) 119.00

INITIAL FEE-ONE YEAR DESIGN \$((53-40)) 72.00

EMERGENCY

RENEWAL FEE	\$((53.40)) <u>72.00</u>
ADDENDUM	\$((53.40)) <u>72.00</u>
PLANS APPROVED BY PROFESSIONALS	\$((40.30)) <u>54.00</u>
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	\$((11.00)) <u>14.00</u>
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>69.00</u>
TRAVEL (Per hour*)	\$((57.80)) <u>69.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	\$((57.80)) <u>69.00</u>
TRAVEL (Per hour*)	\$((57.80)) <u>69.00</u>
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	\$((162.50)) <u>220.00</u>
EACH ADDITIONAL SECTION	\$((15.90)) <u>20.00</u>
REISSUED-LOST/DAMAGED	\$((40.30)) <u>54.00</u>
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	\$((57.80)) <u>69.00</u>
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	\$((23.90)) <u>30.00</u>
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	\$((11.00)) <u>11.30</u>

- * Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.
- ** Per state guidelines.
- *** Actual charges incurred.

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.

Statutory Authority for Adoption: Chapter 281, 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: Chapter 281, Laws of 2002, established a new classification system for nonnative aquatic animals, and prohibits release of nonnative aquatic animals that are not classified. The department routinely releases nonnative fishes in the warmwater enhancement program, and needs emergency classification to not be in violation of this new law. Additionally, emergency rules are needed to not criminalize current possession of animals on the prohibited list. These interim rules will be in effect until the commission considers permanent rules at the August 2-3 meeting.

**WSR 02-15-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-139—Filed July 3, 2002, 2:12 p.m.]

Date of Adoption: July 3, 2002.

Purpose: Provide for interim rules for nonnative aquatic species.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 3, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-12-09000A Classification—Nonnative aquatic animal species. (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

(a) Amphibians:

(i) Family Pipidae: African clawed frog, *Xenopus laevis*.

(ii) Family Ranidae: Bull frog, *Rana catesbeiana*.

(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 Malacrosta:

(A) Red swamp crayfish, *Procambarus clarkii*.

(B) Rusty crayfish, *Orconectus rusticus*.

(iv) 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*, *Roosevelti*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

(B) Grass carp (in the diploid form), *Ctenopharyngodon idella*.

(C) Ide, silver orfe or golden orfe, *Leuciscus idus*.

(D) Rudd, *Scardinius erythrophthalmus*.

(vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(vii) Family Esocidae: Northern pike, *Esox lucius*.

(viii) Family Lepiosteidae: Gar-pikes: All members of the family.

(d) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

(e) 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) Crustaceans:

All nonnative crustaceans classified as shellfish.

(b) Fish:

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oneochromis*, and *Sartheradon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Goldfish, *Carassius auratus*.

(C) Tench, *Tinca tinca*.

(D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis*.

(c) 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 232-12-01600A Nonnative aquatic species: The following provisions apply to nonnative aquatic species:

(1) Request for designation of unlisted aquatic animal 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 non-native 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) Provisions applying to prohibited aquatic animal species.

(a) 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.

(b) 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:

(i) 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.

(ii) Specimens are not transferred to any other facility without written approval by the director or designee.

(iii) 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.

(iv) 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.

(c) 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:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) 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.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. 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) List of 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, Scootney 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.

(4) 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.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW 77.15... (section 4, chapter 281, Laws of 2002).

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

WSR 02-15-002

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-140—Filed July 3, 2002, 2:14 p.m., effective July 8, 2002, 6:00 a.m.]

Date of Adoption: July 3, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable amounts of sea cucumbers are available in sea cucumber districts listed. Prohibition of all diving within two days of scheduled sea cucumber openings discourages the practice of fishing on closed days and hiding the unlawful catch underwater until the legal opening. 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: July 8, 2002, 6:00 a.m.

July 3, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-07100W Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Effective 6:00 a.m. July 8, 2002 until further notice, sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 3, 4 and 5 on Monday, Tuesday and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this emergency rule.

(2) The following areas are closed to the harvest of sea cucumbers at all times:

(a) The waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1 then due west to the shore on Bainbridge Island.

(b) The waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to land-fall below the Veteran's Home in Annapolis.

(3) It is unlawful to dive for any purpose from a commercially-licensed fishing vessel, except vessels actively fishing geoducks under contract with the Washington Department of Natural Resources, on July 13, 14, 20, 21, 27, 28, August 3, 4, 10, 11, 17, 18, 24, and 25, 2002.

WSR 02-15-003
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-143—Filed July 3, 2002, 2:17 p.m.]

Date of Adoption: July 3, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-23500M; and amending WAC 220-56-235.

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 population of yelloweye rockfish in coastal waters has greatly decreased and strict conservation measures are needed to protect this species. The Pacific Fishery Management Council has established very limited harvest quotas for this species and the National Marine Fisheries Service has enacted federal regulations, which prohibit the retention of yelloweye rockfish by recreational fishers in coastal areas adjacent to Washington. This regulation is needed to comply with federal regulations and is part of an evolving package of state and federal regulations to meet conservation needs. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making:

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 3, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-23500N Possession limits—Bottomfish. Notwithstanding the provisions of WAC 220-56-235, effective immediately until further notice it is unlawful to fish for or possess yelloweye rockfish in those waters of Catch Record Card Areas 1 through 4. The daily limit for rockfish in Catch Record Card Areas 1 through 4 is ten of which no more than two may be canary rockfish.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-23500M Possession limits—Bottomfish (02-41)

WSR 02-15-013
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-138—Filed July 5, 2002, 1:33 p.m.]

Date of Adoption: July 5, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-050.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department has determined that the bycatch of canary rockfish in the coastal pink shrimp fishery is projected to exceed the maximum amount permitted under the terms of the Pacific Fishery Management Council's rebuilding program for this species. This emergency rule requiring the use of bycatch reduction devices is necessary to allow the coastal pink shrimp fishery to remain open through the remainder of the scheduled season. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 5, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05000E Ocean pink shrimp trawl fishery—Coastal waters. Notwithstanding the provisions of WAC 220-52-050, effective July 5, 2002 until further notice, it is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless an approved bycatch reduction device is used in each net. Approved bycatch reductions devices are:

(1) Fisheye Bycatch Reduction Device which functions as a forward facing escape hole in the top of the codend. The escape hole is maintained by a rigid frame that keeps it open at all times. An approved Fisheye must meet the following criteria:

(a) The escape hole must be forward facing, meaning that a fish must swim toward the mouth of the net to exit through the fisheye;

(b) The device must be placed on the top half of the codend, with the escape hole located no further forward than 84 codend meshes, counted from the terminal codend pursing rings. The escape hole must be unobstructed at all times;

(c) The escape hole must have a width and length that each exceeds seven inches.

(2) Soft Panel Bycatch Reduction Device which uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(a) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal end of the codend;

(b) The panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots;

(c) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(d) The escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net;

(3) Nordmore Grate uses a rigid panel of narrowly spaced vertical bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. An approved Nordmore grate must meet the following criteria:

(a) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(b) None of the openings between the vertical bars in the rigid panel may exceed two inches in width;

(c) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(d) the escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(ii) All bycatch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of an authorized agent of the state. No trawl gear may be removed from the vessel prior to offloading of shrimp.

(iii) It is unlawful to modify bycatch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the bycatch reduction device to measure shrimp loss. Authorized testing of bycatch reduction devices must meet the following criteria:

(a) All testing must be conducted between 4:00 p.m. Pacific Daylight Time and sunset;

(b) for vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled bycatch reduction device, the other net must be fishing a fully functional bycatch reduction device as described in subsection (i).

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 02-15-014

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 02-146—Filed July 5, 2002, 1:36 p.m.]

Date of Adoption: July 5, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-282.

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 harvest guideline of seven hundred fish is estimated to have been caught by July 13, 2002. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 13, 2002, 12:01 a.m.

July 5, 2002
Sara G. LaBorde
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-28200F Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-282, effective 12:01 a.m. July 13, 2002 until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River from the Dalles Dam upstream to John Day Dam.

**WSR 02-15-015
EMERGENCY RULES
DEPARTMENT OF**

SOCIAL AND HEALTH SERVICES

(Health and Rehabilitative Services Administration)

[Filed July 5, 2002, 2:23 p.m.]

Date of Adoption: June 27, 2002.

Purpose: The department is amending WAC 388-805-005, 388-805-030, 388-805-065, 388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750 and implementing new WAC 388-805-035 and 388-805-040, regulating opiate substitution treatment programs. An emergency WAC adoption was submitted to the Washington State Code Reviser's Office on March 8, 2002, effective March 11, 2002, that modified Washington administrative codes to begin recognizing the Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration (SAMHSA) certification standards and implement the requirements of SSB 5417, an act relating to opiate substitution treatment programs that amended chapter 70.96A RCW effective July 22, 2001. This emergency rule adoption will extend the initial emergency rule for another one hundred twenty days. A preproposal statement of inquiry has been filed as WSR 02-10-112.

Citation of Existing Rules Affected by this Order: Amending WAC 388-805-005, 388-805-030, 388-805-065,

388-805-145, 388-805-205, 388-805-300, 388-805-710, 388-805-720, 388-805-730, 388-805-740, and 388-805-750.

Statutory Authority for Adoption: Chapter 70.96A RCW, and 42 Code of Federal Regulations, Part 8.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The CSAT, SAMHSA adopted 42 C.F.R., Part 8, Certification of Opioid Treatment Programs January 17, 2001, effective May 18, 2001, regulating opiate substitution treatment programs. SSB 5417, an act relating to opiate substitution treatment programs amended chapter 70.96A RCW was effective July 22, 2001. Emergency rules are necessary to permit the department to certify eligible opioid treatment programs while permanent rules are being developed.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 11, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 11, Repealed 0.

Effective Date of Rule: Immediately.

June 27, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-005 What definitions are important throughout this chapter? "Added service" means the adding of certification for chemical dependency levels of care to an existing certified agency at an approved location.

"Addiction counseling competencies" means the knowledge, skills, and attitudes of chemical dependency counselor professional practice as described in Technical Assistance Publication No. 21, Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services 1998.

"Administrator" means the person designated responsible for the operation of the certified treatment service.

"Adult" means a person eighteen years of age or older.

"Alcoholic" means a person who has the disease of alcoholism.

"Alcoholism" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing

its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Approved supervisor" means a person who meets the education and experience requirements described in WAC 246-811-030 and 246-811-045 through 246-811-049 and who is available to the person being supervised.

"Area" means the county in which an opiate substitution treatment program applicant proposes to locate a certified program, and counties adjacent or near to the county in which the program is proposed to be located.

"Authenticated" means written, permanent verification of an entry in a patient treatment record by an individual, by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry. If patient records are maintained electronically, unique electronic passwords, biophysical or passcard equipment are acceptable methods of authentication.

"Authentication record" means a document that is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

- (1) Full printed name;
- (2) Signature including the first initial and last name; and
- (3) Initials and abbreviations indicating professional designation or job title.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Branch site" means a physically separate certified site where qualified staff provides a certified treatment service, governed by a parent organization. The branch site is an extension of a certified provider's services to one or more sites.

"CSAT" means the Federal Center For Substance Abuse Treatment, a substance abuse service center of the Substance Abuse and Mental Health Services Administration.

"Certified treatment service" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 388-805 WAC.

"Change in ownership" means one of the following conditions:

- (1) When the ownership of a certified chemical dependency treatment provider changes from one distinct legal entity (owner) to a distinct other;
- (2) When the type of business changes from one type to another; or
- (3) When the current ownership takes on a new owner of five percent or more of the organizational assets.

"Chemical dependency" means a person's alcoholism or drug addiction or both.

"Chemical dependency counseling" means face-to-face individual or group contact using therapeutic techniques that are:

- (1) Led by a chemical dependency professional (CDP), or CDP trainee under supervision of a CDP;
- (2) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and
- (3) Directed toward a goal of abstinence for chemically dependent persons.

"Chemical dependency professional" means a person certified as a chemical dependency professional by the Washington state department of health under chapter 18.205 RCW.

"Child" means a person less than eighteen years of age, also known as adolescent, juvenile, or minor.

"County coordinator" means the person designated by the chief executive officer of a county to carry out administrative and oversight responsibilities of the county chemical dependency program.

"Criminal background check" means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol.

"Danger to self or others," for purposes of WAC 388-805-520, means a youth who resides in a chemical dependency treatment agency and creates a risk of serious harm to the health, safety, or welfare to self or others. Behaviors considered a danger to self or others include:

- (1) Suicide threat or attempt;
- (2) Assault or threat of assault; or
- (3) Attempt to run from treatment, potentially resulting in a dangerous or life-threatening situation.

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

"Determination of need" means a process used by the department for opiate substitution treatment program certification applications as described in WAC 388-805-040.

"Detoxification" or **"detox"** means care and treatment of a person while the person recovers from the transitory effects of acute or chronic intoxication or withdrawal from alcohol or other drugs.

"Disability, a person with" means a person whom:

- (1) Has a physical or mental impairment that substantially limits one or more major life activities of the person;
- (2) Has a record of such an impairment; or
- (3) Is regarded as having such an impairment.

"Discrete treatment service" means a chemical dependency treatment service that:

- (1) Provides distinct chemical dependency supervision and treatment separate from any other services provided within the facility;
- (2) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and

(3) Has separate accounting records and documents identifying the provider's funding sources and expenditures of all funds received for the provision of chemical dependency treatment services.

"Domestic violence" means:

(1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;

(2) Sexual assault of one family or household member by another;

(3) Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member; or

(4) As defined in RCW 10.99.020, RCW 26.50.010, or other Washington state statutes.

"Drug addiction" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. Drug addiction is characterized by impaired control over use of drugs, preoccupation with drugs, use of a drug despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic.

"Essential requirement" means a critical element of chemical dependency treatment services that must be present in order to provide effective treatment.

"First steps" means a program available across the state for low-income pregnant women and their infants. First steps provides maternity care for pregnant and postpartum women and health care for infants and young children.

"Governing body" means the legal entity responsible for the operation of the chemical dependency treatment service.

"HIV/AIDS brief risk intervention (BRI)" means an individual face-to-face interview with a client or patient, to help that person assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission.

"HIV/AIDS education" means education, in addition to the brief risk intervention, designed to provide a person with information regarding HIV/AIDS risk factors, HIV antibody testing, HIV infection prevention techniques, the impact of alcohol and other drug use on risks and the disease process, and trends in the spread of the disease.

"Medical practitioner" means a physician, advanced registered nurse practitioner (ARNP), or certified physician's assistant. ARNPs and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services.

"Misuse" means use of alcohol or other drugs by a person in:

(1) Violation of any law; or

(2) Breach of agency policies relating to the drug-free work place.

"Off-site treatment" means provision of chemical dependency treatment by a certified provider at a location where treatment is not the primary purpose of the site; such as in schools, hospitals, or correctional facilities.

"Opiate substitution treatment ((agency)) program" means an organization that administers or dispenses an approved drug as specified in 212 CFR Part 291 for treatment or detoxification of opiate substitution. The agency is:

(1) ~~((Approved by the Federal Food and Drug Administration))~~ Certified as an opioid treatment program by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration;

(2) ~~((Registered with))~~ Licensed by the Federal Drug Enforcement Administration;

(3) Registered ~~((with))~~ by the state board of pharmacy;

(4) ~~((Licensed by the county in which it operates))~~ Accredited by an opioid treatment program accreditation body approved by the Federal Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration; and

(5) Certified as an opiate substitution treatment ~~((agency))~~ program by the department.

"Outcomes evaluation" means a system for determining the effectiveness and efficiency of results achieved by patients during or following service delivery, and patient satisfaction with those results for the purpose of program improvement.

"Patient" is a person receiving chemical dependency treatment services from a certified program.

"Patient contact" means time spent with a client or patient to do assessments, individual or group counseling, or education.

"Patient placement criteria (PPC)" means admission, continued service, and discharge criteria found in the Patient Placement Criteria for the Treatment of Substance-Related Disorders as published and revised by the American Society of Addiction Medicine (ASAM).

"Probation assessment officer (PAO)" means a person employed at a certified district or municipal court probation assessment service that meets the PAO requirements of WAC 388-805-220.

"Probation assessment service" means a certified assessment service offered by a misdemeanor probation department or unit within a county or municipality.

"Progress notes" are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery.

"Qualified personnel" means trained, qualified staff, consultants, trainees, and volunteers who meet appropriate legal, licensing, certification, and registration requirements.

"Registered counselor" means a person registered, or certified by the state department of health as required by chapter 18.19 RCW.

"Relocation" means change in location from one office space to a new office space, or moving from one office building to another.

"Remodeling" means expansion of existing office space to additional office space at the same address, or remodeling of interior walls and space within existing office space.

"**Restraint**," for purposes of WAC 388-805-520, means the use of methods, by a trained staff person, to prevent or limit free body movement in case of out-of-control behavior.

"**Restraint**" includes:

- (1) Containment or seclusion in an unlocked quiet room;
- (2) Physical restraint, meaning a person physically holds or restricts another person in a safe manner for a short time in an immediate crisis; or
- (3) Use of a safe and humane apparatus, which the person cannot release by oneself.

"SAMHSA" means the Federal Substance Abuse and Mental Health Services Administration.

"**Service provider**" or "**provider**" means a legally operated entity certified by the department to provide chemical dependency services. The components of a service provider are:

- (1) Legal entity/owner;
- (2) Facility; and
- (3) Staff and services.

"**Sexual abuse**" means sexual assault, incest, or sexual exploitation.

"**Sexual harassment**" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or treatment; or
- (2) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

"**Substance abuse**" means a recurring pattern of alcohol or other drug use that substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social.

"**Summary suspension**" means an immediate suspension of certification, per RCW 34.05.422(4), by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department.

"**Supervision**" means:

- (1) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, trainee, student, volunteer, or employee on contract by a person with the authority to give directions and require change; and
- (2) "**Direct supervision**" means the supervisor is on the premises and available for immediate consultation.

"**Suspend**" means termination of the department's certification of a provider's treatment services for a specified period or until specific conditions have been met and the department notifies the provider of reinstatement.

"TARGET" means the treatment and assessment report generation tool.

"**Treatment services**" means the broad range of emergency, detoxification, residential, and outpatient services and care. Treatment services include diagnostic evaluation, chemical dependency education, individual and group counseling, medical, psychiatric, psychological, and social services, vocational rehabilitation and career counseling that

may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other drugs, and intoxicated persons.

"**Urinalysis**" means analysis of a patient's urine sample for the presence of alcohol or controlled substances by a licensed laboratory or a provider who is exempted from licensure by the department of health:

(1) "**Negative urine**" is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

(2) "**Positive urine**" is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

"**Vulnerable adult**" means a person who lacks the functional, mental, or physical ability to care for oneself.

"**Young adult**" means an adult who is eighteen, nineteen, or twenty years old.

"**Youth**" means a person seventeen years of age or younger.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-030 ((How do I apply)) What are the requirements for opiate substitution treatment ((service)) program certification? Certification as an opiate substitution treatment program is contingent on the concurrent approval by applicable state regulatory authorities; certification as an opioid treatment program by the Federal CSAT SAMHSA; accreditation by an opioid treatment program accreditation body approved by the Federal CSAT SAMHSA; and licensure by the Federal Drug Enforcement Administration. In addition to WAC 388-805-015 or 388-805-020 requirements, a potential opiate substitution treatment ((service)) program provider must submit to the department:

~~(1) ((Evidence of licensure from the county served, or evidence the county has authorized a specific certified agency to provide opiate substitution treatment, per RCW 70.96A.400 through 70.96A.420.~~

~~(2)) A copy of the application for a registration certificate from the Washington state board of pharmacy.~~

~~((3)) (2) A copy of the application for licensure to the Federal Drug Enforcement Administration.~~

~~((4)) (3) A copy of the application for certification to the Federal ((Food and Drug Administration)) CSAT SAMHSA.~~

(4) A copy of the application for accreditation by an accreditation body approved as an opioid treatment program accreditation body by the Federal CSAT SAMHSA.

(5) Policies and procedures identified under WAC 388-805-700 through 388-805-750.

~~((4)) (3) A copy of the application for certification to the Federal ((Food and Drug Administration)) CSAT SAMHSA.~~
~~(6) ((Certification for opiate substitution treatment is contingent on the concurrent approval by the applicable county, state, and federal regulatory authorities)) Evidence that the program will be sited in accordance with the appropriate county or city land use ordinances.~~

(7) Documentation that transportation systems will provide reasonable opportunities to persons in need of treatment to access the services of the program.

(8) When applicable, a copy of national accreditation, state certification/accreditation, and survey reports from national or state certification or accreditation organizations over the past six years when operating an opiate substitution treatment program in another state.

(9) At least three letters of support from other providers within the existing health care system in the area the applicant proposes to establish a new opiate substitution treatment program to demonstrate an appropriate relationship to the service area's existing health care system.

(10) A declaration to limit the number of individual program participants to three hundred fifty as specified in RCW 70.96A.410 (1)(e).

NEW SECTION

WAC 388-805-035 What are the responsibilities for the department when an applicant applies for approval?

When making a decision on an application for certification of a program, the department must:

(1) Consult with the county legislative authorities in the area in which an applicant proposes to locate a program and the city legislative authority in any city in which an applicant proposes to locate a program. The department will request county and city legislative authorities to notify the department of any applicable requirements or other issues that the department should consider in order to fulfill the requirements of WAC 388-805-030 (6) and (7), or 388-805-040 (1) through (5);

(2) Not discriminate in its certification decision on the basis of the corporate structure of the applicant;

(3) Consider the size of the population in need of treatment in the area in which the program would be located and certify only applicants whose programs meet the necessary treatment needs of the population;

(4) Determine there is a need in the community for opiate substitution treatment and not certify more program slots than justified by the need in that community as described in WAC 388-805-040;

(5) Consider whether the applicant has the capability, or has in the past demonstrated the capability to provide appropriate treatment services to assist persons in meeting legislative goals of abstinence from opiates and opiate substitutes, obtaining mental health treatment, improving economic independence, and reducing adverse consequences associated with illegal use of controlled substances;

(6) Hold at least one public hearing in the county in which the facility is proposed to be located and one hearing in the area or adjacent county with the largest population in which the facility is proposed to be located. The hearing must be held at a time and location most likely to permit the largest number of interested persons to attend and present testimony. The department must notify all appropriate media outlets of the time, date, and location of the hearing at least three weeks in advance of the hearing.

NEW SECTION

WAC 388-805-040 How does the department determine there is a need in the community for opiate substitu-

tion treatment? The department will determine whether or not there is a demonstrated need in the community for opiate substitution treatment from information provided to the department by the applicant and through department consultation with city and county legislative authorities, and other appropriate community resources. A "determination of need" for a proposed program will include a review and evaluation of the following criteria:

(1) For the number of potential clients in an area, the department will consider the size of the population in need of treatment in the area in which the program would be located using adult population statistics from the most recent area population trend reports. The department will use the established ratio of .7 percent of the adult population as an estimate for the number of potential clients in need of opiate substitution treatment program services.

(2) For the number of anticipated program slots in an area, the department will multiply the sum of the established ratio of .7 percent of the adult population in subsection (1) of this section by thirty-five percent to determine an estimate of the anticipated need for the number of opiate substitution treatment program slots in the area in which the program would be located.

(3) Demographic and trend data from the area in which the program would be located including the most recent department county trend data, TARGET admission data for opiate substitution treatment from the area, hospital and emergency department admission data from the area, needle exchange data from the area, and other relevant reports and data from city and county health organizations demonstrating the need for opiate substitution treatment program services.

(4) Availability of other opiate substitution treatment programs near the area of the applicant's proposed program. The department will determine the number of patients, capacity, and accessibility of existing opiate substitution treatment programs near the area of the applicant's proposed program and whether existing programs have the capacity to assume additional patients for treatment services.

(5) Whether the population served or to be served has need for the proposed program and whether other existing services and facilities of the type proposed are available or accessible to meet that need. The assessment will include, but not limited to, consideration of the following:

(a) The extent to which the proposed program meets the need of the population presently served;

(b) The extent to which the underserved need will be met adequately by the proposed program; and

(c) The impact of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, the elderly, and other underserved groups to obtain needed health care.

(6) The department will review agency policies and procedures that describe the cost of services to clients, sliding fee scales, and charity care policies, procedures, and goals.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-065 How does the department determine disqualification or denial of an application? The department must consider the ability of each person named in the application to operate in accord with this chapter before the department grants or renews certification of a chemical dependency service.

(1) The department must deny an applicant's certification when any of the following conditions occurred and was not satisfactorily resolved, or when any owner or administrator:

(a) Had a license or certification for a chemical dependency treatment service or health care agency denied, revoked, or suspended;

(b) Was convicted of child abuse or adjudicated as a perpetrator of substantiated child abuse;

(c) Obtained or attempted to obtain a health provider license, certification, or registration by fraudulent means or misrepresentation;

(d) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;

(e) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient or displayed acts of discrimination;

(f) Misappropriated patient property or resources;

(g) Failed to meet financial obligations or contracted service commitments that affect patient care;

(h) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(i) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(i) The application or materials attached; and

(ii) Any matter under department investigation.

(j) Refused to allow the department access to records, files, books, or portions of the premises relating to operation of the chemical dependency service;

(k) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative;

(l) Is in violation of any provision of chapter 70.96A RCW; or

(m) Does not meet criminal background check requirements.

(2) The department may deny certification when an applicant:

(a) Fails to provide satisfactory application materials; or

(b) Advertises itself as certified when certification has not been granted, or has been revoked or canceled.

(3) The department may deny an application for certification of an opiate substitution treatment program when:

(a) There is not a demonstrated need in the community for opiate substitution treatment and/or there is not a demonstrated need for more program slots justified by the need in that community;

(b) There is sufficient availability, accessibility, and capacity of other certified programs near the area in which the applicant proposes to locate the program;

(c) The applicant has not demonstrated in the past, the capability to provide the appropriate services to assist the persons who will utilize the program in meeting goals established by the legislature, including:

(i) Abstinence from opiates and opiate substitutes,

(ii) Obtaining mental health treatment,

(iii) Improving economic independence, and

(iv) Reducing adverse consequences associated with illegal use of controlled substances.

(4) The applicant may appeal department decisions in accord with chapter 34.05 RCW, the Washington Administrative Procedure Act and chapter 388-02 WAC.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-145 What are the key responsibilities required of an agency administrator? (1) The administrator is responsible for the day-to-day operation of the certified treatment service, including:

(a) All administrative matters;

(b) Patient care services; and

(c) Meeting all applicable rules and ethical standards.

(2) When the administrator is not on duty or on call, a staff person must be delegated the authority and responsibility to act in the administrator's behalf.

(3) The administrator must ensure administrative, personnel, and clinical policy and procedure manuals:

(a) Are developed and adhered to; and

(b) Are reviewed and revised as necessary, and at least annually.

(4) The administrator must employ sufficient qualified personnel to provide adequate chemical dependency treatment, facility security, patient safety and other special needs of patients.

(5) The administrator must ensure all persons providing counseling services are registered, certified or licensed by the department of health.

(6) The administrator must ensure full-time chemical dependency professionals (CDPs) or CDP trainees do not exceed one hundred twenty hours of patient contact per month.

(7) The administrator must assign the responsibilities for a clinical supervisor to a least one person within the organization.

(8) The administrator of a certified opiate substitution treatment program must ensure that the number of patients will not exceed three hundred and fifty unless authorized by the county in which the program is located.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-205 What are agency personnel file requirements? (1) The administrator must ensure that there is a current personnel file for each employee, trainee, student, and volunteer, and for each contract staff person who provides or supervises patient care.

(2) The administrator must designate a person to be responsible for management of personnel files.

- (3) Each person's file must contain:
- (a) A copy of the results of a tuberculin skin test or evidence the person has completed a course of treatment approved by a physician or local health officer if the results are positive;
- (b) Documentation of training on bloodborne pathogens, including HIV/AIDS and hepatitis B for all employees, volunteers, students, and treatment consultants on contract;
- (i) At the time of staff's initial assignment to tasks where occupational exposure may take place;
- (ii) Annually thereafter for bloodborne pathogens;
- (c) A signed and dated commitment to maintain patient confidentiality in accordance with state and federal confidentiality requirements; and
- (d) A record of an orientation to the agency as described in WAC 388-805-200(5).
- (4) For residential facilities, documentation of current cardiopulmonary resuscitation (CPR) and first aid training for at least one person on each shift.
- (5) Documentation of health department training and approval for any staff administering or reading a TB test.
- (6) Employees who are patients or have been patients of the agency must have personnel records:
- (a) Separate from clinical records; and
- (b) Have no indication of current or previous patient status.
- (7) In addition, each patient care staff member's personnel file must contain:
- (a) Verification of qualifications for their assigned position including:
- (i) For a chemical dependency professional (CDP): A copy of the person's valid CDP certification issued by the department of health (DOH);
- (ii) For approved supervisors: Documentation to substantiate the person meets the qualifications of an approved supervisor as defined in WAC 246-811-010.
- (iii) For ~~((other persons providing counseling, a copy of a valid registration, certification, or license issued by the DOH))~~ each person engaged in the treatment of chemical dependency, including counselors, physicians, nurses, and other registered, certified, or licensed health care professionals, evidence they comply with the credentialing requirements of their respective professions.
- (iv) For probation assessment officers (PAO): Documentation that the person has met the education and experience requirements described in WAC 388-805-220;
- (v) For probation assessment officer trainees:
- (A) Documentation that the person meets the qualification requirements described in WAC 388-805-225; and
- (B) Documentation of the PAO trainee's supervised experience as described in WAC 388-805-230 including an individual education and experience plan and documentation of progress toward completing the plan.
- (vi) For information school instructors:
- (A) A copy of a certificate of completion of an alcohol and other drug information school instructor's training course approved by the department; and
- (B) Documentation of continuing education as specified in WAC 388-805-250.

- (b) A copy of a current job description, signed and dated by the employee and supervisor which includes:
- (i) Job title;
- (ii) Minimum qualifications for the position;
- (iii) Summary of duties and responsibilities;
- (iv) For contract staff, formal agreements or personnel contracts, which describe the nature and extent of patient care services, may be substituted for job descriptions.
- (c) A written performance evaluation for each year of employment:
- (i) Conducted by the immediate supervisor of each staff member; and
- (ii) Signed and dated by the employee and supervisor.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-300 What must be included in the agency clinical manual? Each chemical dependency service provider must have and adhere to a clinical manual containing patient care policies and procedures, including:

(1) How the provider meets WAC 388-805-305 through 388-805-350 requirements.

(2) How the provider will meet applicable certified service requirements of WAC 388-805-400 through 388-805-840, including a description of each service offered, detailing:

(a) The number of hours of treatment and education for each certified service; and

(b) Allowance of up to twenty percent of education time to consist of film or video presentations.

(3) Identification of resources and referral options so staff can make referrals required by law and as indicated by patient needs.

(4) Assurance that there is an identified clinical supervisor who:

(a) Is a chemical dependency professional (CDP);

(b) Reviews a sample of patient records of each CDP quarterly; and

(c) Ensures implementation of assessment, treatment, continuing care, transfer and discharge plans in accord with WAC 388-805-315.

(5) Patient admission and discharge criteria using PPC.

(6) Policies and procedures to implement the following requirements:

(a) The administrator must not admit or retain a person unless the person's treatment needs can be met;

(b) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must assess and refer each patient to the appropriate treatment service; and

(c) A person needing detoxification must immediately be referred to a detoxification provider, unless the person needs acute care in a hospital.

((6)) (7) Additional requirements for opiate substitution treatment programs:

(a) A person under eighteen years of age needing opiate substitution treatment is required to have had two documented attempts at short-term detoxification or drug-free treatment within a twelve-month period. A waiting period of

no less than seven days is required between the first and second short-term detoxification treatment.

(b) No person under eighteen years of age may be admitted to maintenance treatment unless a parent, legal guardian, or responsible adult designated by the relevant state authority consents in writing to treatment.

(c) Documentation in each patient's record that the service provider made a good faith effort to review if the patient is enrolled in any other opiate substitution treatment service.

(d) When the medical director or program physician of an opiate substitution treatment program provider in which the patient is enrolled determines that exceptional circumstances exist, the patient may be granted permission to seek concurrent treatment at another opiate substitution treatment program provider. The justification for finding exceptional circumstances for double enrollment must be documented in the patient's record at both treatment program providers.

(8) Tuberculosis screening for prevention and control of TB in all detox, residential, and outpatient programs, including:

- (a) Obtaining a history of preventive or curative therapy;
- (b) Screening and related procedures for coordinating with the local health department; and
- (c) Implementing TB control as provided by the department of health TB control program.

((7)) (9) HIV/AIDS information, brief risk intervention, and referral.

((8)) (10) Limitation of group counseling sessions to twelve or fewer patients.

((9)) (11) Counseling sessions with nine to twelve youths to include a second adult staff member.

((10)) (12) Provision of education to each patient on:

- (a) Alcohol, other drugs, and chemical dependency;
- (b) Relapse prevention; and
- (c) HIV/AIDS, hepatitis, and TB.

((11)) (13) Provision of education or information to each patient on:

(a) The impact of chemical use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of chemical use during pregnancy;

- (b) Emotional, physical, and sexual abuse; and
- (c) Nicotine addiction.

((12)) (14) An outline of each lecture and education session included in the service, sufficient in detail for another trained staff person to deliver the session in the absence of the regular instructor.

((13)) (15) Assigning of work to a patient by a CDP when the assignment:

- (a) Is part of the treatment program; and
- (b) Has therapeutic value.

((14)) (16) Use of self-help groups.

((15)) (17) Patient rules and responsibilities, including disciplinary sanctions for noncomplying patients.

((16)) (18) If youth are admitted, a policy and procedure for assessing the need for referral to child welfare services.

((17)) (19) Implementation of the deferred prosecution program.

((18)) (20) Policy and procedures for reporting status of persons convicted under chapter 46.61 RCW to the department of licensing.

((19)) (21) Nonresidential providers must have policies and procedures on:

- (a) Medical emergencies;
- (b) Suicidal and mentally ill patients;
- (c) Medical oversight, including provision of a physical examination by a medical practitioner, on a person who:
 - (i) Is at risk of withdrawal from barbiturates or benzodiazepines; or
 - (ii) Used intravenous drugs in the thirty days before admission;
- (d) Laboratory tests;
- (e) Services and resources for pregnant women:
 - (i) A pregnant woman who is not seen by a private physician must be referred to a physician or the local first steps maternity care program for determination of prenatal care needs; and
 - (ii) Services include discussion of pregnancy specific issues and resources.
- (f) If using medication services:
 - (i) A medical practitioner must evaluate each patient who is taking disulfiram at least once every ninety days;
 - (ii) Patient medications are stored, disbursed, and recorded in accord with chapter 246-326 WAC; and
 - (iii) Only a licensed nurse or medical practitioner may administer medication.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-710 What are the requirements for opiate substitution medical management? (1) A program physician must provide oversight for determination of opiate physical addiction for each patient before admission unless the patient is exempted by the Federal (~~Food and Drug Administration~~) **CSAT, SAMHSA**, and:

(a) Be available for consultation when an opiate physical addiction determination is conducted by anyone other than the program physician; and

(b) Conduct the opiate physical addiction determination for all youth patients.

(2) A physical examination must be conducted on each patient:

(a) By a program physician or other medical practitioner; and

(b) Within (~~twenty-one~~) **fourteen** days of admission.

(3) Following the patient's initial dose of opiate substitution treatment, the physician must establish adequacy of dose, considering:

- (a) Signs and symptoms of withdrawal;
- (b) Patient comfort; and
- (c) Side effects from over-medication.

(4) At the appropriate time, a program physician must approve an individual detoxification schedule for each patient being detoxified.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-720 What are the requirements for urinalysis in opiate substitution treatment? (1) The provider must obtain a urine sample from each patient for urinalysis:

- (a) At least ~~((once each month))~~ eight times per year; and
 - (b) Randomly, without notice to the patient.
- (2) Staff must observe the collection of each urine sample and use proper chain of custody techniques when handling each sample;
- (3) When a patient refuses to provide a urine sample or initial the log of sample numbers, staff must consider the urine positive; and
- (4) Staff must document a positive urine and discuss the findings with the patient ~~((in a))~~ at the next scheduled counseling session ~~((within seven days of receiving the results of the test)).~~

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-730 What are the requirements for opiate substitution treatment dispensaries? (1) Each opiate substitution treatment provider must comply with applicable portions of 21 CFR, Part 1301 requirements, as now or later amended.

- (2) The administrator must ensure written policies and procedures to verify the identity of patients.
- (3) Dispensary staff must maintain a file with a photograph of each patient. Dispensary staff must ensure pictures are updated when:
 - (a) The patient's physical appearance changes significantly; or
 - (b) Every two years, whichever comes first.
- (4) In addition to notifying the ~~((Food and Drug))~~ Federal CSAT, SAMHSA and the Federal Drug Enforcement Administration, the administrator must immediately notify the department and the state board of pharmacy of any theft or significant loss of a controlled substance.

(5) The administrator must have a written diversion control plan that contains specific measures to reduce the possibility of diversion of controlled substances from legitimate treatment use and that assigns specific responsibility to the medical and administrative staff members for carrying out the diversion control measures and functions described in the plan.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-740 What are the requirements for opiate substitution treatment counseling? (1) A chemical dependency professional (CDP), or a CDP trainee under supervision of a CDP, must provide individual or group counseling sessions once each:

- (a) Week, for the first ninety days, for a new patient or a patient readmitted more than ninety days since the person's most recent discharge from opiate substitution treatment;

- (b) Week, for the first month, for a patient readmitted within ninety days of the most recent discharge from opiate substitution treatment; and

- (c) Month, for a patient transferring from another opiate substitution treatment ~~((agency))~~ program where the patient stayed for ninety or more days.

(2) A CDP, or a CDP trainee under supervision of a CDP, must conduct and document a continuing care review with each patient to review progress, discuss facts, and determine the need for continuing opiate substitution treatment:

- (a) Between six and seven months after admission; and
 - (b) Once every six months thereafter.
- (3) A CDP, or a CDP trainee under supervision of a CDP, must provide counseling in a location that is physically separate from other activities.

(4) ~~((The administrator must ensure at least one full-time CDP, or a CDP trainee under supervision of a CDP, for each fifty patients:~~

- ~~((a) A CDP with one or more CDP trainees may be assigned as primary counselor for up to seventy-five patients, including those assigned to the CDP trainee; and~~

- ~~((b) A CDP trainee may be assigned up to thirty-five patients-~~

- ~~((5))~~ (5) A pregnant woman and any other patient who requests, must receive at least one-half hour of counseling and education each month on:

- (a) Matters relating to pregnancy and street drugs;
- (b) Pregnancy spacing and planning; and
- (c) The effects of opiate substitution treatment on the woman and fetus, when opiate substitution treatment occurs during pregnancy.

- ~~((6))~~ (5) Staff must provide at least one-half hour of counseling on family planning with each patient through either individual or group counseling.

- ~~((7))~~ (6) The administrator must ensure there is one staff member who has training in family planning, prenatal health care, and parenting skills.

AMENDATORY SECTION (Amending WSR 00-23-107, filed 11/21/00, effective 1/1/01)

WAC 388-805-750 What are the requirements for opiate substitution treatment take-home medications? (1) An opiate substitution treatment provider may authorize take-home medications for a patient when:

- (a) The medication is for a Sunday or legal holiday, as identified under RCW 1.16.050; or
- (b) Travel to the facility presents a safety risk for patients or staff due to inclement weather.

(2) A service provider may permit take-home medications on other days for a stabilized patient who:

- (a) Has received opiate substitution treatment medication for a minimum of ninety days; and
 - (b) Had negative urines for the last sixty days.
- (3) The provider must meet ~~((24))~~ 42 CFR, Part ~~((291))~~ 8 requirements.

(4) The provider may arrange for opiate substitution treatment medication to be administered by licensed staff or self-administered by a pregnant woman receiving treatment at a certified residential treatment agency when:

- (a) The woman had been receiving treatment medication for ninety or more days; and
- (b) The woman's use of treatment medication can be supervised.

**WSR 02-15-024
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-145—Filed July 10, 2002, 8:13 a.m.]

Date of Adoption: July 9, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500A; 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 regulation increases the area open to recreational halibut fishing. The allowable quota for this area has not been taken this year and the regulation change will increase the area open to halibut fishing closer to shore. The federal government is enacting identical regulations and this regulation is needed to conform to federal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 9, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-25500B 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, south of 47 degrees, 31 minutes, 42 seconds N, north of 47 degrees 00 minutes N latitude and east of 124 degrees 40 minutes west longitude. - Open immediately through September 30.

(b) All other open waters of Area 2 - Fishing is open July 7 through July 11. Sundays through Thursdays only.

(c) Effective July 12, 2002 until further notice the following waters of Catch Record Card Area 2 are open Fridays and Saturdays only:

(i) 47 degrees, 19 minutes, 0 seconds N; 124 degrees, 53 minutes, 0 seconds W

47 degrees, 19 minutes, 0 seconds N; 124 degrees, 48 minutes, 0 seconds W

47 degrees, 16 minutes, 0 seconds N; 124 degrees, 53 minutes, 0 seconds W

47 degrees, 16 minutes, 0 seconds N; 124 degrees, 48 minutes, 0 seconds W

(ii) 47 degrees, 00 minutes N, north of 46 degrees, 38 minutes, 10 seconds N and east of 124 degrees, 27 minutes W.

(d) The daily bag limit is one halibut of any size.

(3) Catch Record Card Areas 3 and 4 - Closed until further notice.

(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 220-56-25500A Halibut—Seasons—Daily limits. (02-137)

**WSR 02-15-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-144—Filed July 10, 2002, 4:03 p.m., effective July 11, 2002, 12:01 a.m.]

Date of Adoption: July 10, 2002.

Purpose: Amend personal use rules.

EMERGENCY

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The summer chinook run has exceeded the escapement goal at Bonneville Dam of 80,000 - 90,000 summer chinook and is on track to be the largest summer chinook return in forty years. Impacts to the listed Snake River component of this run are projected to be less than the management guideline of 1%. A strong run of summer chinook will pass Priest Rapids Dam in 2002. The expected spawning escapement will greatly surpass hatchery broodstock needs and allow for a significant increase over brood levels of natural escapement. This stock is stable to increasing, not listed under the Endangered Species Act, and the proposed fishery is deemed by the National Marine Fisheries Service as not likely to have negative impacts on listed fish species. 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: July 11, 2002, 12:01 a.m.

July 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900W Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective August 1, 2002 until further notice in those waters of the Columbia River from Buoy 10 line to Rocky Point-Tongue Point Line - daily limit two salmon, both of which may be chinook.

(2) Effective July 11 through July 31, 2002, in those waters of the Columbia River from Rocky Point-Tongue Point Line to Highway 395 Bridge only adipose fin-clipped

chinook may be retained. Daily limit six salmon, only two may be adults.

(3) Effective July 16 through August 15, 2002, it is lawful to fish for salmon in those waters of the Columbia River from the Old Hanford townsite wooden powerline crossing upstream to Priest Rapids Dam. Daily limit is six salmon, no more than two adults. Release sockeye salmon.

(4) Effective July 16 through October 15, 2002, it is lawful to fish for salmon in those waters of the Columbia River from Priest Rapids Dam upstream to Wells Dam and between the Highway 173 Bridge at Brewster and Highway 17 Bridge at Bridgeport. Daily limit is six salmon, no more than two adults. Release sockeye and coho salmon.

(5) Effective July 16 through October 15, 2002, it is lawful to fish for salmon in those waters of the Okanogan River downstream of the Highway 97 Bridge to the mouth. Daily limit is six salmon, no more than two adults. Release sockeye and coho salmon.

WSR 02-15-031

EMERGENCY RULES

DEPARTMENT OF FISH AND WILDLIFE

[Order 02-151—Filed July 10, 2002, 4:04 p.m., effective July 13, 2002, 12:01 noon]

Date of Adoption: July 10, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100D; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures are consistent with these elements. Spot shrimp quotas have been reached in areas closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements, and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 13, 2002, 12:01 noon.

July 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-52-05100E Puget Sound shrimp pot and beam trawl fishery—Seasons & weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1A, 1C, 2, 3, 4, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective 12:00 p.m. July 13, 2002, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 26B-2.

(ii) Effective 9:00 p.m. July 14, 2002, until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-E.

(iii) Effective 5:00 a.m. July 15, 2002, until further notice, it is lawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-W.

(iv) Effective 12:01 a.m. July 15, 2002, until further notice, it is unlawful to harvest more than 300 lbs of spot shrimp per week taken for commercial purposes in Crustacean Management Region 1A.

(v) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23D and 25D.

(vi) Effective immediately until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 26B-1 and 26C.

(b) It is unlawful for the combined total harvest of spot shrimp by a fisher and/or the fisher's alternate operator to exceed 600 pounds per week, or to exceed 300 pounds per week from Crustacean Management Regions 1B, 1C, 2, 4 and 6, except, any fisher whose weekly shrimp harvest activity is exclusively limited to Marine Fish-Shellfish Catch and Reporting Areas 23C, 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.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include 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.

(d) 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.

(e) 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 considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) 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.

(g) 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.

(h) 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

(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.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon July 13, 2002:

WAC 220-52-05100D Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-134)

**WSR 01-15-032
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-148—Filed July 10, 2002, 4:05 p.m., effective July 11, 2002, 12:01 a.m.]

Date of Adoption: July 10, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900V; 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: These rules 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: July 11, 2002, 12:01 a.m.

July 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900X Exceptions to statewide rules—Baker, Cispus, Cowlitz, Green, Hoh, Klickitat, 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) Cowlitz River (Cowlitz/Lewis County)

(a) Effective immediately 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.

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(b) Effective immediately 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.

(c) Effective immediately 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.

(d) 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.

(4) Lake Scanewa (Cowlitz Falls Reservoir) (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 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.

(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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 11, 2002:

WAC 232-28-61900V

Exceptions to statewide rules—Baker, Cispus, Columbia, Cowlitz, Green, Hoh, Klickitat, Lewis (including North Fork), Nook-

sack, Puyallup, Skagit, Skykomish and Toutle (including North Fork) rivers and Lake Scanewa (Cowlitz Falls Reservoir). (02-131)

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.

WSR 02-15-033 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 02-149—Filed July 10, 2002, 4:06 p.m., effective July 12, 2002, 12:01 a.m.]

Date of Adoption: July 10, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100H; and amending WAC 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The chinook quota of 2,000 is projected to be taken by Thursday evening, July 11, 2002. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 12, 2002, 12:01 a.m.

July 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-62100I Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-126 and WAC 232-28-621, effective 12:01

a.m. July 12, 2002 until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section:

(1) Area 5 - Open through September 30 - Daily limit 2 salmon except release chum, chinook and wild coho salmon.

(2) Area 6 - Open through September 30 - Daily limit 2 salmon except release chinook, chum, and wild coho salmon.

(3) Area 7:

(a) Open until further notice - Daily limit 2 salmon not more than one of which may be a chinook salmon. Effective August 1 through September 30 release chum and wild coho salmon, and effective October 1 until further notice release chinook salmon.

(b) Notwithstanding the provisions of this subsection, during the period August 16 until further notice, the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195(1) is 4 salmon, no more than 2 of which may be chinook.

(4) Area 8-1 - Open August 1 until further notice - Daily limit 2 salmon except release chinook salmon.

(5) Area 8-2:

(a) Waters adjacent to Tulalip Bay west of the closed area line, within 2000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles north-west of Hermosa Point:

(i) Effective immediately through September 30 open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(ii) Open October 1 until further notice - Daily limit 2 salmon except release chinook

(b) All other waters of Area 8-2: open August 1 until further notice - Daily limit 2 salmon except release chinook salmon.

(6) Area 9 - Open until further notice - Daily limit 2 salmon except release chinook. Release chum salmon through September 30.

(a) Open year round when fishing from the Edmonds Fishing Pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon, and effective August 1 through September 30 release chum salmon.

(b) Open year round when fishing from the Hood Canal Bridge Fishing Pontoon:

(i) Effective immediately through August 31 - Daily limit 2 salmon except release chinook, and effective August 1 release chum salmon.

(ii) Effective September 1 until further notice - Daily limit 2 salmon not more than one of which may be a chinook. Release chum salmon through October 15.

(7) Area 10 - Open until further notice - Daily limit 2 salmon except release chinook salmon, and effective August 1 through September 15 release chum salmon.

(a) Elliott Bay east of a line from West Point to Alki Point closed through August 31, except waters east of a line from Pier 91 to Duwamish Head are open Friday through Sunday of each week effective immediately through August 18, 2002 - Daily limit 2 salmon (lawful to retain chinook).

(b) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east

from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(c) Shilshole Bay east of a line from Meadow Point to West Point closed through August 31.

(d) Effective through September 15 it is lawful to retain chinook salmon caught in waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White.

(e) Open year round when fishing from Elliott Bay Public Fishing Pier, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon. Effective August 1 through September 15 release chum salmon.

(8) Area 11:

(a) Open until further notice - Daily limit 2 salmon.

(b) Open year round when fishing from Les Davis Public Fishing Pier, Des Moines Public Fishing Pier, Redondo Public Fishing Pier, Dash Point Dock, and Point Defiance Boat-house Dock. Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Area 12, except waters of the Hoodspout Hatchery Zone which are managed separately as provided for in WAC 220-56-124:

(a) Waters south of Ayock Point:

(i) Open through October 15 - Daily limit 4 salmon, not more than two of which may be chinook salmon, and release chum salmon.

(ii) Open October 16 until further notice - Daily limit 4 salmon, not more than one of which may be a chinook salmon.

(b) Waters north of Ayock Point excluding waters of Quilcene Bay north of a line running east from Point Whitney to the Toandos Peninsula:

(i) Open September 1 through October 15 - Daily limit 4 coho salmon only.

(ii) Open October 16 until further notice - Daily limit 4 salmon, not more than one of which may be a chinook salmon.

(c) Open August 16 until further notice in waters of Quilcene Bay north of a line running east from Point Whitney to the Toandos Peninsula - Daily limit 4 coho salmon only.

(10) Area 13:

(a) Open until further notice - Daily limit 2 salmon except release wild coho.

(b) Carr Inlet north of a line from Penrose Point to Green Point - July 1 through July 31 terminal gear is restricted to fly fishing only, daily limit 2 hatchery coho salmon.

(c) Waters at Minter Creek mouth within 1,000 feet of outer oyster stakes are closed to salmon angling through September 30.

(d) Open year round when fishing from the Fox Island Public Fishing Pier. Daily limit 2 salmon not more than one of which may be a chinook salmon, and release wild coho salmon.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 11, 2002:

WAC 232-28-62100H Puget Sound salmon seasons—Saltwater seasons and daily limits (02-133)

**WSR 02-15-035
EMERGENCY RULES
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES**

[Filed July 11, 2002, 11:01 a.m.]

Date of Adoption: September 19, 2002 [July 11, 2002].

Purpose: Update rules regarding interdistrict/concurrent enrollment.

Citation of Existing Rules Affected by this Order: Amending WAC 131-12-041.

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

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 will update rules regarding interdistrict enrollment and the collection of tuition and fees. Colleges need the emergency rule adoption for planning purposes for fall quarter.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 11, 2002
DelRae Oderman
Executive Assistant

AMENDATORY SECTION (Amending WSR 98-15-011, filed 7/2/98, effective 8/2/98)

WAC 131-12-041 Interdistrict registration of students. ((Pursuant to authority granted in chapter 28B.50

RCW, the following regulations shall be observed by the community college districts in the interdistrict enrollment of students without the payment of additional tuition and fees as required by RCW 28B.15.500.)) Under the authority of RCW 28B.50.095 the following rule applies to the interdistrict enrollment of students at community colleges. The purpose of this rule is to allow students to concurrently enroll at more than one community college, but pay no more tuition and fees than if the student was enrolled at a single college.

(1) Interdistrict registration shall mean the concurrent enrollment of a student in community colleges operated by two or more community college districts.

(2) Interdistrict registration shall occur only on the basis of a specific agreement between the two or more colleges and shall be used only to accommodate students when courses will not be offered in a manner that will enable the timely completion of the student's program of study. Agreements may also include tuition and fee revenue sharing.

(3) ((If the student registers and pays (including loans, grants, waivers, and other forms of financial aid) the maximum tuition and fees in one college, a second college may allow such student to register for additional courses without payment of additional fees provided that the courses will not be offered by the first college in a manner that will enable the student to complete his or her program in a timely manner.)) Students shall enroll and pay tuition and fees at the first college. The second college in which the student is enrolled shall charge and collect tuition and fees for those additional credits as if the student was taking all of their credits at the second college.

(4) ((If the student so enrolled under this interdistrict registration provision has paid less than the maximum amount of tuition and fees required by RCW 28B.15.500, the second college shall assess tuition and fees at the standard rate for the course registrations in that college up to that maximum.)) Withdrawal from the college or reduction of course load in the college of initial registration shall invalidate any ((cost-free)) reduced tuition and fee registration at a second college unless the appropriate additional tuition and fees are paid.

(5) Students enrolled in a second college under the provisions of this regulation shall be required to comply with the regular registration procedure of such second college and shall be required to pay any additional special fees—such as laboratory, supply, use or records fees normally charged to students enrolled at that college.

**WSR 02-15-036
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-141—Filed July 11, 2002, 12:52 p.m.]

Date of Adoption: July 10, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000K; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 77.12.047.

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Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules were adopted by the Pacific Fisheries Management Council, and provide for harvest of available stocks of bottom fish, while reserving brood stock for future fisheries. There is insufficient time to promulgate permanent rules and to provide for a fishery.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-44-05000L Coastal bottom fish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice:

(1) It is unlawful to possess, transport through the waters of the state, or land into any Washington port bottom fish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear, handling or landing requirement, established by the Pacific Fisheries Management Council and published in the Federal Register, Volume 67, No. 129, published July 5, 2002. Therefore, persons must consult the federal regulations, which are incorporated by reference and made a part of Chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington State waters coterminous with the Exclusive Economic Zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at (360) 902-2930.

(2) At the time of landing of coastal bottom fish into a Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket, in the space reserved for dealer's use, all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types

are: midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000K Coastal bottomfish catch limits. (02-103)

**WSR 02-15-037
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-150—Filed July 11, 2002, 12:55 p.m., effective July 16, 2002, 12:01 a.m.]

Date of Adoption: July 10, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900Y; 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 Washington Department of Fish and Wildlife and the Lower Elwha Tribe agreed, dur-

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ing the North of Falcon/PFMC process, that the Elwha River, in the area described above, would be closed to provide additional protection to the ESA listed "threatened" Elwha Chinook stock. A closure will eliminate the potential incidental mortality (or "take") associated with catch and release of these fish in the sport fishery. It will also discourage poaching activity since the area will be closed. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 16, 2002, 12:01 a.m.

July 10, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900Y Exceptions to statewide rules—Elwha River (Clallam County) Notwithstanding the provisions of WAC 232-28-619, effective 12:01 a.m. July 16 through September 30, 2002 it is unlawful to fish in those waters of the Elwha River upstream to marker at outfall of WDFW rearing channel (approximately 3.2 miles).

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. October 1, 2002:

WAC 232-28-61900Y Exceptions to statewide rules—Elwha River (Clallam County).

**WSR 02-15-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-152—Filed July 11, 2002, 2:29 p.m., effective July 12, 2002, 6:00 a.m.]

Date of Adoption: July 11, 2002.
Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-33000M; 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 open a portion of Marine Area 7 to the recreational crab fishery. In other areas Dungeness crab meet or exceed hard shell criteria and are available for recreational harvest in Marine Areas 4, 5, 6, 9, 10, 11, 12, 13, 8-1 and 8-2. 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: July 12, 2002, 6:00 a.m.

July 11, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 220-56-33000N 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 4, 5, 6, 9, 10, 11, 12 and 13.

(2) Effective immediately 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. July 12, 2002 until further notice, it is lawful to fish for crab for personal use in all waters of Bellingham Bay and in the San Juan Islands and in the Anacortes to Bellingham portion of Marine Area 7 south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi

EMERGENCY

Island and south and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-33000M Crab—Areas and seasons.
(02-130)

WSR 02-15-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-147—Filed July 11, 2002, 2:30 p.m., effective July 22, 2002, 5:00 a.m.]

Date of Adoption: July 11, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-40-02100W; and amending WAC 220-40-021.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of chinook salmon are destined for the Columbia River. This regulation implements recommendations of the North of Falcon subgroup of the Pacific Fisheries Management Council, and is interim until permanent rules take effect.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 22, 2002, 5:00 a.m.

July 11, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-40-02100W Willapa Bay salmon—Summer fishery. Notwithstanding the provisions of WAC 220-40-021, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided for in this section:

(1) Open Fishing periods

5:00 a.m. July 22 through 8:00 p.m. July 22, 2002;

5:00 a.m. July 23 through 8:00 p.m. July 23, 2002;

5:00 a.m. July 30 through 8:00 p.m. July 30, 2002;

5:00 a.m. July 31 through 8:00 p.m. July 31, 2002;

5:00 a.m. August 7 through 8:00 p.m. August 7, 2002;

5:00 a.m. August 8 through 8:00 p.m. August 8, 2002.

(2) Open Area:

Area 2G west of a true north-south line drawn through Willapa Channel Marker 8 and east of a line drawn true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and westerly of a line from Island Sands Light to Ramsey Point.

Total catch of legal salmon and sturgeon catch for the day must be landed and made available for WDFW sampling at the Tokeland Marina between 7:00 p.m. and 9:00 p.m. on each open fishing day (July 22, 23, 30, 31 and August 7, 8).

(3) Gear:

Gill net gear restrictions - all areas

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 8 1/2 inch maximum stretch mesh restriction.

(c) Fishers must notify WDFW in advance of the season of their intent to participate in the fishery. Notification may be made by fax (360-664-0689), by telephone (1-866-791-1280), or by email (harborfishtickets@dfw.wa.gov).

(d) Fishers must also notify WDFW at least 24 hours in advance of intent to fish any given day. Notification may be made by fax (360-664-0689), by telephone (1-866-791-1280), or by email (harborfishtickets@dfw.wa.gov).

(e) Fishers must be willing to take WDFW observers when participating in these openings.

(f) It is lawful to retain white sturgeon caught incidental to this fishery.

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:01 p.m. August 8, 2002:

WAC 220-40-02100W Willapa Bay salmon—Summer fishery.

EMERGENCY

WSR 02-15-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-154—Filed July 11, 2002, 2:31 p.m.]

Date of Adoption: July 11, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-24-04000E; and amending WAC 220-24-040.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of salmon is available for the troll fleet. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 11, 2002
 Evan Jacoby
 for Jeff Koenings
 Director

NEW SECTION

WAC 220-24-04000E All-citizen commercial salmon troll. Notwithstanding the provisions of WAC 220-24-040, effective immediately until further notice is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided for in this section:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3 and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open July 12 through July 22, 2002. Unlawful to retain coho. Cape Flattery and Columbia River Control Zones closed.

(2) Minimum size for chinook salmon is 28 inches in length. No minimum size for pink, sockeye or chum salmon.

(3) Lawful troll gear is restricted to single point, single shank barbless hooks.

(4) No vessel may possess, land or deliver more than 400 chinook for the entire eleven day period.

(5) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section, and must land within the Salmon Management and Catch Reporting Areas fished, or within an adjacent Salmon Management and Catch Reporting Area closed to all-citizen troll fishing.

(6) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. EEZ; and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude and west of 125°05'00" W longitude.

(7) Columbia Control Zone - An area at the Columbia River mouth, bounded on the west by a line running north-east/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" West. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(8) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon, and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(9) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279 or faxing the information to (360) 902-2949 or E-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species. The total number for each species and the total weight for each species including halibut.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 23, 2002:

WAC 220-24-04000E	All-citizen commercial salmon troll.
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WSR 02-15-083
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed July 15, 2002, 4:34 p.m.]

Date of Adoption: May 8, 2002.

Purpose: To correct an error to WAC 222-16-050 that, if implemented as written, would likely result in damages to public resources and also result in an inconsistency in the definition of Class II forest practices in RCW 76.09.050.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-050.

Statutory Authority for Adoption: RCW 76.09.040, 76.09.050, 76.09.370, and 34.05.350.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The existing rules under WAC 222-16-050, that became effective on July 1, 2001, contain an error that would classify salvage logging as a Class II forest practice regardless of whether this action occurs within a riparian management zone of a Type F water, within a bank-full width of a Type Np water, within a wetland or wetland management zone, or salvage operations involving the use of mechanized equipment on slopes greater than 40%. This is outside the original intent of the Forest Practices Board and could result in damages to public resources. Additionally, this error causes existing rules to be inconsistent with chapter 76.09 RCW.

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.

February 19, 2002

Pat McElroy
Chair

AMENDATORY SECTION (Amending WSR 01-12-042, filed 5/30/01, effective 7/1/01)

WAC *222-16-050 Classes of forest practices. There are 4 classes of forest practices created by the act. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices rules.

(1) "**Class IV - special.**" Except as provided in WAC 222-16-051, application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

* (a) Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070 or ground application of a pesticide within a Type A or B wetland.

(b) Specific forest practices listed in WAC 222-16-080 on lands designated as critical habitat (state) of threatened or endangered species.

(c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

* (d) Timber harvest, or construction of roads, landings, gravel pits, rock quarries, or spoil disposal areas, on potentially unstable slopes or landforms described in (i) below that has the potential to deliver sediment or debris to a public resource or that has the potential to threaten public safety, and which has been field verified by the department (see WAC 222-10-030 SEPA policies for potential unstable slopes and landforms).

(i) For the purpose of this rule, potentially unstable slopes or landforms are one of the following: (See the board manual section 16 for more descriptive definitions.)

(A) Inner gorges, convergent headwalls, or bedrock hollows with slopes steeper than 35 degrees (70%);

(B) Toes of deep-seated landslides, with slopes steeper than 33 degrees (65%);

(C) Ground water recharge areas for glacial deep-seated landslides;

(D) Outer edges of meander bends along valley walls or high terraces of an unconfined meandering stream; or

(E) Any areas containing features indicating the presence of potential slope instability which cumulatively indicate the presence of unstable slopes.

(ii) The department will base its classification of the application/notification on professional knowledge of the area, information such as soils, geologic or hazard zonation maps and reports or other information provided by the applicant.

(iii) An application would not be classified as Class IV-Special for potentially unstable slopes or landforms under this subsection if:

(A) The proposed forest practice is located within a WAU that is subject to an approved watershed analysis;

(B) The forest practices are to be conducted in accordance with an approved prescription from the watershed analysis (or as modified through the 5-year review process); and

(C) The applicable prescription is specific to the site or situation, as opposed to a prescription that calls for additional analysis. The need for an expert to determine whether the site contains specific landforms will not be considered "additional analysis," as long as specific prescriptions are established for such landforms.

*(e) Timber harvest, in a watershed administrative unit not subject to an approved watershed analysis under chapter 222-22 WAC, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation and local government, as high avalanche hazard where there is the potential to deliver sediment or debris to a public resource, or the potential to threaten public safety.

(f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves, or glyptic records, as provided for in chapters 27.44 and 27.53 RCW. The department shall consult with affected Indian tribes in identifying such sites.

*(g) Forest practices subject to an approved watershed analysis conducted under chapter 222-22 WAC in an area of resource sensitivity identified in that analysis which deviates from the prescriptions (which may include an alternate plan) in the watershed analysis.

*(h) Filling or draining of more than 0.5 acre of a wetland.

(2) "**Class IV - general.**" Applications involving the following circumstances are "Class IV - general" forest practices unless they are listed in "Class IV - special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030(2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-16-060 and 222-34-050.)

(3) "**Class I.**" Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

*(b) Road maintenance except: (i) Replacement of bridges and culverts across Type S, F or flowing Type Np Waters; or (ii) movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

*(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(d) Construction of less than 600 feet of road on a side-slope of 40 percent or less if the limits of construction are not within the shoreline area of a Type S Water, the riparian management zone of a Type F Water, the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type S Water and does not involve disturbance of the beds or banks of any waters.

*(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning, if not within the CRGNSA special management area.

(j) Tree planting and seeding.

(k) Cutting and/or removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period, if not within the CRGNSA special management area.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

*(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type S Water, the riparian management zone of any Type F Water, or the bankfull width of a Type Np Water, a wetland management zone, a wetland, or the CRGNSA special management area.

*(o) Ground application of chemicals, if not within the CRGNSA special management area. (See WAC 222-38-020 and 222-38-030.)

*(p) Aerial application of chemicals (except insecticides), outside of the CRGNSA special management area when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

*(r) Any of the following if none of the operation or limits of construction takes place within the shoreline area of a Type S Water or the riparian management zone of a Type F

Water, the bankfull width of a Type Np Water or flowing Type Ns Water, or within the CRGNSA special management area and the operation does not involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(i) Any forest practices within the boundaries of existing golf courses.

(ii) Any forest practices within the boundaries of existing cemeteries which are approved by the cemetery board.

(iii) Any forest practices involving a single landowner where contiguous ownership is less than two acres in size.

(s) Removal of beaver structures from culverts on active and inactive roads. A hydraulics project approval from the Washington department of fish and wildlife may be required.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: Provided, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves owner of perpetual timber rights subject to RCW 76.09.067 (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification where no change in the nature and extent of the forest practices is required under rules effective at the time of renewal.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal. Renewal of a previously approved multiyear permit for forest practices within a WAU with an approved watershed analysis requires completion of a necessary 5-year review of the watershed analysis.

*(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

*(d) ~~((Any of the following))~~ Salvage of logging residue if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone or within a wetland; and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent.

~~*(e) ((Salvage of logging residue.~~

~~*(f))~~ Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type F Water, within the bankfull width of a Type Np Water, within a wetland management zone, within a wetland, or within the CRGNSA special management area, and if none of the operations involve off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent, and if none of the operations are located on lands with a likelihood of future conversion (see WAC 222-16-060):

(i) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(ii) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(iii) Salvage of dead, down, or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(iv) Any harvest on less than 40 acres.

(v) Construction of 600 or more feet of road, provided that the department shall be notified at least 2 business days before commencement of the construction.

(5) "Class III." Forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

*(b) Those within the shorelines of the state other than those in a Class I forest practice.

*(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

*(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

*(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

*(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

*(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type S, F or flowing Type Np Waters; or

(ii) Movement of material that has a direct potential for entering Type S, F or flowing Type Np Waters or Type A or B Wetlands.

(i) Operations involving owner of perpetual timber rights subject to RCW 76.09.067.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

*(n) Any filling of wetlands, except where classified as Class IV forest practices.

*(o) Multiyear permits.

WSR 02-15-095
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-156—Filed July 16, 2002, 3:52 p.m.]

Date of Adoption: July 16, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-28200F; 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: This emergency rule is necessary to keep the 2002 sport harvest of sturgeon within the 38,300 white sturgeon harvest guideline established during the preseason planning process for sturgeon fishery management. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 16, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900Z Exceptions to statewide rules—Columbia River. Notwithstanding the provisions of WAC 232-28-619:

(1) Effective immediately until further notice, it is unlawful to retain sturgeon caught in those waters of the Columbia River from the Dalles Dam upstream to John Day Dam.

(2) Effective 12:01 a.m. July 25 through September 30, 2002, it is unlawful to retain sturgeon caught in those waters of the Columbia River and tributaries from Bonneville Dam downstream to the mouth.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-28200F Sturgeon—Areas and seasons. (02-146)

WSR 02-15-096
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-157—Filed July 16, 2002, 3:53 p.m.]

Date of Adoption: July 16, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62100I; and amending WAC 232-28-621.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: An estimated 1,411 chinook have been taken out of the 2000 fish quota allotted. This leaves sufficient chinook to allow a one day chinook retention fishery. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 16, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-62100J Puget Sound salmon—Saltwater seasons and daily limits. Notwithstanding the provisions of WAC 220-56-126 and WAC 232-28-621, immediately until further notice, it is unlawful to fish for salmon in Puget Sound except as provided for in this section:

(1) Area 5:

(a) Open through September 30 - Daily limit 2 salmon except release chum, chinook and wild coho salmon, except effective 12:01 a.m. July 22 through 11:59 p.m. July 22, 2002 it is lawful to fish for and possess chinook salmon. Daily limit may contain only one chinook.

(2) Area 6 - Open through September 30 - Daily limit 2 salmon except release chinook, chum, and wild coho salmon.

(3) Area 7:

(a) Open until further notice - Daily limit 2 salmon not more than one of which may be a chinook salmon. Effective August 1 through September 30 release chum and wild coho salmon, and effective October 1 until further notice release chinook salmon.

(b) Notwithstanding the provisions of this subsection, during the period August 16 until further notice, the daily limit in Bellingham Bay and adjacent waters described in WAC 220-56-195 (1) is 4 salmon, no more than 2 of which may be chinook.

(4) Area 8-1 - Open August 1 until further notice - Daily limit 2 salmon except release chinook salmon.

(5) Area 8-2:

(a) Waters adjacent to Tulalip Bay west of the closed area line, within 2000 feet of shore, north of pilings at old Bower's Resort and south of a fishing marker 1.4 miles northwest of Hermosa Point:

(i) Effective immediately through September 30 open Friday through 11:59 a.m. the following Monday of each week. Daily limit 2 salmon.

(ii) Open October 1 until further notice - Daily limit 2 salmon except release chinook

(b) All other waters of Area 8-2: open August 1 until further notice - Daily limit 2 salmon except release chinook salmon.

(6) Area 9 - Open until further notice - Daily limit 2 salmon except release chinook. Release chum salmon through September 30.

(a) Open year round when fishing from the Edmonds Fishing Pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon, and effective August 1 through September 30 release chum salmon.

(b) Open year round when fishing from the Hood Canal Bridge Fishing Pontoon:

(i) Effective immediately through August 31 - Daily limit 2 salmon except release chinook, and effective August 1 release chum salmon.

(ii) Effective September 1 until further notice - Daily limit 2 salmon not more than one of which may be a chinook. Release chum salmon through October 15.

(7) Area 10 - Open until further notice - Daily limit 2 salmon except release chinook salmon, and effective August 1 through September 15 release chum salmon.

(a) Elliott Bay east of a line from West Point to Alki Point closed through August 31, except waters east of a line from Pier 91 to Duwamish Head are open Friday through Sunday of each week immediately through August 18, 2002 - Daily limit 2 salmon (lawful to retain chinook).

(b) Terminal gear in waters of the East Duwamish Waterway between a line projected east along the path of SW Hanford Street on Harbor Island and a line projected east from the south tip of Harbor Island is restricted to bait suspended above the bottom from a float.

(c) Shilshole Bay east of a line from Meadow Point to West Point closed through August 31.

(d) Effective through September 15 it is lawful to retain chinook salmon caught in waters of Sinclair Inlet and Port Orchard south of the Manette Bridge, south of a line projected true west from Battle Point, and west of a line projected true south from Point White.

(e) Open year round when fishing from Elliott Bay Public Fishing Pier, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier. Daily limit 2 salmon, not more than one of which may be a chinook salmon. Effective August 1 through September 15 release chum salmon.

(8) Area 11:

(a) Open until further notice - Daily limit 2 salmon.

(b) Open year round when fishing from Les Davis Public Fishing Pier, Des Moines Public Fishing Pier, Redondo Public Fishing Pier, Dash Point Dock, and Point Defiance Boat-house Dock. Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Area 12, except waters of the Hoodspout Hatchery Zone which are managed separately as provided for in WAC 220-56-124:

(a) Waters south of Ayock Point:

(i) Open through October 15 - Daily limit 4 salmon, not more than two of which may be chinook salmon, and release chum salmon.

(ii) Open October 16 until further notice - Daily limit 4 salmon, not more than one of which may be a chinook salmon.

(b) Waters north of Ayock Point excluding waters of Quilcene Bay north of a line running east from Point Whitney to the Toandos Peninsula:

(i) Open September 1 through October 15 - Daily limit 4 coho salmon only.

(ii) Open October 16 until further notice - Daily limit 4 salmon, not more than one of which may be a chinook salmon.

(c) Open August 16 until further notice in waters of Quilcene Bay north of a line running east from Point Whitney to the Toandos Peninsula - Daily limit 4 coho salmon only.

(10) Area 13:

(a) Open until further notice - Daily limit 2 salmon except release wild coho.

(b) Carr Inlet north of a line from Penrose Point to Green Point - July 1 through July 31 terminal gear is restricted to fly fishing only, daily limit 2 hatchery coho salmon.

(c) Waters at Minter Creek mouth within 1,000 feet of outer oyster stakes are closed to salmon angling through September 30.

(d) Open year round when fishing from the Fox Island Public Fishing Pier. Daily limit 2 salmon not more than one of which may be a chinook salmon, and release wild coho salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-621001 Puget Sound salmon—Salt-water seasons and daily limits. (02-149)

**WSR 02-15-104
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-159—Filed July 17, 2002, 1:53 p.m.]

Date of Adoption: July 17, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-05100E; and amending WAC 220-52-051.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to meet allocation, conservation and management agreements. Openings and closures in crustacean management Area 4 and Marine Fish-Shellfish Management Catch Reporting Area 26D are consistent with these elements. Spot shrimp quota have been reached in areas closed by this rule. A weekly landing limit for spot shrimp is necessary to reduce risk of overharvest, maintain an orderly fishery, provide the ability to enforce state/tribal plan requirements and to ensure conservation. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 17, 2002

Evan Jacoby

for Jeff Koenings

Director

NEW SECTION

WAC 220-52-05100F Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. Notwithstanding the provisions of WAC 220-52-051, effective immediately until further notice it is unlawful to fish for shrimp for commercial purposes in Puget Sound except as provided for in this section:

(1) Shrimp pot gear:

(a) All waters of Crustacean Management Regions 1A, 1C, 2, 3, and 6 are open to harvest of all shrimp species until further notice, except as provided below:

(i) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 26D.

(ii) Effective 9:00 p.m. July 21, 2002, until further notice, it is unlawful to harvest shrimp for commercial purposes in Crustacean Management Region 1A.

(iii) Effective 5:00 a.m. July 22, 2002, until further notice, it is lawful to harvest shrimp for commercial purposes in Crustacean Management Region 1B.

(iv) Effective immediately until further notice, it is unlawful to harvest shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Area 23A-E.

(v) Effective immediately, until further notice, it is unlawful to harvest spot shrimp for commercial purposes in Marine Fish-Shellfish Catch and Reporting Areas 23D and 25D.

(b) 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 1A, 1B, 1C, 2, and 6, 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.

(c) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear in more than one Marine Fish-Shellfish Management and Catch Reporting Area per day. Fishers may move all of their shellfish pot gear from one Marine Fish-Shellfish Management and Catch Reporting Area to another Marine Fish-Shellfish Management and Catch Reporting Area if a harvest report is made before the shellfish pot gear is moved. The harvest activity report must be made consistent with the provisions of WAC 220-52-075 and must also include 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.

(d) 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.

(e) 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 considered to be part of Marine Fish-Shellfish Management and Catch Reporting Area 23A.

(f) 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.

(g) 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.

(h) 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

(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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100E	Puget Sound shrimp pot and beam trawl fishery—Seasons and weekly trip limits. (02-151)
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**WSR 02-15-105
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-160—Filed July 17, 2002, 2:15 p.m.]

Date of Adoption: July 17, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500B; 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: In reviewing the average catch per day for this and last year, there is sufficient quota remaining to reopen the fishery for one day only in Catch Area 4. The federal government is enacting identical regulations and this regulation is needed to conform to federal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 17, 2002

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500C 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, south of 47 degrees, 31 minutes, 42 seconds N, north of 47 degrees 00 minutes N latitude and east of 124 degrees 40 minutes west longitude. -Open immediately through September 30.

(b) Effective immediately until further notice the following waters of Catch Record Card Area 2 bounded by the descriptions are open Fridays and Saturdays only:

(i) 47 degrees, 19 minutes, 0 seconds N; 124 degrees, 53 minutes, 0 seconds W

47 degrees, 19 minutes, 0 seconds N; 124 degrees, 48 minutes, 0 seconds W

47 degrees, 16 minutes, 0 seconds N; 124 degrees, 53 minutes, 0 seconds W

47 degrees, 16 minutes, 0 seconds N; 124 degrees, 48 minutes, 0 seconds W

(ii) South of 47 degrees, 00 minutes N, north of 46 degrees, 38 minutes, 10 seconds N and east of 124 degrees, 27 minutes W.

(c) The daily bag limit is one halibut of any size.

(3) Catch Record Card Area 3: - Closed until further notice.

(4) Catch Record Card Area 4: - Open 12:01 a.m. August 3 through 11:59 p.m. August 3, 2002. The daily bag limit is one halibut of any size.

(5) 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.

(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 220-56-25500B Halibut—Seasons—Daily limits. (02-145)

**WSR 02-15-109
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-161—Filed July 17, 2002, 4:17 p.m.]

Date of Adoption: July 17, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-25500C; 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: In reviewing the average catch per day for this and last year, there is sufficient quota remaining to reopen the fishery for one day only in Catch Areas 3 and 4. The federal government is enacting identical regulations and this regulation is needed to conform to federal rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Mak-

ing: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 17, 2002

Evan Jacoby
for Jeff Koenings
Director

NEW SECTION

WAC 220-56-25500D 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, south of 47 degrees, 31 minutes, 42 seconds N, north of 47 degrees 00 minutes N latitude and east of 124 degrees 40 minutes west longitude. - Open immediately through September 30.

(b) Effective immediately until further notice the following waters of Catch Record Card Area 2 bounded by the descriptions are open Fridays and Saturdays only:

(i) 47 degrees, 19 minutes, 0 seconds N; 124 degrees, 53 minutes, 0 seconds W

47 degrees, 19 minutes, 0 seconds N; 124 degrees, 48 minutes, 0 seconds W

47 degrees, 16 minutes, 0 seconds N; 124 degrees, 53 minutes, 0 seconds W

47 degrees, 16 minutes, 0 seconds N; 124 degrees, 48 minutes, 0 seconds W

(ii) South of 47 degrees, 00 minutes N, north of 46 degrees, 38 minutes, 10 seconds N and east of 124 degrees, 27 minutes W.

(c) The daily bag limit is one halibut of any size.

(3) Catch Record Card Areas 3 and 4: - Open 12:01 a.m. August 3 through 11:59 p.m. August 3, 2002. 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) 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 220-56-25500C Halibut—Seasons—Daily limits. (02-160)

WSR 02-15-110

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Filed July 18, 2002, 9:34 a.m.]

Date of Adoption: July 17, 2002.

Purpose: To adjust rules to provide safer instruction regarding speed limits for vehicles operating under a special motor vehicle permit issued by the Department of Transportation.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-340 Speed limits.

Statutory Authority for Adoption: RCW 46.44.090.

Other Authority: RCW 46.44.170.

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 rule, prior to amendment, forces certain vehicles operating under permit to operate at speeds slower than that posted for truck traffic, resulting in vehicles that could flow with traffic to instead impede traffic flow creating frustration and potentially dangerous moves by other drivers. In addition, access to the traffic stream is dangerous when the vehicle is not allowed to attain traffic flow speeds when joining the traffic flow. The amendment does not eliminate the option for the department to assign a slower speed, by permit, when unique situations call it.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 17, 2002

John F. Conrad

Assistant Secretary

Engineering and Regional Operations

AMENDATORY SECTION (Amending Order 31, Resolution No. 156, filed 8/20/82)

WAC 468-38-340 Speed limits. (1) Unless otherwise stated, maximum speeds for vehicles, combination of vehicles, or vehicles and loads being operated under permit shall be as posted for trucks.

(2) When travel on the roadway shoulder is required on a two-lane highway to allow overtaking traffic to pass, the speed will not exceed 25 miles per hour.

(3) ~~((The))~~ If a speed limit ~~((contained))~~ is stated in a permit ~~((is listed as))~~ it becomes one of the conditions upon which the permit has been issued. This stated speed limit shall not be exceeded, but if a lower limit is posted on any highway, it shall take precedence. Violation of the speed limit ~~((contained))~~ stated in the permit will render the permit null and void.

~~((4))~~ Speed limits shall be as follows:

~~((a))~~ On two-lane highways in rural areas, 45 miles per hour.

~~((b))~~ On multiple-lane highways (for all moves including 12-foot width), as posted.

~~((c))~~ On multiple-lane highways (for moves over 12-foot width), 50 miles per hour.

**WSR 02-15-120
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-155—Filed July 18, 2002, 4:46 p.m.]

Date of Adoption: July 18, 2002.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-355.

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 the size limit for clams in Quilcene Bay to conform to current state/tribal agreements. This regulation is interim until the permanent rule takes effect. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 18, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-35500C Clams—Unlawful acts. Notwithstanding the provisions of WAC 220-56-355, effective immediately until further notice, in state-owned tidelands in Quilcene Bay, it is unlawful to possess Manila, native little-neck, cockle, or butter clams taken for personal use which measure less than 1-1/4 inches across the longest dimension of the shell.

**WSR 02-15-121
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-162—Filed July 18, 2002, 4:50 p.m., effective July 21, 2002, 12:01 a.m.]

Date of Adoption: July 18, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-62000D; and amending WAC 232-28-620.

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 rule is necessary to slow the chinook catch in order to harvest more of the harvestable hatchery coho. 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.

EMERGENCY

Effective Date of Rule: July 21, 2002, 12:01 a.m.
July 18, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 232-28-62000E Coastal salmon seasons—2002 North of Falcon. Notwithstanding the provisions of WAC 232-28-620, effective 12:01 a.m. July 21, 2002 until further notice, it is unlawful to fish for salmon in coastal waters during 2002 except as provided in this section:

(1) Area 1:

(a) Immediately until further notice - Open Sunday through Thursdays only, daily limit 2 salmon except release wild coho. Minimum size for chinook is 26 inches in length and 16 inches in length for coho.

(2) Areas 2, 2-1, and 2-2:

(a) Immediately until further notice - Open Sunday through Thursdays only, daily limit 2 salmon except release wild coho. Minimum size for chinook is 28 inches in length and 16 inches in length for coho.

(3) Area 3:

(a) Open immediately until further notice - Daily limit 2 salmon except release wild coho. Minimum size for chinook is 28 inches in length and 16 inches in length for coho.

(4) Area 4:

(a) Open immediately until further notice - Daily limit 2 salmon except release wild coho, release chinook east of the Bonilla-Tatoosh Line, and effective August 1 release chum. Minimum size for chinook is 28 inches in length and 16 inches in length for coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. July 21, 2002:

WAC 232-28-62000D Coastal salmon seasons—
2002 North of Falcon. (02-
111)

**WSR 02-15-124
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 02-163—Filed July 19, 2002, 2:12 p.m.]

Date of Adoption: July 19, 2002.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-52-04000G; and amending WAC 220-52-040.

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: The weekly landing limit and period is necessary to mitigate handling mortality from sorting soft shelled crab and is in conformity with the Coastal Dungeness Crab Summer Fishery Management Plan. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 19, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-52-04000G Coastal crab fishery—Weekly trip limits. Notwithstanding the provisions of WAC 220-52-040: effective immediately until further notice:

(1) It is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 2,500 pounds taken during each of the following coastal crab accounting periods:

- July 21 through July 27;
- July 28 through August 3;
- August 4 through August 10;
- August 11 through August 17;
- August 18 through August 24;
- August 25 through August 31;
- September 1 through September 7;
- September 8 through September 15, 2002

(2) Any crab taken prior to July 21, 2002, and not landed before 11:59 p.m. July 20, 2002, becomes part of the July 21 through July 27 accounting period catch.

(3) Beginning July 28, 2002, it is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 16, 2002:

WAC 220-52-04000G Coastal crab fishery—
Weekly trip limits.

WSR 02-15-125
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-164—Filed July 19, 2002, 2:15 p.m., effective July 22, 2002, 6:00 p.m.]

Date of Adoption: July 19, 2002.

Purpose: Amend personal fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500Z; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage within court-ordered sharing requirements, and to ensure conservation. The state recreational share of shrimp has been reached in the areas closed under this rule. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 22, 2002, 6:00 p.m.

July 19, 2002
J. P. Koenings
Director
by Larry Peck

NEW SECTION

WAC 220-56-32500A Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-56-325 and WAC 220-56-310:

1) Effective 6:00 p.m. July 22, 2002, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in the Port Angeles Shrimp District.

2) Effective immediately, until further notice, it is unlawful to harvest or possess shrimp taken for personal use in the Discovery Bay Shrimp District.

3) Effective immediately until further notice, it is unlawful to harvest or possess shrimp taken for personal use in Marine Area 7 south of a line from Biz Point on Fidalgo Island to Cape St Mary on Lopez Island, then south of the shores of Lopez Island to Davis Point, then south of a line from Davis Point to Cattle Point on San Juan Island, then south of the shores of San Juan Island to Lime Kiln Point light, then south of a line due west from Lime Kiln Point light to the international boundary.

4) Effective immediately until further notice, all waters of Marine Areas 8-1, 8-2 and 9 are open Thursday through Sunday to the harvest of shrimp for personal use except:

(a) It is unlawful to possess spot shrimp and all spot shrimp must immediately be returned to the water unharmed.

(b) It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(c) It is unlawful to set or pull shrimp gear in all waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson (including Kilisut Harbor).

5) Effective immediately until further notice, it is unlawful to harvest or possess shrimp taken for personal use in all waters of Marine Area 10.

REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 p.m. July 22, 2002:

WAC 220-56-32500Z Shrimp—Areas and seasons.
(02-128)

WSR 02-15-137
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Children's Administration)

[Filed July 22, 2002, 11:13 a.m.]

Date of Adoption: July 18, 2002.

Purpose: To implement chapter 230, Laws of 2001. The purpose of the proposed emergency rules for emergency respite centers (ERC) is to establish licensing standards immediately for programs providing out-of-home placement to children at risk of child abuse/neglect. Licensing standards do not currently exist for ERC. Children's Administration has issued a preproposal statement of inquiry on emergency respite centers, filed as WSR 01-15-079. Draft ERC rules

have been developed and are being circulated to interested parties for review and comment. The emergency rules would provide protection to the children placed by their parents or legal guardians in an ERC while permanent rules are being developed.

Statutory Authority for Adoption: RCW 74.15.280, 34.05.350(2).

Other Authority: Chapter 230, Laws of 2001.

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: There are emergency respite centers sometimes called crisis nurseries in operation across the state. Several agencies have built new facilities that have not received certificates of compliance from the Department of Health or Office of the State Fire Marshal. Children's Administration is proposing the emergency rules to provide for the safety of any child placed in an emergency respite center while permanent rules are developed.

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 20, 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 20, Amended 0, Repealed 0.

Effective Date of Rule: Immediately.

July 18, 2002

Brian H. Lindgren, Manager
Rules and Policies Assistance Unit

EMERGENCY RESPITE CENTER—EMERGENCY WAC

NEW SECTION

WAC 388-148-1205 What is an emergency respite center? An emergency respite center is a licensed facility sometimes called a crisis nursery that provides emergency and crisis care for up to seventy-two hours to children who are admitted by their parents or guardians to prevent abuse or neglect.

NEW SECTION

WAC 388-148-1210 What services may be provided or arranged for by the emergency respite center? An

emergency respite center must maintain current information on community services or provide referral services that are needed by the families they serve. The services also may include:

- (1) An intake assessment and referral; and
- (2) The provision of direct child care.

NEW SECTION

WAC 388-148-1215 What services must emergency respite centers not provide? An emergency respite center may not provide services that substitute for crisis residential centers, HOPE centers, or any other services required under chapter 13.32A (Family reconciliation services) or 13.34 RCW (Child welfare dependencies).

NEW SECTION

WAC 388-148-1220 Who may provide emergency respite services? Emergency respite centers may provide emergency respite services to children who are admitted by their parents or legal guardians to prevent abuse or neglect.

NEW SECTION

WAC 388-148-1225 May a facility be licensed as an emergency respite center and a child care center? A licensed emergency respite center may also be licensed as a child care center.

NEW SECTION

WAC 388-148-1230 Who may an emergency respite center serve? (1) Emergency respite centers may provide care for children from birth through seventeen years.

(2) There is one situation when an emergency respite centers may provide care for a person eighteen through twenty years of age. That situation is when an eighteen through twenty-year old person is developmentally disabled and admitted by their parent or legal guardian with a sibling who is under eighteen.

NEW SECTION

WAC 388-148-1235 What hours are emergency respite centers open? An emergency respite center may be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-148-1240 Who may place children in emergency respite center? A parent or legal guardian of a child may place a child in an emergency respite center.

NEW SECTION

WAC 388-148-1245 How long may a child stay in an emergency respite center? A child may be placed in an emergency respite center for up to seventy-two hours.

NEW SECTION

WAC 388-148-1250 What written information is needed before a child is admitted to an emergency respite center? An emergency respite center must obtain the following written consent and information from the parent or guardian before a child may be accepted for emergency respite care:

- (1) Permission from the child's parent or guardian authorizing the placement of their child in an emergency respite center;
- (2) Permission to seek emergency medical care on behalf of their child;
- (3) Basic family information, including address, telephone numbers, and emergency contact; and
- (4) Basic medical information, including current medication, known allergies, and at-risk behaviors of the child.

NEW SECTION

WAC 388-148-1255 Is a health history required upon admission to an emergency respite center? Emergency respite centers are not required, but may obtain a health history upon admission from the parent, legal guardian, or child-placing agency placing a child for emergency respite services.

NEW SECTION

WAC 388-148-1260 Must all children accepted for care in an emergency respite center have current immunizations? Emergency respite centers may accept a child who is not current with immunizations for care in an emergency respite center.

NEW SECTION

WAC 388-148-1265 What are the qualifications for an executive director or an emergency respite center? The executive director of an emergency respite center must meet the qualifications for a group care executive director (WAC 388-148-0700), except that a degree in early childhood education may substitute for a degree in social science.

NEW SECTION

WAC 388-148-1270 What are the qualifications for the on-site program manager for an emergency respite center? The on-site program manager for an emergency respite center must meet the qualifications for the group care on-site program manager (WAC 388-148-0720), except that a degree in early childhood education may be substituted for a degree in social science.

NEW SECTION

WAC 388-148-1275 Are professional consultants needed for an emergency respite center? (1) Emergency respite centers must have consultants available, as needed to work with your staff, the children you serve, and the chil-

dren's families. The consultants must meet the full professional competency requirements in their respective fields. The consultant or consultants must have:

- (a) The training, experience, knowledge and demonstrated skills in each area that he or she will be supervising;
 - (b) The ability to ensure your staff develop their skills and understanding needed to effectively manage their cases;
 - (c) Knowledge of mandatory child abuse and neglect reporting requirements; and
 - (d) Training and experience in early childhood education.
- (2) Consultants may be hired as staff or operate under a contract with an emergency respite center.

NEW SECTION

WAC 388-148-1280 What is the ratio of child care staff to children in an emergency respite center? (1) At all times, emergency respite centers must have the following minimum staffing ratios:

- (a) At least two staff on duty when children are present;
 - (b) One child care staff providing visual or auditory supervision;
 - (c) One staff for every two children when children are birth through two years old;
 - (d) One staff for every three children when children are three through five years old;
 - (e) One staff for every eight children when children are six through seventeen years old.
- (2) You must have relief staff so that all staff can have the equivalent of two days off a week.

NEW SECTION

WAC 388-148-1285 What are the requirements for supervision of children placed in an emergency respite center? (1) Emergency respite centers must provide or arrange for care and supervision that is appropriate for the child's age, developmental level, and condition.

(2) Emergency respite centers must supervise children who help with food preparation in the kitchen, based on their age and skills.

(3) Preschool children and children with severe developmental disabilities must not be left unattended in a bathtub or shower.

(4) Staff, volunteers, and others caring for children at an emergency respite center must provide the children with appropriate adult supervision, emotional support, personal attention, and structured daily routines and living experiences.

(5) In emergency respite centers, children must be within visual or auditory range at all times.

(6) When a child exhibits behavior that poses a safety risk to other children in care, the child must not share a bedroom with other children.

NEW SECTION

WAC 388-148-1290 What fire safety requirements must I follow to receive a license as an emergency respite center? An emergency respite center must comply with the requirements for fire and life safety of the office of the State Fire Marshal under chapter 212-12 WAC.

NEW SECTION

WAC 388-148-1295 Does an emergency respite center need approval from the department of health? An emergency respite center must receive a certificate of compliance from the department of health before the department (DSHS) will issue an emergency respite center license.

NEW SECTION

WAC 388-148-1300 What licensing requirements in chapter 388-148 WAC must I follow to be licensed as an emergency respite center? (1) An emergency respite center must comply with the group care licensing requirements and the following sections of chapter 388-148 WAC:

- (a) WAC 388-148-0005 through 388-148-0215;
- (b) WAC 388-148-0260 through 388-148-0330;
- (c) WAC 388-148-0345 through 388-148-0450;
- (d) WAC 388-148-0465 through 388-148-0490;
- (e) WAC 388-148-0565;
- (f) WAC 388-148-0575 through 388-148-0605;
- (g) WAC 388-148-0660 through 388-148-0690;
- (h) WAC 388-148-0700 through 388-148-0720; and
- (i) WAC 388-148-0730 through 388-148-0740.

(2) To be licensed as an emergency respite center you must comply with the specific section of chapter 388-148 WAC that applies to emergency respite centers WAC 388-148-1205 through 388-148-1300, in addition of the subsection (1) above.

WSR 02-15-159
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 02-165—Filed July 23, 2002, 1:56 p.m., effective July 26, 2002]

Date of Adoption: July 23, 2002.

Purpose: Amend personal use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900A; 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 run of sockeye salmon entering the Lake Washington system has been projected to

number at least 400,000, and this exceeds the spawning goal of 350,000. At this level of run size, there are 25,000 harvestable sockeye available to the recreational fishery in the lake. Based on observations from the 2000 season, it is expected that this will provide an opportunity for at least one week day and a full weekend of sport fishing. Catch rates, in the fishery, and entry counts, at Ballard Locks will be assessed to determine if additional recreational opportunities can be provided beyond those addressed here. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: July 26, 2002.

July 23, 2002

J. P. Koenings

Director

by Larry Peck

NEW SECTION

WAC 232-28-61900A Exceptions to statewide rules—Lake Washington. Notwithstanding the provisions of WAC 232-28-619, effective July 26, 2002 through July 28, 2002, it is unlawful to fish for or possess salmon taken from Lake Washington except as provided for in this section:

(1) Open daily from one hour before sunrise to one hour after sunset in waters east of a line extended true south from Webster Point, except closed:

(a) within 100 yards either side of the Highway 520 Bridge (Evergreen Point Floating Bridge);

(b) within 100 yards either side of the I-90 Highway Bridge;

(c) within 1000 feet of the mouth of the Cedar River.

(2) Daily limit of two sockeye salmon, and all other salmon must be released immediately with the least possible harm. Sockeye salmon are defined as *Onchorhynchus nerka* fifteen inches or greater in length. *Onchorhynchus nerka* less than fifteen inches in length are kokanee.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 29, 2002:

WAC 232-28-61900A Exceptions to statewide rules—Lake Washington.



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.

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
RULE 12. LIMITED PRACTICE RULE FOR CLOSING OFFICERS

(a) Purpose. The purpose of this rule is to authorize certain lay persons to select, prepare and complete legal documents incident to the closing of real estate and personal property transactions and to prescribe the conditions of and limitations upon such activities.

(b) Limited Practice Board.

(1) *Establishment.* There is hereby established a Limited Practice Board (referred to herein as the "Board") consisting of nine members to be appointed by the Supreme Court of the State of Washington. Not less than four of the members of the Board must be admitted to the practice of law in the State of Washington. Four of the members of the Board shall be

business representatives, one each of the following four industries: escrow, lending, title insurance, and real estate. ~~Of the members first appointed, two shall be appointed for 1 year, three for 2 years, two for 3 years, and two for 4 years. Thereafter, a~~ Appointments shall be for 4-year terms. No member may serve more than two consecutive terms. Terms shall end on December 31 of the applicable year, ~~except that no term shall end prior to December 31, 1984.~~ The Supreme Court shall designate one of the members of the Board as chairperson.

(2) *Duties and Powers.*

(i) Applications. The Board shall accept and process applications for certification under this rule.

(ii) Examination. The Board shall conduct the examination for certification required by this rule. The examination shall consist of such questions as the Board may select on such subjects as may be listed by the Board and approved by the Supreme Court. The Board shall establish the number of examinations to be given each year and the dates of the examinations.

(iii) Investigation and recommendation for admission. The Board shall notify each applicant of the results of the examination and shall recommend to the Supreme Court the admission or rejection of each applicant who passes the examination. The Supreme Court shall enter an order admitting to limited practice those applicants it deems qualified, conditioned upon each applicant taking an oath that he or she will comply with this rule and paying to the Board the annual fee for the current year. Upon the entry of such order, the taking and filing of the oath, and payment of the annual fee, an applicant shall be enrolled as a certified closing officer and shall be entitled to perform those services permitted by this rule. The oath must be taken before a court of record in the State of Washington.

(iv) Education. The Board shall approve individual courses and may accredit all or portions of the entire educational program of a given organization which, in the Board's judgment, will satisfy the educational requirement of these rules. It shall determine the number of credit hours to be allowed for each such course. It shall encourage the offering of such courses and programs by established organizations, whether offered within or outside this state.

(v) Grievances and discipline. The Board shall adopt hearing and appeal procedures and shall hear complaints of persons aggrieved by the failure of certified closing officers to comply with the requirements of this rule and of APR 12.1. Upon a finding by the Board that a certified closing officer has failed to comply in any material manner with the requirements of this rule, the Board shall take such action as may be appropriate to the degree of the violation, considering also the number of violations and the previous disciplinary record of the closing officer. Disciplinary action may include admonitions, ~~letters of censure~~, reprimands, and recommendations to the Supreme Court for the suspension or revocation of the closing officers certification.

(vi) Investigation. Upon the receipt of a complaint that a closing officer has violated the provisions of this rule and in other appropriate circumstances, the Board may investigate the conduct of the closing officer to determine whether the

MISC.

closing officer has violated the requirements, conditions or limitations imposed by this rule.

(vii) Approval of forms. The Board shall approve standard forms for use by closing officers in the performance of services authorized by this rule.

(viii) Fees. The Board shall establish and collect examination and annual fees in such amounts as are necessary to carry out the duties and responsibilities of the Board.

(ix) Regulations. The Board shall propose regulations to implement the provisions of this rule for adoption by the Supreme Court.

~~(x) Interim certification and approval of forms. The Board may adopt regulations permitting interim certification of closing officers and approval of forms pending adoption of final regulations and the initial certification of successful applicants pursuant to this rule, provided that this interim certification shall expire 18 months from the date of adoption of this rule.~~

(3) *Expenses of the Board.* Members of the Board shall not be compensated for their services. For their actual and necessary expenses incurred in the performance of their duties, they shall be reimbursed by the Board in a manner consistent with its rules. ~~The Board may contract with agencies or organizations to carry out its administrative functions.~~ All such expenses shall be paid pursuant to a budget submitted to and approved by the Supreme Court Washington State Bar Association on an annual basis. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray all expenses of the Board. The administrative support to the Board shall be provided by the Washington State Bar Association.

(c) **Certification Requirements.** An applicant for certification as a closing officer shall:

(1) *Age.* Be at least 18 years of age.

(2) *Moral Character.* Be of good moral character.

(3) *Examination.* Satisfy the examination requirements established by the Board.

(4) *Oath.* Execute under oath and file with the Board two copies of his or her application, ~~one of which shall be in the applicants own handwriting,~~ in such form as may be required by the Board. Additional proof of any fact stated in the application may be required by the Board. In the event of the failure or refusal of an applicant to furnish any information or proof, or to answer any interrogatories of the Board pertinent to the pending application, the Board may deny the application. ~~The form of the application shall be prescribed by the Board by regulation adopted pursuant to this rule.~~

(5) *Examination Fee.* Pay, upon the filing of an application, the examination fee.

(d) **Scope of Practice Authorized by Limited Practice Rule.** Notwithstanding any provision of any other rule to the contrary, a person certified as a closing officer under this rule may select, prepare and complete documents in a form previously approved by the Board for use in closing a loan, extension of credit, sale or other transfer of real or personal property. Such documents shall be limited to deeds, promissory notes, guaranties, deeds of trust, reconveyances, mortgages, satisfactions, security agreements, releases, Uniform Commercial Code documents, assignments, contracts, real estate

excise tax affidavits, and bills of sale. Other documents may be from time to time approved by the Board.

(e) **Conditions Under Which Certified Closing Officers May Prepare and Complete Documents.** Certified closing officers may render services authorized by this rule only under the following conditions and with the following limitations:

(1) *Agreement of the Parties.* Prior to the performance of the services, all parties to the transaction shall have agreed in writing to the basic terms and conditions of the transaction.

(2) *Disclosures to the Parties.* The closing officer shall advise the parties of the limitations of the services rendered pursuant to this rule and shall further advise them in writing:

(i) that the closing officer is not acting as the advocate or representative of either of the parties;

(ii) that the documents prepared by the closing officer will affect the legal rights of the parties;

(iii) that the parties' interests in the documents may differ;

(iv) that the parties have a right to be represented by lawyers of their own selection; and

(v) that the closing officer cannot give legal advice as to the manner in which the documents affect the parties.

(f) **Continuing Certification Requirements.**

(1) *Continuing Education.* Each certified closing officer must complete a minimum number of credit hours of approved or accredited education, as prescribed by regulation of the Board, during each calendar year ~~after the effective date of this rule~~ in courses certified by the Board to be appropriate for study by closing officers providing services pursuant to this rule; provided, that the certified closing officer shall not be required to comply with this subsection during the calendar year in which he or she is initially certified.

(2) *Financial Responsibility.* Each certified closing officer or employer thereof shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted by this rule. The proof of financial responsibility shall be in such form and in such amount as the Board may by regulation prescribe.

(3) *Annual Fee.* Each certified closing officer must pay the annual fee established by the Board.

(g) **Existing Law Unchanged.** This rule shall in no way expand, narrow or affect existing law in the following areas:

(1) The fiduciary relationship between a certified closing officer and his or her customers or clients;

(2) Conflicts of interest that may arise between the certified closing officer and a client or customer;

(3) The right to act as one's own attorney under the pro se exception to the unauthorized practice of law including but not limited to the right of a lender to prepare documents conveying or granting title to property in which it is taking a security interest;

(4) The lack of authority of a certified closing officer to give legal advice without being licensed to practice law;

(5) The standard of care which a certified closing officer must practice when carrying out the functions permitted by this rule.

(h) **Treatment of Funds Received Incident to the Closing of Real or Personal Property Transactions.**

Except to the extent certified closing officers are not required to be employed in the selection, preparation and completion of closing documents under APR 12 (g)(3), persons admitted to practice under this rule shall comply with APR 12.1 regarding the manner in which they identify, maintain and disburse funds received incidental to the closing of real and personal property transactions.

SUGGESTED AMENDMENT
**RULES FOR ADMISSION AND CERTIFICATION TO REGULA-
 TIONS OF THE APR 12
 LIMITED PRACTICE BOARD UNDER APR 12 (LPR)**

RULE REGULATION 1 (APPLICATION) IN GENERAL

Every person desiring to be admitted to limited practice as a Limited Practice Officer (LPO) pursuant to APR Admission to Practice Rule (APR) 12 must submit an application in the form and manner and within the time limits established by these Regulations, pay the requisite \$125.00 fee, and satisfy all of the requirements of the Rules APR 12.

RULE REGULATION 2: APPLICANTS APPLICATIONS

A. Definitions. An "applicant" means any individual who submits an application for admission to limited practice under APR 12.

B. A. Qualifications Application. An applicant, in order to have an application for admission to limited practice under APR 12 considered, must complete and file in duplicate with the Washington State Bar Association (WSBA):

1. Fully complete the two copies of a completed application for admission to limited practice under APR 12 (one of which may be a photocopy) and photocopy the completed application with both copies of the application forwarded to the Administrative Office Of The Courts (OAC);

2. Return with the application the a fingerprint card which has been processed by the applicant at a local police department;

3. Submit completed, signed, and notarized a signed Authorization and Release; and

4. Submit completed, signed, and notarized a signed Affidavit of Applicant; and. The application shall not be considered complete and will not be approved pursuant to Regulation 4 unless the applicant has provided a current residential address.

5. Pay a fee of \$125.00 with application. The applicant shall be entitled to a refund of \$50.00 of the application fee if the application be is withdrawn at least fourteen (14) days before the date scheduled for examination. If the application be withdrawn by the applicant, and the applicant reapplies to sit for the examination at the next scheduled examination date, the applicant shall pay \$50.00 to sit for the examination. If the application be denied before the examination has been administered, the applicant shall be entitled to a refund of \$50.00 of the application fee. If the applicant reapplies to sit for the examination, the cost of reapplication shall be \$125.00.

If an applicant fails the examination and intends to sit for the next scheduled examination, the examination fee shall be \$125.00. No application will be considered or processed without the requisite fee.

C. Filing Application. Persons applying for admission to limited practice under APR 12 should submit their application, in duplicate, together with the required attachments and fee to the Administrative Office Of The Courts, PO BOX 41172, OLYMPIA WA 98504 1172. The application shall not be considered complete and will not be approved pursuant to Rule 4 unless the applicant has provided a residential address.

Intake of the application for admission will be handled by the staff of the OAC.

A cutoff date for acceptance of applications will be established by the Limited Practice Board before each scheduled examination. The date shall be disseminated to each applicant when the application packet is distributed by the staff of the OAC.

B. Fees. An applicant will pay a fee of \$125.00 which must be paid with the application and each applicant will be sent a receipt of the application and fee.

C. Verification Of Application Information. Each applicant must submit a fingerprint card which shall be forwarded to the Washington State Patrol for a criminal history check, and for each applicant who has not resided in the state of Washington for two years, a Federal Bureau of Investigation check shall also be conducted. A status review on all professional licenses will be conducted for each applicant. The applicant will furnish whatever additional information or proof may be required in the course of investigating the applicant.

D. Refunds and Transfers.

1. For all applicants there is a \$75.00 nonrefundable administration fee.

2. An applicant may withdraw from the current examination by written request received at least 14 days prior to the date set for the examination and may also request a refund of the fee less the administration fee.

3. An applicant may withdraw from the current examination and apply the examination fee to the next examination only, and only upon the following conditions: the written request to transfer must be received at least 14 days prior to the date set for the examination, and the applicant must repay the administration fee.

4. An applicant withdrawing an application or requesting to transfer to the next examination less than 14 days prior to the date set for the examination will receive no refund of any kind.

5. If the application is denied before the examination, the application fee less the \$75 administration fee will be refunded. If the applicant reapplies to sit for the examination, the applicant will pay the full application fee then required of all applicants.

6. If an applicant fails the examination and applies to repeat the next scheduled examination, the examination fee shall be \$125.00.

7. Any applicant transferring to the next application must execute and file a Declaration in the form prescribed by the Limited Practice Officer Board.

E. Filing Deadline. An applicant must file the application to take the LPO examination not less than 30 days prior

to the examination date. No applications will be accepted less than 30 days prior to the examination date.

RULE 3- PROCEDURE FOR PROCESSING APPLICATIONS

A. Initial Review of the Application. ~~The staff of the AOC will conduct an initial review of all applications received to determine if the application has been completed in accordance with Rule 2 (B) and (C). If the application does not meet the requirements of Rule 2 (B) and (C), the application with all attachments and fee will be returned to the applicant with an explanation of the deficiency in the application.~~

B. Application Fee. ~~The \$125.00 will be deposited by the staff of the OAC. Staff will receipt all monies received and send a receipt for the application fee to each applicant acknowledging receipt of the application.~~

C. Verification Of Application Information. ~~Screening criteria and verification will be conducted by the staff of the OAC. Each applicant shall submit a fingerprint card which shall be forwarded to the Washington State Patrol for a criminal history check, and for each applicant who has not resided in the state of Washington for two years, a Federal Bureau of Investigation check shall also be conducted. A status review on all professional licenses shall be conducted for each applicant.~~

RULE 4 REGULATION 3: APPROVAL OR DENIAL OF APPLICATION

A. Approval of Application. ~~After the application has been screened and verified by the staff of the OAC, staff will make a recommendation for approval of the application to the Chair of the The Limited Practice Board will determine if the application meets the criteria established in APR 12. The staff will forward the application together with all attachments to the Chair of the Limited Practice Board for review. The Chair of the Limited Practice Board will review the application and make a recommendation of approval or denial.~~

B. Denial of Application. ~~After the application has been screened and verified by the staff of the AOC and found to be deficient in the criteria established in APR 12, staff will forward the application together with all attachments to the Chair of the Limited Practice Board. Further, staff will furnish the Chair with a memorandum reciting the facts disclosed during the investigation leading to the recommendation of denial of the application. The Chair of the Limited Practice Board will review and consider the application together with all attachments and the memorandum of staff and make a recommendation of approval or denial of the application.~~

~~If the Chair approves the application, he will make a recommendation of approval, and the applicant may sit for the examination. If the application be is denied, the applicant will be granted the right to an appeal of the determination pursuant to Rule Regulation 5 herein.~~

C. Notification of Action on Application. ~~The staff of the AOC shall notify each The applicant will be notified as to whether the application has been approved or denied. If the application has been approved, the applicant will be informed of the date, time and location of the next examination. If the~~

~~application has been denied, the staff of the AOC will notify the applicant will be notified of the basis for the denial and of the appeal process of Rule Regulation 5 herein and state the basis of the denial of the application.~~

RULE 5 REGULATION 4: DENIAL OF APPLICATION—RIGHT OF APPEAL

A. Appeals Panel. ~~The Appeals Panel shall be made up of three members of the Limited Practice Board which shall be appointed by the Chair. Staff of the AOC shall supply support to the Appeals Panel.~~

B. Right of Appeal. ~~Every applicant who has been denied admission under APR 12 by the Chair of the Limited Practice Board shall have a right of appeal before the Appeals Panel. Written appeal materials will be submitted to the AOC who will distribute them to the Appeals Panel.~~

C. Time Period for Appeal. ~~An aggrieved applicant whose application has been denied shall have the right to appeal denial of admission pursuant to APR 12 by submitting a written request to the Administrative Office Of The Courts, PO BOX 41170, OLYMPIA WA 98504 1170 within fourteen (14) calendar days of the date the denial of application was issued.~~

D. Procedure for Appeal.

1. *To begin the appeal procedure.* ~~The aggrieved applicant's must file a written request with the OAC. The written request for appeal must:~~

~~a. Be timely be filed in accordance with Rule 5(C) herein within the time period for appeal~~

~~b. Sufficiently identify the aggrieved applicant; and~~

~~e. State the aggrieved applicant's reason for believing that the application should be approved.~~

2. *Other Written submissions.* ~~The complete application will be provided to the Appeals Panel for consideration. The aggrieved applicant may submit other written materials to the Appeals Panel which may include statements, correspondence, affidavits, memoranda of law or other written items that the aggrieved applicant believes will assist the Appeals Panel in reviewing the denial. If the Appeals Panel determines the written submissions are merely cumulative or not relevant to the appeal, the Appeals Panel may exclude any submitted materials from consideration.~~

~~The staff of the AOC shall supply the Appeals Panel with the application together with all attachments and all other material relating to the denial of the application. Written materials must be received by staff no later than ten (10) calendar days prior to the scheduled hearing date.~~

3. *Stipulations.* ~~Upon agreement of the parties, written stipulations may be utilized by the Appeals Panel.~~

4. *Review by the Appeals Panel.* ~~The Appeals Panel shall will consider the all relevant written material submitted in accordance with Rule 4 unless excluded under Section 2 herein these Regulations. The Appeals Panel may also request oral presentations by the parties if it deems such them helpful to a final determination. The Appeals Panel may set time constraints on the oral presentations.~~

5. *Findings of the Appeals Panel.* ~~The Appeals Panel shall will make written findings and may affirm or reverse the denial of the application or remand to the Chair of the Lim-~~

ited Practice Board direct further investigation for the reasons stated in the written findings.

6. *Time lines and scheduling of the appeal.*

a. Upon timely receipt of the request for appeal, the Appeals Panel will schedule the matter for consideration on a date not more than fourteen (14) calendar days from the date the request is received ~~at the Administrative Office Of The Courts. The staff of the AOC and~~ will notify the aggrieved applicant of the scheduled date for the consideration of the appeal. ~~Written materials must be received by the Appeals Panel at least seven (7) calendar days prior to the scheduled hearing date.~~

b. The Appeals Panel will not consider any request for appeal which does not strictly comply with ~~Rule 5 herein these Regulations.~~

c. Upon a showing of good cause, the Appeals Panel may waive ~~the any of the procedural requirements of Rule 5 herein these Regulations~~ or reschedule the ~~matter appeal~~ for an earlier or later date.

d. Telephone conferences may be held in lieu of a hearing, and oral presentations may be made by telephone if requested by the Appeals Panel.

7. *Notification of findings.* ~~The staff of the AOC shall Appeals Panel will~~ notify ~~each aggrieved the~~ applicant of the findings of the Appeals Panel. If the application has been approved, the applicant will be supplied any forms or information necessary to sit for the examination ~~by the staff of the OAC.~~ If the application has been denied, the applicant will be informed and supplied a copy of the Appeals Panel's written findings.

RULE 6: RESERVED

RULE 7: RESERVED

RULE 8: NECESSARY LETTERS AND FORMS

~~Staff of the AOC shall prepare all the necessary letters and forms and submit them to the Limited Practice Board for approval. Approval of the forms and letters is garnered by the vote of the majority of the members of the Board.~~

~~RULE 9~~ REGULATION 5: ADMINISTRATION OF EXAMINATION FREQUENCY AND LOCATIONS

~~The examination will be administered twice a year. The examination will be given in at appropriate locations within the state. The staff of the AOC is to notify all applicants at least thirty (30) days before the scheduled examination date of the times and locations of each examination. at dates and locations established by the Limited Practice Board.~~

~~RULE REGULATION 10~~ 6: EXAMINATION STANDARDS AND NOTIFICATION OF RESULTS

The passing standard for the examination is ~~set at~~ 75 percent for each section. All applicants will be notified ~~by the staff of the AOC~~ of the applicant's examination results. Those applicants who ~~unsuccessfully sit for~~ fail the examination may request in writing that they be informed of their score on the examination by category. ~~The request shall be made in writing by the applicant to the staff of the OAC.~~ Test scores shall not be ~~made available~~ disclosed to those applicants who ~~successfully sit for~~ pass the examination. Copies of the examination shall not be available to any applicant.

~~RULE REGULATION 11~~ 7: REAPPLICATION FOR EXAMINATION

Applicants who fail the examination may ~~take repeat~~ the examination ~~three times without making reapplication. However, after three failures, an applicant must make reapplication in order to sit for reexamination.~~ If more than one year passes from the date the applicant last sat for the examination ~~without the applicant sitting for reexamination~~ submitted an application, then the applicant ~~shall be is~~ required to make reapplication to sit for the examination.

~~RULE REGULATION 13~~ 8: SUBMISSION OF SUCCESSFUL APPLICANTS CERTIFICATION OF RESULTS TO SUPREME COURT; OATH

A. Admission Order.

The ~~Chair of the~~ Limited Practice Board shall will submit to the ~~Chief Justice of the~~ Washington State Supreme Court the names of those persons who have ~~successfully taken passed~~ the examination for admission pursuant to APR 12, taken ~~an the~~ oath that ~~he or she will comply with APR 12 as prescribed by these rules~~, and furnished proof of the applicant's individual policy for Errors and Omissions insurance in the amount of at least \$100,000 or the Errors and Omissions policy of the employer or the parent company of the employer who has agreed to provide coverage for the applicant's ability to respond in damages in the amount of at least \$100,000 pursuant to APR 12, or submitted the applicant's audited financial statement showing the applicant's net worth to be at least \$200,000, or submitted an audited financial statement of the employer or other surety who agrees to respond in damages for the applicant, indicating net worth in the following amounts in relationship to the number of employees covered who may be subject to the jurisdiction of the Limited Practice Board:

Net Worth	Number of Employees
\$200,000	Each employee to and including five (5); and
\$100,000	Each additional employee over five (5)

The names of successful applicants ~~shall will~~ be submitted only after compliance with APR 12 and these Rules Regulations, and the persons applicants will be duly admitted under APR 12 only after the admission order has been signed by the Chief Justice.

Each successful applicant shall complete all the requirements for certification within nine (9) months of the date the applicant successfully sat for examination. If an applicant fails to satisfy all the requirements for certification within this period, the applicant shall not be eligible for admission under APR 12 without submitting a new application for admission.

B. Contents of Oath. The oath which all applicants shall take is as follows:

OATH FOR LIMITED PRACTICE OFFICERS
STATE OF WASHINGTON
COUNTY OF _____
I, _____, do solemnly declare:

MISC.

1. I am fully subject to the laws of the state of Washington and the Admission to Practice Rules 12 and 12.1 and Regulations adopted by the Washington State Supreme Court and will abide by the same.

2. I will support the constitutions of the state of Washington and of the United States of America.

3. I will abide by the Admission Rules and the Disciplinary Rules approved by the Supreme Court of the state of Washington.

4. I will confine my activities as a Limited Practice Officer to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 12.

5. I will faithfully disclose the limitations of my services, that I am not able to act as the advocate or representative of any party, that documents prepared will affect legal rights of the parties, that the parties' interests in the documents may differ, that the parties have a right to be represented by a lawyer of their own selection, and that I cannot give legal advice regarding the manner in which the documents affect the parties.

6. I understand that I may incur personal liability if I violate the applicable standard of care of a Limited Practice Officer. Also, I understand that I only have authority to act as a Limited Practice Officer during the times that my financial responsibility coverage is in effect. If I am covered under my employer's errors and omissions insurance policy or by my employer's certificate of financial responsibility, my coverage is limited to services performed in the course of my employment.

Signature Limited Practice Officer

Subscribed and sworn to before me this _____ day of _____, _____.

JUDGE

RULE REGULATION 13 2: ANNUAL FEE

Except as set forth in section B of this Rule Regulation, every Limited Practice Officer (LPO) shall pay an annual fee of \$85.00, which is due July 1 of each year through the OAC. The fee runs in accordance with the fiscal year commencing July 1, 1984. Failure to pay the annual fee shall subject the LPO to disciplinary action suspension from limited practice as a Limited Practice Officer.

B. The prorated annual fee for LPOs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be \$40. Said LPOs shall pay the annual fee set forth in Rule 13-A, Regulation 10(A) to retain their active status after June 30 of the calendar year of their admission.

C. An LPO shall provide his or her residential address to the Board at the time of payment of the annual fee.

REGULATION 10: REINSTATEMENT AFTER SUSPENSION FOR NONPAYMENT OF ANNUAL FEE. An LPO who is suspended pursuant to Regulation 9(A) shall be reinstated if the LPO has:

1. submitted an application for reinstatement in the form prescribed by the Board;

2. the LPO continues to meet the qualifications set out in APR 12 and these Regulations; and

3. paid a sum equal to the amount of all delinquent annual fees, not to exceed the equivalency of double the amount of three year's fees, plus the then current year's fees, and any investigation fees as may be determined by the Board.

RULE REGULATION 14 11: INSURANCE FINANCIAL RESPONSIBILITY

Each LPO shall either be insured or covered under the financial statement of an employer or employer's parent company or other surety at all times as specified in Rule 12 herein Regulation 9. If the LPO is covered under a financial statement, the LPO, employer, employer's parent company or other surety who has assumed such financial responsibility shall annually file with the Limited Practice Board, by July 1, the audited financial statement for the most-recent fiscal year of the financially responsible party indicating net worth.

Each LPO shall notify the ~~staff of the~~ Limited Practice Board of any cancellation or lapse in coverage. During any period that a LPO is not covered in accordance with Rules 12 and 14 these Regulations, or is not on inactive status pursuant to Rule 16 Regulation 14, the license of the LPO shall be suspended. Each suspended LPO must demonstrate compliance with the requirements of Rule 12 Regulation 9 within nine (9) months of the date of the suspension or the license of the suspended LPO shall will be revoked.

RULE REGULATION 15 12: CONTINUING EDUCATION

Every LPO shall attend a minimum of ten (10) hours of approved continuing education during each calendar year. Two (2) hours of the required ten (10) hours of continuing education shall be on liability issues. If an LPO completes more than ten (10) credit hours in a given calendar year, the excess credit, up to ten credits, may be carried forward and applied to such LPO's education requirements for the next calendar year.

Every LPO shall submit proof of compliance with the continuing education attendance requirements by filing an Affidavit of Attendance as prescribed by the Continuing Education Regulations of the Limited Practice Board through the AOC at the end of each calendar year. Failure to attend the requisite hours of approved comply with the continuing education requirements each calendar year shall will subject the LPO to disciplinary action suspension of license as a Limited Practice Officer.

RULE REGULATION 16 13: INACTIVE STATUS

Any An LPO may request leave of the Limited Practice Board to move transfer to inactive status after being certified. An LPO who has been granted transferred to inactive status must continue to meet all the continuing education requirements occurring applicable during the period of inactive status. An LPO awarded on inactive status by the Limited Practice Board is required to pay the annual fee prescribed by Rule 13 required by these Regulations.

MISC.

If an LPO does not meet the continuing education requirements or the annual fee requirement, the LPO may ~~lose inactive status and~~ be suspended.

An LPO ~~awarded on~~ inactive status ~~by the Limited Practice Board~~ is not required to meet the ~~insurance financial responsibility~~ requirements prescribed by ~~Rule 14~~ these regulations during the period of inactive status.

An LPO ~~who has been awarded voluntary on~~ inactive status may return to active status by filing a petition to return to active status with the Board. To be granted active status, the LPO must be current on the payment of the annual fees, ~~prescribed by Rule 13, must have met~~ the continuing education requirements of ~~Rule 15 and meet and~~ the ~~insurance financial responsibility~~ requirements prescribed by ~~Rule 14~~ these Regulations.

RULE REGULATION 17 14: VOLUNTARY CERTIFICATION CANCELLATION

Any Limited Practice Officer may voluntarily surrender the LPO certificate by notifying the Limited Practice Board in writing of the desire to cancel and returning the LPO certificate with the request. The Limited Practice Board will notify the LPO of the effective date of the cancellation.

The former LPO shall then promptly notify by registered or certified mail, return receipt request, all clients being represented in pending matters, of the certification cancellation and the consequent inability to act as a Limited Practice Officer.

After entry of the cancellation order, the former LPO shall not accept any new clients or engage in work as a LPO in any matter.

Within ten (10) days after the effective date of the cancellation order, the former LPO shall file with the ~~Clerk of the Supreme Court~~ Limited Practice Board an affidavit showing:

1. The former LPO has fully complied with the provision of the order and with these ~~rules~~ Regulations;
2. The residence or other address of the former LPO ~~where communications may hereafter be directed for purposes of mailing or for service of process;~~ and
3. Attaching to ~~such~~ the affidavit a copy of the form of letter of notification sent to clients being represented in pending matters, together with a list of the names and addresses of all clients to whom ~~such~~ the notice was sent.

The Board ~~shall will~~ cause a notice of the cancellation to be published in the ~~Washington State~~ Escrow Association of Washington newsletter and a newspaper of general circulation in the county in which the former LPO worked.

RULE REGULATION 18 15: CHANGE IN STATUS

When an LPO is demonstrating financial responsibility by 1) an endorsement on the employer's Errors and Omissions insurance policy, or 2) submission of the employer's audited financial statement accompanied by the Certificate of Financial Responsibility, the ~~Chair of the~~ Limited Practice Board shall notify the employer when the LPO is transferred to one of the following statuses: inactive status, voluntary certification, cancellation, disability inactive status, or the license is suspended or revoked.

RULE REGULATION 19 16: LPO NAME, SIGNATURE, AND NUMBER REQUIRED ON DISCLOSURE FORM

The documents, selected, prepared, and/or completed by the LPO shall be particularly identified on a disclosure which shall also include the name, signature, and number of the LPO.

RULE REGULATION 20 17: RECORDS DISCLOSURE

A. The Board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of this Rule Regulation or any other Rules and Regulations applicable to Limited Practice Officers (LPOs). A "public record" is defined as written information, regardless of physical form or characteristic, that has been made or received by the ~~Board or the Administrative Office Of The Courts (OAC)~~ Limited Practice Board in connection with the transaction of public business.

B. To the extent required to prevent an unreasonable invasion of the privacy interests set forth in ~~this Rule or elsewhere in these Rules Regulations~~, the Board shall delete identifying details in a manner consistent with ~~those rules the~~ Regulations when it makes available or publishes any public record.

C. No fee shall be charged for the inspection of public records. The fee charged for the copying of public records shall be the same fee charged by the ~~AOC~~ Washington State Bar Association for making copies of public records.

D. The Board shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate a statute, court order or rule which exempts or prohibits disclosure of specific information or records.

E. The following records are exempt from public inspection and copying:

1. Test questions, scoring keys and other examination data used by the Board to administer the qualifying examination.
2. Preliminary drafts, notes, recommendations, and intra-Board memorandums in which opinions are expressed or policies formulated or recommended.
3. Records which are relevant to a controversy to which the Board is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

4. The residential address and residential telephone number of a limited practice officer.

5. Membership information; however, status, business addresses, business telephone numbers, facsimile numbers, electronic addresses, license number and dates of admission shall not be exempt.

6. (6) Applications for admission to limited practice and related records.

F. The disclosure of records in disciplinary files shall be governed by Disciplinary Rules 1.8 and 8.6.

G. The exemptions to disclosure set forth in this Rule Regulation shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or fall within an exemption, can be deleted from the specific records sought.

H. Responses to requests for public records shall be made promptly by the Board. Within five business days of receiving a public record request, the Board must respond by either (1) providing the record; or (2) acknowledging the request and providing a reasonable time estimate for responding to the request, or (3) denying the request. The Board may ask the requestor to clarify the request. If the requestor fails to clarify the request, the Board may deny the request. Denials of request must be accompanied by a written statement of the specific reasons therefore.

I. Whenever the Board concludes that a public record is exempt from inspection and copying, the person may appeal that decision to the Board.

J. The disclosure of information under this section should not violate an individual's right to privacy by amounting to a disclosure of information about that person that would be highly offensive to a reasonable person and is not of legitimate concern to the public.

REGULATION 18. NOTICE AND FILING; ADMINISTRATION

All notices and filings required by these Regulations, including applications for admission as a Limited Practice Officer, shall be sent to the headquarters of the Washington State Bar Association. The Washington State Bar Association shall provide administrative support for the Limited Practice Board pursuant to APR 12 (b)(3).

REGULATION 19. AMENDMENT.

These Regulations may be altered, amended, or repealed by vote of the Board on approval of the Board of Governors and the Supreme Court.

DISCIPLINARY RULES FOR LIMITED PRACTICE OFFICERS

TITLE 1. GROUNDS AND JURISDICTION

RULE 1.1 GROUNDS

A Limited Practice Officer (~~hereinafter referred to as~~ LPO) may be subjected to the disciplinary actions or sanctions set forth in Rule 1.10 for any of the following causes or actions:

A. The commission of any act involving moral turpitude, dishonesty, corruption, or other act which reflects disregard for the rule of law, whether the act be committed in the course of an LPO's conduct or otherwise; and whether or not the act constitutes a felony or misdemeanor; and if the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action, nor shall acquittal or dismissal thereof preclude the commencement of a disciplinary proceeding. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent LPO of the crime described in the indictment or information, and of the violation of the statute upon which it is based. A disciplinary hearing as provided in Rule 1.8 of these Rules shall be had to determine:

1. Whether moral turpitude was in fact an element of the crime committed by the respondent LPO; and
2. The disciplinary action recommended to result therefrom;

- B. Violation of the oath or duties as an LPO;
- C. Permitting an LPO's name to be used as an LPO by another person who is not an LPO authorized under APR 12;
- D. Misrepresentation or concealment of a material fact made in the application for admission under APR 12 or in support thereof;

E. Suspension, revocation or other disciplinary sanction by competent authority in any state, federal or foreign jurisdiction;

F. Selecting, preparing, or completing documents authorized by APR 12 for or together with any person whose LPO certification has been revoked or suspended, if the certified LPO has knowledge of such revocation or suspension;

G. Willful disregard of a subpoena or notice of the Disciplinary Panel or the Limited Practice Board (hereinafter referred to as Board) or the making of a false statement under oath in any document filed with ~~the staff of the Administrator for the Courts (hereinafter referred to as the OAC)~~ or members of the Board;

H. Conduct demonstrating unfitness to work as an LPO;

I. Working as an LPO while on inactive status;

J. Failure to cooperate during the course of an investigation as required by this rule shall also constitute grounds for discipline.

RULE 1.2 JURISDICTION

An LPO shall be subject to these rules. Jurisdiction shall continue whether or not the LPO retains his or her license under APR 12, and regardless of the residence of the LPO.

RULE 1.3 DISCIPLINARY PANEL

A. Appointment. The Chair of the Board shall appoint from its members not less than three persons to act as members of the Disciplinary Panel; one of whom shall be appointed Chair by the other members of the Panel.

B. Term. The members of the Disciplinary Panel shall serve until replaced by the Chair of the Board or for a two-year period from the date of their appointment.

C. Duties. It shall be the duty of the Disciplinary Panel to:

1. Take cognizance of any alleged or apparent violations of these rules coming to its attention, whether by grievance or otherwise, to investigate the same promptly and to submit a report to the full Board within sixty (60) days from the date the matter first came to the attention of the Disciplinary Panel unless the time is extended by the Chair of the Board; and

2. Submit reports to the Board which shall be in such form and pursuant to such procedures as may from time to time be prescribed by the Board; such reports shall form a part of the permanent records of the Board and may be used as a basis for the commencement of disciplinary proceedings.

D. Testimony. Where, in the discretion of the Disciplinary Panel, there is reasonable cause to believe that testimony should be perpetuated, the Disciplinary Panel may, upon reasonable notice to the LPO investigated, cause the deposition of any witness to be taken under oath before a Notary Public or before any other officer authorized by the law of the jurisdiction where the deposition is taken to administer an oath,

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and have the same transcribed for use in further proceedings under these Rules to which the LPO may be a party.

E. Authority. The authority of the Disciplinary Panel shall include, but not be limited to, the power conditionally to settle and dispose of grievances of a trivial nature without a hearing; provided, that a complete report of the disposition of each grievance shall be made to the Board; upon the filing of the report with the Board, such conditional disposition shall be deemed conclusive unless the Board acts otherwise within sixty (60) days from receipt of such report. Settlement of, compromise of, or restitution in a matter shall not justify the Disciplinary Panel in failing to undertake or complete its investigation and report thereof to the Board.

F. Matters Involving Related Pending Civil or Criminal Liability. Processing of grievances involving material allegations which are substantially similar to the material allegations of pending criminal or civil litigation may be deferred when authorized by the Board. In such event, the respondent LPO shall make all reasonable efforts to obtain a prompt trial and disposition of such pending litigation. The acquittal of the respondent LPO on criminal charges or a verdict or a judgment in the LPO's favor in a civil litigation involving substantially similar material allegations shall not in and of itself justify abatement of a disciplinary investigation predicated upon the same material allegations.

RULE 1.4 SUPREME COURT

The Supreme Court of Washington has exclusive responsibility within the state for the administration of the LPO discipline and disciplinary system and has inherent power to maintain appropriate standards of professional conduct and to dispose of individual cases of LPO discipline. The Board carrying out the functions set forth in these rules are acting under the authority of the Supreme Court.

RULE 1.5 RESPONDENT LIMITED PRACTICE OFFICER

It shall be the duty and the obligation of an LPO who is the subject of a disciplinary investigation to cooperate with the Board and Disciplinary Panel, ~~Board, or OAC staff~~ as requested, subject only to the proper exercise of the LPO's privilege against self-incrimination where applicable by:

A. Furnishing any papers or documents, permitting inspection and copying of his or her business records, files and accounts;

B. Furnishing, in writing, or orally if requested, a full and complete explanation covering the matter contained in such grievance;

C. Furnishing written releases or authorizations where needed to obtain access to documents or information in the possession of third parties; and

D. Appearing before the Disciplinary Panel or Board at the time and place designated;

E. An LPO may be represented by counsel during any stage of an investigation or proceeding under these rules.

RULE 1.6 DUTIES OF GRIEVANT

Upon request, the person complaining shall furnish to the Board or Disciplinary Panel, ~~Board, or OAC staff~~, docu-

mentary and other evidence in the complainant's possession and the names and addresses of witnesses, and assist in securing evidence in relation to the facts charged; and appear and testify at any proceeding resulting from the grievance. Failure to fulfill these duties may be grounds for the dismissal of a grievance.

RULE 1.7 PLEADINGS

The only permissible pleadings upon proceedings before the Disciplinary Panel are a formal complaint, a notice to answer, answer to complaint and motions to make more definite and certain, or in the alternative, for a bill of particulars. Informality in the complaint or answer shall be disregarded.

A. Formal Complaint. If the Disciplinary Panel determines a hearing should be had to ascertain whether a violation of these Rules has occurred, a formal complaint shall be prepared and filed ~~in the office of the OAC~~ with the Board, and proceedings shall be had thereon as hereinafter provided. The formal complaint, which need not be verified, shall set forth the particular acts or omissions of the respondent LPO in such detail as to enable the LPO to know the charge and shall be signed by the Chair of the Disciplinary Panel.

1. Prior Record of a Separate Count. Prior disciplinary proceedings and grievances against a respondent LPO, excluding dismissals after a hearing before the Disciplinary Panel or Board, shall be made a separate count of the complaint if they indicate conduct demonstrating unfitness to act as an LPO.

2. Prior Record as Professional History. If a prior record of the respondent LPO is not made a separate count of the complaint, any prior record of admonition, letters of censure, reprimand, suspension of further proceedings, suspension or revocation or any absence of such record, shall be made a part of the record prior to the recommendations of the Disciplinary Panel to the Board.

3. Joinder. The Disciplinary Panel in its discretion may consolidate for hearing two or more charges as to the same LPO, or may join the charges as to two or more LPO's in one formal complaint.

4. Commencement of Proceedings. A disciplinary action shall be deemed commenced when the formal complaint has been filed ~~with the office of the OAC~~.

5. Procedural Irregularity. No technical irregularity shall affect the validity of such complaint or of any proceedings pursuant thereto.

B. Answer. The answer must contain:

1. Denials. A general or specific denial of each material allegation of the complaint that is controverted by the respondent LPO, or a denial of knowledge or information thereof sufficient to form a belief. Any allegation, not denied will be deemed admitted;

2. Affirmative Defenses. A statement of any matter constituting a defense or justification in ordinary and concise language without repetition;

3. Address. An address at which all further pleadings, notices or other documents in relation to the proceedings may be served upon the respondent LPO;

4. The answer with two copies shall be filed ~~at the office of the OAC with the Board~~;

5. The Chair of the Disciplinary Panel may at any time allow or require amendments to the complaint or to the answer;

6. If personal service is made on the respondent LPO in the state of Washington, the LPO shall be allowed twenty (20) days from the date of service, exclusive of the date of service, in which to answer; if service be made in any other manner or place, the respondent LPO shall be allowed thirty (30) days from the date of service, or the date of mailing, exclusive of the date of service, or mailing, in which to answer; and

7. For good cause, the Chair of the Disciplinary Panel may extend the time for any pleading.

C. Service.

1. *Formal Complaint.* A copy of the formal complaint with notice to answer shall be served on the respondent LPO in the following manner.

a. *Personal Service in Washington.* If the respondent LPO be found in the state of Washington, by personal service upon the LPO in the manner as is required for personal service of a summons in civil actions in the Superior Court;

b. *Service If Not Found in Washington.* If the respondent LPO cannot be found in the state of Washington, then by leaving a copy thereof at the LPO's place of usual abode in the state of Washington, with some person of suitable age and discretion then resident therein, or by mailing by registered or certified mail, postage prepaid, a copy addressed to the LPO at the LPO's last known 1) place of abode, 2) office address maintained by the LPO as an LPO, or 3) post office address;

c. *Service Outside Washington.* If the respondent LPO be found outside of the state of Washington, then by personal service or by mail as set forth in subsection b. above; or

d. *Service When Question of Mental Competence.* If a guardian or guardian ad litem has been duly approved for the respondent LPO who has been judicially declared to be of unsound mind, or incapable of conducting the LPO's own affairs, service as above shall be had on the guardian or guardian ad litem. Where a complaint is filed under Rule 1.6 A, service as above shall also be had on the person having the care and custody of the respondent LPO, if there be such a person.

2. *Other Pleadings, Notices or Other Documents.* Service upon the respondent LPO of any pleadings, notices or other documents required by these rules to be served, other than the formal complaint and notice to answer, may be made by mailing the same postage prepaid to, or leaving the same at, the address set forth in the LPO's answer, or in the absence of an answer, by mailing the same postage prepaid to, or leaving the same at, the address of the respondent LPO on file ~~in the office of the OAC with the Board~~.

3. *Service on the Board or Disciplinary Panel.* Service on the Board or Disciplinary Panel of any pleadings, notices or documents shall be made by filing the same ~~at the OFFICE OF THE ADMINISTRATOR FOR THE COURTS, PO BOX 41170, OLYMPIA WA 98504 1170.~~ with the Board at the offices of the Washington State Bar Association.

4. *Mailing.* When such other pleadings, notices, or documents are to be served by mail, they shall be sent by registered or certified mail with postage prepaid.

5. *Proof of Service.* Proof of service by Affidavit of Service, Sheriff's Return of Service or a signed Acknowledgment of Service, shall be filed ~~in the office of the OAC with the Board~~.

RULE 1.8 HEARINGS

A. Where Held. All disciplinary hearings shall be held within the state of Washington at such place as may be directed by the Board or Disciplinary Panel Chair.

B. Date of Hearing. The Chair of the Disciplinary Panel shall cause notice of the time and place of the hearing to be given to the respondent LPO at least ten (10) days prior thereto. The hearing shall occur not earlier than thirty (30) days or later than sixty (60) days after service of the complaint, unless delayed for good cause.

C. Postponements. At the time and place approved for the hearing the Disciplinary Panel may grant a postponement, but no postponement shall be for longer than thirty (30) days, and the total period of time of all postponements shall not exceed sixty (60) days unless approved by the Board. An application for postponement by the respondent LPO or by the complainant shall be supported by affidavit and served and filed at least seven (7) days prior to the scheduled hearing, unless such time is shortened by the Chair of the Disciplinary Panel.

D. Representation. The complainant may be present at the hearing(s) before the Disciplinary Panel and may be represented by counsel. The respondent LPO may be present at the hearing(s) before the Disciplinary Panel and may be represented by counsel.

E. Default. In no event shall a default be entered against the respondent LPO. If the LPO fails to answer the complaint within the time allowed by these rules, the Disciplinary Panel shall proceed to a determination of the matter in the same manner as though the respondent LPO were present and had answered by a general denial. No notice of the date of hearing or of the taking of depositions of witnesses to be used at the hearing shall be required to be given to such respondent LPO failing to answer. If the respondent LPO has answered but fails to attend the hearing at the time set, the Disciplinary Panel shall proceed to a determination of the matter in the same manner as though the respondent LPO were present.

F. Proceedings Public. Upon the filing and service of a formal complaint and after the LPO has answered that complaint, or failed to answer within the time required, a disciplinary proceeding shall be public, subject to the provisions of any protective order as may be entered pursuant to Section I. The filing of a motion for a protective order shall stay the provisions of this rule with regard to any matter sought to be kept confidential in that motion, and the motion itself shall be confidential until ruled upon.

G. Matters Which Are Public. In a matter which is public pursuant to section (F), any person may have access to the contents of the Disciplinary Panel's file in the pending proceeding, and may attend any hearing on the charges

against the LPO, except a hearing on a motion. In any disciplinary matter referred to the Supreme Court, the file, record, briefs, and argument in the case shall also be public except to the extent previously made confidential by a protective order or as otherwise ordered by the court.

H. Matters Which Are Not Public. In no case shall deliberations of a hearing panel, board or court, or matters made confidential by a protective order, be public.

I. Protective Orders. In order to protect a compelling interest of a complainant, witness, third party, or respondent, the panel chair or the chair of the Board when a matter is before a panel or the Board for review, may, upon motion and for good cause shown, issue a protective order prohibiting the disclosure of specific information or specific documents or pleadings, and direct that the proceedings be conducted so as to implement the order.

J. Procedure. Each member of the Disciplinary Panel shall have the power to issue subpoenas to compel the attendance of witnesses or the production of books or documents at such hearings. The respondent LPO shall have the opportunity to make a defense, and upon timely application may have issued such subpoenas as any member of the Disciplinary Panel deems necessary. Subpoenas shall be served in the same manner as in civil cases in Superior Court. Witnesses shall testify under oath administered by the Chair of the Disciplinary Panel. Testimony shall be electronically recorded and may be taken by deposition in accordance with these rules.

K. Depositions. Depositions for use at the hearing may be taken either within or without the state upon either written or oral interrogatories before any member of the Disciplinary Panel or before any other officer authorized to administer an oath by the law of the jurisdiction where the deposition is taken. Any member of the Disciplinary Panel shall have the power to order the taking of a deposition. ~~All depositions when taken shall be filed in the office of the OAC.~~

L. Discovery, Admissions, Inspection of Documents. After the filing of the formal complaint against an LPO, the parties shall have the rights afforded to Superior Court litigants under Rules 33, 34, and 36 of the Superior Court Civil Rules, limited and prescribed as follows: Such rights may be limited to the extent the Chair of the Disciplinary Panel deems just who shall do so by order.

M. LPO Duties. The respondent LPO shall bring to the hearing such documents, files, records, or other written materials or things as the Chair of the Disciplinary Panel may request in writing. The written request shall be served on the respondent LPO at least five (5) working days before the scheduled hearing.

N. Cooperation. It shall be the duty of an LPO who has been served with a formal complaint to respond to all lawful orders made by the Chair of the Disciplinary Panel as provided in the paragraphs L and M. Should such LPO fail to do so, the Chair of the Disciplinary Panel shall report the same to the Board, and such failure may constitute a separate violation of these rules.

O. Standard of Proof. The burden of establishing an act of misconduct shall be by a clear preponderance of the evidence.

P. Rules of Evidence. The following rules of evidence shall apply during disciplinary hearings:

1. The Chair of the Disciplinary Panel may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Chair of the Disciplinary Panel may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

2. All evidence, including but not limited to records and documents in the possession of the Board of which it desires to avail itself, shall be offered and made a part of the record in the case and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the forms of copies or excerpts or by incorporation by reference.

3. The LPO (or the LPO's counsel) shall have the right of cross examination of witnesses who testify and shall have the right to submit rebuttal evidence.

4. The Chair of the Disciplinary Panel may take notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within the panel's specialized knowledge. The LPO (or the LPO's counsel) shall be notified either before or during hearing, or otherwise, of the material so noticed and shall be afforded an opportunity to contest the facts so noticed.

Q. Findings, Conclusions and Recommendation. Within twenty (20) days after the hearing, the Chair of the Disciplinary Panel shall cause findings, conclusions and recommendation to be filed with the Board.

RULE 1.9 STIPULATIONS

A. Requirements. Any disciplinary matter may be disposed of by a stipulation for discipline entered into at any time by the respondent LPO and by the Board or the attorney appointed to represent the Board if one has been so appointed. No such stipulation shall be effective unless approved by the Board, and no stipulation for suspension or revocation shall be effective unless approved by the Supreme Court. The stipulation may be presented to the Board and the Supreme Court for approval without notice.

B. Form. A stipulation for discipline shall:

1. Set forth the material facts relating to the particular acts or omissions of the respondent LPO in such detail as to enable the Board and the Supreme Court to form an opinion as to the propriety of the discipline being agreed upon, and if approved, to make the stipulation useful in any subsequent disciplinary proceedings against the respondent LPO;

2. Set forth the respondent LPO's prior record of admonition, censure, reprimand, suspension, revocation or any absence of such record;

3. State the stipulation is not binding as a statement of all existing facts relating to the conduct of the respondent LPO, but that any additional existing acts may be proven in any subsequent disciplinary proceedings; and

4. Fix the amount of costs and expenses to be paid by the respondent LPO.

C. Stipulation Approved. If the stipulation ~~be~~ is approved by the Board and/or the Supreme Court, the disciplinary action agreed to in the stipulation shall follow. If the

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stipulation is for admonition, ~~censure~~ or reprimand, the stipulation shall be retained ~~at the OAC by the Board~~ with notice thereof sent to the Supreme Court.

D. Stipulation Not Approved. If the stipulation is not approved by the Board or the Supreme Court, as the case may be, then the stipulation shall be of no force and effect and neither it nor the fact of its execution shall be admissible in evidence in any pending disciplinary proceeding, in any subsequent disciplinary proceeding or in any criminal or civil action.

E. Failure to Comply. Failure of a respondent LPO to comply with the terms of a stipulation for discipline entered into and approved as provided in this rule may constitute grounds for discipline.

RULE 1.10 SANCTIONS AND OTHER REMEDIES

A. Sanctions. The disciplinary sanctions or actions affecting the status of an LPO are admonitions, ~~letters of censure~~, reprimands and recommendations to the Supreme Court for the suspension or revocation of the certification.

B. Restitution. An LPO who has been found to have committed an act of misconduct and who has been sanctioned pursuant to this rule may in addition be ordered to make restitution to persons financially injured by the LPO's conduct. The Chair of the Disciplinary Panel may order the terms of payment of restitution. Failure of an LPO to make restitution when ordered to do so, or failure to comply with the terms entered, may constitute grounds for discipline.

RULE 1.11 TRANSFER TO DISABILITY INACTIVE STATUS

A. Automatic Transfer. In the event an active LPO 1) has been found to be incapable of assisting in the LPO's own defense in a criminal action, 2) has been acquitted of a crime on the ground of insanity, 3) has had a guardian (but not a limited guardian) appointed for the LPO's person or estate upon a finding of incompetency, or 4) has been found to be mentally incapable of conducting the work of an LPO in any other jurisdiction, the LPO shall automatically be transferred from active status to disability inactive status upon receipt by the Board of a certified copy of the judgment, order or other appropriate document demonstrating that one or more of the above events has occurred.

The LPO and the LPO's guardian, if one has been appointed, shall forthwith be notified of the transfer to disability inactive status. The Supreme Court shall be notified of the transfer to disability inactive status and shall be provided with a copy of the judgment, order or other appropriate document upon which the transfer was based.

B. Discretionary Transfer.

1. Disciplinary Panel May Order Inquiry. When it appears to the Disciplinary Panel that there is reasonable cause to believe that an active LPO is unable to adequately engage in the work of an LPO because of insanity, mental illness, senility, excessive use of alcohol or drugs, or other mental or physical incapacity, the Disciplinary Panel shall order that a hearing be held to inquire into the capacity of the LPO to engage in the limited practice of law.

2. Inquiry During Disciplinary Proceeding. When it appears to the Disciplinary Panel or Board that there is reasonable cause to believe a respondent LPO is incapable of conducting a proper defense to a disciplinary proceeding against the LPO because of insanity, mental illness, senility, excessive use of alcohol or drugs or other mental or physical incapacity, the Disciplinary Panel or Board shall order that a supplemental hearing be held to inquire into the capacity of the LPO to conduct a proper defense. Such hearing shall be automatic where the respondent LPO alleges in the course of a disciplinary proceeding that the LPO is unable to conduct a proper defense because of such mental or physical incapacity.

3. Procedure. Proceedings conducted pursuant to this rule are not disciplinary proceedings but shall be conducted under the same procedural rules as disciplinary proceedings. Any hearing held under subsection (2) above may be treated either as a new proceeding or as part of an existing proceeding, at the discretion of the Disciplinary Panel or Board, and the disciplinary hearing shall be held in abeyance pending the outcome of the supplemental proceeding. A recommendation of the Disciplinary Panel that an LPO be transferred to disability inactive status under this rule shall be treated as a recommendation for suspension for the procedural purposes of these rules, including Rules 2.4 and 3.1.

4. Appointment of Counsel. In the event the respondent LPO does not appear with counsel within the time required by these rules for the filing of an answer, or within twenty (20) days of being notified of the issues to be considered in a supplemental proceeding under subsection (2) above, the Chair of the Board shall appoint a member of the Washington State Bar Association as counsel for the respondent LPO.

5. Finding of Incapacity. If after review of the decision of the Disciplinary Panel, the Board finds an LPO does not have adequate mental or physical capacity to engage in the work of an LPO or to conduct a proper defense to disciplinary charges, it shall enter an order immediately transferring the LPO to disability inactive status. Such transfer shall become effective upon service of such order upon the LPO or the LPO's counsel.

6. Appeal to Supreme Court. The LPO may appeal an order of transfer to disability inactive status pursuant to the provisions of Rule 3.1. The order of the Board shall remain in effect, regardless of the pendency of such appeal unless and until reversed by the Supreme Court.

7. Proceedings Confidential. All proceedings conducted pursuant to this rule shall be confidential except as otherwise provided for herein.

RULE 1.12 REINSTATEMENT TO ACTIVE STATUS

A. Restriction, Right of Petition, and Burden. No LPO transferred to disability inactive status may resume active status except by order of the Board or the Supreme Court. Any LPO transferred to disability inactive status shall be entitled to petition the Board for transfer to active status. The LPO shall have the burden of showing that the disability has been removed.

B. Petition and Initial Review. The petition for reinstatement shall set forth the facts demonstrating that the disability has been removed. The petition shall be filed with the

Board ~~at the OAC~~. Upon the filing of the petition, the Chair of the Board shall direct whatever action appears necessary or proper to determine whether the disability has been removed. Such actions include, but are not limited to, direction: 1) that an appointed counsel for the Board or any other person conduct an investigation and file a report, 2) that an examination of the LPO be conducted by a qualified expert or experts, and 3) that a hearing be held before the Disciplinary Panel or Board.

C. Waiver of Doctor-Patient Privilege. The filing of a petition for reinstatement to active status by an LPO transferred to disability inactive status shall be deemed to constitute a waiver of any doctor-patient privilege with respect to any treatment of the LPO during the period of the LPO's disability. The LPO shall be required to disclose the name of each psychiatrist, psychologist, physician or other person and each hospital or other institution by whom or in which the LPO has been examined or treated since the LPO's transfer to disability inactive status. The LPO shall furnish, if requested by the Board or its appointed attorney, if there be one, written consent to each person or hospital to divulge information and records relating to the disability.

D. Review of Record. Prior to the submission of the petition and any report to the Board, the LPO shall have a reasonable opportunity to review the report and to make any additional submissions deemed desirable.

E. Board Review. The Board shall review the petition and report as expeditiously as possible and take one or more of the following actions:

1. Grant the petition;
2. Direct whatever additional action the Board deems necessary or proper to determine whether the disability has been removed;
3. Direct that the LPO establish proof of competence and learning in the area of work of an LPO, which proof may include certification by the APR 12 examiners of the LPO's successful completion of an examination for a limited admission to practice under APR 12;
4. Deny the petition, but no such denial shall occur except as hereinafter provided without the LPO having the opportunity for a hearing before the Board or Disciplinary Panel. A hearing is not necessary if the LPO has failed to state a prima facie case for reinstatement in the LPO's petition, or if the petition does not indicate a material change of circumstance since a previous denial of a petition for reinstatement filed by an LPO; and/or
5. Direct the LPO to pay the costs of the reinstatement proceedings.

F. Petition Granted. If the petition for reinstatement be granted, the respondent LPO shall immediately be transferred to active status and the Supreme Court notified thereof. If a disciplinary proceeding has been held in abeyance because of a disability inactive transfer, the proceeding shall go forward upon reinstatement.

G. Review by Supreme Court. If the petition for reinstatement is not granted, the respondent LPO shall have the right to appeal the decision of the Board to the Supreme Court by filing a notice of appeal with the ~~office of the OAC~~ Board within fifteen (15) days of service of the decision of

the Board upon the respondent LPO. Review shall be conducted pursuant to the procedures of Title 3 herein.

H. Continuing Education Requirements. All of the required continuing education requirements occurring during the disability inactive status of an LPO must be made up within one (1) year of transfer to active status by the LPO.

I. Length of Inactive Status. No LPO shall remain on disability inactive status for longer than one (1) year from the date of transfer to disability inactive status. If an LPO remains on disability inactive status for a period longer than one (1) year from the date of transfer to disability inactive status, the LPO can be returned to active status only after successfully taking the examination required for certification under APR 12.

TITLE 2. REVIEW BY THE BOARD

RULE 2.1 NOTICES

When the findings, conclusions and recommendation of the Disciplinary Panel are filed ~~at the OAC~~ with the Board, a copy thereof and a notice of filing, with a copy of Rules 2.1 through 2.6, shall be served upon the respondent LPO or the LPO's counsel.

RULE 2.2 STATEMENT IN SUPPORT OR OPPOSITION

At any time within ten (10) days after the service of the above-mentioned notice, the counsel appointed by the Board, if any, or the respondent LPO shall have the right to file with the Board a typewritten statement in support of or in opposition to the findings, alleged errors of law or any other matter in support of such statement. A copy of such statement, when filed, shall be served on the counsel appointed by the Board, if any, or the respondent LPO or the LPO's counsel.

RULE 2.3 ADDITIONAL HEARING

In making the above statement in support of or in opposition to the findings, conclusions and recommendation of the Disciplinary Panel, the counsel appointed by the Board, if any, or the respondent LPO may request an additional hearing before the Disciplinary Panel based on newly discovered evidence; provided however, that such statement shall contain a complete outline of such newly discovered evidence and shall set forth the reasons why the same was not presented at the hearing, all supported by affidavit. Such request may be granted or denied at the discretion of the Board.

RULE 2.4 BOARD REVIEW

Each proceeding in which a hearing has occurred shall be reviewed by the Board upon the record ~~made and filed in the office of the OAC~~, together with the statements in support of or in opposition to such findings, conclusions and recommendation as provided by these rules. No person shall be entitled to be heard orally in such review, unless ordered by the Board.

RULE 2.5 TRANSCRIPT OF THE RECORD

The Board may have all the testimony transcribed. If a transcript be made, a copy thereof shall be served upon the

respondent LPO or the LPO's counsel and the counsel appointed by the Board, if any, each of whom shall have ten (10) days from the date of service of the transcript to file objections to the contents thereof with the ~~staff of the OAC Board~~.

RULE 2.6 BOARD ACTION

A. Decision of Board. Prompt decision of the Board upon such review shall be made. The Board shall adopt, modify or reverse the findings, conclusions and recommendation of the Disciplinary Panel by written order, a copy of which shall be served upon the respondent LPO or the LPO's counsel.

B. Transcript Required for Suspension or Revocation. No suspension or revocation shall be recommended by the Board unless and until a transcript of the testimony before the Disciplinary Panel shall have been reduced to writing and settled as provided in Rule 2.5.

C. Dissent. If any member or members of the Board shall dissent from the findings, conclusions and recommendation of the majority, the member or members shall state briefly the reasons therefore and such dissent or dissents shall be made a part of the record.

D. Disposition Not Requiring Supreme Court Action. If the formal complaint is dismissed or if there is no recommendation of discipline by the Board or if the recommendation is that the respondent LPO be admonished, ~~ensured~~ or reprimanded, the record of the proceeding shall be retained ~~in the office of the OAC by the Board~~.

E. Disposition Requiring Supreme Court Action. If the recommendation of the Board is that the respondent LPO be suspended or revoked, that recommendation along with the record shall be transmitted to the Supreme Court.

F. Chair Not Disqualified. Neither the Chair of the Board nor a member or members of the Board who also serve on the Disciplinary Panel are, by virtue of that office or service, disqualified from participating in the review before the Board of that Disciplinary Panel's findings, conclusions and recommendation or from participating in that Board's vote on the matter.

G. Information to Grievant. The grievant in all cases shall be advised by the Board of the final disposition of the complaint.

TITLE 3. REVIEW BY THE SUPREME COURT

RULE 3.1 PROCEDURE

A. Notification of Filing. Upon the filing of the recommendation of suspension or revocation and of the record, the Clerk of the court shall mail written notice to the counsel appointed by the Board, if any, and the respondent LPO and the LPO's counsel.

B. Review on the Record. The Supreme Court shall review the recommendation of the Board for suspension or revocation together with the record. The Supreme Court shall adopt, modify or reverse the recommendation of the Board by written order. A copy of the order shall be mailed

to the respondent LPO and the Board by the Clerk of the court.

C. Finality. An opinion in a disciplinary proceeding is final when filed unless the court specifically provides otherwise.

RULE 3.2 SUSPENDED OR REVOKED LPOS

A. A revoked LPO, or one that is suspended for longer than thirty (30) days, shall promptly notify by registered or certified mail, return receipt requested, all clients being represented in pending matters of the revocation or suspension and the consequent inability to act as a Limited Practice Officer after the effective date of the revocation or suspension and shall advise clients to seek services elsewhere.

B. The revoked or suspended LPO, after entry of the revocation or suspension order, shall not accept any new clients or engage in work as an LPO in any matter.

C. Within ten (10) days after the effective date of the revocation or suspension order, the revoked or suspended LPO shall file with the ~~Clerk of the Supreme Court~~ Board an affidavit showing:

1. That the LPO has fully complied with the provision of the order and with these rules;

2. The residence or other address of the revoked or suspended LPO where communications may hereafter be directed to the LPO; and

3. Attaching to such affidavit a copy of the form of letter of notification sent to clients, together with a list of the names and addresses of all clients to whom such notice was sent.

D. The Board shall cause a notice of the suspension or revocation to be published in the Washington State Escrow Association newsletter and a newspaper of general circulation in the county in which the disciplined LPO worked. However, if the Board determines that the LPO no longer resides in Washington State at the conclusion of the disciplinary process, then the notice may be published solely on the electronic website maintained by the ~~OAC for the courts of the State of Washington~~ Washington State Bar Association.

E. A revoked or suspended LPO shall keep and maintain written records of the various steps taken by the LPO under these rules so that, upon any subsequent proceeding instituted by or against the LPO, proof of compliance with these rules and with the revocation or suspension order will be available. Proof of compliance with these rules shall be a condition precedent to any petition for reinstatement.

TITLE 4. COSTS

RULE 4.1 COSTS AND EXPENSES

In all cases resulting in the administration of admonition, ~~ensure~~, reprimand, suspension or revocation pursuant to these rules, the Chair of the Board shall serve upon the respondent LPO and file ~~in the office of the OAC~~ with the Board the verified statement of cost and expenses for the disciplinary proceedings to the time the Board makes its recommendation.

A. Costs and Expenses Defined. The term "costs" is defined to be all sums so taxable in civil proceedings. The

term "expenses" is defined as all other obligations in money reasonably and necessarily incurred by the Board in the complete performance of its duties under these rules; such as but not limited to necessary expenses of the Disciplinary Panel or Board members, charges of expert witnesses, charges of court reporters, reasonable attorney's fee, as well as other direct provable expenses. The Board may waive payment of any and all costs and expenses if it deems such waiver to be in the interests of justice.

B. Statement of Costs and Expenses. In all cases in which the Board determines that an admonition, ~~censure~~ or reprimand should be administered, the statement of costs and expenses shall be served on the respondent LPO at the time the LPO is notified of the Board's recommendation, together with a statement by said Board as to the amount of said costs and expenses which it, in its discretion, deems just to assess against the respondent LPO.

C. Assessment on Suspension or Revocation. In all cases in which the Board recommends suspension or revocation, the statement of costs and expenses together with a statement by the Board as to the amount of the costs and expenses which it, in its discretion, deems just to assess against the respondent LPO at the time the LPO is notified of the recommendation of the Board, shall be a part of the record sent to the Clerk of the Supreme Court.

D. Payment of Costs and Expenses. In all cases where disciplinary action results, the respondent LPO shall pay the assessed costs and expenses within thirty (30) days or such longer period of time as is determined by the Board in its discretion. Should the respondent LPO fail to pay the costs and expenses as herein provided, such failure shall be grounds for suspension, and the Board may move the Supreme Court for an order suspending the LPO until the costs and expenses are paid.

~~**E. Assessment Upon Dismissal of Charges.** In cases in which the Board dismisses the charges, the Board may fix the amount of the LPO's costs and expenses which the Board, in its discretion, deems just to assess against the complainant.~~

~~**F. E. Determination of Costs by Supreme Court.** The Board and the respondent LPO shall each submit a verified cost statement to the Clerk of the Supreme Court which shall be served on the adverse party respondent LPO within ten (10) days after the cause has been submitted to that court. The parties respondent LPO shall have ten (10) days after such service within which to file exceptions thereto. The judgment of the Supreme Court, in any suspension or revocation proceeding, shall fix the amount of the costs and expenses to be paid by the parties as it shall deem just.~~

RULE 4.2 TERMINATION OF SUSPENSION

No suspended LPO shall resume working as a Limited Practice Officer until the amount of the costs and expenses fixed pursuant to these rules has been fully paid.

TITLE 5. REINSTATEMENT AFTER REVOCATION

RULE 5.1 RESTRICTIONS AGAINST PETITIONING

A. When Petition May Be Filed. No petition for reinstatement shall be filed within a period of two (2) years after revocation or within one (1) year after an adverse decision of the Supreme Court upon a former petition, or within a period of six (6) months after an adverse recommendation of the Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to revocation the LPO was suspended pursuant to the provisions of Rule 6.2 herein, or any comparable rule, the period of suspension shall be credited toward the two (2) years referred to above.

B. Payment of Obligations. No revoked LPO may file a petition for reinstatement until costs and expenses assessed pursuant to these rules, and restitution ordered as provided, have been paid by the revoked LPO.

RULE 5.2 REVERSAL OF CONVICTION

If an LPO has been revoked solely because of the LPO's conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the LPO, enter an order reinstating the LPO to limited practice under APR 12. At the time such direct application is filed with the court, a copy shall be filed with the Board.

RULE 5.3 FORM OF PETITION

A petition for reinstatement as an LPO after revocation shall be in writing in such form as the Board may prescribe. The petition shall set forth the age, residence and address of the petitioner, the date of revocation, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required for application under APR 12.

RULE 5.4 INVESTIGATION

The Board may, in its discretion, refer the petition for reinstatement for investigation and report to counsel appointed by the Board, if any, or such other person or persons as may be determined by the Board.

RULE 5.5 HEARING BEFORE BOARD

A. Notice. The Board may fix a time and place for a hearing on the petition and shall serve notice thereof ten (10) days prior to the hearing upon the petitioner and upon such other persons as may be ordered by the Board. Notice of the hearing shall also be published in such newspaper or periodical as the Board shall direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.

B. Statement in Support or Opposition. On or prior to the date of hearing, anyone wishing to do so may file with the Board a written statement for or against reinstatement, such statements to set forth factual matters showing that the petitioner does or does not meet the requirements of Rule 5.6 A.

Except by its leave, no person other than the petitioner or petitioner's counsel shall be heard orally by the Board.

RULE 5.6 ACTION BY BOARD

A. Requirements for Favorable Recommendation.

Reinstatement may be recommended by the Board only upon an affirmative showing that the petitioner possesses the qualifications and meets the requirements as set forth by the Board and APR 12, and that the LPO's reinstatement will not be contrary to the public interest.

B. Action on Recommendation.

The recommendation of the Board shall be served upon the petitioner. If the Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Board recommends against reinstatement, the record and recommendation shall be retained in the office of the OAC by the Board unless the petitioner requests that it be submitted to the Supreme Court. If the petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the petitioner does not so request, the examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of costs incidental to the reinstatement proceeding as directed by the Board.

RULE 5.7 ACTION ON SUPREME COURT'S DETERMINATION

A. Petition Approved. If the petition for reinstatement is granted by the Supreme Court, the reinstatement shall be subject to the petitioner's taking and passing the examination for APR 12 applicants and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

B. Petition Denied. If the petition for reinstatement be denied, the examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding.

TITLE 6. SUSPENSION

RULE 6.1 SUSPENSION FOR CONVICTION OF FELONY

A. Suspension Automatic. An LPO shall be automatically suspended under APR 12 upon the conviction of a felony under either state or federal law, whether such conviction be after a plea of guilty, nolo contendere, not guilty, or otherwise, and regardless of the pendency of an appeal, and upon the filing of a certified copy of such conviction with the Clerk of the Supreme Court. Provided, however, that the Board may recommend to the Supreme Court for final disposition the prevention or termination of the suspension if the Board affirmatively finds that moral turpitude was not an element of the crime of which the LPO was convicted, or if the Board affirmatively finds that there is other good cause for preventing or terminating the suspension. Suspension in this manner shall not be a substitute or alternative for disciplinary proceedings against the LPO, but such proceedings shall be commenced upon the conviction, or prior thereto if reasonable cause therefor exists and shall proceed without regard to the suspension.

B. Duration. When an LPO is suspended upon conviction of a felony as provided in this rule, the duration of such suspension shall not exceed final disposition of the disciplinary proceedings commenced against the LPO. When the disciplinary proceedings are fully completed, after appeal or otherwise, the suspension occurring in this manner shall end and such disciplinary action as then occurs shall commence.

C. Petition for Reinstatement. A petition for reinstatement after automatic suspension for conviction of a felony pending completion of disciplinary proceedings shall be in writing and verified by the petitioner and filed with the Board at the OAC office. The petition shall set forth the age, residence and address of the petitioner, the date of the conviction and a concise statement of the facts claimed to justify reinstatement pending completion of the disciplinary proceedings. The petition shall be accompanied by the application for admission and the total fees required for certification under APR 12.

D. Investigation. In its discretion, the Board may refer the petition for reinstatement for investigation and report to the Disciplinary Panel or to such other person or persons as may be determined by the Board.

E. Notice of Hearing. The Board shall fix a time and place for hearing of the petition by the Board and shall serve notice thereof ten (10) days prior to the hearing upon the petitioner and upon such persons as may be ordered by the Board.

F. Requirements and Procedure. Such petition for reinstatement shall be recommended to the Supreme Court only upon affirmation showing to the satisfaction of the Board that the petitioner possesses the qualifications and requirements for certification under APR 12 and that the LPO's reinstatement will not be detrimental to the integrity of the profession or be contrary to the public interest.

G. Granting or Denial of the Petition by the Supreme Court. The Board shall keep a record of the hearing upon the petition for reinstatement and shall make and file its findings, conclusions and recommendation thereon with the Supreme Court for final disposition.

RULE 6.2 SUSPENSION DURING PENDENCY OF DISCIPLINARY PROCEEDINGS

A. Supreme Court May Suspend. At any time after institution of the disciplinary proceeding under Rule 1.6, where it appears that a continuation of certification under APR 12 by an LPO will result in substantial risk of injury to the public, the Board may recommend on petition to the Supreme Court for an order suspending the respondent LPO during the pendency of the disciplinary proceedings. If the court finds a risk of injury to the public, it may enter an order suspending the LPO from certification under APR 12. Such suspension shall not continue beyond the conclusion of the disciplinary proceedings.

B. Petition and Notice to Answer. The petition to the Supreme Court under this rule shall set forth the acts and omissions of the respondent LPO contained in the pending complaint, together with such other facts as may constitute grounds for suspension pending disciplinary proceedings. The petition may be supported by documents or affidavits.

MISC.

An order to show cause to be signed by the Chief Justice of the Supreme Court shall be issued thereon requiring the respondent LPO to be and appear before the Supreme Court on that court's first motion day following the expiration of seven (7) calendar days after the date on which the show cause order was signed, or on such other date as the Chief Justice may set, then and there to show cause why the prayer of the Petition for Suspension Pending Disciplinary Proceedings should not be granted.

C. Service. Service of the petition and order to show cause shall be by service of a certified copy of such order to show cause and an uncertified copy of such petition served in the manner provided in Rule 1.7 C(1) at least five (5) calendar days before the scheduled show cause hearing.

D. Answer to Petition. The answer may contain additional facts relating only to the issue of substantial risk of injury to the public, shall be verified by the respondent LPO or the LPO's counsel, and may be supported by documents or affidavits. The answer shall be filed with the Clerk of the Supreme Court at least three (3) days before the scheduled show cause hearing. For good cause shown, the Chief Justice may extend the time for answer.

E. Service of Answer. A copy of the answer shall be served on the Board at the OAC.

F. Costs. No costs shall be assessed.

TITLE 7. SUSPENSION FOR CUMULATIVE DISCIPLINE

RULE 7.1 CRITERIA

An LPO disciplined who has a record of:

A. Three or more admonitions, censures, and/or reprimands, or

B. Any combination of a suspension or revocation plus one or more admonitions, censures and/or reprimands, shall be subject to suspension from limited practice under APR 12.

RULE 7.2 PROCEDURE

A. Upon an LPO's accumulation of discipline as provided in Rule 7.1, the Board may recommend to the Supreme Court suspension of the LPO.

B. The Board shall file with the Supreme Court the respondent LPO's prior record of discipline and its recommendation for suspension. The respondent LPO shall be served in the manner provided in Rule 1.6 C(1) with a copy of the record filed with the Supreme Court.

C. The Supreme Court shall allow the Board and the respondent LPO the opportunity to submit written briefs or oral arguments under such conditions and within such time as the court directs.

TITLE 8. GENERAL PROVISIONS

RULE 8.1 RESIDENCE

For the purposes of these rules, an LPO is a resident of that county, district or congressional district in which the LPO maintains, or last maintained, the LPO's principal office whether or not that be the LPO's place of abode.

RULE 8.2 PAPERS

All pleadings, briefs, documents or notices in these rules provided for must be typewritten or printed on 8 1/2 by 11 inch paper.

RULE 8.3 FILING OF DOCUMENTS WITH THE BOARD

Whenever in these rules it is required that any document shall be filed with the Board, such documents shall be served on the Board at the ~~OFFICE OF THE ADMINISTRATOR FOR THE COURTS, PO BOX 41170, OLYMPIA WA 98504-1170~~ office of the Washington State Bar Association.

RULE 8.4 REPRESENTATION OF RESPONDENT

A former member of the Board who is also a licensed attorney in Washington shall not represent a respondent LPO in proceedings under these rules until after the lapse of two (2) years following expiration of the former Board member's term of office.

RULE 8.5 RECIPROCAL DISCIPLINE

A. Upon receipt of a certified copy of an order demonstrating that an LPO admitted to limited practice in this state has been disciplined in another jurisdiction, the Supreme Court shall forthwith direct the Board to issue a notice directed to the respondent LPO containing:

1. A copy of the order from the other jurisdiction; and

2. An order directing that the respondent LPO inform the court within thirty (30) days from service of the notice, of any claim by the respondent LPO that the imposition of the identical discipline in this state would be unwarranted, and the reasons therefore.

The Board shall cause this notice to be served upon the respondent LPO in the manner provided in Rule 1.7 C(1).

B. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this state shall be deferred until such stay expires.

C. In all other respects, a final adjudication in another jurisdiction that an LPO has been found guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this State.

RULE 8.6 DISCLOSURE

A. Disciplinary Files and Records Confidential. Except as otherwise provided in these rules, the file in a disciplinary proceeding and a disciplinary record shall be open only to the Board, Disciplinary Panel, administrative staff of the OAC and the Supreme Court if filed for recommendation or review or requested by a member of the Supreme Court; however,

1. The respondent LPO or the LPO's counsel may have access to the file consisting of the formal complaint, and all other pleadings, documents and instruments filed in the proceeding subsequent thereto.

2. When requested by the official disciplinary body of another state in connection with a pending disciplinary action in that state, the Clerk of the Supreme Court will certify and

transmit to the official disciplinary body of that state the record of the LPO involved.

B. Disclosure. Notwithstanding all existing rules relating to confidentiality of these proceedings, the Board may inform the public of disciplinary investigation or proceedings against any LPO when, in the judgment of the Board, it is determined that the matters involved are of such grave importance that the public interest is affected thereby.

C. Notice of Disciplinary Action Taken.

1. If an LPO be permitted to resign during the pendency of disciplinary hearings, or upon suspension or revocation, the fact of such resignation, suspension or revocation, including the LPO's name, shall be published in the Washington State Escrow Association publication.

2. If an admonition or ~~reprimand~~ ~~or censure~~ is given to an LPO who has previously been suspended or revoked or reprimanded, notice of such admonition or ~~reprimand~~ ~~or censure~~, including the LPO's name, shall be published in the publication of the Washington State Escrow Association.

3. Notice of all reprimands, including the LPO's name, shall be published in the publication of the Washington State Escrow Association.

D. Disciplinary Records. The disciplinary record of an LPO shall consist of a brief summary of any grievance made against the LPO and the disposition or status thereof. Information with reference thereto may be released by the Board when:

1. Specified by these rules;
2. Requested in writing by the LPO;
3. Requested by the Chair of the Disciplinary Panel;
4. Requested by a licensing authority or law enforcement agency;
5. Directed by the Board in the public interest; or
6. Directed by the Supreme Court.

E. Contempt. Disclosure, except as herein provided, of any matter made confidential by these rules by any person whomsoever shall subject such person to a proceeding as for contempt.

TITLE 9. EXONERATION FROM LIABILITY

RULE 9.1 EXONERATION FROM LIABILITY

A. Board and its Agents. No cause of action shall accrue in favor of a respondent LPO or any other person arising from an investigation or proceeding pursuant to these rules against the Limited Practice Board, its members or agents (including, but not limited to, its staff, Disciplinary Panel or staff of the ~~Administrator for the Courts Washington State Bar Association~~) provided that such Board or individual shall have acted in good faith. The burden of proving bad faith in this context shall be upon the party asserting same. The state shall provide a defense to any action brought against a member or agent of the Board for actions taken in good faith under these rules and the state shall bear the cost of the defense.

B. Complainants and Witnesses. Communications to the Board, Disciplinary Panel, ~~OAC~~ staff, or any other individual acting under authority of these rules, are absolutely privileged and no lawsuit predicated thereon may be insti-

tuted against any grievant, witness or other person providing information.

TITLE 10. EXAMINATION OF BOOKS AND RECORDS

RULE 10.1 EXAMINATION AND INVESTIGATION OF BOOKS AND RECORDS

The Board and its Chair shall have the following authority to examine and investigate the books and records of any LPO, with or without notice. The Board may authorize examinations of documents selected, prepared, and completed by authority of APR 12 of any LPO or firm by which LPO's are employed in conjunction with an investigation. Such examination shall extend only to documents selected, prepared, and completed by authority of APR 12 of such LPO or firm. Upon the examination set forth above, if the Chair of the Board shall determine that further examination is warranted, the Chair may then order an appropriate examination of the LPO's or the firm's documents which were selected, prepared, and completed by authority of APR 12, including verification of the information therein from available sources.

RULE 10.2 COOPERATION OF LPO

It shall be the duty and obligation of any LPO or firm who is subject to examination and investigation under Rule 10.1 to cooperate with the person conducting the examination, investigation or examination subject only to the proper exercise of any privilege against self-incrimination where applicable, by:

A. Producing to such person forthwith all evidence and documents selected, prepared, and completed by authority of APR 12 as such person shall request for the purpose of the examination and investigation; and

B. Furnishing forthwith explanations as such person may require for the purpose of the examination and investigation.

RULE 10.3 DISCLOSURE

The examination and investigation report shall be open to the Disciplinary Panel, the Board and the LPO examined unless a disciplinary proceeding be commenced in which event the disclosure provision of Rule 8.6 shall apply.

RULE 10.4 REGULATIONS

The Board may adopt regulations pursuant to its powers set forth in this rule subject to the approval of the Supreme Court.

TITLE 11. AUDITS AND TRUST ACCOUNT

RULE 11.1 AUDITS AND INVESTIGATION OF BOOKS AND RECORDS

The Board and its chairperson shall have the following authority to examine, investigate and audit the books and records of any LPO for the purpose of ascertaining and reporting whether APR 12.1 has been or is being complied with by such LPO:

A. Random Examination. The Board may from time to time authorize examinations of the books and records of any LPO or closing firm selected at random. Such examination shall extend only to books and records of such LPO and to all transactions of the closing firm in which an LPO participated.

B. Particular Examination. The Chair of the Board may, upon receipt of information that a particular LPO or closing firm may not be in compliance with APR 12.1, authorize an examination limited to the scope set forth in Section A. Such information may be presented to the Chair without notice to the LPO or closing firm.

C. Audit. Upon the examination set forth in Section A or B, if the Chair of the Board shall determine that further examination is warranted, the Chair may then order an appropriate audit of the LPO's or closing firm's books and records, including verification of the information therein from available sources.

RULE 11.2 COOPERATION OF LPO

It shall be the duty and obligation of any LPO or closing firm who is subject to examination, investigation and audit under Rule 11.1 to cooperate with the person conducting the examination, investigation or audit, subject only to the proper exercise of any privilege against self-incrimination where applicable, by:

A. Producing for such person forthwith all evidence, books, records and papers as such person shall request for the purpose of his or her examination, investigation or audit;

B. Furnishing forthwith such explanations as the person may require for the purpose of his or her examination, investigation or audit;

C. Producing, in those cases where the examination, investigation or audit is being conducted pursuant to Rule 11.1, to such person forthwith written authorization, directed to any bank or depository, for the person to examine, investigate or audit trust and general accounts, safe deposit boxes and other forms of maintaining trust property by the LPO or closing firm in such bank or depository.

RULE 11.3 DISCLOSURE

The examination and audit report shall be open to the Board, the LPO or closing firm examined, investigated or audited.

RULE 11.4 DECLARATION OR QUESTIONNAIRE

A. Questionnaire. The Board shall cause to be directed annually to each active LPO a written declaration or questionnaire designed to determine whether such LPO is complying with APR 12.1. Such declaration or questionnaire shall be completed, executed and delivered to the Board on or before the date of delivery specified in such declaration or questionnaire.

B. If an active LPO fails to comply with the requirements of Rule 11.4.A., compliance may still be accomplished by:

1. Submitting to the Board by April 30 the completed declaration or questionnaire called for by Rule 11.4.A., and

2. Paying at the time of filing such declaration or questionnaire a special \$50 service fee.

C. Noncompliance. An active LPO who has failed to file the declaration or questionnaire on or before the date specified in Section B may be removed (or conditionally removed) from the roll of certified LPOs and suspended until in compliance with Rule 11.4.

1. To effect such removal, the Board shall send to the non-complying LPO by certified mail, directed to the LPO's last known address as maintained on the records of the Washington State Bar Association, a written notice of non-compliance. The notice shall advise such active LPO of the pendency of removal proceedings unless within ten (10) days of receipt of such notice such active LPO completes and returns to the Board an accompanying form of petition, to which supportive affidavit(s) may be attached for extension of time for, or waiver of, compliance with the requirements of Rule 11.4 or for a ruling by the Board of substantial compliance with the requirements.

2. If such petition is not filed, such lack of action shall be deemed acquiescence by the active LPO in the finding of non-compliance. The Board shall take such action as it deems appropriate.

3. If such petition is filed, the Board may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such active LPO as to time and other requirements for achieving compliance with Rule 11.4.

4. If the Board does not approve such petition or enter into such agreement, the affected LPO may request a hearing before the Board. At the discretion of the Chair of the Board, the hearing may be held before the entire Board or panel thereof. The Board or panel thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the active LPO affected at the address of such member on file with the Washington State Bar Association. Any such order shall be final and, in case of an adverse determination, shall be transmitted to the Supreme Court.

5. An adverse decision of the Board may be appealed by the active LPO affected to the Supreme Court in accordance with the applicable provisions of APR 12. As to such appeals, the Board shall be represented by counsel as the Board may designate.

D. Such failure shall also subject the LPO who has failed to comply with this rule to a full audit of his or her books and records as provided in Rule 11.1(C) upon request of the Board Chair. A copy of the request made under this section shall be served upon the LPO involved. The request shall be granted upon a showing that the LPO has failed to comply with Section A of this rule. If the LPO shall later comply, the Chair of the Board shall have discretion to determine whether an audit should be conducted, and if so the scope of the audit. An LPO audited pursuant to this section shall be liable for the actual costs of conducting such audit.

RULE 11.5 REGULATIONS

The Board may adopt regulations pursuant to its powers set forth in this rule subject to the approval of the Board of Governors of the Washington State Bar Association and the Supreme Court.

DISCIPLINARY REGULATIONS APPLICABLE TO APR 12.1**Regulation 101: Definitions**

As used in these Regulations, the following definitions shall apply:

A. The term "closing firm" is defined in APR 12.1.

B. The "auditor" shall mean the person or accounting firm conducting the audits and examinations specified in Disciplinary Rules Title 11.

C. "Examination" shall mean a review and testing by the audit of the internal controls and procedures by an LPO or closing firm to receive, hold, disburse and account for money and property in which the client or other person has an interest using generally accepted auditing standards, to the extent they apply, without, however, making outside confirmations. In order to conduct such review and testing, the auditor shall have access to all of the internal books and records kept by the LPO or closing firm which comprise the LPO's or closing firm's financial records showing financial transactions involving the receipt of client's funds for fees, costs, or other purposes, either from the client or third persons and all expenditures by the closing firm or LPO for clients or third persons and all distributions to the LPO or LPOs including but not necessarily limited to all journals, ledgers, books of accounts, canceled checks, deposit slips, bank statements, check registers, cash accounts, receipts, correspondence, records of accounts receivable, income and expense statements, balance sheets, tax returns of all types, federal, state, county, and city excepting, however, income tax returns.

D. "Audit" shall encompass "examination" but in addition may include positive or negative confirmation from external sources.

Regulation 102: Persons Authorized to Conduct Audits

~~A. The Board may from time to time select such person or persons or accounting firms as the Board deems qualified to conduct the audits and examinations specified in Disciplinary Rules Title 11.~~

~~B. If the Board selects as auditor or auditors persons who are independent contractors, they may be hired to perform all or some examinations or audits or solely for the performance of a particular examination or audit. No auditor shall perform an audit or examination for a closing firm or LPO for whom the auditor has performed accounting work in the two (2) years preceding the date of the proposed examination or audit. The auditor, as a condition of employment, shall agree that neither the auditor nor any accounting firm with which the auditor is associated, will perform accounting work for any LPO or closing firm which the auditor audits or examines for a period of not less than two (2) years following the date of said audit or examination, whichever is later; however, this shall not preclude performance of accounting work for clients of the LPO or closing firm, nor preclude the auditor from being a lay or expert witness on behalf of a client or the LPO or closing firm.~~

~~C. Compensation of the auditor or auditors shall be determined by the Board. Audits shall be conducted by the Board's administrative support staff provided by the Washington State Bar Association.~~

Regulation 103: Examination and Audit Reports

A. The auditor shall furnish a written report of each examination or audit to the Board.

B. The report shall contain the date of the audit or examination, the name of the closing firm or LPO, and a statement of the scope of the examination or audit. In respect to each examination, it shall include a statement to the effect that either 1) as a result of the examination, an audit or further examination is indicated, or 2) during the course of the examination, the auditor has not observed anything which would indicate a need for further examination or audit at this time. In respect to each audit, the report shall state either 1) as a result of the audit, the auditor concludes that APR 12.1 has not been complied with (stating the particulars), or 2) as a result of the audit, the auditor has not observed anything which would indicate APR 12.1 has not been complied with. The auditor shall further state an opinion, as to whether the LPO or closing firm has cooperated as required by Disciplinary Rule 11.2, giving the particulars if lack of cooperation is claimed.

C. Upon request by the Chair, the auditor shall make available the working papers in respect to particular examinations or audits, for review by the Board and shall consult with the Board in respect to particular examinations and audits.

D. Upon conclusion of the examination or audit, the auditor shall make available to the LPO or closing firm a copy of the audit report.

E. The auditor shall preserve inviolate all confidences and secrets of clients of the examined LPO or closing firm. No client name or information which would permit the identification of a particular client shall be revealed in the working papers or the report of the auditor, except that the name or names of clients who have filed complaints with the Board may be released. ~~As a condition of the auditor's employment, the Board shall require such undertakings of the auditor as may be required to insure compliance with this regulation.~~

F. When the audit is concluded, if it is determined pursuant to Regulation 104A. that no further investigation, examination or action is appropriate, the Board's copies of the audit report, working papers, or other materials relating to the audit shall be destroyed, except that the Board shall maintain a record showing the identity of any LPO or closing firm audited and the dates of the audit to ensure that the restrictions of Regulation 105A. are complied with.

Regulation 104: Determination that Further Examination and Audit or Other Actions Are Warranted.

The Chair or a delegate shall review all reports of the auditor, After such review and upon further investigation, which the Chair may direct, and after such consultation, if any, as the Chair deems appropriate with the Board, the Chair shall make such order in respect to further examination and audit as the Chair deems appropriate, consistent with Disciplinary Rule 11.1. In addition, the Chair may order other actions by the LPO as are necessary to ensure that the LPO's handling of client funds complies with the requirements of the Disciplinary Rules.

Regulation 104A: Auditor's Opinions Advisory Only.

The opinions expressed in the report of the Auditor shall be advisory only. They shall not in and of themselves constitute findings of fact in any disciplinary proceedings against any LPO unless so stipulated by the LPO or LPO's counsel.

Regulation 105: Method of Selection of LPO and Closing Firms to be Examined

A. At such time and from time to time as the Board determines, random examination of LPOs or closing firms may be conducted. Procedures shall be established by the Board for the selection of the LPOs or closing firms to be examined which 1) will utilize the principle of random selection, and 2) will distribute the examinations among the congressional districts of the state substantially in the ratio that the number of LPOs in each district bears to the total number of active LPOs in the state. For example, the Board may 1) determine the total number of examinations which can be made during the time period in question by the auditor or auditors, 2) allocate the number of examinations to each district substantially in the ratio that the number of active LPOs therein bears to all active LPOs in the state, and 3) select the LPOs by random within each group. If the number drawn is that of an LPO who is an employee of a closing firm, the closing firm shall be examined. If the number is that of an active LPO who is a business owner, the active LPO's records shall be examined. If the number is that of an LPO who, either as an individual or as a closing firm employee, has been audited in the twenty-four (24) months immediately preceding the drawing, the Chair may in the Chair's discretion excuse the LPO or closing firm from examination.

B. Upon consent of an active LPO, the LPO's books and records or those of a closing firm may be examined even though the active LPO's number has not been selected randomly.

C. The Chair may at all times upon the receipt of information that a particular LPO or closing firm may not be in compliance with APR 12.1 authorize an examination.

Regulation 106: Contents of LPO Declaration

In ~~December of each year~~ connection with the annual license fee collection, the Board shall mail to each active LPO, a written questionnaire. The completed questionnaire shall be delivered by the LPO to the Board on or before ~~January~~ July 31 of the following that year. The questionnaire shall be comprised of two parts. Parts One and Two shall be completed and signed by each active LPO, provided that Part Two, in lieu of completion and signing by each individual active LPO in a closing firm, may be completed and signed by an authorized member of the firm on behalf of all LPOs employed in the firm. Parts One and Two each shall be separately signed and verified by the signer under penalty of perjury and shall require disclosure of the following information:

Part I - LPO Verification

1. Name, current address and telephone number of the LPO.

2. Whether the LPO is actively closing real and/or personal property transactions.

3. If the answer to "2" is no, whether the LPO is nonetheless engaged in any LPO activities which involves or might involve the handling of client's funds or property.

4. Whether the LPO or closing firm maintain identifiable bank account(s) within the state for the deposit of funds of clients and a record keeping system to record funds, securities and other properties of clients coming into the LPO's or closing firm's possession (to be answered by all LPOs unless the answers to both "2" and "3" are "no").

Part II - Account Information Verification

1. The name of the bank(s) and branch(es) where the separate identifiable bank accounts are maintained as the depository (or depositories) for client funds.

2. Whether the accounts identified in "1" above are maintained in the manner specified in APR 12.1, and whether all clients' funds to the extent required by APR 12.1 are kept therein.

3. Whether all funds, securities, and other properties of clients coming into the LPO's or closing firm's possession are held in the manner specified in APR 12.1 and whether records in respect thereto are maintained in the manner specified in APR 12.1.

Part Two may also require disclosure of the account numbers for each separate identifiable bank account maintained as a depository for client funds.

**CONTINUING EDUCATION REGULATIONS
OF THE LIMITED PRACTICE BOARD**

REGULATION 101**Definitions**

As used in these regulations, the following definitions shall apply:

A. A "Limited Practice Officer" (LPO) shall mean any person admitted to practice under Washington Supreme Court Rule APR 12.

B. An "approved" education activity shall mean an individual seminar, course, or other continuing education activity approved by the Continuing Education Committee of the Limited Practice Board.

C. A "credit hour" equals one (1) clock hour of actual attendance.

D. The "Committee" shall mean the Continuing Education Committee of the Limited Practice Board.

E. The "staff" shall mean the staff of the ~~Office of the Administrator for the Courts~~ Washington State Bar Association.

F. "APR 12" shall mean Admission to Practice Rule 12, together with any subsequent amendments thereto, as adopted by the Supreme Court of the state of Washington.

G. "Teaching" in an approved continuing education activity shall mean and encompass the preparation and/or delivery of a prepared talk, lecture, or address at such activity.

H. "Participating" in an approved continuing education activity shall mean and encompass: 1) acting as a planning

and organizing chair of such activity, or 2) taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture, or address.

I. "Calendar year" shall mean January 1 to December 31.

J. To qualify for "liability credit," a course or subject must deal with the legal rights, duties, or responsibilities of LPOs.

REGULATION 102

Continuing Education Requirement

As provided for in ~~Rule 15 of the Rules of Admission and Certification~~ Regulation 12 of the Regulations of the APR 12 Limited Practice Board, each active and inactive Limited Practice Officer shall complete a minimum of ten (10) credit hours of approved education during each calendar year ~~beginning January 1, 1985~~, except as exempted by Regulation 114. Two (2) hours of the required ten (10) hours of continuing education per year must be on liability issues. These classes must be approved by the Board and must be taken annually ~~beginning in 1989~~. If an active LPO completes more than ten (10) such credit hours in a given calendar year, the excess credit, up to ten (10) credits, may be carried forward and applied to such LPO's education requirement for the next calendar year. Liability credit hours may be carried forward as liability credits or regular credits. Failure to comply with the provisions of this Regulation and ~~Rule 15~~ Regulation 12 of the Regulations of the APR 12 Limited Practice Board each calendar year shall subject the Limited Practice Officer to ~~disciplinary action~~ suspension of license as an LPO.

REGULATION 103

Credits/Computation

A. Continuing education credit may be obtained by attending, teaching, or participating in, continuing education activities which have 1) been previously approved by the Committee, or 2) have been afforded retroactive approval by the Committee pursuant to APR 12 and these regulations.

B. A credit shall be awarded for each hour actually spent by an active LPO in attendance at an approved education activity.

C. Credit will not be given for time spent in meal breaks. Credit will not be given for speeches presented at meal functions.

D. Excess or "carry-over" credits may be applied to the succeeding calendar year's credit hour requirement. Such credits shall be reported to the Committee on or before January 31 as required by Regulation 108A.

E. Credit toward the continuing education requirements set forth in APR 12 and Regulation 102 may be earned through teaching or participating in an approved continuing education activity on the following basis:

1. An active LPO teaching in an approved education activity shall receive credit on the basis of one (1) credit for each hour actually spent by such LPO in attendance at and teaching in a presentation of such activity. Additionally, an active LPO teaching in such an activity shall also be awarded

further credit on the basis of one credit for each hour actually spent in preparation time, provided that in no event shall more than ten (10) hours of credit be awarded for the preparation of one (1) hour or less of actual presentation.

2. An active LPO participating in an approved educational activity shall receive credit on the basis of one (1) credit for each hour actually spent by such LPO in attendance at a presentation of such activity. Additionally, an active LPO participating in such an activity shall also be awarded further credit on the basis of one (1) credit for each hour actually spent in preparation time, provided that in no event shall more than five (5) hours of credit be awarded for such preparation time in any one such continuing education activity.

REGULATION 104

Standards for Approval

The following standards shall be met by any course or activity for which approval is sought:

A. The course shall have significant intellectual or practical content and its primary objective shall be to increase the attendee's professional competence as an LPO.

B. The course shall constitute an organized program of learning dealing with matters directly relating to the limited practice of law and/or to the professional responsibility or ethical obligations of an LPO.

C. Each faculty member shall be qualified by practical or academic experience to teach a specific subject.

D. Thorough, high quality, readable, and carefully prepared written materials should be distributed to all attendees at or before the time the course is presented. It is recognized that written materials are not suitable or readily available for some types of subjects; the absence of written materials for distribution should, however, be the exception and not the rule.

E. Courses should be conducted in a setting physically suitable to the educational activity of the program. A suitable writing surface should be provided where feasible.

F. No course will be approved which involves solely television viewing in the home or office or correspondence work or self-study. Video, motion picture, or sound tape presentations may be approved, provided a teacher or moderator is in attendance at each presentation to comment thereon, answer questions, or conduct the discussion.

REGULATION 105

Procedure for Approval of Continuing Education Activities

A. An active LPO or sponsoring agency desiring approval of a continuing education activity shall submit to the Committee all information called for by Form 1 at least thirty (30) days prior to the date scheduled for the class, along with an application fee of \$25.00 for each occurrence.

B. Approval shall be granted or denied in accordance with the provisions of Regulation 107 herein. Upon approval of the activity, a list of certified limited practice officers will be provided to the class sponsor if requested in the initial application, along with written acknowledgment of approval.

C. As to a course that has been approved, the sponsoring agency may announce, in informational brochures and/or registration materials: "This course has been approved by the Continuing Education Committee of the Limited Practice Board for ___ hours of credit."

D. On the date of the continuing education activity, the sponsoring agency shall give a copy of the LPB course approval form to each LPO attending.

REGULATION 106

Delegation

A. To facilitate the orderly and prompt administration of APR 12 and these regulations, and to expedite the processes of, inter alia, course approval, and the interpretation of these regulations, the staff of the ~~Office of the Administrator for the Courts~~ Washington State Bar Association may act on behalf of the Committee under APR 12 and these regulations. Any adverse determinations and all questions of interpretation of these regulations of APR 12 by the staff shall be subject to review by the Committee upon written application by person adversely affected.

B. The Committee may organize itself into committees and/or appoint subcommittees for the purpose of considering and deciding matters arising under APR 12 and these regulations.

REGULATION 107

Staff Determinations and Review

A. Staff of the ~~Office of the Administrator for the Courts~~ shall, in accordance with Regulations 104 and 106, respond in writing to all written requests for course approval and interpretation of the continuing education regulations of APR 12. The staff may seek a determination of the Committee before making such response. At each meeting of the Committee, the staff shall report on all determinations made since the last meeting of the Committee.

B. The Committee shall review any adverse determination of the staff. An ~~active~~ LPO or the sponsoring agency affected may, at the discretion of the Committee Chair, present information to the Committee in writing, in person, or both. If the Committee finds that the staff has incorrectly interpreted the facts, the provisions of APR 12, or the provisions of these regulations, it may take such action as may be appropriate. The Committee shall advise the ~~active~~ LPO or sponsoring agency affected of its findings and any action taken.

REGULATION 108

Submission of Information—Reporting of Attendance

A. Compliance Report. Each ~~active~~ LPO shall, on or before January 31 of each year, ~~commencing January 31, 1986~~, submit an affidavit to the Committee, ~~at the Office of the Administrator for the Courts~~, setting forth all information required by Form No. 2, concerning such ~~active~~ LPO's completion of approved continuing education during the preceding calendar year. Such affidavit shall also contain a report of "carryover" credits, if any, as delineated in Regulation 102.

B. Supplemental Report. If an ~~active~~ LPO has not completed the minimum education requirement for the preceding calendar year, or complied with Regulation 108A, compliance may still be accomplished by:

1. Submitting by April 30 the affidavit called for by Regulation 108A (Form 2) setting forth therein the extent of the ~~active~~ LPO's compliance with the minimum education requirement, AND

2. Paying at the time of filing such supplemental affidavit a special \$50 service fee.

C. An ~~active~~ LPO who fails to comply with the provisions of this regulation shall be subject to the procedures and provisions of Regulation 111.

REGULATION 109

Submission of Information—Credit for Teaching or Participating

An ~~active~~ LPO who seeks credit for teaching or participating in an approved continuing education activity pursuant to Regulation 103E, shall, on or before January 31 of the year following the calendar year in which such teaching or participating was accomplished, submit an affidavit to the Committee, ~~at the Office of the Administrator for the Courts~~, setting forth all information required by the appropriate portions of Form 3, concerning such teaching and/or participating in approved education courses or activities during the preceding calendar year.

REGULATION 110

Extensions, Waivers, Modifications

The Committee may grant extensions, waivers, or modifications of these regulations in cases of undue hardship, age, or infirmity. Requests for extensions, waivers, or modifications shall be made in writing.

REGULATION 111

Non-compliance—Board Procedures

An ~~active~~ LPO who has not complied with the educational or reporting requirements of APR 12 and these regulations by April 30 of each year, ~~commencing with April 30, 1986~~, may be removed (or conditionally removed) from the roll of certified LPO's and suspended until compliance with the regulations.

To effect such removal, the Committee shall send to the non-complying LPO by certified mail, directed to the LPO's last known address as maintained on the records of the ~~Office of the Administrator for the Courts~~ Board, a written notice of non-compliance. The notice shall advise such ~~active~~ LPO of the pendency of removal proceedings unless within ten (10) days of receipt of such notice such ~~active~~ LPO completes and returns to the Committee an accompanying form of petition, to which supportive affidavit(s) may be attached for extension of time for, or waiver of, compliance with the requirements of APR 12 and these regulations or for a ruling by the Committee of substantial compliance with the requirements.

A. If such petition is not filed, such lack of action shall be deemed acquiescence by the ~~active~~ LPO in the finding of

non-compliance. The Committee shall report such fact to the Board with the Committee's recommendations for appropriate action. The Board shall take such action as it deems appropriate.

B. If such petition is filed, the Committee may, at its discretion, approve the same without hearing or may enter into an agreement on terms with such active LPO as to time and other requirements for achieving compliance with APR 12 and these regulations.

C. If the Committee does not approve such petition or enter into such agreement, the affected LPO may request a hearing before the Board. At the discretion of the Chair of the Board, the hearing may be held before the entire Board or panel thereof. The Board or panel thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the active LPO affected at the address of such member on file with the Office of the Administrator for the Courts Board. Any such order shall be final and, in case of an adverse determination, shall be transmitted to the Supreme Court.

REGULATION 112

Appeals to the Supreme Court

An adverse decision of the Board may be appealed by the active LPO affected to the Supreme Court in accordance with the applicable provisions of APR 12. As to such appeals, the Board shall be represented by counsel as the Board may designate.

REGULATION 113

Reactivation of Inactive Members

A person desiring transfer from inactive to active status must comply with the applicable rules and procedures of the Board pertaining to such change of membership status, including the filing of an application with the Board in such form as is prescribed by the Board. The Board shall determine whether such application shall be granted. Compliance with APR 12 and these regulations is only one factor pertaining to such determination.

REGULATION 114

Exemptions

New Admission. An active LPO shall not be required to comply with the minimum continuing education requirements of APR 12, as implemented by these regulations, during the calendar year in which the LPO is admitted to practice.

REGULATION 115

Rulemaking Authority

The Committee, subject to the approval of the Board, has continuing authority to make or amend regulations consistent with APR 12 in furtherance of the development of continuing education for LPO's and the regulation thereof.

REGULATION 116

Confidentiality

The files and records of the Committee shall be deemed confidential and shall not be disclosed except in furtherance of the Committee's duties, or upon the request of an affected LPO member, or pursuant to a proper subpoena duces tecum, or as directed by the Supreme Court.

Reviser's note: The brackets and enclosed material in the text above 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 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 spelling 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.

WSR 02-15-004

RULES OF COURT

STATE SUPREME COURT

[July 2, 2002]

IN THE MATTER OF THE ADOPTION OF) ORDER
THE AMENDMENTS TO APR 4(c) AND) NO. 25700-A-741
APR 19(d))

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 4(c) and APR 19(d), and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(f), the proposed amendments as attached hereto are 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 2nd day of July 2002.

Gerry L. Alexander
Chief Justice

GR 9 COVER SHEET

Suggested Amendment

ADMISSION TO PRACTICE RULES (APR)

RULE 4. BAR EXAMINATIONS; CERTIFICATION OF RESULTS

MISC.

(1) **Name of Proponent:** The Washington State Bar Association.

(2) **Spokespersons:**

- Dale L. Carlisle, President, Washington State Bar Association, 1201 Pacific Ave., Ste. 2200, Tacoma WA 98401-1157 (telephone 253-620-6401).
- Robert D. Welden, General Counsel, Washington State Bar Association, 2101 Fourth Avenue, 4th Fl., Seattle, WA 98121-2330 (telephone 206-727-8232).

Purpose: The Board of Governors proposes amending the provision in rule 4(c) of the Admission to Practice Rules that imposes a restriction on repeating the bar examination. The Board concludes that the rule serves no useful purpose, and instead imposes an unnecessary restriction on some bar applicants.

This rule has been in effect in Washington since 1974. Prior to that, an applicant could not repeat the examination after 3 failures except by special permission of the Board of Governors "based upon an affirmative showing by the applicant that it is reasonably likely that he will pass the next examination if permission is granted, including in such showing circumstances accounting for past failures."

According to the National Conference of Bar Examiners (NCBE), 19 states have some form of restriction on repeating the bar exam without special permission after failing it, ranging from 2 to 5 times.¹ Some states, like Washington, only require waiting a period of time after successive failures of the exam before repeating it. Two states (Missouri and South Carolina) require proof of additional study before the applicant may repeat the exam. The NCBE states that the rationale for limits on repeating the bar examination is to avoid "mak[ing] our inferior schools possible and profitable." However, they also state that "the idea that attending better schools explains bar success rates is not supported by the research." More relevant to bar exam pass rates according to the NCBE, is the applicant's LSAT score.

Frank Slak, chairperson of the Committee of Law Examiners conducted a survey of members of the Law Examiners Committee. He reported that "most of them agreed that it was an archaic rule that should be wiped off the books."

For these reasons, the Board of Governors recommends that the restriction against repeating the bar examination in APR 4(c) be repealed.

(4) **Hearing.** A hearing is not requested.

(5) **Expedited Consideration:** This is not a substantive change in the Admission to Practice Rules, but merely removes a procedural restriction. Therefore, the Board of Governors requests that the Supreme Court give this suggested rule amendment expedited consideration pursuant to GR 9 (e)(2)(E).

(6) **Supporting Material:**

- Suggested amendment to Admission to Practice Rule 4.
- Memorandum to the Board of Governors dated February 12, 2002.

¹ Iowa and New Hampshire limit after 2 failures; Arizona, Georgia, Idaho, Maryland, Mississippi, Missouri, Montana, South Dakota, Washington and Wisconsin after 3 failures; Delaware, Indiana, Kansas and West Virginia after 4 failures; and Rhode Island, Texas, and Virginia after 5 failures.

SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 4. BAR EXAMINATIONS; CERTIFICATION OF RESULTS

(a) **Bar Examination.** [No change].

(b) **Certification of Results; Notice.** [No change].

(c) **Repeating Bar Examination.** Any applicant failing a bar examination may apply to take another bar examination; ~~but after the third failure occurring over any period of time no applicant shall take any subsequent bar examination until 11 months have elapsed since the date upon which the immediately preceding bar examination was taken. The 11 month waiting period shall apply to each succeeding failure on the bar examination.~~

GR 9 COVER SHEET

Suggested Amendment
ADMISSION TO PRACTICE RULES (APR)

Rule 19: Lawyer Services Department
Submitted by the Board of Governors of the Washington State Bar Association

A. **Name of Proponent:** The Washington State Bar Association.

B. **Spokespersons:**

- Dale Carlisle, President, Washington State Bar Association, 1201 Pacific Ave., Ste. 2200, Tacoma, WA 98401-1157 (telephone 253-620-6401).
- Robert D. Welden, General Counsel, Washington State Bar Association, 2101 Fourth Avenue, Fourth Floor, Seattle, WA 98121-2330 (telephone 206-727-8232).
- Christopher Sutton, Professional Responsibility Counsel, Washington State Bar Association, 2101 Fourth Avenue, Fourth Floor, Seattle, WA 98121-2330, (telephone 206-727-8219).
- Samuel Elder, Chair of Law Office Management Assistance Committee, 411 108th Avenue NE, Suite. 550, Bellevue, WA 98004-5515 (telephone 425-990-8626).

C. **Purpose:** The Lawyer Services Department was created by the Board of Governors in September 1998 as a unit of the WSBA so the WSBA programs assisting members would be grouped together in one organization. In this way, the Association's efforts to help practicing lawyers could be coordinated more closely and efficiently. The rule establishing the department and one of the department program's, the Lawyer Assistance Program, was adopted by order of June 12, 2001.

Another program, the Law Office Management Assistance Program (LOMAP) was created June 1998 to further the WSBA's purposes of assisting members in the delivery of legal services of the highest quality.

The goals of LOMAP are to enable members to expand professional competence, improve client services, increase

management skills, implement efficient procedures, avoid or reduce errors, reduce stress and improve quality of life.

Part (d)(1) of the rule authorizes the WSBA to create a law office management program to assist members in improvement of delivering legal services by helping lawyers with the business aspects of administering a law practice.

Part (d)(2) of the rule encourages participation in the program by making confidential the information obtained from providing services in the program.

Part (d)(3) exonerates Bar staff and agents administering the program from liability when acting within the scope of the rule.

D. Hearing: A hearing is not recommended.

**SUGGESTED AMENDMENT
ADMISSION TO PRACTICE RULES (APR)
APR 19. LAWYER SERVICES DEPARTMENT**

- (a) Purpose. [No change.]
- (b) Lawyers' Assistance Program (LAP). [No change.]
- (c) Fee Arbitration Program. [Reserved.] [No change.]
- (d) Law Office Management Program.

(1) Authorization. The Washington State Bar Association is authorized to create a program to help improve the quality of legal services by assisting lawyers to manage better their offices and improve the professional delivery of legal services.

(2) Confidentiality. Information obtained by staff or agents of the Law Office Management Assistance Program shall be confidential unless:

- (i) the assisted lawyer consents to disclosure;
- (ii) disclosure, based upon reasonable belief, is necessary to prevent the assisted lawyer from committing a crime;
or
- (iii) pursuant to court order.

(3) Exoneration From Liability.

(i) Bar Association and its Agents. No cause of action shall accrue in favor of any person, arising from any action or proceeding pursuant to these rules, against the Bar Association, or its officers or agents (including but not limited to its staff, members of the Board of Governors, or any individual acting under authority of these rules) provided only that the Bar Association or individual shall have acted in good faith. The burden of proving bad faith in this context shall be upon the person asserting it. The Bar Association shall provide defense to any action brought against an officer or agent of the Bar Association for actions taken in good faith under these rules and shall bear the costs of that defense and shall indemnify the officer or agent against any judgement taken therein.

(ii) Other persons. Communications to the Bar Association, Board of Governors, staff, or any other individual acting under the authority of these rules are subject to the provisions of APR 19 (d)(2) supra and the Rules of Professional Conduct.

(e) Ethics Program. [Reserved.] [No change.]

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 above 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 02-15-005
RULES OF COURT
STATE SUPREME COURT**

[July 2, 2002]

IN THE MATTER OF THE ADOPTION)	
OF NEW RULE ARLJ 12 AND AMEND-)	ORDER
MENTS TO RALJ 1.2, RALJ 6.4 AND)	NO. 25700-A-742
RALJ 9.2)	

The District and Municipal Court Judges' Association having recommended the adoption of proposed New ARLJ 12 and amendments to RALJ 1.2, RALJ 6.4 and RALJ 9.2, and the Court having considered the new rule, amendments and comments submitted thereto, and having determined that the proposed new rule and amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rule and amendments as attached hereto are adopted.

(b) That the new rule and amendments will be published in the Washington Reports and will become effective September 1, 2002.

DATED at Olympia, Washington this 2nd day of July 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

Suggested New Rule

ARLJ 12

REGISTRATION BY COURTS OF LIMITED JURISDICTION

(1) All courts of limited jurisdiction shall register with the Administrative Office of the Courts. The registration shall include the name of the court, address, telephone number and the names of judicial officers and the court clerk or administrator. The official registration must be updated annually by each court on or before July 1 and also within 30 days from the date of any changes in the information previously supplied to the Administrative Office of the Courts.

(2) The failure of a court to register as required by this rule shall not affect in any way the power or authority of a court.

MISC.

RALJ 1.2

INTERPRETATION AND APPLICATION OF RULES

(a) Unchanged.

(b) **Application of Rules.** Cases and issues will not be determined on the basis of compliance or noncompliance with these rules, except as provided in rules 10.2 and 10.3(c). A party's right to proceed further in an appeal may be conditioned on compliance with the terms of a sanction order under rule 10.1.

RALJ 6.4

TRANSMITTAL OF RECORD OF PROCEEDINGS ON DISCRETIONARY REVIEW AND RETURN OF RECORD OF PROCEEDINGS FOLLOWING TERMINATION OF APPEAL

When a party has filed a notice for discretionary review of the superior court decision, the record of proceedings and the transcript of the electronic record considered by the superior court on direct appeal shall be transmitted to the appellate court. Upon completion of the appeal and any subsequent proceedings for review by the Court of Appeals or Supreme Court, the superior court shall return to the court of limited jurisdiction the record of proceedings transmitted pursuant to RALJ 6.1(a). Transcripts provided pursuant to RALJ 6.3A shall not be returned to the court of limited jurisdiction.

RALJ 9.2

ENTRY OF DECISION AND ENFORCEMENT OF JUDGMENT

(a) Unchanged.

(b) **Transmittal of Superior Court Mandate.** The clerk of the superior court shall transmit written notification of the superior court's decision to the court of limited jurisdiction and to each party not earlier than 30 days nor later than 60 days from the filing of the decision in superior court, unless a party files a timely notice for discretionary review.

(c) - (e) Unchanged.

Reviser's note: The spelling 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 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.

**WSR 02-15-006
RULES OF COURT
STATE SUPREME COURT**

[July 2, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF NEW GR 27) NO. 25700-A-743

The Access to Justice Board having recommended the adoption of the proposed New GR 27, and the Court having considered the proposed new rule, as amended by the Superior Court Judges' Association and comments submitted thereto, and having determined that the proposed new rule will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the new rule as attached hereto is adopted.

(b) That the new rule will be published in the Washington Reports and will become effective September 1, 2002.

DATED at Olympia, Washington this 2nd day of July 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

New GR 27 (Proposed Court Rule)

FAMILY LAW COURTHOUSE FACILITATORS

(a) Generally. RCW 26.12.240 provides a county may create a courthouse facilitator program to provide basic services to pro se litigants in family law cases. This Rule applies only to courthouse facilitator programs created pursuant to RCW 26.12.240.

(b) The Washington State Supreme Court shall create a Family Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications and administer a curriculum of initial and ongoing training requirements for family law courthouse facilitators. The Administrative Office of the Courts shall assist counties in administering family law courthouse facilitator programs.

(c) Definitions. For the purpose of this rule the following definitions apply:

(1) A Family Law Courthouse Facilitator is an individual or individuals who has or have met or exceeded the minimum qualifications and completed the curriculum developed by the Administrative Office of the Courts and who is or are providing basic services in family law cases in a Superior Court.

(2) Family Law Cases include, but not limited to, dissolution of marriage, modification of dissolution matters such as child support, parenting plans, non-parental custody or visitation, and parentage by unmarried persons to establish paternity, child support, child custody and visitation.

(3) "Basic Service" includes but is not limited to:

a) referral to legal and social service resources, including lawyer referral and alternate dispute referral programs and resources on obtaining family law forms and instructions;

b) assistance in calculating child support using standardized computer based program based on financial information provided by the pro se litigant;

c) processing interpreter requests for facilitator assistance and court hearings;

d) assistance in selection as well as distribution of forms and standardized instructions that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

MISC.

e) assistance in completing forms that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

f) explanation of legal terms;

g) information on basic court procedures and logistics including requirements for service, filing, scheduling hearings and complying with local procedures;

h) review of completed forms to determine whether forms have been completely filled out but not as to substantive content with respect to the parties' legal rights and obligations;

i) previewing pro se documents prior to hearings for matters such as dissolution of marriage and show cause and temporary relief motions calendars under the direction of the Clerk or Court to determine whether procedural requirements have been complied with

j) attendance at pro se hearings to assist the Court with pro se matters.

k) assistance with preparation of court orders under the direction of the Court.

l) preparation of pro se instruction packets under the direction of the Administrative Office of the Courts.

(d) Family Law Courthouse Facilitators shall, whenever reasonably practical, obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each person utilizing the services of the Family Law Courthouse Facilitator. The prescribed disclaimer shall be in the format developed by the Administrative Office of the Courts.

(e) No attorney-client relationship or privilege is created, by implication or by inference, between a Family Law Courthouse Facilitator providing basic services under this rule and the users of Family Law Courthouse Facilitator Program services.

(f) Family law courthouse facilitators providing basic services under this rule are not engaged in the unauthorized practice of law. Upon a courthouse facilitator's voluntary or involuntary termination from a courthouse facilitator program, that person is no longer a courthouse facilitator providing services pursuant to RCW 26.12.240 or this Rule.

WSR 02-15-007
RULES OF COURT
STATE SUPREME COURT
[July 2, 2002]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO CrRLJ 6.13) ORDER
AND IRLJ 6.6) NO. 25700-A-744

The Washington Association of Prosecuting Attorneys having recommended the adoption of the proposed amendments to CrRLJ 6.13 and IRLJ 6.6, and the Court having considered the proposed amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2002.

DATED at Olympia, Washington this 2nd day of July 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

CrRLJ 6.13 EVIDENCE

(a) Rules of Evidence. The Rules of Evidence are applicable to criminal prosecutions.

(b) Test Reports by Experts.

(1) Generally. The official written report of an expert witness which contains the results of any test of a substance or object which are relevant to an issue in a trial shall be admitted in evidence without further proof or foundation as prima facie evidence of the facts stated in the report if the report bears the following certification:

TEST CERTIFICATION

The undersigned certifies under penalty of perjury that:

1. I performed the test on the (substance) (object) in question;

2. The person from whom I received the (substance) (object) in question is: _____;

3. The document on which this certificate appears or to which it is attached is a true and complete copy of my official report; and

4. Such document is a report of the results of a test which report and test were made by the undersigned who has the following qualifications and experience _____

Signature

Title

Business Address and Phone

(2) Exclusion of Test Reports. The court shall exclude test reports otherwise admissible under section (b) if:

(i) a copy of the certified report or certificate has not been delivered or mailed to the defendant or the defendant's lawyer at least 14 days prior to the trial date or, upon a showing of cause, such lesser time as the court deems proper, or

(ii) in the case of an unrepresented defendant, a copy of this rule in addition to a copy of the certified report or certifi-

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icate has not been delivered or mailed to the defendant at least 14 days prior to the trial date or, upon a showing of cause, such lesser time as the court deems proper, or

(iii) at least 7 days prior to the trial date, or, upon a showing of cause, such lesser time as the court deems proper, the defendant has delivered or mailed a written demand upon the prosecuting authority to produce the expert witness at the trial.

(c) Breathalyzer Maintenance, Simulator Thermometer, BAC Verifier, and Simulator Solution Certificates.

(1) Admission of Certificate. In the absence of a request to produce a Breathalyzer maintenance technician, a BAC Verifier Data Master infrared instrument technician, or the person responsible for preparing or testing simulator solutions made at least 7 days prior to trial or such lesser time as the court deems proper, certificates substantially in the following forms are admissible in lieu of a state expert witness in any court proceeding held pursuant to RCW 46.61.506 for the purpose of determining whether a person was operating or in actual physical control of a motor vehicle while under the influence of intoxicating liquors:

BREATHALYZER MAINTENANCE AND CHEMICAL CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am a Breathalyzer technician possessing a valid permit or certificate issued to me by the state toxicologist by virtue of his rules, WAC 448-12 and RCW 46.61.506.

On _____ (date) at _____ (time) I examined, tested and calibrated a Breathalyzer machine with serial No. _____ using a sealed ampul of chemicals with control No. _____ according to the methods established and approved by the state toxicologist.

I further certify that said machine was, on that date, in proper working order, and that the chemicals in ampuls with the above control number are suitable for use in this machine.

Signature of Technician
Dated: _____

BAC VERIFIER DATA MASTER CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am employed by _____ and am certified by the state toxicologist by virtue of applicable regulations and statutes.

On _____ (date) at _____ (time) I examined, tested and certified a BAC Verifier Data Master instrument with serial No. _____ according to the methods established and approved by the state toxicologist. I further certify that said instrument was, on that date, in proper working order.

Signature of Technician
Dated: _____

BAC VERIFIER DATA MASTER SIMULATOR SOLUTION CERTIFICATION

I, _____, do certify under penalty of perjury as follows:

I am employed by the Washington State Toxicology Laboratory, and a part of my responsibilities include preparing and testing the simulator solutions for the BAC Verifier Data Master breath test instrument. I possess the following qualifications:

The simulator solution, Lot Number _____ was prepared in the Washington State Toxicology Laboratory. I examined and tested this solution. It was found to conform to those standards established by the state toxicologist for the certification of simulator solution.

Dated: _____

Signature

BAC DATAMASTER SIMULATOR THERMOMETER CERTIFICATION

I, _____, do certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

I am employed by the Washington State Patrol and am certified as a Technician by the state toxicologist by virtue of applicable regulations and statutes.

On _____ (date) at _____ (time) I tested and certified simulator thermometer _____ (serial number) which is installed in simulator _____ (serial number) and which is attached to BAC Data Master _____ (serial number). In performing the test I employed a protocol approved by the state toxicologist. I found the thermometer to comply with the standards for accuracy as required by the state toxicologist. The certification of this thermometer is valid for one year from the date of this certification.

Signature of Technician
Dated: _____
Location: _____ (city and state)

(2) Machine Not Working Properly—Certificate of Technician. If the technician determines that a Breathalyzer machine or a BAC Verifier Data Master instrument is not in proper working order at the time of examination, the technician shall delete the last paragraph from the appropriate certificate form set forth in section (c)(1) of this rule and shall certify substantially in the following form:

I further certify that said machine was not in proper working order on _____ (date) at _____M.

I further certify that I repaired or corrected said machine as required on _____ (date) and as of that date at _____M. said machine was again in proper working order (and that the chemicals in ampuls with the above control number are suitable for use in this machine.) (Cross out bracketed language if not applicable.)

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Dated: _____

Technician

(3) Filing of Certificates by Clerk. The clerk of each court of limited jurisdiction shall maintain the certificates as a public record.

(d) Speed Measuring Device: Design and Construction Certification.

(1) Admission of Certificate. In the absence of proof of a request to produce an electronic or laser speed measuring device (SMD) expert served on the prosecuting authority and filed with the clerk of the court at least 30 days prior to trial or such lesser time as the court deems proper, a certificate substantially in the following form is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic or laser speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES AND LASER SPEED MEASURING DEVICES

I, _____, do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for ___ years ~~and hold the rank of _____~~. Part of my duties include supervising the ~~purchase~~, maintenance(;) and repair of all electronic and laser speed measuring devices (SMDs) used by _____ (name of agency) ~~my agency~~.

This agency currently uses the following SMDs: (List all SMDs used and their manufacturers and identify which SMDs use laser technology.)

I have the following qualifications with respect to the above stated SMDs:

(List all degrees held and any special schooling regarding the SMDs listed above.)

~~This Our~~ agency maintains manuals for all of the above stated SMDs. I am personally familiar with those manuals and how each of the SMDs are designed and operated. ~~All initial~~ On _____ (date), testing of the SMDs was performed under my direction. The units were evaluated to meet or exceed existing performance standards. ~~Our This~~ agency maintains a testing and certification program. This program requires:

(State the program in detail.)

Based upon my education, training, and experience and my knowledge of the SMDs listed above, it is my opinion that each of these electronic pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator or, in the case of the laser SMDs, each of these pieces of equipment is so designed and constructed as to accurately employ measurement techniques based on the velocity of light in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

Signature

Dated: _____

(e) Continuance. The court at the time of trial shall hear testimony concerning the alleged offense and, if necessary, may continue the proceedings for the purpose of obtaining (1) the maintenance technicians presence for testimony concerning the working order of the Breathalyzer machine and the certification thereof, (2) evidence concerning the working order of the BAC Verifier Data Master instrument and the certification thereof, (3) evidence concerning the preparation of the BAC Verifier Data Master simulator solution and the certification thereof, or (4) evidence concerning an electronic speed measuring device or laser speed measuring device and the certification thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the results of such test or readings shall be granted.

IRLJ 6.6 SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

(a) In General. This rule applies only to contested hearings in traffic infraction cases.

(b) Speed Measuring Device Certificate; Form. In the absence of proof of a request to produce an electronic or laser speed measuring device (SMD) expert served on the prosecuting authority and filed with the clerk of the court at least 30 days prior to trial or such lesser time as the court deems proper, a certificate in substantially the following form is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic or laser speed measuring device (SMD) is an issue:

CERTIFICATION CONCERNING DESIGN AND CONSTRUCTION OF ELECTRONIC SPEED MEASURING DEVICES OR LASER SPEED MEASURING DEVICES

I, _____ do certify under penalty of perjury as follows:

I am employed with _____ as a _____. I have been employed in such a capacity for _____ years ~~and hold the rank of _____~~. Part of my duties include supervising the ~~purchase~~, maintenance, and repair of all electronic and laser speed measuring devices (SMD's) used by _____ (name of agency) ~~my agency~~.

This agency currently uses the following SMD's:

(List all SMD's used and their manufacturers and identify which SMDs use laser technology.)

I have the following qualifications with respect to the above stated SMD's:

(List all degrees held and any special schooling regarding the SMD's listed above.)

~~Our This~~ agency maintains manuals for all of the above stated SMD's.

I am personally familiar with those manuals and how each of the SMD's are designed and operated. ~~All initial~~ On _____ (date), testing of the SMD's was performed under my direction. The units were evaluated to meet or exceed existing performance standards. ~~This Our~~ agency maintains a testing and certification program. This program requires:

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(State the program in detail.)

Based upon my education, training, and experience and my knowledge of the SMD's listed above, it is my opinion that each of these electronic pieces of equipment is so designed and constructed as to accurately employ the Doppler effect in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator or, in the case of the laser SMDs, each of these pieces of equipment is so designed and constructed as to accurately employ measurement techniques based on the velocity of light in such a manner that it will give accurate measurements of the speed of motor vehicles when properly calibrated and operated by a trained operator.

(Signature)

Dated: _____

(c) Continuance. The court at the time of the formal hearing shall hear testimony concerning the infraction and, if necessary, may continue the proceedings for the purpose of obtaining evidence concerning an electronic speed measuring device and the certification thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the readings of such device shall be granted.

(d) Maintaining Certificates as Public Records. Any certificate, affidavit or foundational evidentiary document allowed or required by this rule can be filed with the court and maintained by the court as a public record. The records will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The records are available without a formal request for discovery. The court is entitled to take judicial notice of the fact that the document has been filed with the court. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document. Evidence shall be suppressed pursuant to subsection (c) of this rule if the evidence in the certificate, affidavit or document is insufficient, or if it has not been filed as required.

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 02-15-008
RULES OF COURT
STATE SUPREME COURT
[July 2, 2002]

IN THE MATTER OF THE ADOPTION)
OF THE AMENDMENTS TO CrR 4.2(g),) ORDER
CrRLJ 4.2(g), JuCR 7.7 AND NEW FORM) NO. 25700-A-745
FOR CrRLJ 4.2(i))

The Washington Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g), CrRLJ 4.2(g), JuCR 7.7 and new form for CrRLJ

4.2(i) and new form for CrRLJ 4.2(i), 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 will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 2nd day of July 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Bridge, J.

B. 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 02-16 issue of the Register.

WSR 02-15-009
RULES OF COURT
STATE SUPREME COURT
[July 2, 2002]

IN THE MATTER OF THE ADOPTION)
OF THE PROPOSED AMENDMENTS TO) ORDER
CrR 3.2, CrR 3.2.1, CrRLJ 3.2 AND CrRLJ) NO. 25700-A-746
3.2.1)

The Minority and Justice Commission and the Board for Judicial Administration having recommended the adoption of the proposed amendments to CrR 3.2, CrR 3.2.1, CrRLJ 3.2 and CrRLJ 3.2.1, and the Court having considered the proposed amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as attached hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2002.

DATED at Olympia, Washington this 2nd day of July 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.	Bridge, J.
Madsen, J.	Chambers, J.
Sanders, J.	Owens, J.

CrR 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases.

Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

(1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or

(2) if there is shown a likely danger that the accused:

(a) will commit a violent crime, or ~~that the accused~~

(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

~~If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony, and further may examine under oath the affiant and any witnesses the affiant may produce. Sworn testimony shall be electronically or stenographically recorded. The evidence shall be preserved and shall be subject to constitutional limitations for probable cause determinations, and may be hearsay in whole or in part.~~

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, ~~the~~ court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, ~~will not significantly interfere with the administration of justice and not pose a substantial danger to others or the community or, if no single condition gives that assurance, any combination of the following conditions:~~

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

(5) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required; ~~assure noninterference with the trial and reduce danger to others or the community.~~

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(bc) Relevant Factors—Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance ~~and noninterference with the administration of justice, and reduce danger to others or the community,~~ the court shall, on the available information, consider the relevant facts including but not limited to:

(1) ~~the length and character of the accused's residence in the community~~ ~~the~~ accused's history of response to legal process, particularly court orders to personally appear;

(2) ~~the~~ accused's employment status and history, and financial condition enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;

(3) ~~the~~ accused's family ties and relationships;

(4) ~~the~~ accused's reputation, character and mental condition;

(5) ~~the~~ accused's history of response to legal process ~~the~~ length of the accused's residence in the community;

(6) ~~the~~ accused's criminal record;

(7) ~~the~~ willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(8) ~~the~~ nature of the charge, if relevant to the risk of nonappearance;

(9) ~~any~~ other factors indicating the accused's ties to the community; ~~the accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice; whether or not there is evidence of present threats or intimidation directed to witnesses; the accused's past record of committing offenses while on pretrial release, probation or parole; and the accused's past record of use of or threatened use of deadly weapons or firearms, especially to victims or witnesses.~~

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(ed) Showing of Substantial Danger—Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community or the appearance of the defendant. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(eb) Relevant Factors—Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's ~~appearance and~~ noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to: ~~the length and character of the accused's residence in the community; the accused's employment status and history and financial condition; the accused's family ties and relationships; the accused's reputation, character and mental condition; the accused's history of response to legal process;~~

(1) ~~The accused's criminal record;~~

(2) ~~The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;~~

(3) ~~The nature of the charge; any other factors indicating the accused's ties to the community;~~

(4) ~~The accused's reputation, character and mental condition;~~

(5) ~~The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;~~

(6) ~~Whether or not there is evidence of present threats or intimidation directed to witnesses;~~

(7) ~~The accused's past record of committing offenses while on pretrial release, probation or parole; and~~

(8) ~~The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.~~

(ef) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(eg) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(fh) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025, and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(gi) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(hj) Review of Conditions.

(1) At any time after the preliminary appearance, an accused who is being detained due to failure to post bail may move for reconsideration of bail. In connection with this motion, both parties may present information by proffer or otherwise. If deemed necessary for a fair determination of the issue, the court may direct the taking of additional testimony.

(2) A hearing on the motion shall be held within a reasonable time. An electronic or stenographic record of the hearing shall be made. Following the hearing, the court shall promptly enter an order setting out the conditions of release in accordance with section (g). If a bail requirement is imposed or maintained, the court shall set out its reasons on the record or in writing.

(ik) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing in accordance with section (hj). Release may be revoked only if the violation is proved by clear and convincing evidence.

(jl) Arrest for Violation of Conditions.

(1) Arrest With Warrant. Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (ik).

(2) Arrest Without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (ik).

(km) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(ln) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(mo) Accused Released on Recognizance or Bail—Absence—Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violated conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

Comment

Supersedes RCW 10.16.190; RCW 10.19.010, .020, .025, .050, .070, .080; RCW 10.40.130; RCW 10.46.170; RCW 10.64.035.

CrR 3.2.1

PROCEDURE FOLLOWING WARRANTLESS ARREST - PRELIMINARY APPEARANCE

(a) Probable Cause Determination. A person who is arrested shall have a judicial determination of probable cause no later than 48 hours following the person's arrest, unless probable cause has been determined prior to such arrest.

(b) How Determined. The court shall determine probable cause on evidence presented by a peace officer or prosecuting authority in the same manner as provided for a warrant of arrest in rule 2.2(a). The evidence shall be preserved and may consist of an electronically recorded telephonic statement. If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony, and further may examine under oath the affiant and any witnesses the affiant may produce. Sworn testimony shall be electronically or stenographically recorded. The evidence shall be preserved and shall be subject to constitutional limitations for probable cause determinations, and may be hearsay in whole or in part.

(c) Court Days. For the purpose of section (a) Saturday, Sunday and holidays may be considered judicial days.

(d) Preliminary Appearance.

(1) Adult. Unless a defendant has appeared or will appear before a court of limited jurisdiction for a preliminary appearance pursuant to CrRLJ 3.2.1(a), any defendant whether detained in jail or subjected to court-authorized conditions of release shall be brought before the superior court as soon as practicable after the detention is commenced, the conditions of release are imposed or the order is entered, but in any event before the close of business on the next court day. A person is not subject to conditions of release if the person has been served with a summons and the only obligation is to appear in court on a future date.

(2) Juveniles. Any person in whose case the juvenile court has entered a written order declining jurisdiction, and who is detained in custody must be taken to appear before the superior court as soon as practicable after the juvenile court order is entered, but in any event before the close of business on the next court day.

(3) Unavailability. If an accused is unavailable for preliminary appearance because of physical or mental disability, the court may, for good cause shown and recited in a written order, enlarge the time prior to preliminary appearance.

(e) Procedure at Preliminary Appearance.

(1) At the preliminary appearance, the court shall provide for a lawyer pursuant to rule 3.1 and for pretrial release pursuant to rule 3.2, and the court shall orally inform the accused:

- (i) of the nature of the charge against the accused;
- (ii) of the right to be assisted by a lawyer at every stage of the proceedings; and

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(iii) of the right to remain silent, and that anything the accused says may be used against him or her.

(2) If the court finds that release should be denied or that conditions should attach to release on personal recognizance, other than the promise to appear at subsequent hearings, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses he or she may produce. Subject to constitutional limitations, the findings of probable cause may be based on evidence which is hearsay in whole or in part.

(f) Time Limits.

(1) Unless an information or indictment is filed or the affected person consents in writing or on the record in open court, an accused, shall not be detained in jail or subjected to conditions of release for more than 72 hours after the defendant's detention in jail or release on conditions, whichever occurs first. Computation of the 72 hour period shall not include any part of Saturdays, Sundays or holidays.

(2) If no information or indictment has been filed at the time of the preliminary appearance, and the accused has not otherwise consented, the court shall either:

(i) order in writing that the accused be released from jail or exonerated from the conditions of release at a time certain which is within the period described in subsection (f)(1); or

(ii) set a time at which the accused shall reappear before the court. The time set for reappearance must also be within the period described in subsection (f)(1). If no information or indictment has been filed by the time set for release or reappearance, the accused shall be immediately released from jail or deemed exonerated from all conditions of release.

[Former Rule 3.2A and former Rule 3.2B adopted effective July 1, 1992; redesignated as Rule 3.2.1 adopted effective April 3, 2001.]

CrR 3.2

RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

(1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or

(2) if there is shown a likely danger that the accused:

(a) will commit a violent crime, or ~~that the accused~~

(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A-.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

~~If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony, and further may examine under oath the affiant and any witnesses the affiant may produce. The testimony shall be electronically or stenographically recorded. The evidence shall be preserved and shall be subject to constitutional limitations for probable cause determinations, and may be hearsay in whole or in part.~~

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, will not significantly interfere with the administration of justice and not pose a substantial danger to others or the community or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

(5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required, ~~assure noninterference with the trial and reduce danger to others or the community.~~

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the

available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

~~A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. With the exception of offenses specified in CrRLJ 3.2(m), the adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7.~~

(bc) Relevant Factors—Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, ~~and noninterference with the administration of justice, and reduce danger to others or the community,~~ the court shall, on the available information, consider the relevant facts including but not limited to:

~~(1) the length and character of the accused's residence in the community; ¶The accused's history of response to legal process, particularly court orders to personally appear;~~

~~(2) ¶The accused's employment status and history, and financial condition enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;~~

~~(3) ¶The accused's family ties and relationships;~~

~~(4) ¶The accused's reputation, character and mental condition;~~

~~(5) the accused's history of response to legal process ¶The length of the accused's residence in the community;~~

~~(6) ¶The accused's criminal record;~~

~~(7) ¶The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;~~

~~(8) ¶The nature of the charge, if relevant to the risk of nonappearance;~~

~~(9) Any other factors indicating the accused's ties to the community, the accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice; whether or not there is evidence of present threats or intimidation directed to witnesses; the accused's past record of committing offenses while on pretrial release, probation or parole; and the accused's past record of use of or threatened use of deadly weapons or firearms, especially to victims or witnesses.~~

(ed) Showing of Substantial Danger—Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activi-

ties or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community ~~or the appearance of the defendant.~~ If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(eb) Relevant Factors—Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's appearance and noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to: ~~the length and character of the accused's residence in the community; the accused's employment status and history and financial condition; the accused's family ties and relationships; the accused's reputation, character and mental condition; the accused's history of response to legal process;~~

~~(1) ¶The accused's criminal record;~~

~~(2) ¶The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;~~

~~(3) ¶The nature of the charge; any other factors indicating the accused's ties to the community;~~

~~(4) The accused's reputation, character and mental condition;~~

~~(5) ¶The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;~~

~~(6) Whether or not there is evidence of present threats or intimidation directed to witnesses;~~

~~(7) ¶The accused's past record of committing offenses while on pretrial release, probation or parole; and~~

~~(8) ¶The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.~~

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(df) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the persons safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the persons mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(eg) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(fh) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(gi) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(hj) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing. Release may be revoked only if the violation is proved by clear and convincing evidence.

(ik) Arrest for Violation of Conditions.

(1) Arrest With Warrant. Upon the courts own motion or a verified application by the prosecuting authority alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (hj).

(2) Arrest Without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (hj).

(ji) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(km) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(ln) Accused Released on Recognizance or Bail—Absence—Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(mq) Bail in Criminal Offense Cases—Mandatory Appearance. (Unchanged.)

(np) (Reserved.)

(oq) Forfeitable Fisheries Offenses.

(pr) Forfeitable Wildlife Offenses. (Unchanged.)

(qs) Forfeitable Natural Resources Offenses. (Unchanged.)

(rt) Forfeitable Parks Offenses. (Unchanged.)

(su) Forfeitable Utilities and Transportation Offenses. (Unchanged.)

CrRLJ 3.2.1

~~PROCEEDINGS BEFORE THE JUDGE—PROCEDURE FOLLOWING EXECUTION OF A WARRANT, OR ARREST WITHOUT A WARRANTLESS ARREST—PROBABLE CAUSE FOR DETERMINATION—BAIL—PRELIMINARY HEARING~~

(a) Probable Cause Determination. A person who is arrested shall have judicial determination of probable cause no later than 48 hours following the persons arrest, unless probable cause has been determined prior to such arrest.

(b) How Determined. The court shall determine probable cause on evidence presented by a peace officer or prosecuting authority in the same manner as provided for a warrant of arrest in rule 2.2(a). The evidence shall be preserved and may consist of an electronically recorded telephonic statement. If the court finds that release without bail should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider an affidavit, a document as provided in RCW 9A.72.085 or any law amendatory thereto, or sworn testimony, and further may examine under oath the affiant and any witnesses the affiant may produce. Sworn testimony shall be electronically or stenographically recorded. The evidence shall be preserved and shall be subject to constitutional limitations for probable cause determinations, and may be hearsay in whole or in part.

(c) Court Days. For the purpose of section (a), Saturday, Sunday and holidays may be considered judicial days.

(d) Preliminary Appearance.

MISC.

(1) Adult. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused detained in jail must be brought before a court of limited jurisdiction as soon as practicable after the detention is commenced, but in any event before the close of business on the next court day.

(2) Juveniles. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused in whose case the juvenile court has entered a written order declining jurisdiction and who is detained in custody, must be brought before a court of limited jurisdiction as soon as practicable after the juvenile court order is entered, but in any event before the close of business on the next court day.

(3) Unavailability. If an accused is unavailable for preliminary appearance because of physical or mental disability, the court may, for good cause shown and recorded by the court, enlarge the time prior to preliminary appearance.

(e) Procedure at Preliminary Appearance.

(1) At the preliminary appearance, the court shall provide for a lawyer pursuant to rule 3.1 and for pretrial release pursuant to rule 3.2, and the court shall orally inform the accused:

(i) of the nature of the charge against the accused;

(ii) of the right to be assisted by a lawyer at every stage of the proceedings; and

(iii) of the right to remain silent, and that anything the accused says may be used against him or her.

(2) If the court finds that release should be denied or that conditions should attach to release on personal recognizance, other than the promise to appear in court at subsequent hearings, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses he or she may produce. Subject to constitutional limitations, the finding of probable cause may be based on evidence which is hearsay in whole or in part.

(f) Time Limits.

(1) Unless a written complaint is filed or the accused consents in writing or on the record in open court, an accused, following a preliminary appearance, shall not be detained in jail or subjected to conditions of release for more than 72 hours after the accused's detention in jail or release on conditions, whichever occurs first. Computation of the 72-hour period shall not include any part of Saturdays, Sundays, or holidays.

(2) If no complaint, information or indictment has been filed at the time of the preliminary appearance, and the accused has not otherwise consented, the court shall either:

(i) order in writing that the accused be released from jail or exonerated from the conditions of release at a time certain which is within the period described in subsection (f)(1); or

(ii) set a time at which the accused shall reappear before the court. The time set for reappearance must also be within the period described in subsection (f)(1). If no complaint, information or indictment has been filed by the time set for release or reappearance, the accused shall be immediately

released from jail or deemed exonerated from all conditions of release.

(g) Preliminary Hearing on Felony Complaint.

(1) When a felony complaint is filed, the court may conduct a preliminary hearing to determine whether there is probable cause to believe that the accused has committed a felony unless an information or indictment is filed in superior court prior to the time set for the preliminary hearing. If the court finds probable cause, the court shall bind the defendant over to the superior court. If the court binds the accused over, or if the parties waive the preliminary hearing, an information shall be filed without unnecessary delay. Jurisdiction vests in the superior court at the time the information is filed.

(2) If at the time a felony complaint is filed with the district court the accused is detained in jail or subjected to conditions of release, the time from the filing of the complaint in district court to the filing of an information in superior court shall not exceed 30 days plus any time which is the subject of a stipulation under subsection (g)(3). If at the time the complaint is filed with the district court the accused is not detained in jail or subjected to conditions of release, the time from the accused's first appearance in district court which next follows the filing of the complaint to the time of the filing of an information in superior court shall not exceed 30 days, excluding any time which is the subject of a stipulation under subsection (g)(3). If the applicable time period specified above elapses and no information has been filed in superior court, the case shall be dismissed without prejudice.

(3) Before or after the preliminary hearing or a waiver thereof, the court may delay a preliminary hearing or defer a bind-over date if the parties stipulate in writing that the case shall remain in the court of limited jurisdiction for a specified time, which may be in addition to the 30-day time limit established in subsection (g)(2).

(4) A preliminary hearing shall be conducted as follows:

(i) the defendant may as a matter of right be present at such hearing;

(ii) the court shall inform the defendant of the charge unless the defendant waives such reading;

(iii) witnesses shall be examined under oath and may be cross-examined;

(iv) the defendant may testify and call witnesses in the defendant's behalf.

(5) If a preliminary hearing on the felony complaint is held and the court finds that probable cause does not exist, the charge shall be dismissed, and may be refiled only if a motion to set aside the finding is granted by the superior court. The superior court shall determine whether, at the time of the hearing on such motion, there is probable cause to believe that the defendant has committed a felony.

(6) If a preliminary hearing is held, the court shall file the record in superior court promptly after notice that the information has been filed. The record shall include, but not be limited to, all written pleadings, docket entries, the bond, and any exhibits filed in the court of limited jurisdiction. Upon written request of any party, the court shall file the recording of any testimony.

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 State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 02-15-010
RULES OF COURT
STATE SUPREME COURT**

[July 2, 2002]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO SPRC 2) NO. 25700-A-747

The Office of Public Defense having recommended the adoption of the proposed amendment to SPRC 2, and the Court having considered the amendment 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 2nd day of July 2002.

Alexander, C. J.

Smith, J.

Ireland, J.

Johnson, J.

Bridge, J.

Madsen, J.

Chambers, J.

Sanders, J.

Owens, J.

**SPRC 2
SUPERIOR COURT SPECIAL PROCEEDINGS
RULES-CRIMINAL**

Rule 1. SCOPE OF RULES

(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. These rules do not apply in any case in which imposition of the death penalty is no longer possible.

(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. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2 (f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

A list of attorneys who meet the requirements of proficiency and experience, and who have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are 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. Both counsel at trial must have five years' experience in the practice of criminal law (and) be familiar with and experienced in the utilization of expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall make findings of fact if good cause is found for not appointing list counsel.

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. In appointing counsel on appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel.

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.

[Amended effective January 1, 2003.]

Reviser's note: The brackets and enclosed material in the text of the above section 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 02-15-011
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF AGRICULTURE
(Beef Commission)
[Memorandum—July 2, 2002]**

The August 15, 2002, board meeting of the Washington State Beef Commission has been changed to August 6-7, 2002.

Should you have questions, please contact Rosalee Mohney at (206) 444-2902.

**WSR 02-15-016
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
[Memorandum—July 3, 2002]**

The Washington State Convention and Trade Center has added the following board meeting to the 2002 schedule.

August 20, 2:00 p.m.

Room 209

WSR 02-15-021
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—July 15, 2002]

BOARD OF TRUSTEES
COMMITTEE MEETINGS NOTICE

July 19, 2002
Eastern Washington University
526 5th Street
Cheney, WA 99004

Two committees of the board of trustees of Eastern Washington University will be meeting according to the following schedules. A quorum of the board may be present at these meetings, the purpose of which is to discuss university business prior to the board of trustees meeting scheduled for August 23, 2002.

Student Affairs Committee	8:00 - 11:00 a.m.	PUB 311
Academic Affairs Committee	11:30 a.m. - 2:30 p.m.	PUB 323

WSR 02-15-022
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE SCHOOL
FOR THE DEAF
 [Memorandum—July 3, 2002]

REVISED Notice of Public Meetings

Listed below are the 2002 regular meeting dates and times of the board of trustees for the Washington State School for the Deaf:

July 18, 2002	9:00 a.m.
August 16, 2002	9:00 a.m.
October 2, 2002	1:00 p.m.
November 22, 2002	9:00 a.m.

All meetings will be held at the Washington State School for the Deaf, Administrative Conference Room, 611 Grand Boulevard, Vancouver, WA 98661.

WSR 02-15-029
NOTICE OF PUBLIC MEETINGS
MARINE EMPLOYEES' COMMISSION
 [Memorandum—July 10, 2002]

Change in August 2002 Public Meeting

There will be a change in the previously adopted schedule for the 2002 meeting schedule of the Marine Employees' Commission. The August 23, 2002, meeting location has been changed from Seattle to Olympia. The meeting will be held in the 2nd Floor Conference [Room] of the Evergreen Plaza Building, 711 Capitol Way South, Olympia, and will begin at 10:00 a.m.

For further information, please call (360) 586-6354 or send an e-mail to mec@olywa.net.

WSR 02-15-059
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 11, 2002, 4:20 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-48 MAA.
 Subject: Vendor rate increase for nondurable MSE.
 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. This rate increase has been applied across the board for state-unique procedure codes. Providers are reimbursed Medicare rates for HCPCS codes.

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>.

July 3, 2002

E. A. Myers, Manager
 Rules and Publications Section

WSR 02-15-060
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed July 11, 2002, 4:21 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-49 MAA.
 Subject: Vendor rate increase for prosthetic and orthotic devices.

Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will use Medicare's 2002 fees for prosthetic and orthotic devices.

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

MISC.

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 3, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-15-061

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 11, 2002, 4:22 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-55 MAA.
Subject: Vendor rate increase for ambulance 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 1.5% vendor rate increase for fee-for-service programs, as authorized by the 2002 Supplemental Appropriations Act. MAA will implement the following rate changes for ambulance services:

- The amount of the vendor rate increase allocated for ground ambulance services will be applied entirely to the base rates (first client only); and
- The amount of the vendor rate increase allocated for air ambulance services will be applied entirely to the liftoff fees.

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.

July 3, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-15-062

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 11, 2002, 4:23 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-66 MAA.
Subject: Vendor rate increase for support devices/orthotics.
Effective Date: July 1, 2002.

Document Description: **Effective for dates of service on and after July 1, 2002**, the Medical Assistance Administration (MAA) will use Medicare's 2002 fees for support devices/orthotics.

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.

July 3, 2002

E. A. Myers, Manager
Rules and Publications Section

WSR 02-15-063

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 11, 2002, 4:25 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-42 MAA.
Subject: Vendor rate increase for outpatient hospitals.
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);
- Additions to the year 2002 current procedural terminology (CPT™) codes;
- Changes to the health care financing administration common procedure coding system (HCPCS) Level II codes;
- Technical changes; and
- An 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.

July 3, 2002

E. A. Myers, Manager
Rules and Publications Section

MISC.

WSR 02-15-070
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—July 10, 2002]

A meeting of the Washington State Convention and Trade Center board of directors **Design and Construction Committee** will be held on **Tuesday, July 16, 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 02-15-071
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER

[Memorandum—July 10, 2002]

A regular meeting of the Washington State Convention and Trade Center board of directors will be held on **Tuesday, July 16, 2002, at 2:00 p.m.** in Room 310, of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 02-15-074
AGENDA
UNIVERSITY OF WASHINGTON
 [Filed July 15, 2002, 9:43 a.m.]

The University of Washington's
Semiannual Agenda for Rules Under Development
(Per RCW 34.05.314)
July 2002

1. Rule making continues for new chapter 478-118 WAC, Parking and traffic rules of the University of Washington, Tacoma, during the second half of 2002.
2. Rule making to amend WAC 478-116-131 Parking for events and other university functions, continues during the second half of 2002.
3. Expedited adoption of housekeeping amendments to various Title 478 WAC rules is rescheduled for the second half of 2002.
4. Rule review for chapter 478-124 WAC, General conduct code for the University of Washington, is rescheduled for the second half of 2002.
5. Rule making for a new chapter concerning shared facilities at the University of Washington, Bothell and Cascadia Community College colocated campus is anticipated during the second half of 2002.

For more information concerning the above rules under review or development contact Rebecca Goodwin Deardorff, Director, Administrative Procedures Office, University of Washington, 4014 University Way N.E., Seattle, WA 98105-

6302, Campus Mail Box 355509, phone (206) 543-9199, fax (206) 616-6294, or e-mail adminpro@u.washington.edu.

WSR 02-15-076
AGENDA
DEPARTMENT OF AGRICULTURE
 [Filed July 15, 2002, 9:57 a.m.]

Following is the Department of Agriculture's semi-annual rules development agenda for the period July 1, 2002, through December 31, 2002, which is being sent to you in compliance with RCW 34.05.314.

If you have any questions, please call (360) 902-1802 or e-mail ghuffman@agr.wa.gov.

Washington State Department of Agriculture
 Semi-Annual Rules Agenda, July 1, 2002 - December 31, 2002
 P.O. Box 42560, Olympia, WA 98504-2560

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Pesticide Management Division						
WAC 16-200-750 through 16-200-887	Rules relating to commercial feeds	Ali Kashani Pesticide Registration Pesticide Management Division phone (360) 902-2028	7-02	11-02	2-03	As part of the department's Executive Order 97-02 rule review process, WAC 16-200-750 through 16-200-887 will be revised to: <ul style="list-style-type: none"> • Increase the safety of animal feed by adapting applicable sections of Part 589.2000 of Title 21 of the Code of Federal Register [Regulations] (Animal proteins prohibited in ruminant feed) to WSDA feed rules. • Increase consistency between WSDA feed rules and the feed rules of many other states as well as the Association of American Feed Control model regulations, thus improving free trade between states. Specifically, the 2002 applicable model regulations of the Association of American Feed Control officials will be incorporated into WSDA feed rules. • Clarify the language of the existing feed rule. • Update the current feed rule to reflect changes within the feed industry.
WAC 16-201-010 through 16-201-290, WAC 16-202-2000, and WAC 16-200-600 through 16-200-739	Civil penalty matrix	Ted Maxwell Pesticide Registration Pesticide Management Division phone (360) 902-2026	6-19-02	10-2-02	12-18-02	To adopt rules establishing a method for determining civil penalties for violations of chapter 15.54 RCW and WSDA rules regulating fertilizer bulk storage secondary containment, fertigation, and fertilizer registration and distribution.
WAC 16-228-1010	Definitions	Cliff Weed Program Manager Pesticide Compliance phone (360) 902-2036	4-2-01	To be determined	To be determined	Correct grammar; add wording regarding pollen shedding corn, methyl parathion (allow for elimination of the methyl parathion pollen shedding corn orders, eliminate wording on cancelled uses); correct editing errors and combine wording in some sections; drop sections and move sections relating to recordkeeping for distributors to two new sections for clarity and accuracy; allow the department to issue more overall permits for EUPs (efficiency); modify pesticide licensing examination requirements (agency policy clarified in rule).

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-228-1235 through 12371	Rules restricting the use of clopyralid	Cliff Weed Program Manager Pesticide Compliance phone (360) 902-2036	Fall 2002	To be determined	To be determined	After monitoring the effectiveness of the new rules adopted in May 2002, the department may initiate rule making after analyzing the monitoring results and based upon recommendations from the clopyralid technical advisory committee.
WAC 16-228-2000 through 2040	Wood destroying organisms	Cliff Weed Program Manager Pesticide Compliance phone (360) -902-2036	2-27-01	7-3-02	9-02	Amend rules related to wood destroying organism inspections to provide greater clarity to the regulated industry and greater protection to consumers.
WAC 16-229-010	Definitions	Cliff Weed Program Manager Pesticide Compliance phone (360) 902-2036	8-22-01	5-02	To be determined	Amend the current definition of pesticide temporary field storage containers to allow containers of more than 2,500 gallons.
Laboratory Services Division						
Chapter 16-321 WAC	Grass sod—Certification standards	Tom Wessels Program Manager Plant Services Program Lab Services Division phone (360) 902-1984	2-27-01	To be determined	To be determined	Update the sod certification program rules to reflect current industry and program practices, scientific knowledge and statutory requirements. In addition, they will be rewritten in clear language and an easier to read format.
Chapter 16-674 WAC	Weights and measures—Sealing, marking, retesting devices	Jerry Buendel Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98502-3525, or e-mail jbuendel@agr.wa.gov	4-3-02	6-5-02	7-22-02	Retitled the chapter to more accurately describe its content and amended sections to clarify weighmaster licensing and operating requirements. The amendments update exemptions for certain weighing or measuring devices or instruments. Weighmasters are now required to register weighing and measuring devices when the devices are placed into commercial use. Three sections regarding fees for inspections, tests, grain elevator scale tests and railroad track scales are repealed and in modified form moved to chapter 16-675 WAC. The fees in these modified sections were increased within the fiscal growth factor for FY 2003. Finally, the chapter was rewritten in a clear and readable format and updated to conform to current industry standards.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-675 WAC	Calibration services	Jerry Buendel Washington State Department of Agriculture, Weights and Measures Program, P.O. Box 42560, Olympia, WA 98502-3525, or e-mail jbuendel@agr.wa.gov	4-3-02	6-5-02	7-22-02	Amendments increase fees for service in the Washington State Department of Agriculture weights and measures program to offset the costs of furnishing the services. The fee increases are within the fiscal growth factor for FY 2003. The chapter was also retitled to "Calibration Services, Special Inspection and Testing Fees." The department moved sections formerly located in chapter 16-674 WAC establishing fees for special inspections and tests and fees for railroad track scales to this WAC. This change places all weights and measures fees for services in one chapter. The chapter was rewritten in a clear and readable format and updated to conform to current industry standards.
Chapter 16-401 WAC	Nursery inspection fees	Tom Wessels Program Manager Plant Services Program Lab Services Division phone (360) 902-1984	7-3-02	9-02	11-02	The chapter will be amended to allow for assessing grapevines. Rule language will be developed with the help of a grape advisory committee. Industry suggests adopting an assessment rate before next year's nursery crop is planted.
Chapter 16-487 WAC	Prunus disease quarantine	Tom Wessels Program Manager Plant Services Program Lab Services Division phone (360) 902-1984	7-02	10-02	12-02	In order to meet federal standards, rules may require that all prunus stock coming into Washington state be tested for plum pox.
NEW	Labeling rules for nursery stock	Tom Wessels Program Manager Plant Services Program Lab Services Division phone (360) 902-1984	9-02	12-02	To be determined	Rules would implement statutory requirement that nursery stock offered for sale in Washington state be labeled with the botanical name of the stock.
NEW	Blueberry planting stock certification	Tom Wessels Program Manager Plant Services Program Lab Services Division phone (360) 902-1984	1-23-01	To be determined	To be determined	Rules regulating the certification of blueberry planting stock may be needed to enable the industry to combat the spread of plant pests and export planting stock overseas.
Food Safety, Animal Health and Consumer Services Division						
Chapter 16-89 WAC	Sheep and goat scrapie disease control	Robert W. Mead, DVM, Food Safety, Animal Health and Consumer Services phone (360) 902-1881	12-19-01	9-02	11-02	In order for Washington state to maintain its status as a complaint [compliant] state, the state scrapie rules must be amended by January 1, 2003, to remain in compliance with recently adopted federal rules.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
Chapter 16-101X WAC	Dairy penalty matrix	Claudia Coles Program Manager Food Safety, Animal Health and Con- sumer Services phone (360) 902-1905	8-21-02	11-20-02	To be deter- mined	Amend the chapter to include the assessment of civil penalties as an equivalent penalty action to degrades (lowering in grade from A to C) for violations of chapter 15.36 RCW. The proposed amendments will encourage compliance with dairy regulations, streamline the penalty process, bring WSDA enforcement strategies in line with interstate requirements, and reduce the burden on the dairy industry when milk must be rerouted and often disposed as a result of the degrade action.
Chapter 16-157 WAC	Organic food standards and certification	Miles McEvoy Organic Food Program Manager, Food Safety, Animal Health and Consumer Services phone (360) 902-1924	7-02	10-02	To be deter- mined	Based upon information coming from the national organic program (NOP), WSDA's organic program will need to revise chapter 16-157 WAC to bring it into compliance with NOP standards.
Chapter 16-160 WAC	Registration of materials for organic food production	Miles McEvoy Organic Food Program Manager, Food Safety, Animal Health and Consumer Services phone (360) 902-1924	11-02	To be deter- mined	To be deter- mined	The department has adopted the national organic program in Washington state requiring that chapter 16-160 WAC be amended to comply with NOP material standards.
Agency Operations Division						
NEW	WSDA procedural rules for funding one-half of the WSDA commodity commission coordinator position	Deborah Anderson Commodity Commission Coordinator phone (360) 902-2043	4-3-02	6-19-02	8-1-02	To implement sections 7, 44 and 72-78, chapter 313, Laws of 2002 (ESHB 2688), authorizing department rules establishing a method for funding, from all commodity boards and commissions, one-half of the WSDA commodity commission coordinator position.
Commodity Inspection Division						
Chapter 16-449 WAC	Washington controlled atmosphere storage requirements for winter pears	Jim Quigley Program Manager Commodity Inspection Division phone (360) 902-1883	8-7-02			Combine the three chapters into one chapter containing the controlled atmosphere requirements for fruits and vegetables.
Chapter 16-459 WAC	Controlled atmosphere storage					
Chapter 16-690 WAC	Fruit storage					
Chapter 16-448 WAC	Standards for potatoes	Jim Quigley Program Manager Commodity Inspection Division phone (360) 902-1883	8-7-02			Update the chapter to reflect the current federal marketing order and United States potato grading standards. Also, amend the chapter to allow the fruit and vegetable inspection program to offer alternative inspection programs such as quality control inspections involving the issuance of a certificate of compliance and/or permit.

MISC.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
WAC 16-400-008	Reduction of inspection fees levied under this chapter	Jim Quigley Program Manager Commodity Inspection Division phone (360) 902-1883	N/A	N/A	7-1-02	Emergency rule to implement statutory changes, chapter 322, Laws of 2002 (SSB 6254). Adopting new section that reduces fees for inspection services in the old Moses Lake District by 9.5% and reduces inspection fees in the Yakima District by 12.5%.
Chapter 16-458 WAC	Fruit and vegetable inspection district boundaries	Jim Quigley Program Manager Commodity Inspection Division phone (360) 902-1883	N/A	N/A	7-1-02	Emergency rule to implement statutory changes, chapter 322, Laws of 2002 (SSB 6254). Repeal WAC 16-458-080 Fruit and vegetable district three thus eliminating the Moses Lake District. Amending WAC 16-458-075 and 16-458-085 to divide the former Moses Lake District service area between Yakima and Wenatchee.
WAC 16-400-008	Reduction of inspection fees levied under this chapter	Jim Quigley Program Manager Commodity Inspection Division phone (360) 902-1883	7-2-02	8-7-02	9-27-02	Permanent rules to implement statutory changes and replace emergency rules filed on July 2, 2002. Tentative effective date of the permanent rules is October 28, 2002.
Chapter 16-458 WAC	Fruit and vegetable inspection district boundaries	Jim Quigley Program Manager Commodity Inspection Division phone (360) 902-1883	7-2-02	8-7-02	9-27-02	Permanent rules to implement statutory changes and replace emergency rules filed on July 2, 2002. Tentative effective date of the permanent rules is October 28, 2002.

George Huffman
Rules Coordinator

MISC.

WSR 02-15-080
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 2002, 3:54 p.m.]

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 10, 2002

E. A. Myers, Manager
Rules and Publications Section

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-58 MAA.

Subject: Listing client spenddown and/or EMER on UB-92 Claim Form.

Effective Date: June 1, 2002.

Document description: The purpose of this numbered memorandum is to clarify to hospitals the difference between spenddown and EMER for the medically indigent program and where each one MUST be placed on the UB-92 claim form in order for the hospital to be reimbursed properly. Sample completed UB-92 forms accompany this document.

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

WSR 02-15-084
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

[Memorandum—July 11, 2002]

Per RCW 42.30.075, the Forest Practices Board will cancel the regular scheduled meeting on August 14, 2002. Per RCW 42.30.080, the Forest Practices Board will hold a special meeting on August 7, 2002. Notice is also provided to all individuals and groups on the board's mailing list. Contact the Forest Practices Board's rules coordinator about being added to this list.

For more information, check the board's web site at www.wa.gov/dnr or contact the rules coordinator at Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-

1413, fax (360) 902-1428, e-mail forest.practicesboard@wadnr.gov.

WSR 02-15-085

AGENDA

FOREST PRACTICES BOARD

[Filed July 15, 2002, 4:35 p.m.]

Rule Development Agenda

July 2002 - January 2003

The board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development:

1. Chapter 222-21 WAC, Small Landowner Forestry Riparian Easement Permanent Rules. Permanent rule making has been completed for legislatively mandated changes to the small forest landowner forestry riparian easement program contained in SHB 2105 passed by the 2001 legislature in the regular session. The new rule was adopted by the board on February 13, 2002, and became effective on March 21, 2002.

2. Chapter 222-21 WAC, Small Landowner Forestry Riparian Easement Program Permanent Rules. At its August 14, 2002, meeting, the board will consider newly proposed rule language to initiate permanent rule making designed to implement changes to the small forest landowner forestry riparian easement program contained in SHB 2311 passed by the 2002 legislature. Other changes that the board will consider include clarification to board manual references, clarification to the description of an easement, subsection (3) in WAC 222-21-035 by writing out the numbers "one" and "two." If the board votes to initiate permanent rule making, then public hearings and comment periods will occur in fall of 2002.

3. Procedural and Ethics Rules. At the May 8, 2001, meeting, the board decided to continue with permanent rule making on procedure and ethics rules, which will update the board's administrative procedures, provide new rules on public record requests and executive ethics rules. Proposed permanent rule language will be considered by the board at the August 2002 meeting.

4. Reasonable Use Rule. At the February 13, 2002, meeting, the board decided to postpone rule making for the reasonable use rule until an undetermined future date due to current budget limitations.

5. Modification to Notice Rule. In May 2000, the board denied a rule-making petition regarding scenic trail corridors. The governor's office agreed the denial was appropriate but suggested the board consider a rule that would require reasonable notice of proposed harvest applications on a particular piece of property to local media outlets, advocacy groups, and nearby landowners who have registered with the department. This recommendation was reviewed at the February 13, 2002, meeting and it was determined that there would be no further rule making on this issue at this time.

6. Editorial and Minor Rule Changes. The current permanent rules are being reviewed for editorial and minor clarification changes which may result in a rule proposal.

7. Salvage of Logging Residue Rule. The board adopted an emergency rule for WAC 222-16-050 at its February 13, 2002, meeting and voted to extend this emergency rule until permanent rule making is completed. The emergency rule clarifies how salvage logging is classified. Also at its February 13, 2002, meeting, the board initiated permanent rule making and at the meeting held on May 8, 2002, the board voted to continue permanent rule making. The public comment period extends from May 22, 2002, through July 17, 2002, and a public hearing will be held in Olympia on July 16, 2002. The board will consider permanent adoption of this rule at the August 2002 meeting.

8. SEPA Wildlife Rule. The board decided at the February 13, 2002, meeting to proceed with permanent rule making for the state environmental policy (SEPA) wildlife rule. This rule was adopted by the board at its meeting on May 8, 2002, and became effective June 14, 2002.

9. Other Legislative Mandated Changes. Legislation that was passed during the 2002 session will be reviewed to determine if new rule making will need to occur. Specifically this includes: SHB 2671 pertaining to the permit assistance center within the Washington State Department of Ecology, SSB 6241 pertaining to Christmas trees, and SSB 6400 pertaining to developing a statewide biodiversity conservation strategy. Legislation that was passed during the 2001 session that will require new rule making includes SSB 5701 pertaining to the definition of forest land.

10. Cultural Resources. The forests and fish policy group is considering review of the forest practices rules governing cultural resources protection associated with timber harvests in the state of Washington. Although it has not been determined that rule changes are necessary at this time, any future changes would likely occur to WAC 222-16-010 involving the definition of cultural resources.

Contact Person: Patricia Anderson, Forest Practices Board Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov, filed January 31, 2002.

WSR 02-15-089

NOTICE OF PUBLIC MEETINGS

SEATTLE COMMUNITY COLLEGE

[Memorandum—July 10, 2002]

Special Board of Trustees Meeting for the
Seattle Community College District VI

In compliance with the open meeting law notice provisions, this is to inform you that the Seattle Community College District VI board of trustees will be holding a special meeting on July 23, 2002, 9:00 a.m. to 12 noon, at GM Namplate, 2040 15th Avenue West, Seattle, WA 98119.

WSR 02-15-090
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND
EDUCATION COORDINATING BOARD
 [Memorandum—July 12, 2002]

The Washington State Workforce Training and Education Coordinating Board (WTECB) will hold a special board meeting/teleconference at WTECB Main Conference Room on August 28, 2002, from 1:30 p.m. to 3:00 p.m. to review and adopt the 2003-05 strategic plan and biennial budget submission for the WTECB.

Please call 753-5677 if you have any questions.

WSR 02-15-091
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SERVICES FOR THE BLIND
 (Statewide Rehabilitation Council)
 [Memorandum—July 2, 2002]

Statewide Rehabilitation Council Meeting

The date and location for the next Washington State Department of Services for the Blind Statewide Rehabilitation Council meeting is **Saturday, September 7, 2002, 9 a.m. - 4 p.m., at the Washington State School for the Blind, 2214 East 13th Street, Vancouver, WA 98661-4120.**

WSR 02-15-092
AGENDA
DEPARTMENT OF
FISH AND WILDLIFE
 [Filed July 16, 2002, 11:49 a.m.]

Following is the proposed rule agenda for the Department of Fish and Wildlife for the second half of 2002.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
RULE DEVELOPMENT AGENDA

July 1, 2002 through December 31, 2002

July 2, 2002

Adopt North of Falcon sport rules

CR-105 filed 5/1/02, WSR 02-10-127

July 23, 2002

(1) Adopt North of Falcon Puget Sound rules

CR-105 filed 5/13/02, WSR 02-11-073

(2) Adopt Willapa Bay commercial salmon rules

CR-105 filed 5/13/02, WSR 02-11-072

August 2-3, 2002

(1) Adopt invasive aquatic species rules

CR-101 filed 4/29/02, WSR 02-10-096

CR-102 filed 6/18/02, WSR 02-13-107

(2) Adopt Marine Protected Areas and sturgeon rules

CR-101 filed 4/25/02, WSR 02-10-056

CR-102 filed 6/18/02, WSR 02-13-088

(3) Adopt direct retail sales rules

CR-101 filed 4/30/02, WSR 02-10-105

CR-102 filed 6/19/02, WSR 02-13-134

(4) Adopt sea urchin and cucumber license buy-back rules

CR-101 filed 4/3/02, WSR 02-08-079

CR-102 filed 6/18/02, WSR 02-13-086

(5) Adopt clam and oyster seasons and areas rules

CR-101 filed 4/29/02, WSR 02-10-097

CR-102 filed 6/18/02, WSR 02-13-091

(6) Adopt "resident" definition rule

CR-101 filed 4/10/02, WSR 02-09-032

CR-102 filed 6/18/02, WSR 02-13-085

(7) Adopt lands vehicle use permit display rules

CR-101 filed 4/26/02, WSR 02-10-061

CR-102 filed 6/18/02, WSR 02-13-084

(8) Adopt ballast water exchange rule

CR-101 filed 4/29/02, WSR 02-10-095

CR-102 filed 6/19/02, WSR 02-13-136

(9) Adopt cougar removal rule

CR-101 filed 4/30/02, WSR 02-10-109

CR-102 filed 6/19/02, WSR 02-13-133

(10) Adopt dogfish shark rules

CR-101 filed 4/24/02, WSR 02-10-027

CR-102 filed 6/18/02, WSR 02-13-108

(11) Adopt sea urchin and cucumber area rules

CR-101 filed 2/20/02, WSR 02-05-074

CR-102 filed 6/18/02, WSR 02-13-090

(12) Adopt 2002 fall hunting seasons rules

CR-101 filed 4/30/02, WSR 02-10-109

CR-102 filed 6/19/02, WSR 02-13-137 and 02-13-138

September 5, 2002

Adopt crawfish, Kalama River and Lewis River power canal rules

CR-101 filed 5/22/02, WSR 02-11-145

expected CR-102 filing 7/24/02

September 24, 2002

Adopt repeal of redundant harvest rules in Marine Protected Areas

CR-105 filed 7/10/02, WSR 02-15-025

December 6-7, 2002

(1) Adopt advanced hunter education rule

CR-101 filed 4/22/02, WSR 02-10-019

CR-102 filed 6/18/02, WSR 02-13-089

(2) Adopt hunters with disabilities rules

CR-101 filed 4/29/02, WSR 02-10-094

CR-102 filed 6/19/02, WSR 02-13-135

(3) Adopt aquaculture escape rules

(4) Adopt shrimp trawl fin fish excluder device rules

(5) Adopt 2003 private lands wildlife management areas

rules

(6) Adopt Columbia River nontreaty allocation rules

(7) Adopt 2003-2005 sturgeon accord rules

(8) Hearing on 2003-2004 sport fish rule proposals

(3-8 above)

expected CR-101 filing 9/4/02

expected CR-102 filing 10/23/02

Evan Jacoby
Rules Coordinator

WSR 02-15-108
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF REVENUE

[Filed July 17, 2002, 4:15 p.m.]

CANCELLATION OF INTERPRETIVE AND/OR POLICY STATEMENTS

This announcement of the cancellation of these interpretive statements is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has cancelled the following audit directives effective July 17, 2002. As a result of this action, audit directives 8108.1, 8144.1, 8168.1, 8171.2, 8177.1, and 8178.1 are the only remaining documents in the audit directive series.

AD 7170.1 Use tax on U.S. Government contracts awarded

AD 7170.2 Government contract audits

AD 7170.2A Use tax on government contracting projects

The United States Supreme Court sustained the government contracting tax applications for Washington in 1983, even though the ultimate economic burden of the tax is borne by the United States government (*Washington v. US*, 75 L.Ed 2d 264, (1983)). These directives were issued while the department was negotiating with federal agencies regarding direct payment of use tax owed by contractors on contracts awarded prior to October 1, 1983. Their purpose was to provide guidance to audit personnel to ensure uniformity for tax-reporting instructions provided to and audit examinations of contractors performing construction services for the U.S. government during this period. This information is no longer needed. They are being formally cancelled because copies of these directives have been included in the instructional materials used to train auditors on tax issues related to the construction industry.

AD 8122.1 Feed purchased by cattle auction businesses

This directive explains that because of a 1985 law change, custom feedlot operators may purchase feed at wholesale and are exempt from B&O tax irrespective of whether they charge the livestock owner separately for the cost of feed. Chapter 118, Laws of 2001, and Det. 87-266, 4 WTD 007 (1987) provide sufficient guidance to determine the tax consequences of this activity.

AD 8143.1 Intermediate steps in a printing process—Publishers

This directive notes that ETB (now ETA) 417.12.144 (Printing industry—Use tax on consumable materials and supplies) and 456.08.143 (Taxability of print shops—Plate production and printing charges) provide tax-reporting information for printers regarding products

manufactured and used during intermediate steps in a printing process. The directive notes that the department was in 1987 reviewing the appropriateness of expanding this tax treatment to publishers who may not perform any printing activity.

This issue was settled some time ago and the directive is no longer needed. Publishers are entitled to the same treatment as printers with respect to products purchased for use in a printing process. ETA 456 provides in part that a "publisher, printers, and trade shops which purchase or produce such items are liable for use tax thereon measured by the value of the materials. This is because these materials do not become a component part of the printed article sold and are put to an intervening use by the printer."

AD 8144.2 Silk screen printing process

This directive explains that the intermediate steps in a silk-screen printing process are similar to those used in other more conventional printing processes, and subject to the tax-reporting instructions provided in ETA 417.12.144 (Printing industry—Use tax on consumable materials and supplies) and 456.08.143 (Tax liability of print shops—Plate production and printing charges). It also explains that persons producing silk-screen products and selling the same outside the state incur a manufacturing B&O tax liability. This directive is no longer needed. Det. 92-352, 12 WTD 509 (1992), and Det. 88-351, 6 WTD 371 (1988), sufficiently address these issues.

AD 8146.1 Loan set up fees

This directive explains that loan set-up fees that represent an adjustment to yield will be considered interest income for tax purposes. This directive is no longer needed. This issue is addressed more completely in subsequent published determinations (e.g., Det. 89-280, 7 WTD 375 (1989) and Det. 99-241, 19 WTD 295 (1999)).

AD 8146.3 Gains and losses on futures contracts

This directive explains that losses from futures contracts should not be used to offset gains. This information is outdated and incorrect. Det. 90-63, 9 WTD 107 (1990) provides sufficient information on this subject and explains that futures contract gains may be offset by losses.

AD 8146.5 Interest from sales of real estate

This directive explains that the deduction for interest earned on loans secured by a first mortgage or trust deed on nontransient residential property may not be claimed for interest derived from real estate sales contracts. This information is accurate, but the directive is no longer needed. This issue is sufficiently addressed in subsequent published determinations of the department (e.g., Det. 93-023, 12 WTD 575 (1993)).

AD 8156.1 Special charges related to escrows

This directive explains that consistent with the holding in Det. 87-100, 2 WTD 433 (1987), charges by escrow

businesses to complete a federal information return are retail sales. This information is no longer needed.

AD 8171.1 Value of rock from state or federal pits

This directive explains that ETB 11 provides values of rock removed from city or county-owned rock pits to be used to determine use tax liability. The directive notes that the ETB values are not to be used for rock taken from federal or state owned pits for uses such as logging road construction. It then identifies values for crushed aggregate and bank run rock based on a review of records maintained by Department of Transportation and the Department of Natural Resources several years prior to issuance of the directive. These figures were to be used to determine for use tax purposes the value of materials removed from federal or state-owned pits when the contractor was not charged for the materials. The information provided in this directive is out of date. ETB 11 was cancelled in 1990. RCW 82.12.010 (1)(a) (defining "value of article used"), WAC 458-20-178 Use tax, and 458-20-13501 Timber harvest operations, all provide guidance as to determining the measure of use tax.

AD 8178.2 Appliances used for demonstration

This directive explains under what circumstances use tax applies to appliances used for demonstration purposes. This directive is no longer needed as this issue is sufficiently addressed in ETA 332.12.178.

AD 818801.1 Audits of the medical industry

This directive to provide interim tax policy guidance in some general areas related to the medical industry. It primarily provides guidance regarding the taxability of delivery systems, dual purpose systems, prosthetic and orthotic devices, prepackaged kits, and reagents. The issues addressed in this directive are currently addressed in either WAC 458-20-18801 or other published determinations of the department, including but not limited to Det. 91-077 11 WTD 095, Det. 91-261 11 WTD 439, Det. 91-261S, 12 WTD 023, and Det. No. 92-164, 12 WTD 205.

AD 8193A.1 ETB 527—Merchandise pickup out of state

AD 8193A.2 Interstate sales and deliveries

AD 8193A.3 Manufacturing tax prior to June 1, 1987

- AD 8193A.1 clarifies the conditions under which tax-reporting information provided in ETB 527 (subsequently ETA 527) applies.
- AD 8193A.2 clarifies interim instructions provided by revenue policy memorandum (RPM) No. 89-1 regarding the taxability of interstate sales and deliveries.
- AD 8193A.3 was issued to explain how the department will proceed with respect to applying the manufacturing B&O tax for periods prior to June 1, 1987, in light of the United States Supreme Court ruling in *National Can Corp. v. Department of Rev.*, 109 Wn.2d 878 (1988), cert. den., 486 U.S. 1040, 108 S.Ct. 2030 (1988).

The information in these directives no longer has any application. ETA 527 was cancelled in 1999. RPM 89-1 was cancelled in 1992. The information provided in AD 8193A.3 addresses transactions outside the statutory claim period provided by RCW 82.32.050.

AD 8233.1 Medical service bureaus—Deferred compensation

This directive explains the tax treatment of income deferred by a physician through a deferred compensation plan sponsored by a medical service bureau. This directive provides inaccurate information and is no longer needed. Tax-reporting instructions for deferred compensation plan sponsoring medical service bureaus and their member physicians are explained in Det. 89-467, 8 WTD 247 (1989).

AD 8251.2 Drainage utility charges

This directive explains that the income derived from drainage utility charges is subject to the service and other activities B&O tax classification. This directive is no longer needed as this issue is addressed in Det. 98-208, 19 WTD 332 (2000).

AD 9200.1 Reliance of determinations

AD 9201.1 IRS information exchange agreement

AD 9201.2 IRS information exchange agreement

AD 9202.1 Audit information

AD 9400.1 Fraternal benefit societies - RCW 48.36A.240

AD 9600.1 Tax deferral audits

AD 9601.1 New causes for audit adjustment

AD 9601.2 Cause for audit adjustments form

AD 9602.1 Delinquent returns included in audit

AD 9603.1 Use of federal income tax returns in audits

AD 9605.1 Bankruptcy filings

AD 9606.1 Administrative audit directives

AD 9607.1 Unregistered accounts - UBI registration

AD 9608.1 Test periods for use tax

AD 9608.2 Detail of test periods

AD 9608.3 Use tax projections

AD 9609.1 Audit types

AD 9610.1 Excise Tax Bulletins to be abandoned

AD 9610.2 Excise Tax Bulletins to be abandoned

AD 9611.1 (1) Assessments Placed on Hold - Extension Requests

(2) Payments made prior to Audit Issuance

AD 9611.2 Instructions on the Local Sales Tax Distribution Forms

AD 9612.1 Motor Vehicle Excise Tax

AD 9613.1 Successors

AD 9614.1 MATC Templates

These documents address policy and procedure issues such as what information is to be included in an audit report, how to complete forms, and how DOR field personnel are to communicate information to DOR personnel reviewing audit reports. This information is outdated and is no longer used for determining department procedures or practices.

Questions regarding the cancellation of these documents 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

WSR 02-15-112
OFFICE OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed July 18, 2002, 11:29 a.m.]

Community Services Block Grant Program (CSBG) Public Hearing

The Washington State Department of Community, Trade and Economic Development (CTED) plans to hold a public hearing on the proposed Washington state plan for the 2003-2004 community services block grant program (CSBG).

The hearing will be held Thursday, September 5, 2002, at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 2nd Floor Conference Room, Olympia, WA 98504-8300. The hearing will begin at 10:00 a.m. and close at noon unless taking testimony requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., September 5, 2002. Written testimony should be sent to the attention of Ed Barton, Community Services, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48350, Olympia, WA 98504-8350.

The state plan is available in alternate format upon request. Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Ed Barton, or TDD (360) 725-2852.

If you have any questions or need additional information, please contact Ed Barton at (360) 725-2852 or by e-mail at edb@cted.wa.gov.

WSR 02-15-113
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION

[Memorandum—July 19, 2002]

MEETING DATE CHANGE

Date	Time	Location
September 11, 2002	10:00 am	CJTC - Room E-250A
September 12, 2002	1:00 pm	CJTC - Room E-250A

The original meeting planned for September 11 has been changed to the following day, September 12, 2002, at 1 p.m. in the Criminal Justice Training Commission's Burien Office, 19010 1st Avenue South, Room E-250A.

WSR 02-15-114
RULES COORDINATOR
SEATTLE COMMUNITY COLLEGES

[Filed July 18, 2002, 1:27 p.m.]

The Rules Coordinator for the Seattle Community College District VI is Dr. Carin Weiss, Vice Chancellor for Education and Planning, Seattle Community College District, 1500 Harvard Avenue, Seattle, WA 98122-3803, (206) 587-4104.

This appointment is effective immediately. Please contact Dr. Weiss if you have any questions.

WSR 02-15-115
NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE

[Memorandum—July 12, 2002]

Special Board Meeting
Board of Trustees
Bates Technical College

The board of trustees of Bates Technical College will have a special meeting on July 25, 2002, from 3:30 p.m. to approximately 5:00 p.m. in the Clyde Hupp Board Room, 1101 South Yakima Avenue, Tacoma. The board will go into executive session for the purpose of discussing real estate transactions and personnel matters.

If you have questions, please contact Sally Cofchin.

WSR 02-15-123
DEPARTMENT OF AGRICULTURE

[Filed July 19, 2002, 12:27 p.m.]

LEGAL NOTICE

The Washington State Department of Agriculture (WSDA) Laboratory Services Division is hereby notifying the affected public that the herbicide Rodeo® (glyphosate), surfactant (R-11, X-77 or LI-700) and marker dyes may be used between June 15, 2002, and October 31, 2002. Properly licensed pesticide applicators who have obtained coverage under a WSDA National Pollutant Discharge Elimination System Waste Discharge General Permit may apply Rodeo® to control the noxious weed *Spartina* on the saltwater tideflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of the herbicide Rodeo® is one of the options used to control *Spartina*. These infestations may also be treated by mowing, digging or covering.

For more information, including locations of possible application sites, contact the WSDA *Spartina* Control Program at (360) 902-1923 or (360) 902-1853, or write WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. The Washington State Department of Ecology 24-hour

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emergency/spill response hotline is (425) 649-7000 (north-west region) or (360) 407-6300 (southwest region).

WSR 02-15-127
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
FISH AND WILDLIFE
(Fish and Wildlife Commission)
[Memorandum—July 19, 2002]

The Washington Fish and Wildlife Commission would like to publish a notice of change from the 2002 meeting schedule filed under WSR 02-01-059 as follows:

The date of the August 23 meeting in Olympia has been changed to August 22.

WSR 02-15-129
NOTICE OF PUBLIC MEETINGS
COMMISSION ON ADVANCED
TUITION PROGRAM
(Guaranteed Education Tuition Program)
[Memorandum—July 18, 2002]

In accordance with RCW 28B.95.020, and WAC 14-276-030, the Advanced College Tuition Program, known as Guaranteed Education Tuition Program has scheduled the following special GET committee meeting: July 30, 2002, at 10:00 a.m. - 12:00 p.m.

Public notice will be given prior to the meeting in question if there will be 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: Voice (360) 753-7860, TDD (360) 753-7809, or fax (360) 704-6260.

WSR 02-15-130
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
[Memorandum—July 17, 2002]

This is to advise you of the following change made to Walla Walla Community College's board of trustees meeting schedule:

- Changed from:** September 18, 2002, WWCC Main Campus 9:30 a.m.
- Changed to:** September 25, 2002, WWCC Main Campus 9:30 a.m.

If you have any questions on this information, please call (509) 527-4274.

WSR 02-15-131
NOTICE OF PUBLIC MEETINGS
CONVENTION AND
TRADE CENTER
[Memorandum—July 19, 2002]

Board Meeting Schedule, Fiscal Year 2002-2003

The board of directors of the Washington State Convention and Trade Center has set the following schedule for board meetings FY 2002-2003:

- August 20, 2002
- September 17, 2002
- October 15, 2002
- November 19, 2002
- December 17, 2002
- January 21, 2003
- February 18, 2003
- March 18, 2003
- April 15, 2003
- May 20, 2003
- June 17, 2003
- July 15, 2003

All dates are the third Tuesday of each month, and meetings begin at 2:00 p.m. Meeting rooms have not yet been determined.

WSR 02-15-143
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE PATROL
(Fire Protection Policy Board)
[Memorandum—July 19, 2002]

It is necessary to change the location of the Fire Protection Policy Board meeting, which is scheduled for 9:00 a.m. on Wednesday, August 21, 2002, from Olympia to the Spokane area. The meeting will now be held at Spokane County Fire District #3, 10 South Presley, Cheney, WA 99004.

If you have any questions, or require additional information, please contact Ellen Tombleson at (360) 753-0411.

WSR 02-15-144
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed July 22, 2002, 3:53 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-32 MAA.
Subject: Update to the RBRVS, anesthesiology RVG, and vendor rate increase.
Effective Date: July 1, 2002.

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Document Description: **Effective for dates of services on and after July 1, 2002**, MAA will implement:

- The updated MPFSDB year 2002 RVUs;
- The updated year 2002 relative value guide BAUs;
- The updated MCLFS;
- The year 2002 additions of CPT™ codes and changes to the HCPCS Level II codes;
- A legislatively appropriated 1.5% rate increase;
- Updated conversion factors; and
- Technical changes.

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>.

July 18, 2002

E. A. Myers, Manager

Rules and Publications Section

WSR 02-15-145

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 22, 2002, 3:55 p.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-68 MAA.

Subject: Mandatory reenrollment for ALL MAA providers (official notice with attached reenrollment packet).

Effective Date: August 1, 2002.

Document Description: **The Medical Assistance Administration (MAA) has revised its core provider agreement. All providers must reenroll with MAA by completing and submitting a revised core provider agreement.** Further details and a new enrollment packet with instructions are included with this numbered memorandum.

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>.

July 18, 2002

E. A. Myers, Manager

Rules and Publications Section

WSR 02-15-155

NOTICE OF PUBLIC MEETINGS BELLINGHAM TECHNICAL COLLEGE

[Memorandum—July 23, 2002]

The board of trustees of Bellingham Technical College will hold a study session to discuss budgetary matters, marketing, and resource development on Friday, August 2, 2002, 8:30 a.m. to 4:00 p.m., at 5048 Mt. Baker Highway, Deming, WA. Call 738-3105 ext. 334 for information.

WSR 02-15-175

NOTICE OF PUBLIC MEETINGS HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Memorandum—July 23, 2002]

2002 Revised PEBB Meeting Schedule

Following is the **revised** 2002 Public Employees Benefits Board (PEBB) meeting information.

Please contact Cyndi Presnell at 923-2802, if you have any questions or need further information.

PUBLIC EMPLOYEES BENEFITS BOARD

2002 Meeting Schedule

January 29, 2002 - CANCELLED

Location: Health Care Authority
676 Woodland Square Loop S.E.
Room E402
Lacey, WA

Time: 1:00-3:30 p.m.

February 21, 2002

Location: Health Care Authority
676 Woodland Square Loop S.E.
Room E402
Lacey, WA

Time: 9:00-11:30 a.m.

March 19, 2002

Location: Health Care Authority
676 Woodland Square Loop S.E.
Lacey, WA

CANCELLED

April 23, 2002

Location: Academy Classroom
Forum Building
605 East 11th
Olympia, WA

Time: 1:00-3:30 p.m.

May 21, 2002

Location: Health Care Authority
676 Woodland Square Loop S.E.
Lacey, WA

CANCELLED

July 30, 2002 - CANCELLED

Location: 710 Sleater Kinney Road S.E.
Suite Q
Lacey, WA

Numbered Memorandum link), TDD 1-800-848-5429, fax (360) 586-9727, e-mail mailto:sullikm@dshs.wa.gov.

July 19, 2002

E. A. Myers, Manager
Rules and Publications Section

August 6, 2002

Location: Academy Classroom
Forum Building
605 East 11th
Olympia, WA

Time: 1:00-3:30 p.m.

October 22, 2002 (Planning Session Retreat)

Location: TBA

Time: 1:00-3:30 p.m.

November 26, 2002

Teleconference

Time: 1:00-3:30 p.m.

WSR 02-15-187

AGENDA

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 24, 2002, 11:35 a.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-16 issue of the Register.

If you are a person with a disability and need a special accommodation, please contact Shelley Westall at (360) 923-2829.

WSR 02-15-183

AGENDA

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 24, 2002, 11:28 a.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 02-16 issue of the Register.

WSR 02-15-186

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed July 24, 2002, 11:34 a.m.]

DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT

Document Title: Numbered Memorandum 02-63 MAA.
Subject: Medical assistance transition to basic health.
Effective Date: August 1, 2002.

Document Description: Beginning October 1, 2002, undocumented children and many noncitizens will no longer receive medical coverage from the Department of Social and Health Services (DSHS) Medical Assistance Administration (MAA). This memorandum pertains to fee-for-service clients only (clients who are not enrolled in MAA managed care programs).

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

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

- Symbols:**
- AMD = Amendment of existing section
 - A/R = Amending and recodifying a section
 - DECOD = Decodification of an existing section
 - NEW = New section not previously codified
 - OBJECT = Notice of objection by Joint Administrative Rules Review Committee
 - PREP = Preproposal comments
 - RE-AD = Readoption of existing section
 - RECOD = Recodification of previously codified section
 - REP = Repeal of existing section
 - RESCIND = Rescind of existing section
 - REVIEW = Review of previously adopted rule
 - SUSP = Suspending an existing section

- Suffixes:**
- C = Continuance of previous proposal
 - E = Emergency action
 - P = Proposed action
 - S = Supplemental notice
 - W = Withdrawal of proposed action
 - X = Expedited rule making
 - XA = Expedited adoption
 - XR = Expedited repeal
- No suffix means permanent action
- WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.
- WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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16-228-12351	NEW-P	02-07-080	16-302-410	AMD-P	02-09-059	16-324-750	AMD-P	02-08-087
16-228-12351	NEW-C	02-11-070	16-302-410	AMD	02-12-060	16-324-750	AMD	02-12-010
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16-228-12371	NEW-P	02-07-080	16-302-685	PREP	02-05-083	16-403-142	AMD-P	02-07-118
16-228-12371	NEW-C	02-11-070	16-302-685	AMD-P	02-09-059	16-403-142	AMD-C	02-12-005
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98- 08-370	REP-P	02-14-058	118- 65-040	AMD	02-12-053	132H-140-060	REP	02-14-007
98- 08-380	REP-P	02-14-058	118- 65-050	AMD-P	02-09-072	132H-140-065	NEW-P	02-09-071
98- 08-390	REP-P	02-14-058	118- 65-050	AMD	02-12-053	132H-140-065	NEW	02-14-007
98- 08-400	REP-P	02-14-058	118- 65-060	AMD-P	02-09-072	132H-140-070	AMD-P	02-09-071
98- 08-410	REP-P	02-14-058	118- 65-060	AMD	02-12-053	132H-140-070	AMD	02-14-007
98- 08-420	REP-P	02-14-058	118- 65-070	AMD-P	02-09-072	132H-140-080	REP-P	02-09-071
98- 08-430	REP-P	02-14-058	118- 65-070	AMD	02-12-053	132H-140-080	REP	02-14-007
98- 08-440	REP-P	02-14-058	118- 65-081	AMD-P	02-09-072	132H-140-085	NEW-P	02-09-071
98- 08-450	REP-P	02-14-058	118- 65-081	AMD	02-12-053	132H-140-085	NEW	02-14-007
98- 08-460	REP-P	02-14-058	118- 65-090	AMD-P	02-09-072	132H-140-090	REP-P	02-09-071

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132H-140-100	REP-P	02-09-071	132N-150-240	NEW	02-04-068	132Z-116-210	NEW-E	02-12-056
132H-140-100	REP	02-14-007	132N-150-250	NEW	02-04-068	132Z-116-220	NEW-P	02-03-089
132H-140-110	AMD-P	02-09-071	132N-150-260	NEW	02-04-068	132Z-116-220	NEW-E	02-04-061
132H-140-110	AMD	02-14-007	132N-150-270	NEW	02-04-068	132Z-116-220	NEW	02-11-048
132H-140-120	NEW-P	02-09-071	132N-150-280	NEW	02-04-068	132Z-116-220	NEW-E	02-12-056
132H-140-120	NEW	02-14-007	132U- 52	PREP	02-06-104	132Z-116-230	NEW-P	02-03-089
132H-140-900	REP-P	02-09-071	132U-120	PREP	02-06-103	132Z-116-230	NEW-E	02-04-061
132H-140-900	REP	02-14-007	132Z-116-005	NEW-P	02-03-089	132Z-116-230	NEW	02-11-048
132H-152-135	PREP	02-03-104	132Z-116-005	NEW-E	02-04-061	132Z-116-230	NEW-E	02-12-056
132H-152-135	AMD-P	02-08-082	132Z-116-005	NEW	02-11-048	132Z-116-240	NEW-P	02-03-089
132H-152-135	AMD	02-14-006	132Z-116-005	NEW-E	02-12-056	132Z-116-240	NEW-E	02-04-061
132H-160-190	AMD-P	02-09-038	132Z-116-010	NEW-P	02-03-089	132Z-116-240	NEW	02-11-048
132H-160-190	AMD	02-14-008	132Z-116-010	NEW-E	02-04-061	132Z-116-240	NEW-E	02-12-056
132H-410-010	NEW-P	02-03-107	132Z-116-010	NEW	02-11-048	132Z-116-250	NEW-P	02-03-089
132H-410-010	NEW	02-10-070	132Z-116-010	NEW-E	02-12-056	132Z-116-250	NEW-E	02-04-061
132H-410-020	NEW-P	02-03-107	132Z-116-020	NEW-P	02-03-089	132Z-116-250	NEW	02-11-048
132H-410-020	NEW	02-10-070	132Z-116-020	NEW-E	02-04-061	132Z-116-250	NEW-E	02-12-056
132H-410-030	NEW-P	02-03-107	132Z-116-020	NEW	02-11-048	132Z-116-260	NEW-P	02-03-089
132H-410-030	NEW	02-10-070	132Z-116-020	NEW-E	02-12-056	132Z-116-260	NEW-E	02-04-061
132H-410-040	NEW-P	02-03-107	132Z-116-030	NEW-P	02-03-089	132Z-116-260	NEW	02-11-048
132H-410-040	NEW	02-10-070	132Z-116-030	NEW-E	02-04-061	132Z-116-260	NEW-E	02-12-056
132H-410-050	NEW-P	02-03-107	132Z-116-030	NEW	02-11-048	132Z-116-270	NEW-P	02-03-089
132H-410-050	NEW	02-10-070	132Z-116-030	NEW-E	02-12-056	132Z-116-270	NEW-E	02-04-061
132H-410-060	NEW-P	02-03-107	132Z-116-040	NEW-P	02-03-089	132Z-116-270	NEW	02-11-048
132H-410-060	NEW	02-10-070	132Z-116-040	NEW-E	02-04-061	132Z-116-270	NEW-E	02-12-056
132H-410-070	NEW-P	02-03-107	132Z-116-040	NEW	02-11-048	132Z-116-280	NEW-P	02-03-089
132H-410-070	NEW	02-10-070	132Z-116-040	NEW-E	02-12-056	132Z-116-280	NEW-E	02-04-061
132H-410-080	NEW-P	02-03-107	132Z-116-050	NEW-P	02-03-089	132Z-116-280	NEW	02-11-048
132H-410-080	NEW	02-10-070	132Z-116-050	NEW-E	02-04-061	132Z-116-280	NEW-E	02-12-056
132H-410-090	NEW-P	02-03-107	132Z-116-050	NEW	02-11-048	132Z-116-300	NEW-P	02-03-089
132H-410-090	NEW	02-10-070	132Z-116-050	NEW-E	02-12-056	132Z-116-300	NEW-E	02-04-061
132H-410-100	NEW-P	02-03-107	132Z-116-060	NEW-P	02-03-089	132Z-116-300	NEW	02-11-048
132H-410-100	NEW	02-10-070	132Z-116-060	NEW-E	02-04-061	132Z-116-300	NEW-E	02-12-056
132H-410-110	NEW-P	02-03-107	132Z-116-060	NEW	02-11-048	132Z-116-310	NEW-P	02-03-089
132H-410-110	NEW	02-10-070	132Z-116-060	NEW-E	02-12-056	132Z-116-310	NEW-E	02-04-061
132H-450-010	NEW-P	02-05-053	132Z-116-070	NEW-P	02-03-089	132Z-116-310	NEW	02-11-048
132H-450-010	NEW	02-10-068	132Z-116-070	NEW-E	02-04-061	132Z-116-310	NEW-E	02-12-056
132N-144-010	REP	02-04-068	132Z-116-070	NEW	02-11-048	132Z-116-320	NEW-P	02-03-089
132N-144-020	REP	02-04-068	132Z-116-070	NEW-E	02-12-056	132Z-116-320	NEW-E	02-04-061
132N-150-010	NEW	02-04-068	132Z-116-080	NEW-P	02-03-089	132Z-116-320	NEW	02-11-048
132N-150-020	NEW	02-04-068	132Z-116-080	NEW-E	02-04-061	132Z-116-320	NEW-E	02-12-056
132N-150-030	NEW	02-04-068	132Z-116-080	NEW	02-11-048	132Z-116-400	NEW-P	02-03-089
132N-150-040	NEW	02-04-068	132Z-116-080	NEW-E	02-12-056	132Z-116-400	NEW-E	02-04-061
132N-150-050	NEW	02-04-068	132Z-116-090	NEW-P	02-03-089	132Z-116-400	NEW	02-11-048
132N-150-060	NEW	02-04-068	132Z-116-090	NEW-E	02-04-061	132Z-116-400	NEW-E	02-12-056
132N-150-070	NEW	02-04-068	132Z-116-090	NEW	02-11-048	132Z-116-410	NEW-P	02-03-089
132N-150-080	NEW	02-04-068	132Z-116-090	NEW-E	02-12-056	132Z-116-410	NEW-E	02-04-061
132N-150-090	NEW	02-04-068	132Z-116-100	NEW-P	02-03-089	132Z-116-410	NEW	02-11-048
132N-150-100	NEW	02-04-068	132Z-116-100	NEW-E	02-04-061	132Z-116-410	NEW-E	02-12-056
132N-150-110	NEW	02-04-068	132Z-116-100	NEW	02-11-048	136- 04-020	AMD-P	02-11-120
132N-150-120	NEW	02-04-068	132Z-116-100	NEW-E	02-12-056	136- 10-010	REP-P	02-11-122
132N-150-130	NEW	02-04-068	132Z-116-110	NEW-P	02-03-089	136- 10-020	REP-P	02-11-122
132N-150-140	NEW	02-04-068	132Z-116-110	NEW-E	02-04-061	136- 10-030	REP-P	02-11-122
132N-150-150	NEW	02-04-068	132Z-116-110	NEW	02-11-048	136- 10-035	REP-P	02-11-122
132N-150-160	NEW	02-04-068	132Z-116-110	NEW-E	02-12-056	136- 10-040	REP-P	02-11-122
132N-150-170	NEW	02-04-068	132Z-116-200	NEW-P	02-03-089	136- 10-050	REP-P	02-11-122
132N-150-180	NEW	02-04-068	132Z-116-200	NEW-E	02-04-061	136- 10-060	REP-P	02-11-122
132N-150-190	NEW	02-04-068	132Z-116-200	NEW	02-11-048	136- 12-010	AMD-P	02-11-121
132N-150-200	NEW	02-04-068	132Z-116-200	NEW-E	02-12-056	136- 12-020	AMD-P	02-11-121
132N-150-210	NEW	02-04-068	132Z-116-210	NEW-P	02-03-089	136- 12-045	NEW-P	02-11-121
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136- 18-085	NEW-P	02-11-119	173-157-010	NEW-P	02-15-181	173-222-080	REP-X	02-07-038
136- 50-010	NEW-P	02-11-118	173-157-020	NEW-P	02-15-181	173-222-080	REP-W	02-07-098
136- 50-020	NEW-P	02-11-118	173-157-030	NEW-P	02-15-181	173-222-080	REP-X	02-07-099
136- 50-030	NEW-P	02-11-118	173-157-040	NEW-P	02-15-181	173-222-080	REP	02-11-149
136- 50-035	NEW-P	02-11-118	173-157-050	NEW-P	02-15-181	173-222-090	REP-X	02-07-038
136- 50-050	NEW-P	02-11-118	173-157-100	NEW-P	02-15-181	173-222-090	REP-W	02-07-098
136- 50-051	NEW-P	02-11-118	173-157-110	NEW-P	02-15-181	173-222-090	REP-X	02-07-099
136- 50-052	NEW-P	02-11-118	173-157-120	NEW-P	02-15-181	173-222-090	REP	02-11-149
136- 50-053	NEW-P	02-11-118	173-157-130	NEW-P	02-15-181	173-222-100	REP-X	02-07-038
136- 50-054	NEW-P	02-11-118	173-157-140	NEW-P	02-15-181	173-222-100	REP-W	02-07-098
136- 50-055	NEW-P	02-11-118	173-157-150	NEW-P	02-15-181	173-222-100	REP-X	02-07-099
136- 50-070	NEW-P	02-11-118	173-157-160	NEW-P	02-15-181	173-222-100	REP	02-11-149
136-130-030	AMD-P	02-06-105	173-157-170	NEW-P	02-15-181	173-222-110	REP-X	02-07-038
136-130-030	AMD	02-11-008	173-157-180	NEW-P	02-15-181	173-222-110	REP-W	02-07-098
136-130-070	AMD-P	02-06-105	173-157-200	NEW-P	02-15-181	173-222-110	REP-X	02-07-099
136-130-070	AMD	02-11-008	173-157-210	NEW-P	02-15-181	173-222-110	REP	02-11-149
137- 28	PREP	02-03-075	173-157-220	NEW-P	02-15-181	173-224-015	REP-X	02-07-038
137- 28-160	AMD-P	02-09-002	173-157-230	NEW-P	02-15-181	173-224-015	REP-W	02-07-098
137- 28-160	AMD	02-12-023	173-158-030	AMD-P	02-06-040	173-224-020	REP-X	02-07-038
137- 28-220	AMD-P	02-09-002	173-158-030	AMD	02-15-093	173-224-020	REP-W	02-07-098
137- 28-220	AMD	02-12-023	173-158-070	AMD-P	02-06-040	173-224-030	AMD-P	02-06-091
137- 28-240	AMD-P	02-09-002	173-158-070	AMD	02-15-093	173-224-030	REP-X	02-07-038
137- 28-240	AMD	02-12-023	173-158-075	NEW-P	02-06-040	173-224-030	REP-W	02-07-098
137- 28-260	AMD-P	02-09-002	173-158-075	NEW	02-15-093	173-224-030	AMD	02-12-059
137- 28-260	AMD	02-12-023	173-158-076	NEW-P	02-06-040	173-224-040	AMD-P	02-06-091
137- 28-310	AMD-P	02-09-002	173-158-076	NEW	02-15-093	173-224-040	REP-X	02-07-038
137- 28-310	AMD	02-12-023	173-173-030	NEW-W	02-05-034	173-224-040	REP-W	02-07-098
137- 28-350	AMD-P	02-09-002	173-173-070	NEW-W	02-05-034	173-224-040	AMD	02-12-059
137- 28-350	AMD	02-12-023	173-216-125	AMD	02-05-055	173-224-050	AMD-P	02-06-091
137- 28-380	AMD-P	02-09-002	173-220-210	AMD	02-05-055	173-224-050	REP-X	02-07-038
137- 28-380	AMD	02-12-023	173-222-010	REP-X	02-07-038	173-224-050	REP-W	02-07-098
139- 05-915	PREP	02-08-015	173-222-010	REP-W	02-07-098	173-224-050	AMD	02-12-059
139- 05-915	AMD-P	02-12-027	173-222-010	REP-X	02-07-099	173-224-060	REP-X	02-07-038
139- 06	PREP	02-12-125	173-222-010	REP	02-11-149	173-224-060	REP-W	02-07-098
139- 35-015	AMD-P	02-08-016	173-222-015	REP-X	02-07-038	173-224-080	REP-X	02-07-038
139- 35-015	AMD-W	02-14-037	173-222-015	REP-W	02-07-098	173-224-080	REP-W	02-07-098
139- 35-025	AMD-P	02-08-016	173-222-015	REP-X	02-07-099	173-224-090	REP-X	02-07-038
139- 35-025	AMD-W	02-14-037	173-222-015	REP	02-11-149	173-224-090	REP-W	02-07-098
173- 50-010	AMD-P	02-11-151	173-222-020	REP-X	02-07-038	173-224-100	REP-X	02-07-038
173- 50-020	AMD-P	02-11-151	173-222-020	REP-W	02-07-098	173-224-100	REP-W	02-07-098
173- 50-030	AMD-P	02-11-151	173-222-020	REP-X	02-07-099	173-224-110	REP-X	02-07-038
173- 50-040	AMD-P	02-11-151	173-222-020	REP	02-11-149	173-224-110	REP-W	02-07-098
173- 50-050	AMD-P	02-11-151	173-222-030	REP-X	02-07-038	173-224-120	REP-X	02-07-038
173- 50-060	AMD-P	02-11-151	173-222-030	REP-W	02-07-098	173-224-120	REP-W	02-07-098
173- 50-063	NEW-P	02-11-151	173-222-030	REP-X	02-07-099	173-226-090	AMD	02-05-055
173- 50-067	NEW-P	02-11-151	173-222-030	REP	02-11-149	173-303	PREP	02-05-054
173- 50-070	AMD-P	02-11-151	173-222-040	REP-X	02-07-038	173-303-045	AMD-P	02-11-101
173- 50-080	AMD-P	02-11-151	173-222-040	REP-W	02-07-098	173-303-070	AMD-P	02-11-101
173- 50-090	AMD-P	02-11-151	173-222-040	REP-X	02-07-099	173-303-071	AMD-E	02-04-030
173- 50-100	AMD-P	02-11-151	173-222-040	REP	02-11-149	173-303-071	AMD-P	02-11-101
173- 50-110	AMD-P	02-11-151	173-222-050	REP-X	02-07-038	173-303-071	AMD-E	02-11-102
173- 50-120	AMD-P	02-11-151	173-222-050	REP-W	02-07-098	173-303-100	AMD-P	02-11-101
173- 50-130	AMD-P	02-11-151	173-222-050	REP-X	02-07-099	173-303-110	AMD-P	02-11-101
173- 50-140	AMD-P	02-11-151	173-222-050	REP	02-11-149	173-303-140	AMD-P	02-11-101
173- 50-150	AMD-P	02-11-151	173-222-060	REP-X	02-07-038	173-303-170	AMD-P	02-11-101
173- 50-160	AMD-P	02-11-151	173-222-060	REP-W	02-07-098	173-303-200	AMD-P	02-11-101
173- 50-170	AMD-P	02-11-151	173-222-060	REP-X	02-07-099	173-303-283	AMD-P	02-11-101
173- 50-180	AMD-P	02-11-151	173-222-060	REP	02-11-149	173-303-380	AMD-P	02-11-101
173- 50-190	AMD-P	02-11-151	173-222-070	REP-X	02-07-038	173-303-390	AMD-P	02-11-101
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173-303-506	AMD-P	02-11-101	173-422-020	AMD	02-12-072	173-700-355	NEW-W	02-12-058
173-303-510	AMD-P	02-11-101	173-422-030	AMD-P	02-09-066	173-700-356	NEW-W	02-12-058
173-303-520	AMD-P	02-11-101	173-422-030	AMD	02-12-072	173-700-357	NEW-W	02-12-058
173-303-522	AMD-P	02-11-101	173-422-031	AMD-P	02-09-066	173-700-358	NEW-W	02-12-058
173-303-525	AMD-P	02-11-101	173-422-031	AMD	02-12-072	173-700-359	NEW-W	02-12-058
173-303-578	AMD-P	02-11-101	173-422-060	AMD-P	02-09-066	173-700-360	NEW-W	02-12-058
173-303-645	AMD-P	02-11-101	173-422-060	AMD	02-12-072	173-700-361	NEW-W	02-12-058
173-303-646	AMD-P	02-11-101	173-422-065	AMD-P	02-09-066	173-700-370	NEW-W	02-12-058
173-303-690	AMD-P	02-11-101	173-422-065	AMD	02-12-072	173-700-371	NEW-W	02-12-058
173-303-691	AMD-P	02-11-101	173-422-070	AMD-P	02-09-066	173-700-372	NEW-W	02-12-058
173-303-692	AMD-P	02-11-101	173-422-070	AMD	02-12-072	173-700-373	NEW-W	02-12-058
173-303-806	AMD-P	02-11-101	173-422-075	AMD-P	02-09-066	173-700-374	NEW-W	02-12-058
173-303-830	AMD-P	02-11-101	173-422-075	AMD	02-12-072	173-700-375	NEW-W	02-12-058
173-303-920	NEW-P	02-11-101	173-422-190	AMD-P	02-09-066	173-700-376	NEW-W	02-12-058
173-312-010	AMD	02-05-070	173-422-190	AMD	02-12-072	173-700-380	NEW-W	02-12-058
173-312-020	AMD	02-05-070	173-422-195	AMD-P	02-09-066	173-700-390	NEW-W	02-12-058
173-312-040	AMD	02-05-070	173-422-195	AMD	02-12-072	173-700-391	NEW-W	02-12-058
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173-312-060	AMD	02-05-070	173-700-010	NEW-W	02-12-058	173-700-393	NEW-W	02-12-058
173-312-070	AMD	02-05-070	173-700-020	NEW-W	02-12-058	173-700-394	NEW-W	02-12-058
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173-312-100	AMD	02-05-070	173-700-100	NEW-W	02-12-058	173-700-401	NEW-W	02-12-058
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173-350-020	NEW-P	02-14-061	173-700-201	NEW-W	02-12-058	173-700-403	NEW-W	02-12-058
173-350-025	NEW-P	02-14-061	173-700-202	NEW-W	02-12-058	173-700-404	NEW-W	02-12-058
173-350-030	NEW-P	02-14-061	173-700-203	NEW-W	02-12-058	173-700-405	NEW-W	02-12-058
173-350-040	NEW-P	02-14-061	173-700-204	NEW-W	02-12-058	173-700-410	NEW-W	02-12-058
173-350-100	NEW-P	02-14-061	173-700-205	NEW-W	02-12-058	173-700-411	NEW-W	02-12-058
173-350-200	NEW-P	02-14-061	173-700-220	NEW-W	02-12-058	173-700-412	NEW-W	02-12-058
173-350-210	NEW-P	02-14-061	173-700-221	NEW-W	02-12-058	173-700-413	NEW-W	02-12-058
173-350-220	NEW-P	02-14-061	173-700-222	NEW-W	02-12-058	173-700-414	NEW-W	02-12-058
173-350-230	NEW-P	02-14-061	173-700-223	NEW-W	02-12-058	173-700-415	NEW-W	02-12-058
173-350-240	NEW-P	02-14-061	173-700-224	NEW-W	02-12-058	173-700-416	NEW-W	02-12-058
173-350-300	NEW-P	02-14-061	173-700-230	NEW-W	02-12-058	173-700-420	NEW-W	02-12-058
173-350-310	NEW-P	02-14-061	173-700-231	NEW-W	02-12-058	173-700-421	NEW-W	02-12-058
173-350-320	NEW-P	02-14-061	173-700-232	NEW-W	02-12-058	173-700-422	NEW-W	02-12-058
173-350-330	NEW-P	02-14-061	173-700-233	NEW-W	02-12-058	173-700-423	NEW-W	02-12-058
173-350-350	NEW-P	02-14-061	173-700-234	NEW-W	02-12-058	173-700-500	NEW-W	02-12-058
173-350-360	NEW-P	02-14-061	173-700-235	NEW-W	02-12-058	173-700-501	NEW-W	02-12-058
173-350-400	NEW-P	02-14-061	173-700-240	NEW-W	02-12-058	173-700-502	NEW-W	02-12-058
173-350-410	NEW-P	02-14-061	173-700-241	NEW-W	02-12-058	173-700-503	NEW-W	02-12-058
173-350-490	NEW-P	02-14-061	173-700-250	NEW-W	02-12-058	173-700-504	NEW-W	02-12-058
173-350-500	NEW-P	02-14-061	173-700-251	NEW-W	02-12-058	173-700-505	NEW-W	02-12-058
173-350-600	NEW-P	02-14-061	173-700-252	NEW-W	02-12-058	173-700-600	NEW-W	02-12-058
173-350-700	NEW-P	02-14-061	173-700-253	NEW-W	02-12-058	173-700-610	NEW-W	02-12-058
173-350-710	NEW-P	02-14-061	173-700-254	NEW-W	02-12-058	173-700-611	NEW-W	02-12-058
173-350-715	NEW-P	02-14-061	173-700-255	NEW-W	02-12-058	173-700-612	NEW-W	02-12-058
173-350-900	NEW-P	02-14-061	173-700-256	NEW-W	02-12-058	173-700-620	NEW-W	02-12-058
173-350-990	NEW-P	02-14-061	173-700-257	NEW-W	02-12-058	173-700-630	NEW-W	02-12-058
173-400-075	AMD-X	02-10-107	173-700-258	NEW-W	02-12-058	173-700-700	NEW-W	02-12-058
173-400-075	AMD	02-15-068	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

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180-08	AMD-P	02-14-115	180-20-123	REP-P	02-14-116	180-37-005	PREP	02-10-051
180-08-001	NEW-P	02-14-115	180-20-125	REP-P	02-14-116	180-37-005	NEW-P	02-14-120
180-08-002	NEW-P	02-14-115	180-20-130	REP-P	02-14-116	180-37-010	PREP	02-10-051
180-08-003	REP-P	02-14-115	180-20-135	AMD-P	02-14-116	180-37-010	NEW-P	02-14-120
180-08-004	NEW-P	02-14-115	180-22	PREP	02-08-045	180-38	PREP	02-08-043
180-08-005	REP-P	02-14-115	180-22-100	AMD-P	02-14-118	180-38	AMD-P	02-14-140
180-08-006	NEW-P	02-14-115	180-22-105	REP-P	02-14-118	180-38-005	AMD-P	02-14-140
180-08-008	NEW-P	02-14-115	180-22-140	AMD-P	02-14-118	180-38-010	REP-P	02-14-140
180-10	PREP	02-08-041	180-22-150	AMD-P	02-14-118	180-38-020	AMD-P	02-14-140
180-10-001	REP-P	02-14-115	180-22-201	NEW-P	02-14-118	180-38-025	REP-P	02-14-140
180-10-003	REP-P	02-14-115	180-22-205	NEW-P	02-14-118	180-38-030	REP-P	02-14-140
180-10-005	REP-P	02-14-115	180-22-210	NEW-P	02-14-118	180-38-035	REP-P	02-14-140
180-10-007	REP-P	02-14-115	180-22-215	NEW-P	02-14-118	180-38-040	REP-P	02-14-140
180-10-010	REP-P	02-14-115	180-22-220	NEW-P	02-14-118	180-38-045	AMD-P	02-14-140
180-10-015	REP-P	02-14-115	180-22-225	NEW-P	02-14-118	180-38-050	AMD-P	02-14-140
180-10-020	REP-P	02-14-115	180-23	PREP	02-08-045	180-38-055	REP-P	02-14-140
180-10-025	REP-P	02-14-115	180-23-037	REP-P	02-14-118	180-38-060	REP-P	02-14-140
180-10-030	REP-P	02-14-115	180-23-040	REP-P	02-14-118	180-38-065	AMD-P	02-14-140
180-10-035	REP-P	02-14-115	180-23-043	REP-P	02-14-118	180-38-070	REP-P	02-14-140
180-10-040	REP-P	02-14-115	180-23-047	REP-P	02-14-118	180-39	PREP	02-06-061
180-10-045	REP-P	02-14-115	180-23-050	REP-P	02-14-118	180-40	PREP	02-06-062
180-16	PREP	02-08-039	180-23-055	REP-P	02-14-118	180-41	PREP	02-06-063
180-16	PREP	02-08-044	180-23-058	REP-P	02-14-118	180-43	PREP	02-08-042
180-16-002	AMD-E	02-08-038	180-23-060	REP-P	02-14-118	180-43-005	AMD-P	02-14-123
180-16-002	AMD-E	02-14-114	180-23-065	REP-P	02-14-118	180-43-010	AMD-P	02-14-123
180-16-002	AMD-P	02-14-117	180-23-070	REP-P	02-14-118	180-43-015	AMD-P	02-14-123
180-16-006	REP-E	02-08-038	180-23-075	REP-P	02-14-118	180-44	PREP	02-06-064
180-16-006	REP-E	02-14-114	180-23-077	REP-P	02-14-118	180-46	PREP	02-06-065
180-16-006	REP-P	02-14-117	180-23-078	REP-P	02-14-118	180-50	PREP	02-06-066
180-16-162	AMD-P	02-14-126	180-23-080	REP-P	02-14-118	180-50-135	PREP	02-15-026
180-16-191	AMD-P	02-14-126	180-23-085	REP-P	02-14-118	180-52-070	NEW-P	02-08-092
180-16-195	AMD-E	02-08-038	180-23-090	REP-P	02-14-118	180-52-070	NEW-P	02-10-089
180-16-195	AMD-E	02-14-114	180-23-095	REP-P	02-14-118	180-52-070	NEW	02-14-125
180-16-195	AMD-P	02-14-117	180-23-100	REP-P	02-14-118	180-53	PREP	02-08-039
180-16-215	AMD-P	02-14-126	180-23-105	REP-P	02-14-118	180-53-005	REP-E	02-08-038
180-16-220	AMD-E	02-08-038	180-23-110	REP-P	02-14-118	180-53-005	REP-E	02-14-114
180-16-220	AMD-E	02-14-114	180-23-115	REP-P	02-14-118	180-53-005	REP-P	02-14-117
180-16-220	AMD-P	02-14-117	180-23-120	REP-P	02-14-118	180-53-010	REP-E	02-08-038
180-16-227	NEW-E	02-08-038	180-24	PREP	02-06-052	180-53-010	REP-E	02-14-114
180-16-227	NEW-E	02-14-114	180-24-400	AMD-E	02-08-035	180-53-010	REP-P	02-14-117
180-16-227	NEW-P	02-14-117	180-24-400	AMD-P	02-10-053	180-53-020	REP-E	02-08-038
180-18	PREP	02-08-039	180-24-400	AMD	02-14-113	180-53-020	REP-E	02-14-114
180-18-010	AMD-E	02-08-038	180-24-405	REP-E	02-08-035	180-53-020	REP-P	02-14-117
180-18-010	AMD-E	02-14-114	180-24-405	REP-P	02-10-053	180-53-025	REP-E	02-08-038
180-18-010	AMD-P	02-14-117	180-24-405	REP	02-14-113	180-53-025	REP-E	02-14-114
180-18-020	REP-E	02-08-038	180-24-410	AMD-E	02-08-035	180-53-025	REP-P	02-14-117
180-18-020	REP-E	02-14-114	180-24-410	AMD-P	02-10-053	180-53-030	REP-E	02-08-038
180-18-020	REP-P	02-14-117	180-24-410	AMD	02-14-113	180-53-030	REP-E	02-14-114
180-20	PREP	02-10-049	180-24-415	AMD-E	02-08-035	180-53-030	REP-P	02-14-117
180-20	PREP	02-10-084	180-24-415	AMD-P	02-10-053	180-53-035	REP-E	02-08-038
180-20-005	AMD-P	02-14-116	180-24-415	AMD	02-14-113	180-53-035	REP-E	02-14-114
180-20-007	NEW-P	02-14-116	180-25	PREP	02-06-053	180-53-035	REP-P	02-14-117
180-20-009	NEW-P	02-14-116	180-26	PREP	02-06-054	180-53-040	REP-E	02-08-038
180-20-030	REP-P	02-14-116	180-27	PREP	02-06-055	180-53-040	REP-E	02-14-114
180-20-031	AMD-P	02-14-116	180-29	PREP	02-06-056	180-53-040	REP-P	02-14-117
180-20-034	REP-P	02-14-116	180-31	PREP	02-06-057	180-53-045	REP-E	02-08-038
180-20-090	REP-P	02-14-116	180-32	PREP	02-06-058	180-53-045	REP-E	02-14-114
180-20-095	REP-P	02-14-116	180-33	PREP	02-06-059	180-53-045	REP-P	02-14-117
180-20-101	AMD-P	02-14-116	180-34	PREP	02-08-046	180-53-050	REP-E	02-08-038
180-20-111	AMD-P	02-14-116	180-34-005	REP-P	02-14-119	180-53-050	REP-E	02-14-114
180-20-115	REP-P	02-14-116	180-34-010	REP-P	02-14-119	180-53-050	REP-P	02-14-117
180-20-120	AMD-P	02-14-116	180-36	PREP	02-06-060	180-53-055	REP-E	02-08-038

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180-53-055	REP-E	02-14-114	180-55-105	REP-P	02-14-117	180-78A-220	AMD	02-04-014
180-53-055	REP-P	02-14-117	180-55-110	REP-E	02-08-038	180-78A-250	AMD-P	02-14-109
180-53-060	REP-E	02-08-038	180-55-110	REP-E	02-14-114	180-78A-255	AMD	02-04-014
180-53-060	REP-E	02-14-114	180-55-110	REP-P	02-14-117	180-78A-261	AMD	02-04-014
180-53-060	REP-P	02-14-117	180-55-115	REP-E	02-08-038	180-78A-264	AMD	02-04-014
180-53-070	REP-E	02-08-038	180-55-115	REP-E	02-14-114	180-78A-270	AMD	02-04-018
180-53-070	REP-E	02-14-114	180-55-115	REP-P	02-14-117	180-78A-270	AMD-P	02-14-109
180-53-070	REP-P	02-14-117	180-55-120	REP-E	02-08-038	180-78A-325	AMD-P	02-14-109
180-55	PREP	02-08-039	180-55-120	REP-E	02-14-114	180-78A-400	AMD-P	02-14-109
180-55-005	AMD-E	02-08-038	180-55-120	REP-P	02-14-117	180-78A-500	AMD-P	02-14-109
180-55-005	AMD-E	02-14-114	180-55-125	REP-E	02-08-038	180-78A-505	PREP	02-06-051
180-55-005	AMD-P	02-14-117	180-55-125	REP-E	02-14-114	180-78A-505	AMD-P	02-10-085
180-55-010	REP-E	02-08-038	180-55-125	REP-P	02-14-117	180-78A-505	AMD-P	02-14-109
180-55-010	REP-E	02-14-114	180-55-130	REP-E	02-08-038	180-78A-505	AMD	02-14-111
180-55-010	REP-P	02-14-117	180-55-130	REP-E	02-14-114	180-78A-507	NEW-P	02-14-109
180-55-015	AMD-E	02-08-038	180-55-130	REP-P	02-14-117	180-78A-535	AMD-P	02-14-109
180-55-015	AMD-E	02-14-114	180-55-135	REP-E	02-08-038	180-78A-540	AMD-P	02-14-109
180-55-015	AMD-P	02-14-117	180-55-135	REP-E	02-14-114	180-78A-700	PREP	02-15-028
180-55-020	AMD-E	02-08-038	180-55-135	REP-P	02-14-117	180-79A	PREP	02-06-071
180-55-020	AMD-E	02-14-114	180-55-150	NEW-E	02-08-038	180-79A-015	REP-P	02-14-109
180-55-020	AMD-P	02-14-117	180-55-150	NEW-E	02-14-114	180-79A-020	REP-P	02-14-109
180-55-025	REP-E	02-08-038	180-55-150	NEW-P	02-14-117	180-79A-022	REP-P	02-14-109
180-55-025	REP-E	02-14-114	180-72	PREP	02-06-067	180-79A-030	AMD	02-04-015
180-55-025	REP-P	02-14-117	180-77	AMD	02-04-018	180-79A-107	NEW-E	02-14-036
180-55-030	REP-E	02-08-038	180-77	PREP	02-06-068	180-79A-117	AMD	02-04-018
180-55-030	REP-E	02-14-114	180-77-002	AMD	02-04-018	180-79A-130	AMD	02-04-018
180-55-030	REP-P	02-14-117	180-77-003	AMD	02-04-018	180-79A-131	AMD-P	02-14-109
180-55-032	NEW-E	02-08-038	180-77-005	AMD	02-04-018	180-79A-140	AMD	02-04-018
180-55-032	NEW-E	02-14-114	180-77-012	AMD	02-04-018	180-79A-140	AMD	02-13-027
180-55-032	NEW-P	02-14-117	180-77-014	AMD	02-04-018	180-79A-140	AMD-P	02-14-109
180-55-034	NEW-E	02-08-038	180-77-020	AMD	02-04-018	180-79A-145	AMD-P	02-14-109
180-55-034	NEW-E	02-14-114	180-77-025	AMD	02-04-018	180-79A-150	AMD	02-04-018
180-55-034	NEW-P	02-14-117	180-77-031	AMD	02-04-018	180-79A-150	PREP	02-10-050
180-55-035	REP-E	02-08-038	180-77-041	AMD	02-04-018	180-79A-150	AMD-P	02-14-109
180-55-035	REP-E	02-14-114	180-77-041	PREP	02-10-048	180-79A-206	PREP	02-05-061
180-55-035	REP-P	02-14-117	180-77-041	AMD-P	02-14-106	180-79A-206	AMD-P	02-10-085
180-55-050	REP-E	02-08-038	180-77-068	AMD	02-04-018	180-79A-206	AMD	02-14-111
180-55-050	REP-E	02-14-114	180-77-070	AMD	02-04-018	180-79A-211	AMD	02-04-018
180-55-050	REP-P	02-14-117	180-77-075	AMD	02-04-018	180-79A-211	AMD-P	02-14-109
180-55-070	REP-E	02-08-038	180-77-080	AMD	02-04-018	180-79A-231	AMD	02-13-027
180-55-070	REP-E	02-14-114	180-77-110	AMD	02-04-018	180-79A-250	PREP	02-05-060
180-55-070	REP-P	02-14-117	180-77-120	AMD	02-04-018	180-79A-250	AMD-P	02-10-087
180-55-075	REP-E	02-08-038	180-77-122	AMD	02-04-018	180-79A-250	AMD-W	02-12-123
180-55-075	REP-E	02-14-114	180-77A	AMD	02-04-018	180-79A-250	AMD-P	02-14-109
180-55-075	REP-P	02-14-117	180-77A	PREP	02-06-069	180-81	PREP	02-06-072
180-55-080	REP-E	02-08-038	180-77A-004	AMD	02-04-018	180-82	PREP	02-06-073
180-55-080	REP-E	02-14-114	180-77A-006	AMD	02-04-018	180-82-105	AMD	02-04-018
180-55-080	REP-P	02-14-117	180-77A-025	AMD	02-04-018	180-82-105	PREP	02-10-045
180-55-085	REP-E	02-08-038	180-77A-029	AMD	02-04-018	180-82-105	AMD-P	02-14-108
180-55-085	REP-E	02-14-114	180-77A-030	AMD	02-04-018	180-82-120	AMD-P	02-14-109
180-55-085	REP-P	02-14-117	180-77A-033	AMD	02-04-018	180-82-202	AMD	02-04-018
180-55-090	REP-E	02-08-038	180-77A-037	AMD	02-04-018	180-82-322	AMD	02-04-018
180-55-090	REP-E	02-14-114	180-77A-040	AMD	02-04-018	180-82-346	AMD	02-04-016
180-55-090	REP-P	02-14-117	180-77A-057	AMD	02-04-018	180-82-350	AMD	02-04-018
180-55-095	REP-E	02-08-038	180-77A-165	AMD	02-04-018	180-82A-002	NEW	02-04-013
180-55-095	REP-E	02-14-114	180-77A-180	AMD	02-04-018	180-82A-004	NEW-W	02-13-028
180-55-095	REP-P	02-14-117	180-77A-195	AMD	02-04-018	180-82A-200	NEW	02-04-013
180-55-100	REP-E	02-08-038	180-78A	PREP	02-06-070	180-82A-201	NEW-W	02-13-028
180-55-100	REP-E	02-14-114	180-78A-010	AMD-P	02-14-109	180-82A-202	NEW	02-04-013
180-55-100	REP-P	02-14-117	180-78A-100	AMD-P	02-14-109	180-82A-204	NEW	02-04-013
180-55-105	REP-E	02-08-038	180-78A-200	AMD-P	02-14-109	180-82A-206	NEW	02-04-013
180-55-105	REP-E	02-14-114	180-78A-209	AMD	02-04-018	180-82A-215	NEW	02-04-013

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
180- 83	PREP	02-06-074	180- 90-115	REP-P	02-10-088	180- 97-070	REP-E	02-08-034
180- 85	PREP	02-06-075	180- 90-115	REP-W	02-14-110	180- 97-070	REP-P	02-14-121
180- 85	PREP	02-15-027	180- 90-115	REP-P	02-14-124	180- 97-080	AMD-E	02-08-034
180- 85-025	AMD-P	02-14-107	180- 90-119	REP-E	02-08-037	180- 97-080	AMD-P	02-14-121
180- 85-033	NEW-P	02-14-107	180- 90-119	REP-P	02-10-088	180- 97-090	REP-E	02-08-034
180- 85-035	AMD	02-04-017	180- 90-119	REP-W	02-14-110	180- 97-090	REP-P	02-14-121
180- 85-075	AMD	02-04-017	180- 90-119	REP-P	02-14-124	180- 97-100	REP-E	02-08-034
180- 85-075	PREP	02-06-081	180- 90-120	REP-E	02-08-037	180- 97-100	REP-P	02-14-121
180- 85-075	AMD-P	02-10-086	180- 90-120	REP-P	02-10-088	182	PREP	02-11-034
180- 85-075	AMD	02-14-112	180- 90-120	REP-W	02-14-110	182	PREP	02-11-035
180- 86	PREP	02-06-076	180- 90-120	REP-P	02-14-124	182- 08-190	AMD-P	02-15-178
180- 86-011	AMD-P	02-10-052	180- 90-123	REP-E	02-08-037	182- 12-111	AMD-P	02-15-177
180- 86-011	AMD-P	02-14-122	180- 90-123	REP-P	02-10-088	182- 12-119	AMD-P	02-15-177
180- 86-013	AMD-P	02-10-052	180- 90-123	REP-W	02-14-110	182- 12-132	AMD-P	02-15-177
180- 86-013	AMD-P	02-14-122	180- 90-123	REP-P	02-14-124	182- 12-220	AMD-P	02-15-178
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180- 86-020	REP-P	02-10-052	180- 90-125	REP-P	02-10-088	182- 12-230	NEW	02-08-047
180- 86-020	REP-P	02-14-122	180- 90-125	REP-W	02-14-110	182- 12-230	AMD-P	02-15-177
180- 86-030	AMD-P	02-10-052	180- 90-125	REP-P	02-14-124	182- 20-250	NEW-P	02-15-179
180- 86-030	AMD-P	02-14-122	180- 90-130	AMD-E	02-08-037	182- 25-020	AMD-P	02-15-176
180- 86-055	PREP	02-03-084	180- 90-130	AMD-P	02-10-088	182- 25-040	AMD-P	02-15-180
180- 86-055	REP-P	02-10-052	180- 90-130	AMD-W	02-14-110	182- 25-080	AMD-P	02-15-176
180- 86-055	REP-P	02-14-122	180- 90-130	AMD-P	02-14-124	182- 25-085	AMD-P	02-15-180
180- 86-065	AMD-P	02-10-052	180- 90-133	REP-E	02-08-037	182- 25-090	AMD-P	02-15-180
180- 86-065	AMD-P	02-14-122	180- 90-133	REP-P	02-10-088	192- 16-013	REP-X	02-08-071
180- 86-070	AMD-P	02-10-052	180- 90-133	REP-W	02-14-110	192- 16-013	REP	02-14-035
180- 86-070	AMD-P	02-14-122	180- 90-133	REP-P	02-14-124	192- 16-021	REP	02-08-072
180- 86-075	AMD-P	02-10-052	180- 90-135	REP-E	02-08-037	192- 16-033	REP-E	02-03-074
180- 86-075	AMD-P	02-14-122	180- 90-135	REP-P	02-10-088	192- 16-033	PREP	02-07-064
180- 86-100	AMD-P	02-10-052	180- 90-135	REP-W	02-14-110	192- 16-033	REP-E	02-07-065
180- 86-100	AMD-P	02-14-122	180- 90-135	REP-P	02-14-124	192- 16-036	REP-E	02-03-074
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180- 86-116	AMD-P	02-14-122	180- 90-137	REP-P	02-10-088	192- 16-036	REP-P	02-07-065
180- 86-130	AMD-P	02-10-052	180- 90-137	REP-W	02-14-110	192- 16-040	REP-E	02-03-074
180- 86-130	AMD-P	02-14-122	180- 90-137	REP-P	02-14-124	192- 16-040	PREP	02-07-064
180- 86-140	AMD-P	02-10-052	180- 90-141	AMD-E	02-08-037	192- 16-040	REP-P	02-07-065
180- 86-140	AMD-P	02-14-122	180- 90-141	AMD-P	02-10-088	192- 16-042	REP-E	02-03-074
180- 86-145	AMD-P	02-10-052	180- 90-141	AMD-W	02-14-110	192- 16-042	PREP	02-07-064
180- 86-145	AMD-P	02-14-122	180- 90-141	AMD-P	02-14-124	192- 16-042	REP-P	02-07-065
180- 86-160	AMD-P	02-10-052	180- 90-160	AMD-E	02-08-037	192- 16-045	REP-E	02-03-074
180- 86-160	AMD-P	02-14-122	180- 90-160	AMD-P	02-10-088	192- 16-045	PREP	02-07-064
180- 86-170	AMD-P	02-10-052	180- 90-160	AMD-W	02-14-110	192- 16-045	REP-P	02-07-065
180- 86-170	AMD-P	02-14-122	180- 90-160	AMD-P	02-14-124	192- 16-047	REP-E	02-03-074
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180- 86-180	AMD-P	02-14-122	180- 96	PREP	02-06-080	192- 16-047	REP-P	02-07-065
180- 86-185	AMD-P	02-10-052	180- 97	PREP	02-08-040	192- 150-055	NEW-X	02-08-071
180- 86-185	AMD-P	02-14-122	180- 97-003	AMD-E	02-08-034	192- 150-055	NEW	02-14-035
180- 87	PREP	02-06-077	180- 97-003	AMD-P	02-14-121	192- 150-060	NEW	02-08-072
180- 90	PREP	02-06-078	180- 97-005	REP-E	02-08-034	192- 170-050	NEW	02-08-072
180- 90-105	AMD-E	02-08-037	180- 97-005	REP-P	02-14-121	192- 180-012	NEW	02-08-072
180- 90-105	AMD-P	02-10-088	180- 97-010	AMD-E	02-08-034	192- 210-005	AMD-P	02-12-126
180- 90-105	AMD-W	02-14-110	180- 97-010	AMD-P	02-14-121	192- 210-005	AMD-E	02-12-127
180- 90-105	AMD-P	02-14-124	180- 97-015	REP-E	02-08-034	192- 210-015	AMD-P	02-12-126
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180- 90-110	REP-W	02-14-110	180- 97-020	REP-P	02-14-121	192- 210-020	NEW-E	02-12-127
180- 90-110	REP-P	02-14-124	180- 97-040	AMD-E	02-08-034	192- 240-010	NEW-E	02-03-074
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180- 90-112	AMD-P	02-10-088	180- 97-050	REP-E	02-08-034	192- 240-020	NEW-E	02-03-074
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180- 90-112	AMD-P	02-14-124	180- 97-060	AMD-E	02-08-034	192- 240-030	NEW-E	02-03-074
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192-240-040	NEW-E	02-07-065	208-472-030	NEW	02-04-094	220- 16-480	AMD	02-08-027
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196- 24-041	PREP	02-13-079	208-472-045	REP	02-04-094	220- 16-760	NEW-W	02-15-088
196- 26-020	REP-P	02-08-075	208-472-050	REP	02-04-094	220- 16-770	NEW-W	02-15-088
196- 26-020	REP	02-13-080	208-472-060	REP	02-04-094	220- 16-780	NEW	02-08-048
196- 26-030	REP-P	02-08-075	208-472-065	REP	02-04-094	220- 16-780	AMD-P	02-13-088
196- 26-030	REP	02-13-080	208-472-070	REP	02-04-094	220- 16-780	NEW-W	02-15-088
196- 26A-010	NEW-P	02-08-075	208-472-075	REP	02-04-094	220- 16-78000A	NEW-E	02-10-118
196- 26A-010	NEW	02-13-080	208-472-080	REP	02-04-094	220- 16-790	NEW	02-08-048
196- 26A-020	NEW-P	02-08-075	208-620-160	AMD-P	02-12-004	220- 16-790	AMD-P	02-13-088
196- 26A-020	NEW	02-13-080	208-660-125	AMD-P	02-12-003	220- 16-790	NEW-W	02-15-088
196- 26A-025	NEW-P	02-08-075	212- 12-001	PREP	02-07-018	220- 16-79000A	NEW-E	02-10-118
196- 26A-025	NEW	02-13-080	212- 12-001	AMD-P	02-11-038	220- 16-800	NEW-W	02-15-088
196- 26A-030	NEW-P	02-08-075	212- 12-005	PREP	02-07-018	220- 20-001	NEW-P	02-13-085
196- 26A-030	NEW	02-13-080	212- 12-005	AMD-P	02-11-038	220- 20-010	AMD	02-08-048
196- 26A-035	NEW-P	02-08-075	212- 12-010	PREP	02-07-018	220- 20-015	AMD-X	02-15-025
196- 26A-035	NEW	02-13-080	212- 12-010	AMD-P	02-11-038	220- 20-016	PREP	02-06-107
196- 26A-040	NEW-P	02-08-075	212- 12-011	PREP	02-07-018	220- 20-016	AMD-X	02-11-073
196- 26A-040	NEW	02-13-080	212- 12-011	AMD-P	02-11-038	220- 20-020	AMD-X	02-15-025
196- 26A-045	NEW-P	02-08-075	212- 12-015	PREP	02-07-018	220- 20-025	AMD	02-08-048
196- 26A-045	NEW	02-13-080	212- 12-015	AMD-P	02-11-038	220- 20-025	AMD-X	02-15-025
196- 26A-050	NEW-P	02-08-075	212- 12-020	PREP	02-07-018	220- 20-075	NEW	02-05-046
196- 26A-050	NEW	02-13-080	212- 12-020	AMD-P	02-11-038	220- 20-080	NEW-P	02-13-134
196- 26A-055	NEW-P	02-08-075	212- 12-025	PREP	02-07-018	220- 20-08000A	NEW-E	02-14-089
196- 26A-055	NEW	02-13-080	212- 12-025	AMD-P	02-11-038	220- 20-100	NEW	02-08-048
196- 26A-060	NEW-P	02-08-075	212- 12-030	PREP	02-07-018	220- 20-100	NEW-W	02-15-088
196- 26A-060	NEW	02-13-080	212- 12-030	AMD-P	02-11-038	220- 24-04000B	NEW-E	02-10-078
196- 26A-070	NEW-P	02-08-075	212- 12-035	PREP	02-07-018	220- 24-04000B	REP-E	02-10-078
196- 26A-070	NEW	02-13-080	212- 12-035	AMD-P	02-11-038	220- 24-04000B	REP-E	02-10-120
196- 27-010	REP-P	02-15-139	212- 12-040	PREP	02-07-018	220- 24-04000C	NEW-E	02-10-120
196- 27-020	REP-P	02-15-139	212- 12-040	AMD-P	02-11-038	220- 24-04000C	REP-E	02-10-120
196- 27A-010	NEW-P	02-15-139	212- 12-044	PREP	02-07-018	220- 24-04000C	REP-E	02-13-003
196- 27A-020	NEW-P	02-15-139	212- 12-044	AMD-P	02-11-038	220- 24-04000D	NEW-E	02-14-090
196- 27A-030	NEW-P	02-15-139	212- 12-200	NEW-E	02-03-060	220- 24-04000D	REP-E	02-14-090
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204- 24-050	AMD-P	02-15-072	212- 12-220	NEW-E	02-03-060	220- 24-04000E	REP-E	02-15-041
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204- 36-040	AMD	02-07-055	212- 12-240	NEW-E	02-03-060	220- 32-05100L	NEW-E	02-04-073
204- 36-060	AMD	02-07-055	212- 12-250	NEW-E	02-03-060	220- 32-05100L	REP-E	02-04-073
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204- 91A-030	AMD	02-07-056	212- 12-270	NEW-E	02-03-060	220- 32-05100M	NEW-E	02-07-011
204- 91A-060	AMD	02-07-056	212- 12-280	NEW-E	02-03-060	220- 32-05100M	REP-E	02-07-011
204- 91A-090	AMD	02-07-056	212- 12-290	NEW-E	02-03-060	220- 32-05100M	REP-E	02-07-044
204- 91A-120	AMD	02-07-056	212- 12-300	NEW-E	02-03-060	220- 32-05100N	NEW-E	02-07-044
204- 91A-130	AMD	02-07-056	212- 12-310	NEW-E	02-03-060	220- 32-05100N	REP-E	02-07-044
204- 91A-140	AMD	02-07-056	212- 12-320	NEW-E	02-03-060	220- 32-05100P	NEW-E	02-10-042
204- 91A-170	AMD	02-07-056	212- 12-330	NEW-E	02-03-060	220- 32-05100P	REP-E	02-10-042
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220- 40-027	AMD-X	02-11-072	220- 52-07300R	REP-E	02-03-067	220- 56-270	AMD	02-08-048
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220- 44-05000J	NEW-E	02-07-093	220- 52-07300T	REP-E	02-04-035	220- 56-282	AMD	02-08-048
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220- 47-301	AMD-X	02-11-073	220- 52-07300W	NEW-E	02-07-092	220- 56-28200F	REP-E	02-15-095
220- 47-311	AMD-X	02-11-073	220- 52-07300W	REP-E	02-07-092	220- 56-285	AMD	02-08-048
220- 47-401	AMD-X	02-11-073	220- 52-07500D	NEW-E	02-09-021	220- 56-28500B	NEW-E	02-05-010
220- 47-411	AMD-X	02-11-073	220- 52-07500D	REP-E	02-10-004	220- 56-28500B	REP-E	02-10-063
220- 47-428	AMD-X	02-11-073	220- 52-07500E	NEW-E	02-10-004	220- 56-28500C	NEW-E	02-11-006
220- 47-430	AMD-X	02-11-073	220- 55-001	AMD-P	02-13-084	220- 56-28500C	REP-E	02-11-006
220- 48-005	AMD	02-08-026	220- 55-00100A	NEW-E	02-10-106	220- 56-28500C	REP-E	02-11-039
220- 48-015	AMD-W	02-15-086	220- 55-100	AMD-P	02-13-084	220- 56-28500D	NEW-E	02-11-039
220- 48-029	AMD-P	02-13-108	220- 55-200	NEW-P	02-12-130	220- 56-307	REP	02-08-048
220- 48-029	AMD-W	02-15-086	220- 55-200	NEW	02-15-038	220- 56-310	AMD	02-08-048
220- 48-032	AMD-P	02-13-108	220- 55-20000A	REP-P	02-12-130	220- 56-31000U	NEW-E	02-09-003
220- 49-013	AMD	02-08-026	220- 55-20000A	REP	02-15-038	220- 56-31000U	REP-E	02-09-003
220- 49-056	AMD	02-08-026	220- 55-20000B	NEW-E	02-13-045	220- 56-315	AMD	02-08-048
220- 52-03000R	NEW-E	02-11-043	220- 56-100	AMD	02-08-048	220- 56-315	AMD-P	02-15-106
220- 52-03000R	REP-E	02-11-043	220- 56-105	AMD	02-08-048	220- 56-31500A	NEW-E	02-09-003
220- 52-04000F	REP-E	02-03-068	220- 56-115	AMD	02-09-001	220- 56-31500A	REP-E	02-09-003
220- 52-04000G	NEW-E	02-15-124	220- 56-116	AMD	02-08-048	220- 56-31500B	NEW-E	02-11-020
220- 52-04000G	REP-E	02-15-124	220- 56-124	AMD-X	02-10-127	220- 56-32500A	NEW-E	02-15-125
220- 52-04600A	REP-E	02-03-024	220- 56-124	AMD	02-15-097	220- 56-32500T	NEW-E	02-08-028
220- 52-04600B	NEW-E	02-03-024	220- 56-128	AMD	02-08-048	220- 56-32500T	REP-E	02-09-003
220- 52-04600B	REP-E	02-03-050	220- 56-15600A	NEW-E	02-10-108	220- 56-32500U	NEW-E	02-10-028
220- 52-04600C	NEW-E	02-03-050	220- 56-193	NEW-P	02-10-124	220- 56-32500U	REP-E	02-11-013
220- 52-04600C	REP-E	02-04-093	220- 56-193	NEW	02-13-026	220- 56-32500V	NEW-E	02-11-013
220- 52-04600D	NEW-E	02-04-093	220- 56-194	NEW-P	02-10-124	220- 56-32500V	REP-E	02-11-041

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220- 56-32500W	NEW-E	02-11-041	220- 69-24000A	REP-E	02-10-043	230- 12-330	AMD	02-10-003
220- 56-32500W	REP-E	02-11-134	220- 69-24000B	NEW-E	02-10-043	230- 12-340	AMD-P	02-06-038
220- 56-32500X	NEW-E	02-11-134	220- 69-24000B	REP-E	02-13-023	230- 12-340	AMD	02-10-003
220- 56-32500X	REP-E	02-12-054	220- 69-24000C	NEW-E	02-13-023	230- 20-002	NEW-P	02-13-111
220- 56-32500Y	NEW-E	02-12-054	220- 69-24000C	REP-E	02-14-068	230- 20-005	NEW-P	02-13-111
220- 56-32500Y	REP-E	02-14-004	220- 69-24000D	NEW-E	02-14-068	230- 20-070	AMD-P	02-13-111
220- 56-32500Z	NEW-E	02-14-004	220- 69-241	AMD-P	02-13-134	230- 20-104	AMD-P	02-13-111
220- 56-32500Z	REP-E	02-15-125	220- 74-020	AMD-P	02-06-109	230- 20-111	REP-P	02-07-081
220- 56-33000D	NEW-E	02-03-051	220- 74-020	AMD	02-10-023	230- 20-111	REP	02-11-084
220- 56-33000D	REP-E	02-05-001	220- 77-020	AMD	02-06-018	230- 20-125	REP-P	02-07-081
220- 56-33000E	NEW-E	02-05-001	220- 77-040	AMD	02-06-018	230- 20-125	REP	02-11-084
220- 56-33000E	REP-E	02-07-037	220- 77-09000A	NEW-E	02-04-069	230- 20-170	AMD-P	02-13-111
220- 56-33000F	NEW-E	02-07-037	220- 77-09000A	REP-E	02-04-089	230- 20-230	REP-P	02-07-081
220- 56-33000F	REP-E	02-07-075	220- 77-09000B	NEW-E	02-04-089	230- 20-230	REP	02-11-084
220- 56-33000G	NEW-E	02-07-075	220- 77-095	AMD-P	02-13-136	230- 20-244	AMD	02-06-006
220- 56-33000G	REP-E	02-08-070	220- 77-100	NEW-W	02-11-027	230- 20-246	AMD	02-06-006
220- 56-33000H	NEW-E	02-08-070	220- 77-105	NEW-W	02-11-027	230- 20-249	AMD	02-06-006
220- 56-33000H	REP-E	02-11-050	220- 88C-04000	NEW-E	02-13-051	230- 30-033	AMD	02-06-007
220- 56-33000H	REP-E	02-11-094	220- 95-100	AMD-P	02-13-086	230- 30-045	AMD	02-06-007
220- 56-33000I	NEW-E	02-11-050	220- 95-110	AMD-P	02-13-086	230- 30-072	AMD	02-06-007
220- 56-33000I	REP-E	02-11-094	220-130-040	AMD-W	02-02-089	230- 30-106	AMD-P	02-06-038
220- 56-33000J	NEW-E	02-11-094	222- 10-040	AMD-P	02-05-087	230- 30-106	AMD	02-10-003
220- 56-33000J	REP-E	02-11-132	222- 10-040	AMD	02-11-075	230- 40-120	AMD-W	02-14-103
220- 56-33000K	NEW-E	02-11-132	222- 10-041	AMD-P	02-05-087	230- 40-610	AMD-P	02-12-076
220- 56-33000K	REP-E	02-13-002	222- 10-041	AMD	02-11-075	230- 40-800	AMD-P	02-07-081
220- 56-33000L	NEW-E	02-13-002	222- 16-050	AMD-E	02-05-086	230- 40-800	AMD	02-11-084
220- 56-33000L	REP-E	02-14-025	222- 16-050	PREP	02-07-023	230- 40-897	REP-P	02-07-081
220- 56-33000M	NEW-E	02-14-025	222- 16-050	AMD-P	02-11-138	230- 40-897	REP	02-11-084
220- 56-33000M	REP-E	02-15-039	222- 16-050	AMD-E	02-15-083	230- 50-010	AMD-P	02-13-111
220- 56-33000N	NEW-E	02-15-039	222- 21-010	AMD	02-05-084	232- 12-011	AMD-P	02-06-122
220- 56-335	AMD	02-08-048	222- 21-020	AMD	02-05-084	232- 12-011	AMD	02-08-048
220- 56-350	AMD	02-08-048	222- 21-045	AMD	02-05-084	232- 12-011	AMD	02-11-069
220- 56-350	AMD-P	02-13-091	222- 21-050	AMD	02-05-084	232- 12-014	AMD-P	02-06-122
220- 56-35000J	REP-E	02-06-035	222- 21-061	NEW	02-05-084	232- 12-014	AMD	02-11-069
220- 56-35000K	NEW-E	02-06-035	226- 01-040	AMD-X	02-03-038	232- 12-016	NEW-P	02-13-107
220- 56-35000K	REP-E	02-10-029	226- 01-040	AMD	02-08-076	232- 12-01600A	NEW-E	02-15-001
220- 56-35000L	NEW-E	02-10-029	226- 01-050	AMD-X	02-03-038	232- 12-017	AMD-P	02-13-107
220- 56-35000L	REP-E	02-13-011	226- 01-050	AMD	02-08-076	232- 12-019	AMD	02-08-048
220- 56-35000M	NEW-E	02-13-011	226- 12-080	AMD-X	02-03-038	232- 12-073	NEW-P	02-13-089
220- 56-355	AMD	02-08-048	226- 12-080	AMD	02-08-076	232- 12-147	REP	02-08-048
220- 56-355	AMD-P	02-13-091	226- 16-160	AMD-X	02-03-038	232- 12-151	REP	02-08-048
220- 56-35500B	NEW-E	02-07-076	226- 16-160	AMD	02-08-076	232- 12-168	AMD	02-08-048
220- 56-35500C	NEW-E	02-15-120	226- 20-010	AMD-X	02-03-038	232- 12-16800B	NEW-E	02-07-095
220- 56-36000L	NEW-E	02-03-053	226- 20-010	AMD	02-08-076	232- 12-16800B	REP-E	02-07-095
220- 56-36000L	REP-E	02-03-053	230- 02-145	REP-P	02-07-081	232- 12-243	AMD-P	02-13-133
220- 56-36000L	REP-E	02-04-039	230- 02-145	REP	02-11-084	232- 12-245	NEW-W	02-11-025
220- 56-36000M	NEW-E	02-04-039	230- 02-205	AMD-S	02-03-077	232- 12-253	NEW	02-05-021
220- 56-36000M	REP-E	02-04-039	230- 04-064	AMD-P	02-06-037	232- 12-253	AMD-P	02-10-125
220- 56-36000N	NEW-E	02-07-012	230- 04-064	AMD	02-10-002	232- 12-267	AMD-P	02-10-128
220- 56-36000N	REP-E	02-07-012	230- 04-180	AMD-P	02-13-112	232- 12-267	AMD	02-15-018
220- 56-36000P	NEW-E	02-10-012	230- 04-202	AMD-W	02-02-090	232- 12-272	NEW	02-08-048
220- 56-36000P	REP-E	02-10-012	230- 04-202	AMD-P	02-13-111	232- 12-619	AMD	02-08-048
220- 56-36000Q	NEW-E	02-11-012	230- 04-203	AMD-P	02-13-111	232- 12-828	AMD-P	02-13-135
220- 56-36000Q	REP-E	02-11-012	230- 04-315	REP-P	02-13-111	232- 28-02220	AMD-P	02-06-124
220- 56-380	AMD	02-08-048	230- 08-255	AMD-P	02-06-037	232- 28-02220	AMD	02-11-069
220- 56-38000C	REP-E	02-06-035	230- 08-255	AMD	02-10-002	232- 28-02240	AMD-P	02-06-124
220- 56-38000D	NEW-E	02-06-035	230- 12-045	NEW-P	02-07-081	232- 28-02240	AMD	02-11-069
220- 56-38000D	REP-E	02-10-029	230- 12-045	NEW	02-11-084	232- 28-248	AMD-P	02-06-124
220- 56-38000E	NEW-E	02-10-029	230- 12-050	AMD-P	02-07-081	232- 28-248	AMD	02-11-069
220- 69	PREP	02-10-105	230- 12-050	AMD	02-11-084	232- 28-266	AMD-P	02-06-121
220- 69-240	AMD-P	02-13-134	230- 12-090	AMD-P	02-13-111	232- 28-273	AMD-P	02-06-121
220- 69-24000A	NEW-E	02-10-004	230- 12-330	AMD-P	02-06-038	232- 28-273	AMD	02-11-069

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232- 28-276	AMD	02-15-018	232- 28-61900P	REP-E	02-12-013	246-100-206	AMD-P	02-08-018
232- 28-277	AMD-P	02-06-125	232- 28-61900Q	NEW-E	02-05-007	246-100-206	AMD	02-12-106
232- 28-277	REP-P	02-10-128	232- 28-61900Q	REP-E	02-11-040	246-100-207	AMD-P	02-08-018
232- 28-277	AMD	02-11-069	232- 28-61900Q	NEW-E	02-11-086	246-100-207	AMD	02-12-106
232- 28-277	REP	02-15-019	232- 28-61900Q	REP-E	02-11-086	246-100-208	AMD-P	02-08-018
232- 28-278	AMD-P	02-06-126	232- 28-61900Q	REP-E	02-12-013	246-100-208	AMD	02-12-106
232- 28-278	AMD	02-11-069	232- 28-61900R	NEW-E	02-05-008	246-145-001	NEW	02-11-109
232- 28-279	AMD-P	02-06-123	232- 28-61900R	REP-E	02-05-008	246-145-010	NEW	02-11-109
232- 28-279	AMD	02-11-069	232- 28-61900R	NEW-E	02-11-114	246-145-020	NEW	02-11-109
232- 28-279	AMD-P	02-13-138	232- 28-61900R	REP-E	02-11-114	246-145-030	NEW	02-11-109
232- 28-282	NEW-P	02-10-128	232- 28-61900S	NEW-E	02-05-010	246-145-040	NEW	02-11-109
232- 28-282	NEW	02-15-019	232- 28-61900S	REP-E	02-09-009	246-215-150	AMD-P	02-04-091
232- 28-299	AMD-P	02-10-128	232- 28-61900S	NEW-E	02-12-013	246-215-150	AMD	02-09-028
232- 28-299	AMD	02-15-018	232- 28-61900S	REP-E	02-13-052	246-224	AMD-P	02-07-021
232- 28-425	REP-P	02-13-137	232- 28-61900T	NEW-E	02-05-075	246-224	AMD	02-14-050
232- 28-42500C	NEW-E	02-03-052	232- 28-61900T	REP-E	02-07-096	246-224-0001	NEW-P	02-07-021
232- 28-42500C	REP-E	02-03-052	232- 28-61900T	NEW-E	02-12-019	246-224-0001	NEW	02-14-050
232- 28-426	NEW-P	02-13-137	232- 28-61900T	REP-E	02-12-019	246-224-001	REP-P	02-07-021
232- 28-619	AMD	02-08-048	232- 28-61900U	REP-E	02-03-022	246-224-001	REP	02-14-050
232- 28-619	AMD-X	02-10-127	232- 28-61900U	NEW-E	02-06-100	246-224-0010	NEW-P	02-07-021
232- 28-619	AMD-P	02-13-088	232- 28-61900U	REP-E	02-06-100	246-224-0010	NEW	02-14-050
232- 28-619	AMD	02-15-097	232- 28-61900U	NEW-E	02-13-052	246-224-0020	NEW-P	02-07-021
232- 28-619	AMD-P	02-15-106	232- 28-61900U	REP-E	02-14-046	246-224-0020	NEW	02-14-050
232- 28-61900A	NEW-E	02-08-022	232- 28-61900V	NEW-E	02-06-099	246-224-0030	NEW-P	02-07-021
232- 28-61900A	REP-E	02-11-001	232- 28-61900V	REP-E	02-06-099	246-224-0030	NEW	02-14-050
232- 28-61900A	NEW-E	02-15-159	232- 28-61900V	NEW-E	02-14-046	246-224-0040	NEW-P	02-07-021
232- 28-61900A	REP-E	02-15-159	232- 28-61900V	REP-E	02-15-032	246-224-0040	NEW	02-14-050
232- 28-61900B	NEW-E	02-08-004	232- 28-61900W	NEW-E	02-07-061	246-224-0050	NEW-P	02-07-021
232- 28-61900B	REP-E	02-08-004	232- 28-61900W	REP-E	02-07-061	246-224-0050	NEW	02-14-050
232- 28-61900C	NEW-E	02-09-023	232- 28-61900W	NEW-E	02-15-030	246-224-0060	NEW-P	02-07-021
232- 28-61900C	REP-E	02-09-023	232- 28-61900X	NEW-E	02-07-019	246-224-0060	NEW	02-14-050
232- 28-61900D	REP-E	02-05-075	232- 28-61900X	REP-E	02-07-019	246-224-0070	NEW-P	02-07-021
232- 28-61900D	NEW-E	02-09-009	232- 28-61900X	NEW-E	02-15-032	246-224-0070	NEW	02-14-050
232- 28-61900D	REP-E	02-10-063	232- 28-61900Y	NEW-E	02-07-066	246-224-0080	NEW-P	02-07-021
232- 28-61900E	NEW-E	02-10-024	232- 28-61900Y	REP-E	02-07-066	246-224-0080	NEW	02-14-050
232- 28-61900E	REP-E	02-10-024	232- 28-61900Y	NEW-E	02-15-037	246-224-0090	NEW-P	02-07-021
232- 28-61900F	NEW-E	02-10-077	232- 28-61900Y	REP-E	02-15-037	246-224-0090	NEW	02-14-050
232- 28-61900G	NEW-E	02-10-062	232- 28-61900Z	NEW-E	02-07-096	246-224-010	REP-P	02-07-021
232- 28-61900H	REP-E	02-03-014	232- 28-61900Z	REP-E	02-07-096	246-224-010	REP	02-14-050
232- 28-61900H	NEW-E	02-10-063	232- 28-61900Z	NEW-E	02-15-095	246-224-0100	NEW-P	02-07-021
232- 28-61900H	REP-E	02-11-006	232- 28-620	AMD-X	02-10-127	246-224-0100	NEW	02-14-050
232- 28-61900I	NEW-E	02-03-022	232- 28-620	AMD	02-15-097	246-224-0110	NEW-P	02-07-021
232- 28-61900I	REP-E	02-03-022	232- 28-62000D	NEW-E	02-11-086	246-224-0110	NEW	02-14-050
232- 28-61900I	NEW-E	02-11-001	232- 28-62000D	REP-E	02-11-086	246-224-0120	NEW-P	02-07-021
232- 28-61900J	NEW-E	02-03-023	232- 28-62000D	REP-E	02-15-121	246-224-0120	NEW	02-14-050
232- 28-61900J	NEW-E	02-11-006	232- 28-62000E	NEW-E	02-15-121	246-224-020	REP-P	02-07-021
232- 28-61900J	REP-E	02-11-039	232- 28-621	AMD	02-08-048	246-224-020	REP	02-14-050
232- 28-61900K	NEW-E	02-03-014	232- 28-621	AMD-X	02-10-127	246-224-050	REP-P	02-07-021
232- 28-61900K	NEW-E	02-11-039	232- 28-621	AMD	02-15-097	246-224-050	REP	02-14-050
232- 28-61900K	REP-E	02-11-039	232- 28-62100G	NEW-E	02-11-086	246-224-060	REP-P	02-07-021
232- 28-61900L	NEW-E	02-03-015	232- 28-62100G	REP-E	02-11-086	246-224-060	REP	02-14-050
232- 28-61900L	REP-E	02-03-015	232- 28-62100G	REP-E	02-14-069	246-224-070	REP-P	02-07-021
232- 28-61900L	NEW-E	02-11-040	232- 28-62100H	NEW-E	02-14-069	246-224-070	REP	02-14-050
232- 28-61900M	NEW-E	02-03-066	232- 28-62100H	REP-E	02-15-033	246-224-090	REP-P	02-07-021
232- 28-61900M	REP-E	02-10-063	232- 28-62100I	NEW-E	02-15-033	246-224-090	REP	02-14-050
232- 28-61900M	NEW-E	02-11-068	232- 28-62100I	REP-E	02-15-096	246-224-100	REP-P	02-07-021
232- 28-61900M	REP-E	02-11-068	232- 28-62100J	NEW-E	02-15-096	246-224-100	REP	02-14-050
232- 28-61900N	NEW-E	02-04-019	236- 70	PREP	02-13-127	246-229-0001	NEW-P	02-07-021
232- 28-61900N	REP-E	02-04-019	246- 12-040	AMD-X	02-09-042	246-229-0001	NEW	02-14-050
232- 28-61900N	NEW-E	02-11-071	246- 50	PREP-W	02-09-027	246-229-001	REP-P	02-07-021
232- 28-61900N	REP-E	02-11-071	246-100-166	PREP	02-10-066	246-229-001	REP	02-14-050

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246-229-0010	NEW-P	02-07-021	246-327-010	REP-P	02-12-103	246-335-090	NEW-P	02-12-103
246-229-0010	NEW	02-14-050	246-327-025	REP-P	02-12-103	246-335-095	NEW-P	02-12-103
246-229-0020	NEW-P	02-07-021	246-327-030	REP-P	02-12-103	246-335-100	NEW-P	02-12-103
246-229-0020	NEW	02-14-050	246-327-035	REP-P	02-12-103	246-335-105	NEW-P	02-12-103
246-229-0030	NEW-P	02-07-021	246-327-065	REP-P	02-12-103	246-335-110	NEW-P	02-12-103
246-229-0030	NEW	02-14-050	246-327-077	REP-P	02-12-103	246-335-115	NEW-P	02-12-103
246-229-0040	NEW-P	02-07-021	246-327-085	REP-P	02-12-103	246-335-120	NEW-P	02-12-103
246-229-0040	NEW	02-14-050	246-327-090	REP-P	02-12-103	246-335-125	NEW-P	02-12-103
246-229-0050	NEW-P	02-07-021	246-327-095	REP-P	02-12-103	246-335-130	NEW-P	02-12-103
246-229-0050	NEW	02-14-050	246-327-105	REP-P	02-12-103	246-335-135	NEW-P	02-12-103
246-229-0060	NEW-P	02-07-021	246-327-115	REP-P	02-12-103	246-335-140	NEW-P	02-12-103
246-229-0060	NEW	02-14-050	246-327-125	REP-P	02-12-103	246-335-145	NEW-P	02-12-103
246-229-0070	NEW-P	02-07-021	246-327-135	REP-P	02-12-103	246-335-150	NEW-P	02-12-103
246-229-0070	NEW	02-14-050	246-327-145	REP-P	02-12-103	246-335-155	NEW-P	02-12-103
246-229-0080	NEW-P	02-07-021	246-327-165	REP-P	02-12-103	246-335-160	NEW-P	02-12-103
246-229-0080	NEW	02-14-050	246-327-185	REP-P	02-12-103	246-335-165	NEW-P	02-12-103
246-229-0090	NEW-P	02-07-021	246-327-990	REP-P	02-12-103	246-335-170	NEW-P	02-12-103
246-229-0090	NEW	02-14-050	246-328-200	REP-X	02-14-054	246-335-175	NEW-P	02-12-103
246-229-0100	NEW-P	02-07-021	246-328-990	REP-X	02-14-054	246-335-180	NEW-P	02-12-103
246-229-0100	NEW	02-14-050	246-329-990	AMD-P	02-10-131	246-335-185	NEW-P	02-12-103
246-229-020	REP-P	02-07-021	246-329-990	AMD	02-13-061	246-335-190	NEW-P	02-12-103
246-229-020	REP	02-14-050	246-331-010	REP-P	02-12-103	246-335-195	NEW-P	02-12-103
246-229-030	REP-P	02-07-021	246-331-025	REP-P	02-12-103	246-335-200	NEW-P	02-12-103
246-229-030	REP	02-14-050	246-331-030	REP-P	02-12-103	246-335-205	NEW-P	02-12-103
246-229-050	REP-P	02-07-021	246-331-035	REP-P	02-12-103	246-335-210	NEW-P	02-12-103
246-229-050	REP	02-14-050	246-331-065	REP-P	02-12-103	246-335-220	NEW-P	02-12-103
246-229-060	REP-P	02-07-021	246-331-077	REP-P	02-12-103	246-335-225	NEW-P	02-12-103
246-229-060	REP	02-14-050	246-331-085	REP-P	02-12-103	246-335-230	NEW-P	02-12-103
246-229-070	REP-P	02-07-021	246-331-095	REP-P	02-12-103	246-335-235	NEW-P	02-12-103
246-229-070	REP	02-14-050	246-331-100	REP-P	02-12-103	246-335-240	NEW-P	02-12-103
246-229-080	REP-P	02-07-021	246-331-105	REP-P	02-12-103	246-335-245	NEW-P	02-12-103
246-229-080	REP	02-14-050	246-331-115	REP-P	02-12-103	246-335-250	NEW-P	02-12-103
246-229-090	REP-P	02-07-021	246-331-125	REP-P	02-12-103	246-335-255	NEW-P	02-12-103
246-229-090	REP	02-14-050	246-331-135	REP-P	02-12-103	246-335-260	NEW-P	02-12-103
246-229-100	REP-P	02-07-021	246-331-165	REP-P	02-12-103	246-335-265	NEW-P	02-12-103
246-229-100	REP	02-14-050	246-331-185	REP-P	02-12-103	246-335-270	NEW-P	02-12-103
246-229-110	REP-P	02-07-021	246-331-990	REP-P	02-12-103	246-335-275	NEW-P	02-12-103
246-229-110	REP	02-14-050	246-333-010	REP-X	02-10-132	246-335-280	NEW-P	02-12-103
246-252-030	AMD-X	02-11-021	246-333-010	REP	02-15-164	246-335-285	NEW-P	02-12-103
246-254-053	AMD-P	02-04-034	246-333-020	REP-X	02-10-132	246-335-290	NEW-P	02-12-103
246-254-053	AMD	02-07-085	246-333-020	REP	02-15-164	246-335-295	NEW-P	02-12-103
246-254-070	AMD	02-04-025	246-333-030	REP-X	02-10-132	246-335-990	NEW-P	02-12-103
246-254-080	AMD	02-04-025	246-333-030	REP	02-15-164	246-336-010	REP-P	02-12-103
246-254-090	AMD	02-04-025	246-333-040	REP-X	02-10-132	246-336-025	REP-P	02-12-103
246-254-100	AMD	02-04-025	246-333-040	REP	02-15-164	246-336-030	REP-P	02-12-103
246-254-120	AMD	02-04-025	246-335-001	NEW-P	02-12-103	246-336-035	REP-P	02-12-103
246-272	PREP	02-03-137	246-335-010	NEW-P	02-12-103	246-336-065	REP-P	02-12-103
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246-282-990	AMD	02-15-094	246-335-020	NEW-P	02-12-103	246-336-085	REP-P	02-12-103
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246-310-990	AMD-P	02-10-064	246-335-030	NEW-P	02-12-103	246-336-100	REP-P	02-12-103
246-310-990	AMD	02-14-051	246-335-035	NEW-P	02-12-103	246-336-105	REP-P	02-12-103
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246-325-990	AMD-P	02-13-059	246-335-080	NEW-P	02-12-103	246-338-990	PREP	02-03-138
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246-380-990	AMD-P	02-13-059	246-760-080	AMD-P	02-15-163	246-810-721	REP	02-09-041
246-388	PREP	02-08-017	246-760-090	AMD-P	02-15-163	246-810-732	REP	02-09-041
246-388-001	REP-P	02-13-075	246-760-100	AMD-P	02-15-163	246-810-740	REP	02-09-041
246-388-010	REP-P	02-13-075	246-762-001	AMD-P	02-15-162	246-811	PREP-W	02-11-105
246-388-020	REP-P	02-13-075	246-762-010	AMD-P	02-15-162	246-811-081	NEW	02-07-083
246-388-030	REP-P	02-13-075	246-762-020	AMD-P	02-15-162	246-811-082	NEW	02-07-083
246-388-040	REP-P	02-13-075	246-762-030	AMD-P	02-15-162	246-811-200	NEW	02-07-084
246-388-050	REP-P	02-13-075	246-762-040	AMD-P	02-15-162	246-811-210	NEW	02-07-084
246-388-060	REP-P	02-13-075	246-762-050	AMD-P	02-15-162	246-811-220	NEW	02-07-084
246-388-070	REP-P	02-13-075	246-790-010	AMD-P	02-07-020	246-811-230	NEW	02-07-084
246-388-072	REP-P	02-13-075	246-790-010	AMD	02-11-107	246-811-240	NEW	02-07-084
246-388-080	REP-P	02-13-075	246-790-050	AMD-P	02-07-020	246-811-250	NEW	02-07-084
246-388-090	REP-P	02-13-075	246-790-050	AMD	02-11-107	246-811-260	NEW	02-07-084
246-388-100	REP-P	02-13-075	246-790-065	AMD-P	02-07-020	246-811-270	NEW	02-07-084
246-388-110	REP-P	02-13-075	246-790-065	AMD	02-11-107	246-811-990	AMD	02-07-083
246-388-120	REP-P	02-13-075	246-790-070	AMD-P	02-07-020	246-817-110	PREP	02-15-160
246-388-130	REP-P	02-13-075	246-790-070	AMD	02-11-107	246-817-120	PREP	02-15-160
246-388-140	REP-P	02-13-075	246-790-080	AMD-P	02-07-020	246-824-010	AMD-P	02-13-062
246-388-150	REP-P	02-13-075	246-790-080	AMD	02-11-107	246-824-020	AMD-P	02-13-062
246-388-160	REP-P	02-13-075	246-790-085	AMD-P	02-07-020	246-824-070	AMD-P	02-13-062
246-388-170	REP-P	02-13-075	246-790-085	AMD	02-11-107	246-824-071	AMD-P	02-13-062
246-388-180	REP-P	02-13-075	246-790-090	AMD-P	02-07-020	246-826-080	PREP-W	02-11-105
246-388-190	REP-P	02-13-075	246-790-090	AMD	02-11-107	246-826-100	AMD	02-06-115
246-388-200	REP-P	02-13-075	246-790-100	AMD-P	02-07-020	246-826-300	NEW	02-06-115
246-388-210	REP-P	02-13-075	246-790-100	AMD	02-11-107	246-826-301	NEW	02-06-115
246-388-220	REP-P	02-13-075	246-790-120	AMD-P	02-07-020	246-826-302	NEW	02-06-115
246-388-230	REP-P	02-13-075	246-790-120	AMD	02-11-107	246-826-303	NEW	02-06-115
246-388-240	REP-P	02-13-075	246-790-130	AMD-P	02-07-020	246-828	PREP-W	02-11-105
246-388-250	REP-P	02-13-075	246-790-130	AMD	02-11-107	246-828-080	PREP-W	02-11-105
246-388-260	REP-P	02-13-075	246-808-101	REP-W	02-11-105	246-828-090	PREP-W	02-11-105
246-388-270	REP-P	02-13-075	246-808-320	REP-W	02-11-105	246-828-100	PREP-W	02-11-105
246-388-280	REP-P	02-13-075	246-808-330	REP-W	02-11-105	246-828-290	AMD	02-14-052
246-388-290	REP-P	02-13-075	246-808-340	REP-W	02-11-105	246-828-320	PREP-W	02-11-105
246-388-300	REP-P	02-13-075	246-808-350	REP-W	02-11-105	246-840-020	PREP	02-04-033
246-388-310	REP-P	02-13-075	246-808-360	REP-W	02-11-105	246-840-030	PREP	02-04-033
246-388-320	REP-P	02-13-075	246-808-370	REP-W	02-11-105	246-840-040	PREP	02-04-033
246-388-330	REP-P	02-13-075	246-808-380	REP-W	02-11-105	246-840-050	PREP	02-04-033
246-388-340	REP-P	02-13-075	246-808-390	REP-W	02-11-105	246-840-060	PREP	02-04-033
246-388-350	REP-P	02-13-075	246-808-640	REP-W	02-11-105	246-840-070	PREP	02-04-033
246-388-360	REP-P	02-13-075	246-808-700	REP-W	02-11-105	246-840-080	PREP	02-04-031
246-388-370	REP-P	02-13-075	246-809-600	NEW	02-11-108	246-840-090	PREP	02-04-031
246-388-380	REP-P	02-13-075	246-809-610	NEW	02-11-108	246-840-311	NEW-P	02-14-048
246-388-390	REP-P	02-13-075	246-809-620	NEW	02-11-108	246-840-700	AMD	02-06-117
246-388-400	REP-P	02-13-075	246-809-630	NEW	02-11-108	246-840-705	AMD	02-06-117
246-388-410	REP-P	02-13-075	246-809-640	NEW	02-11-108	246-840-710	AMD	02-06-117
246-388-420	REP-P	02-13-075	246-809-650	NEW	02-11-108	246-840-715	REP	02-06-117
246-388-430	REP-P	02-13-075	246-810-320	REP	02-09-041	246-843-015	REP-X	02-06-116
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246-388-450	REP-P	02-13-075	246-810-332	REP	02-09-041	246-843-180	AMD-P	02-11-106
246-388-990	REP-P	02-13-075	246-810-340	REP	02-09-041	246-843-220	PREP-W	02-11-105
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246-562-080	AMD-P	02-15-161	246-810-521	REP	02-09-041	246-851	PREP-W	02-11-105
246-562-160	AMD-P	02-15-161	246-810-532	REP	02-09-041	246-851-150	AMD-C	02-04-090
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246-650	PREP-W	02-04-024	246-810-600	REP	02-11-108	246-851-160	AMD-C	02-04-090
246-760-001	AMD-P	02-15-163	246-810-610	REP	02-11-108	246-851-160	AMD	02-10-065
246-760-020	AMD-P	02-15-163	246-810-620	REP	02-11-108	246-851-200	REP	02-10-134
246-760-030	AMD-P	02-15-163	246-810-630	REP	02-11-108	246-851-250	AMD-C	02-04-090
246-760-040	AMD-P	02-15-163	246-810-640	REP	02-11-108	246-851-250	AMD	02-10-065
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246-851-310	AMD	02-10-065	246-976-886	NEW-P	02-09-043	251- 14-040	REP-E	02-12-052
246-851-330	AMD-C	02-04-090	246-976-886	NEW	02-12-107	251- 14-040	REP-P	02-12-111
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246-851-520	AMD-C	02-04-090	246-976-887	NEW	02-12-107	251- 14-042	REP-E	02-12-052
246-851-520	AMD	02-10-065	246-976-935	AMD	02-04-045	251- 14-042	REP-P	02-12-111
246-873-090	PREP	02-12-101	246-976-960	AMD-P	02-10-133	251- 14-042	REP	02-15-048
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246-883-020	AMD	02-14-049	246-976-970	AMD-P	02-10-133	251- 14-050	REP-P	02-12-111
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246-887-160	AMD-X	02-13-060	250- 20-021	AMD-E	02-14-136	251- 14-052	AMD-P	02-12-111
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246-904-010	PREP-W	02-11-105	250- 40-030	AMD-P	02-14-060	251- 14-054	AMD-E	02-12-052
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246-919-990	AMD	02-05-009	250- 80-010	AMD-P	02-14-135	251- 14-054	AMD	02-15-048
246-924-485	PREP-W	02-11-105	250- 80-010	AMD-E	02-14-137	251- 14-056	AMD-E	02-12-052
246-935	AMD	02-10-135	250- 80-020	AMD-P	02-14-135	251- 14-056	AMD-P	02-12-111
246-935-010	AMD	02-10-135	250- 80-020	AMD-E	02-14-137	251- 14-056	AMD	02-15-048
246-935-020	AMD	02-10-135	250- 80-020	AMD-E	02-14-137	251- 14-056	AMD	02-15-048
246-935-030	AMD	02-10-135	250- 80-070	AMD-P	02-14-135	251- 14-058	AMD-E	02-12-052
246-935-090	AMD	02-10-135	250- 80-070	AMD-E	02-14-137	251- 14-058	AMD-P	02-12-111
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246-937-050	AMD	02-11-022	251- 01-240	AMD	02-07-051	251- 14-080	REP-E	02-12-052
246-937-060	AMD	02-11-022	251- 04-040	REP-E	02-12-048	251- 14-080	REP-P	02-12-111
246-937-070	AMD	02-11-022	251- 04-040	REP-P	02-12-113	251- 14-080	REP	02-15-048
246-937-090	AMD	02-11-022	251- 04-040	REP	02-15-050	251- 14-080	REP	02-15-048
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246-976-031	AMD	02-14-053	251- 06-090	AMD-E	02-12-047	251- 14-082	REP-P	02-12-111
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246-976-171	PREP	02-11-077	251- 06-091	AMD	02-15-051	251- 14-083	REP-E	02-12-052
246-976-500	AMD-P	02-09-043	251- 06-091	NEW-E	02-12-047	251- 14-083	REP-P	02-12-111
246-976-500	AMD	02-12-107	251- 06-091	NEW-P	02-12-114	251- 14-083	REP	02-15-048
246-976-510	AMD-P	02-09-043	251- 06-091	NEW	02-15-051	251- 14-085	REP-E	02-12-052
246-976-510	AMD	02-12-107	251- 08-005	AMD-E	02-12-049	251- 14-085	REP-P	02-12-111
246-976-550	AMD-P	02-09-043	251- 08-005	AMD-P	02-12-116	251- 14-085	REP	02-15-048
246-976-550	AMD	02-12-107	251- 08-005	AMD	02-15-049	251- 14-086	REP-E	02-12-052
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246-976-560	AMD	02-12-107	251- 08-021	AMD-P	02-12-116	251- 14-086	REP-P	02-12-111
246-976-600	AMD-P	02-09-043	251- 08-021	AMD	02-15-049	251- 14-086	REP	02-15-048
246-976-600	AMD	02-12-107	251- 08-051	REP-E	02-12-049	251- 14-087	REP-E	02-12-052
246-976-610	AMD-P	02-09-043	251- 08-051	REP-P	02-12-116	251- 14-087	REP-P	02-12-111
246-976-610	AMD	02-12-107	251- 08-051	REP	02-15-049	251- 14-087	REP	02-15-048
246-976-650	AMD-P	02-09-043	251- 08-060	REP-E	02-12-049	251- 14-090	REP-E	02-12-052
246-976-650	AMD	02-12-107	251- 08-060	REP-P	02-12-049	251- 14-090	REP-P	02-12-111
246-976-720	AMD-P	02-09-043	251- 08-060	REP-P	02-12-116	251- 14-090	REP	02-15-048
246-976-720	AMD	02-12-107	251- 10-030	REP	02-15-049	251- 14-120	AMD-E	02-12-052
246-976-730	AMD-P	02-09-043	251- 10-030	AMD-P	02-12-119	251- 14-120	AMD-P	02-12-111
246-976-730	AMD	02-12-107	251- 10-030	AMD-W	02-15-042	251- 14-120	AMD	02-15-048
246-976-770	AMD-P	02-09-043	251- 12-073	REP-P	02-04-079	251- 17-150	AMD-E	02-12-046
246-976-770	AMD	02-12-107	251- 12-073	REP	02-07-048	251- 17-150	AMD-P	02-12-115
246-976-780	AMD-P	02-09-043	251- 14-005	AMD-E	02-12-052	251- 17-150	AMD	02-15-052
246-976-780	AMD	02-12-107	251- 14-005	AMD-P	02-12-111	251- 17-200	AMD-P	02-04-080
246-976-810	AMD-P	02-09-043	251- 14-005	AMD	02-15-048	251- 17-200	AMD	02-07-050
246-976-810	AMD	02-12-107	251- 14-020	AMD-E	02-12-052	251- 18-190	AMD-P	02-12-119
			251- 14-020	AMD-P	02-12-111	251- 18-190	AMD-W	02-15-042
			251- 14-020	AMD	02-15-048	251- 19-060	AMD-E	02-12-047
			251- 14-030	REP-E	02-12-052	251- 19-060	AMD-P	02-12-114

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251- 19-060	AMD	02-15-051	292-110-010	AMD-W	02-09-069	296- 24-14515	REP-P	02-13-118
251- 19-120	AMD-P	02-04-081	292-110-060	PREP	02-12-002	296- 24-14517	REP-P	02-13-118
251- 19-120	AMD	02-07-051	292-120-030	AMD	02-04-003	296- 24-14519	REP-P	02-13-118
251- 22-060	AMD-E	02-12-046	292-120-035	NEW	02-04-003	296- 24-23003	AMD-X	02-05-077
251- 22-060	AMD-P	02-12-115	296- 05-007	AMD-X	02-04-004	296- 24-23003	AMD	02-12-098
251- 22-060	AMD	02-15-052	296- 05-007	AMD	02-10-083	296- 24-405	REP-P	02-07-100
251- 22-180	AMD-E	02-12-046	296- 05-300	AMD-X	02-04-004	296- 24-405	REP	02-15-102
251- 22-180	AMD-P	02-12-115	296- 05-300	AMD	02-10-083	296- 24-40501	REP-P	02-07-100
251- 22-180	AMD	02-15-052	296- 05-316	AMD-X	02-04-004	296- 24-40501	REP	02-15-102
251- 30-010	NEW-E	02-13-056	296- 05-316	AMD	02-10-083	296- 24-40503	REP-P	02-07-100
251- 30-010	NEW-P	02-13-131	296- 05-402	AMD-X	02-04-004	296- 24-40503	REP	02-15-102
251- 30-020	NEW-E	02-13-056	296- 05-402	AMD	02-10-083	296- 24-40505	REP-P	02-07-100
251- 30-020	NEW-P	02-13-131	296- 13	PREP	02-15-167	296- 24-40505	REP	02-15-102
251- 30-030	NEW-E	02-13-056	296- 15	PREP	02-15-182	296- 24-40507	REP-P	02-07-100
251- 30-030	NEW-P	02-13-131	296- 150C	PREP	02-04-106	296- 24-40507	REP	02-15-102
251- 30-040	NEW-E	02-13-056	296- 150F	PREP	02-04-106	296- 24-40509	REP-P	02-07-100
251- 30-040	NEW-P	02-13-131	296- 150M	PREP	02-04-106	296- 24-40509	REP	02-15-102
251- 30-050	NEW-E	02-13-056	296- 150P	PREP	02-04-106	296- 24-40511	REP-P	02-07-100
251- 30-050	NEW-P	02-13-131	296- 150R	PREP	02-04-106	296- 24-40511	REP	02-15-102
251- 30-055	NEW-E	02-13-056	296- 150V	PREP	02-04-106	296- 24-40513	REP-P	02-07-100
251- 30-055	NEW-P	02-13-131	296- 17	PREP	02-07-102	296- 24-40513	REP	02-15-102
251- 30-057	NEW-E	02-13-056	296- 17	PREP	02-13-117	296- 24-40515	REP-P	02-07-100
251- 30-057	NEW-P	02-13-131	296- 17-35203	AMD-P	02-03-123	296- 24-40515	REP	02-15-102
251- 30-060	NEW-E	02-13-056	296- 17-35203	AMD	02-09-093	296- 24-51009	AMD-X	02-05-077
251- 30-060	NEW-P	02-13-131	296- 17-52140	AMD-P	02-03-123	296- 24-51009	AMD	02-12-098
259- 04-010	AMD	02-06-014	296- 17-52140	AMD	02-09-093	296- 24-51011	AMD-X	02-05-077
259- 04-050	AMD	02-06-014	296- 17-52141	AMD-P	02-03-123	296- 24-51011	AMD	02-12-098
259- 04-070	AMD	02-06-014	296- 17-52141	AMD	02-09-093	296- 24-51015	AMD-X	02-05-077
260- 36-040	AMD-P	02-05-029	296- 17-52150	AMD-P	02-03-123	296- 24-51015	AMD	02-12-098
260- 36-040	AMD	02-10-101	296- 17-52150	AMD	02-09-093	296- 24-60205	AMD-X	02-05-077
260- 48-930	NEW-P	02-05-028	296- 17-52151	AMD-P	02-03-123	296- 24-60205	AMD	02-12-098
260- 48-930	NEW-W	02-05-033	296- 17-52151	AMD	02-09-093	296- 24-63499	AMD-X	02-05-077
260- 48-930	NEW	02-10-100	296- 20-02001	REP-X	02-14-149	296- 24-63499	AMD	02-12-098
260- 70-500	PREP	02-13-024	296- 200A	PREP	02-04-106	296- 24-67513	AMD-X	02-05-077
260- 70-640	PREP	02-13-024	296- 20-135	AMD-P	02-05-076	296- 24-67513	AMD	02-12-098
260- 70-650	AMD-P	02-05-030	296- 20-135	AMD	02-10-129	296- 24-67515	AMD-X	02-05-077
260- 70-650	AMD	02-10-102	296- 23-170	REP-X	02-14-149	296- 24-67515	AMD	02-12-098
260- 70-650	PREP	02-13-024	296- 23-175	REP-X	02-14-149	296- 28-001	REP-P	02-07-101
260- 70-660	PREP	02-05-027	296- 23-185	REP-X	02-14-149	296- 28-005	REP-P	02-07-101
260- 70-700	PREP	02-13-024	296- 23-220	AMD-P	02-05-076	296- 28-010	REP-P	02-07-101
284- 04-120	AMD	02-08-019	296- 23-220	AMD	02-10-129	296- 28-015	REP-P	02-07-101
284- 22-020	AMD-P	02-14-154	296- 23-225	REP-X	02-14-149	296- 28-020	REP-P	02-07-101
284- 22-050	AMD-P	02-14-154	296- 23-230	AMD-P	02-05-076	296- 28-025	REP-P	02-07-101
284- 22-060	AMD-P	02-14-154	296- 23-230	AMD	02-10-129	296- 28-030	REP-P	02-07-101
284- 22-080	AMD-P	02-14-154	296- 24	PREP	02-04-107	296- 28-035	REP-P	02-07-101
284- 24A-001	NEW-P	02-14-155	296- 24	PREP	02-04-108	296- 28-040	REP-P	02-07-101
284- 24A-005	NEW-P	02-14-155	296- 24	PREP	02-09-091	296- 28-045	REP-P	02-07-101
284- 24A-010	NEW-P	02-14-155	296- 24-012	AMD-X	02-05-077	296- 28-050	REP-P	02-07-101
284- 24A-015	NEW-P	02-14-155	296- 24-012	AMD	02-12-098	296- 32	AMD-S	02-10-025
284- 24A-020	NEW-P	02-14-155	296- 24-102	REP-X	02-08-080	296- 32	AMD-W	02-15-132
284- 24A-025	NEW-P	02-14-155	296- 24-10203	REP-X	02-08-080	296- 32-240	AMD-P	02-05-080
284- 24A-030	NEW-P	02-14-155	296- 24-14001	AMD-X	02-05-077	296- 32-240	AMD-W	02-15-132
284- 24A-035	NEW-P	02-14-155	296- 24-14001	AMD	02-12-098	296- 32-250	AMD-X	02-05-077
284- 24A-040	NEW-P	02-14-155	296- 24-145	PREP	02-09-088	296- 32-250	AMD	02-12-098
284- 24A-045	NEW-P	02-14-155	296- 24-145	REP-P	02-13-118	296- 32-280	AMD-X	02-05-077
284- 24A-050	NEW-P	02-14-155	296- 24-14501	REP-P	02-13-118	296- 32-280	AMD	02-12-098
284- 24A-055	NEW-P	02-14-155	296- 24-14503	REP-P	02-13-118	296- 33-010	NEW	02-06-024
284- 24A-065	NEW-P	02-14-155	296- 24-14505	REP-P	02-13-118	296- 400A	PREP	02-04-106
284- 24A-070	NEW-P	02-14-155	296- 24-14507	REP-P	02-13-118	296- 401B	PREP	02-04-106
284- 30-390	PREP	02-15-173	296- 24-14509	REP-P	02-13-118	296- 401B	PREP	02-15-167
284- 34	PREP	02-14-153	296- 24-14511	REP-P	02-13-118	296- 402A	PREP	02-15-167
292-110-010	AMD	02-07-074	296- 24-14513	REP-P	02-13-118	296- 45	AMD-S	02-10-025

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296-45	AMD-W	02-15-132	296-52-60085	NEW	02-03-125	296-52-660	NEW	02-03-125
296-45-52530	AMD-P	02-05-080	296-52-60090	NEW	02-03-125	296-52-66005	NEW	02-03-125
296-45-52530	AMD-W	02-15-132	296-52-60095	NEW	02-03-125	296-52-66010	NEW	02-03-125
296-46A	PREP	02-04-106	296-52-60100	NEW	02-03-125	296-52-66015	NEW	02-03-125
296-46A	PREP	02-15-167	296-52-60105	NEW	02-03-125	296-52-66020	NEW	02-03-125
296-46A-910	AMD-P	02-09-095	296-52-60110	NEW-W	02-06-102	296-52-66025	NEW-W	02-06-102
296-46A-910	AMD	02-12-022	296-52-60115	NEW	02-03-125	296-52-66030	NEW	02-03-125
296-46A-915	AMD-P	02-09-095	296-52-60120	NEW	02-03-125	296-52-66035	NEW	02-03-125
296-46A-915	AMD	02-12-022	296-52-60125	NEW	02-03-125	296-52-66040	NEW	02-03-125
296-52	AMD	02-03-125	296-52-60130	NEW	02-03-125	296-52-66045	NEW	02-03-125
296-52-401	REP	02-03-125	296-52-60130	AMD-X	02-15-165	296-52-66050	NEW	02-03-125
296-52-405	REP	02-03-125	296-52-61005	NEW	02-03-125	296-52-66055	NEW	02-03-125
296-52-409	REP	02-03-125	296-52-61010	NEW	02-03-125	296-52-66060	NEW	02-03-125
296-52-413	REP	02-03-125	296-52-61015	NEW	02-03-125	296-52-67005	NEW-W	02-06-102
296-52-417	REP	02-03-125	296-52-61020	NEW	02-03-125	296-52-67010	NEW	02-03-125
296-52-419	REP	02-03-125	296-52-61025	NEW	02-03-125	296-52-67015	NEW-W	02-06-102
296-52-421	REP	02-03-125	296-52-61030	NEW	02-03-125	296-52-67020	NEW	02-03-125
296-52-423	REP	02-03-125	296-52-61035	NEW	02-03-125	296-52-67025	NEW	02-03-125
296-52-425	REP	02-03-125	296-52-61040	NEW	02-03-125	296-52-67030	NEW	02-03-125
296-52-429	REP	02-03-125	296-52-61045	NEW	02-03-125	296-52-67035	NEW	02-03-125
296-52-433	REP	02-03-125	296-52-61050	NEW	02-03-125	296-52-67040	NEW	02-03-125
296-52-437	REP	02-03-125	296-52-62005	NEW	02-03-125	296-52-67045	NEW	02-03-125
296-52-441	REP	02-03-125	296-52-62010	NEW	02-03-125	296-52-67050	NEW	02-03-125
296-52-445	REP	02-03-125	296-52-62020	NEW-W	02-06-102	296-52-67055	NEW	02-03-125
296-52-449	REP	02-03-125	296-52-62025	NEW	02-03-125	296-52-67060	NEW	02-03-125
296-52-453	REP	02-03-125	296-52-62030	NEW	02-03-125	296-52-67065	NEW	02-03-125
296-52-457	REP	02-03-125	296-52-62035	NEW	02-03-125	296-52-67065	AMD-X	02-15-165
296-52-461	REP	02-03-125	296-52-62040	NEW	02-03-125	296-52-67070	NEW	02-03-125
296-52-465	REP	02-03-125	296-52-62045	NEW	02-03-125	296-52-67075	NEW	02-03-125
296-52-469	REP	02-03-125	296-52-63005	NEW	02-03-125	296-52-67080	NEW	02-03-125
296-52-477	REP	02-03-125	296-52-63010	NEW	02-03-125	296-52-67085	NEW	02-03-125
296-52-481	REP	02-03-125	296-52-63015	NEW-W	02-06-102	296-52-67090	NEW	02-03-125
296-52-485	REP	02-03-125	296-52-63020	NEW	02-03-125	296-52-67095	NEW	02-03-125
296-52-487	REP	02-03-125	296-52-63025	NEW	02-03-125	296-52-67100	NEW	02-03-125
296-52-489	REP	02-03-125	296-52-63030	NEW	02-03-125	296-52-67105	NEW	02-03-125
296-52-493	REP	02-03-125	296-52-64005	NEW	02-03-125	296-52-67110	NEW	02-03-125
296-52-497	REP	02-03-125	296-52-64010	NEW-W	02-06-102	296-52-67115	NEW	02-03-125
296-52-501	REP	02-03-125	296-52-64015	NEW-W	02-06-102	296-52-67120	NEW-W	02-06-102
296-52-505	REP	02-03-125	296-52-64020	NEW	02-03-125	296-52-67125	NEW	02-03-125
296-52-509	REP	02-03-125	296-52-64025	NEW-W	02-06-102	296-52-67130	NEW	02-03-125
296-52-510	REP	02-03-125	296-52-64030	NEW	02-03-125	296-52-67135	NEW	02-03-125
296-52-550	REP	02-03-125	296-52-64035	NEW	02-03-125	296-52-67140	NEW	02-03-125
296-52-552	REP	02-03-125	296-52-64040	NEW	02-03-125	296-52-67145	NEW	02-03-125
296-52-555	REP	02-03-125	296-52-64045	NEW	02-03-125	296-52-67150	NEW-W	02-06-102
296-52-600	NEW-W	02-06-102	296-52-64050	NEW	02-03-125	296-52-67155	NEW-W	02-06-102
296-52-60005	NEW	02-03-125	296-52-64055	NEW	02-03-125	296-52-67160	NEW	02-03-125
296-52-60010	NEW	02-03-125	296-52-64060	NEW-W	02-06-102	296-52-67160	AMD-X	02-15-165
296-52-60015	NEW	02-03-125	296-52-64065	NEW	02-03-125	296-52-67165	NEW	02-03-125
296-52-60020	NEW	02-03-125	296-52-64070	NEW-W	02-06-102	296-52-67170	NEW	02-03-125
296-52-60020	AMD-X	02-15-165	296-52-64075	NEW	02-03-125	296-52-67175	NEW-W	02-06-102
296-52-60025	NEW-W	02-06-102	296-52-64080	NEW	02-03-125	296-52-67180	NEW	02-03-125
296-52-60030	NEW	02-03-125	296-52-64085	NEW	02-03-125	296-52-67185	NEW	02-03-125
296-52-60035	NEW	02-03-125	296-52-64090	NEW	02-03-125	296-52-67190	NEW	02-03-125
296-52-60040	NEW-W	02-06-102	296-52-64095	NEW	02-03-125	296-52-67195	NEW	02-03-125
296-52-60045	NEW	02-03-125	296-52-64100	NEW	02-03-125	296-52-67200	NEW	02-03-125
296-52-60050	NEW	02-03-125	296-52-650	NEW	02-03-125	296-52-67205	NEW-W	02-06-102
296-52-60055	NEW	02-03-125	296-52-65005	NEW	02-03-125	296-52-67210	NEW	02-03-125
296-52-60060	NEW	02-03-125	296-52-65010	NEW	02-03-125	296-52-67215	NEW	02-03-125
296-52-60065	NEW	02-03-125	296-52-65015	NEW	02-03-125	296-52-67220	NEW	02-03-125
296-52-60070	NEW-W	02-06-102	296-52-65020	NEW	02-03-125	296-52-67225	NEW	02-03-125
296-52-60075	NEW	02-03-125	296-52-65025	NEW	02-03-125	296-52-67230	NEW	02-03-125
296-52-60080	NEW	02-03-125	296-52-65030	NEW	02-03-125	296-52-67235	NEW	02-03-125

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296- 52-67240	NEW	02-03-125	296- 52-70050	NEW	02-03-125	296- 62-130	AMD-P	02-09-092
296- 52-67245	NEW	02-03-125	296- 52-70055	NEW	02-03-125	296- 62-14105	AMD-X	02-05-077
296- 52-67250	NEW-W	02-06-102	296- 52-70060	NEW	02-03-125	296- 62-14105	AMD	02-12-098
296- 52-68005	NEW-W	02-06-102	296- 52-70065	NEW	02-03-125	296- 62-14110	AMD-X	02-05-077
296- 52-68010	NEW	02-03-125	296- 52-70070	NEW	02-03-125	296- 62-14110	AMD	02-12-098
296- 52-68015	NEW	02-03-125	296- 52-70075	NEW-W	02-06-102	296- 62-14155	AMD-X	02-05-077
296- 52-68020	NEW	02-03-125	296- 52-70080	NEW	02-03-125	296- 62-14155	AMD	02-12-098
296- 52-68025	NEW	02-03-125	296- 52-70085	NEW	02-03-125	296- 62-14171	AMD-X	02-05-077
296- 52-68030	NEW	02-03-125	296- 52-710	NEW	02-03-125	296- 62-14171	AMD	02-12-098
296- 52-68035	NEW-W	02-06-102	296- 52-710	AMD-X	02-15-165	296- 62-410	REP	02-11-141
296- 52-68040	NEW	02-03-125	296- 52-71005	NEW-W	02-06-102	296- 62-41001	REP	02-11-141
296- 52-68045	NEW	02-03-125	296- 52-71010	NEW-W	02-06-102	296- 62-41003	REP	02-11-141
296- 52-68050	NEW	02-03-125	296- 52-71015	NEW	02-03-125	296- 62-41010	REP	02-11-141
296- 52-68055	NEW	02-03-125	296- 52-71020	NEW	02-03-125	296- 62-41011	REP	02-11-141
296- 52-68060	NEW	02-03-125	296- 52-71020	AMD-X	02-15-165	296- 62-41013	REP	02-11-141
296- 52-68060	AMD-X	02-15-165	296- 52-71025	NEW	02-03-125	296- 62-41015	REP	02-11-141
296- 52-68065	NEW	02-03-125	296- 52-71030	NEW-W	02-06-102	296- 62-41017	REP	02-11-141
296- 52-68070	NEW-W	02-06-102	296- 52-71035	NEW	02-03-125	296- 62-41019	REP	02-11-141
296- 52-68075	NEW	02-03-125	296- 52-71040	NEW	02-03-125	296- 62-41020	REP	02-11-141
296- 52-68080	NEW	02-03-125	296- 52-71040	AMD-X	02-15-165	296- 62-41021	REP	02-11-141
296- 52-68085	NEW	02-03-125	296- 52-71045	NEW	02-03-125	296- 62-41023	REP	02-11-141
296- 52-69005	NEW	02-03-125	296- 52-71045	AMD-X	02-15-165	296- 62-41025	REP	02-11-141
296- 52-69010	NEW	02-03-125	296- 52-71050	NEW-W	02-06-102	296- 62-41030	REP	02-11-141
296- 52-69010	AMD-X	02-15-165	296- 52-71055	NEW	02-03-125	296- 62-41031	REP	02-11-141
296- 52-69015	NEW	02-03-125	296- 52-71060	NEW	02-03-125	296- 62-41033	REP	02-11-141
296- 52-69015	AMD-X	02-15-165	296- 52-71065	NEW	02-03-125	296- 62-41035	REP	02-11-141
296- 52-69020	NEW	02-03-125	296- 52-71070	NEW-W	02-06-102	296- 62-41040	REP	02-11-141
296- 52-69025	NEW	02-03-125	296- 52-71075	NEW	02-03-125	296- 62-41041	REP	02-11-141
296- 52-69030	NEW	02-03-125	296- 52-71080	NEW	02-03-125	296- 62-41042	REP	02-11-141
296- 52-69035	NEW	02-03-125	296- 52-71085	NEW-W	02-06-102	296- 62-41043	REP	02-11-141
296- 52-69040	NEW	02-03-125	296- 52-71090	NEW	02-03-125	296- 62-41044	REP	02-11-141
296- 52-69045	NEW	02-03-125	296- 52-71095	NEW	02-03-125	296- 62-41045	REP	02-11-141
296- 52-69050	NEW	02-03-125	296- 52-71100	NEW	02-03-125	296- 62-41046	REP	02-11-141
296- 52-69055	NEW	02-03-125	296- 52-71105	NEW	02-03-125	296- 62-41047	REP	02-11-141
296- 52-69060	NEW	02-03-125	296- 52-720	NEW	02-03-125	296- 62-41060	REP	02-11-141
296- 52-69065	NEW	02-03-125	296- 52-725	NEW	02-03-125	296- 62-41061	REP	02-11-141
296- 52-69070	NEW	02-03-125	296- 62	PREP	02-04-107	296- 62-41063	REP	02-11-141
296- 52-69075	NEW-W	02-06-102	296- 62	PREP	02-10-130	296- 62-41080	REP	02-11-141
296- 52-69080	NEW	02-03-125	296- 62	PREP	02-13-114	296- 62-41081	REP	02-11-141
296- 52-69085	NEW	02-03-125	296- 62	PREP	02-13-116	296- 62-41082	REP	02-11-141
296- 52-69090	NEW	02-03-125	296- 62-060	AMD-P	02-09-092	296- 62-41084	REP	02-11-141
296- 52-69095	NEW	02-03-125	296- 62-070	AMD-P	02-09-092	296- 62-41085	REP	02-11-141
296- 52-69095	AMD-X	02-15-165	296- 62-071	PREP	02-11-140	296- 62-41086	REP	02-11-141
296- 52-69100	NEW-W	02-06-102	296- 62-07302	AMD-X	02-05-077	296- 67-053	AMD-X	02-15-166
296- 52-69105	NEW	02-03-125	296- 62-07302	AMD	02-12-098	296- 67-291	AMD-X	02-15-166
296- 52-69110	NEW	02-03-125	296- 62-07304	AMD-X	02-05-077	296- 78-56501	AMD	02-03-124
296- 52-69115	NEW	02-03-125	296- 62-07304	AMD	02-12-098	296- 78-56505	AMD	02-03-124
296- 52-69120	NEW	02-03-125	296- 62-07312	AMD-X	02-05-077	296- 78-71015	AMD-P	02-07-100
296- 52-69125	NEW	02-03-125	296- 62-07312	AMD	02-12-098	296- 78-71015	AMD	02-15-102
296- 52-69125	AMD-X	02-15-165	296- 62-07314	AMD-X	02-05-077	296- 79-140	AMD-X	02-05-077
296- 52-69130	NEW-X	02-15-165	296- 62-07314	AMD	02-12-098	296- 79-140	AMD	02-12-098
296- 52-700	NEW	02-03-125	296- 62-07421	AMD-X	02-05-077	296- 86A-010	REP-P	02-09-095
296- 52-70005	NEW	02-03-125	296- 62-07421	AMD	02-12-098	296- 86A-010	REP	02-12-022
296- 52-70010	NEW	02-03-125	296- 62-07501	AMD-X	02-05-077	296- 86A-020	REP-P	02-09-095
296- 52-70010	AMD-X	02-15-165	296- 62-07501	AMD	02-12-098	296- 86A-020	REP	02-12-022
296- 52-70015	NEW	02-03-125	296- 62-07527	AMD-X	02-05-077	296- 86A-025	REP-P	02-09-095
296- 52-70020	NEW	02-03-125	296- 62-07527	AMD	02-12-098	296- 86A-025	REP	02-12-022
296- 52-70025	NEW	02-03-125	296- 62-07540	AMD-X	02-05-077	296- 86A-028	REP-P	02-09-095
296- 52-70030	NEW	02-03-125	296- 62-07540	AMD	02-12-098	296- 86A-028	REP	02-12-022
296- 52-70035	NEW	02-03-125	296- 62-080	AMD-P	02-09-092	296- 86A-030	REP-P	02-09-095
296- 52-70040	NEW	02-03-125	296- 62-11021	AMD-P	02-07-100	296- 86A-030	REP	02-12-022
296- 52-70045	NEW	02-03-125	296- 62-11021	AMD	02-15-102	296- 86A-040	REP-P	02-09-095

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296-86A-060	REP-P	02-09-095	296-150M-0140	AMD	02-03-048	296-155-66405	AMD	02-12-098
296-86A-060	REP	02-12-022	296-150M-0302	NEW	02-03-048	296-155-66411	AMD-X	02-05-077
296-86A-065	REP-P	02-09-095	296-150M-0304	NEW-W	02-09-070	296-155-66411	AMD	02-12-098
296-86A-065	REP	02-12-022	296-150M-0320	AMD-E	02-14-073	296-155-700	REP-P	02-06-114
296-86A-070	REP-P	02-09-095	296-150M-0322	NEW-E	02-14-073	296-155-700	REP	02-13-115
296-86A-070	REP	02-12-022	296-150M-3000	AMD-E	02-14-073	296-155-701	NEW-P	02-06-114
296-86A-073	REP-P	02-09-095	296-150P-3000	AMD-P	02-09-095	296-155-701	NEW	02-13-115
296-86A-073	REP	02-12-022	296-150P-3000	AMD	02-12-022	296-155-702	NEW-P	02-06-114
296-86A-074	REP-P	02-09-095	296-150R-3000	AMD-P	02-09-095	296-155-702	NEW	02-13-115
296-86A-074	REP	02-12-022	296-150R-3000	AMD	02-12-022	296-155-703	NEW-P	02-06-114
296-86A-075	REP-P	02-09-095	296-150T-3000	AMD-P	02-09-095	296-155-703	NEW	02-13-115
296-86A-075	REP	02-12-022	296-150T-3000	AMD	02-12-022	296-155-704	NEW-P	02-06-114
296-86A-080	REP-P	02-09-095	296-150V-0800	AMD-P	02-09-095	296-155-704	NEW	02-13-115
296-86A-080	REP	02-12-022	296-150V-0800	AMD	02-12-022	296-155-705	REP-P	02-06-114
296-96	PREP	02-04-106	296-150V-3000	AMD-P	02-09-095	296-155-705	REP	02-13-115
296-96	PREP	02-09-090	296-150V-3000	AMD	02-12-022	296-155-706	NEW-P	02-06-114
296-96-01010	AMD-P	02-09-095	296-155	PREP	02-09-091	296-155-706	NEW	02-13-115
296-96-01010	AMD	02-12-022	296-155	AMD-S	02-10-025	296-155-707	NEW-P	02-06-114
296-96-01012	NEW-P	02-09-095	296-155	AMD-W	02-15-132	296-155-707	NEW	02-13-115
296-96-01012	NEW	02-12-022	296-155-110	AMD-P	02-05-080	296-155-708	NEW-P	02-06-114
296-96-01015	REP-P	02-09-095	296-155-110	AMD-W	02-15-132	296-155-708	NEW	02-13-115
296-96-01015	REP	02-12-022	296-155-165	AMD-P	02-05-080	296-155-709	NEW-P	02-06-114
296-96-01025	AMD-P	02-09-095	296-155-165	AMD-W	02-15-132	296-155-709	NEW	02-13-115
296-96-01025	AMD	02-12-022	296-155-200	AMD-P	02-05-080	296-155-710	REP-P	02-06-114
296-96-01027	AMD-P	02-09-095	296-155-200	AMD-W	02-15-132	296-155-710	REP	02-13-115
296-96-01027	AMD	02-12-022	296-155-24525	AMD-X	02-05-077	296-155-711	NEW-P	02-06-114
296-96-01030	AMD-P	02-09-095	296-155-24525	AMD	02-12-098	296-155-711	NEW	02-13-115
296-96-01030	AMD	02-12-022	296-155-441	AMD-X	02-05-077	296-155-714	NEW-P	02-06-114
296-96-01035	AMD-P	02-09-095	296-155-441	AMD	02-12-098	296-155-714	NEW	02-13-115
296-96-01035	AMD	02-12-022	296-155-525	AMD-X	02-05-077	296-155-715	REP-P	02-06-114
296-96-01040	AMD-P	02-09-095	296-155-525	AMD	02-12-098	296-155-715	REP	02-13-115
296-96-01040	AMD	02-12-022	296-155-530	AMD-X	02-05-077	296-155-716	NEW-P	02-06-114
296-96-01045	AMD-P	02-09-095	296-155-530	AMD	02-12-098	296-155-716	NEW	02-13-115
296-96-01045	AMD	02-12-022	296-155-601	NEW-P	02-05-080	296-155-717	NEW-P	02-06-114
296-96-01050	AMD-P	02-09-095	296-155-601	NEW-W	02-15-132	296-155-717	NEW	02-13-115
296-96-01050	AMD	02-12-022	296-155-602	NEW-P	02-05-080	296-155-720	REP-P	02-06-114
296-96-01055	AMD-P	02-09-095	296-155-602	NEW-W	02-15-132	296-155-720	REP	02-13-115
296-96-01055	AMD	02-12-022	296-155-603	NEW-P	02-05-080	296-155-72401	NEW-P	02-06-114
296-96-01060	AMD-P	02-09-095	296-155-603	NEW-W	02-15-132	296-155-72401	NEW-W	02-13-115
296-96-01060	AMD	02-12-022	296-155-604	NEW-P	02-05-080	296-155-72402	NEW-P	02-06-114
296-96-01065	AMD-P	02-09-095	296-155-604	NEW-W	02-15-132	296-155-72402	NEW-W	02-13-115
296-96-01065	AMD	02-12-022	296-155-605	AMD-P	02-05-080	296-155-72403	NEW-P	02-06-114
296-104	PREP	02-04-105	296-155-605	AMD-W	02-15-132	296-155-72403	NEW-W	02-13-115
296-104	PREP	02-08-090	296-155-605	AMD-W	02-15-132	296-155-72404	NEW-P	02-06-114
296-104-055	AMD-P	02-09-094	296-155-606	NEW-P	02-05-080	296-155-72404	NEW-W	02-13-115
296-104-055	AMD	02-12-021	296-155-606	NEW-W	02-15-132	296-155-72405	NEW-P	02-06-114
296-104-060	AMD-P	02-09-094	296-155-607	NEW-P	02-05-080	296-155-72405	NEW-W	02-13-115
296-104-060	AMD	02-12-021	296-155-607	NEW-W	02-15-132	296-155-72406	NEW-P	02-06-114
296-104-700	AMD-P	02-09-094	296-155-608	NEW-P	02-05-080	296-155-72406	NEW-W	02-13-115
296-104-700	AMD	02-12-021	296-155-608	NEW-W	02-15-132	296-155-960	AMD-X	02-05-077
296-130	PREP	02-11-139	296-155-609	NEW-P	02-05-080	296-155-960	AMD	02-12-098
296-150C-0800	AMD-P	02-09-095	296-155-609	NEW-W	02-15-132	296-200A-080	AMD-P	02-09-095
296-150C-0800	AMD	02-12-022	296-155-610	AMD-P	02-05-080	296-200A-080	AMD	02-12-022
296-150C-3000	AMD-P	02-09-095	296-155-610	AMD-W	02-15-132	296-200A-900	AMD-P	02-09-095
296-150C-3000	AMD	02-12-022	296-155-611	NEW-P	02-05-080	296-200A-900	AMD	02-12-022
296-150F-3000	AMD-E	02-14-073	296-155-611	NEW-W	02-15-132	296-305	PREP	02-13-114
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296-150M-0020	AMD-E	02-14-073	296-155-612	NEW-W	02-15-132	296-305-04001	AMD	02-12-098
296-150M-0049	NEW	02-03-048	296-155-615	AMD-P	02-05-080	296-305-05003	AMD-X	02-05-077
296-150M-0049	AMD-E	02-14-073	296-155-615	AMD-W	02-15-132	296-305-05003	AMD	02-12-098
296-150M-0050	AMD-E	02-14-073	296-155-655	AMD-P	02-05-080	296-305-05011	AMD-X	02-15-166
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296-307-039	AMD-X	02-05-077	296-403-040	REP-P	02-09-097	296-800-35040	AMD-P	02-09-092
296-307-039	AMD	02-12-098	296-403-050	REP-P	02-09-097	296-800-35056	AMD-P	02-09-092
296-307-08009	AMD-X	02-05-077	296-403-060	REP-P	02-09-097	296-800-35076	AMD-P	02-09-092
296-307-08009	AMD	02-12-098	296-403-070	REP-P	02-09-097	296-800-370	AMD-P	02-09-092
296-307-14520	PREP	02-07-103	296-403-080	REP-P	02-09-097	296-817	PREP	02-13-114
296-307-452	NEW	02-11-141	296-403-090	REP-P	02-09-097	296-824-100	NEW	02-11-141
296-307-45210	NEW	02-11-141	296-403-100	REP-P	02-09-097	296-824-100	AMD-X	02-15-166
296-307-45220	NEW	02-11-141	296-403-110	REP-P	02-09-097	296-824-110	NEW	02-11-141
296-307-45230	NEW	02-11-141	296-403-120	REP-P	02-09-097	296-824-110	AMD-X	02-15-166
296-307-45240	NEW	02-11-141	296-403-130	REP-P	02-09-097	296-824-11010	NEW	02-11-141
296-307-45400	NEW	02-11-141	296-403-140	REP-P	02-09-097	296-824-11010	AMD-X	02-15-166
296-307-45410	NEW	02-11-141	296-403-150	REP-P	02-09-097	296-824-11020	NEW	02-11-141
296-307-45420	NEW	02-11-141	296-403-160	REP-P	02-09-097	296-824-11020	AMD-X	02-15-166
296-307-45430	NEW	02-11-141	296-403A-100	NEW-P	02-09-097	296-824-11050	NEW	02-11-141
296-307-45440	NEW	02-11-141	296-403A-110	NEW-P	02-09-097	296-824-11050	AMD-X	02-15-166
296-307-45450	NEW	02-11-141	296-403A-120	NEW-P	02-09-097	296-824-11060	NEW	02-11-141
296-307-45600	NEW	02-11-141	296-403A-130	NEW-P	02-09-097	296-824-11060	AMD-X	02-15-166
296-307-45610	NEW	02-11-141	296-403A-140	NEW-P	02-09-097	296-824-12010	NEW	02-11-141
296-307-45620	NEW	02-11-141	296-403A-150	NEW-P	02-09-097	296-824-12010	AMD-X	02-15-166
296-307-45800	NEW	02-11-141	296-403A-160	NEW-P	02-09-097	296-824-12020	NEW	02-11-141
296-307-46000	NEW	02-11-141	296-403A-170	NEW-P	02-09-097	296-824-12020	AMD-X	02-15-166
296-400A	PREP	02-09-089	296-403A-180	NEW-P	02-09-097	296-824-12030	NEW	02-11-141
296-400A	AMD-P	02-09-096	296-403A-190	NEW-P	02-09-097	296-824-12030	AMD-X	02-15-166
296-400A	AMD	02-14-074	296-403A-195	NEW-P	02-09-097	296-824-12040	NEW	02-11-141
296-400A-005	AMD-P	02-09-096	296-403A-200	NEW-P	02-09-097	296-824-12040	AMD-X	02-15-166
296-400A-005	AMD	02-14-074	296-403A-210	NEW-P	02-09-097	296-824-12050	NEW	02-11-141
296-400A-020	AMD-P	02-09-096	296-403A-220	NEW-P	02-09-097	296-824-12050	AMD-X	02-15-166
296-400A-020	AMD	02-14-074	296-403A-230	NEW-P	02-09-097	296-824-12060	NEW	02-11-141
296-400A-025	AMD-P	02-09-096	296-403A-240	NEW-P	02-09-097	296-824-12060	AMD-X	02-15-166
296-400A-026	AMD-P	02-09-096	296-800	PREP	02-04-107	296-824-13010	NEW	02-11-141
296-400A-030	AMD-P	02-09-096	296-800-110	AMD-P	02-09-092	296-824-13010	AMD-X	02-15-166
296-400A-030	AMD	02-14-074	296-800-11040	NEW-P	02-09-092	296-824-13020	NEW	02-11-141
296-400A-031	AMD-P	02-09-096	296-800-11045	NEW-P	02-09-092	296-824-13020	AMD-X	02-15-166
296-400A-031	AMD	02-14-074	296-800-130	AMD-P	02-09-092	296-824-13030	NEW	02-11-141
296-400A-035	AMD-P	02-09-096	296-800-13005	REP-P	02-09-092	296-824-13030	AMD-X	02-15-166
296-400A-035	AMD	02-14-074	296-800-13010	REP-P	02-09-092	296-824-14010	NEW	02-11-141
296-400A-045	AMD-P	02-09-096	296-800-13015	REP-P	02-09-092	296-824-14010	AMD-X	02-15-166
296-400A-045	AMD	02-14-074	296-800-13020	NEW-P	02-09-092	296-824-15010	NEW	02-11-141
296-400A-070	AMD-P	02-09-096	296-800-13025	NEW-P	02-09-092	296-824-15010	AMD-X	02-15-166
296-400A-070	AMD	02-14-074	296-800-13030	NEW-P	02-09-092	296-824-200	NEW-X	02-15-166
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296-400A-100	AMD	02-14-074	296-800-13040	NEW-P	02-09-092	296-824-300	NEW-X	02-15-166
296-400A-120	AMD-P	02-09-096	296-800-150	AMD-P	02-09-092	296-824-30005	NEW-X	02-15-166
296-400A-120	AMD	02-14-074	296-800-15030	NEW-P	02-09-092	296-824-400	NEW-X	02-15-166
296-400A-121	AMD-P	02-09-096	296-800-15035	NEW-P	02-09-092	296-824-40005	NEW-X	02-15-166
296-400A-121	AMD	02-14-074	296-800-15040	NEW-P	02-09-092	296-824-40010	NEW-X	02-15-166
296-400A-122	NEW-P	02-09-096	296-800-16050	AMD-P	02-09-092	296-824-500	NEW-X	02-15-166
296-400A-122	NEW	02-14-074	296-800-16070	AMD-P	02-09-092	296-824-50005	NEW-X	02-15-166
296-400A-130	AMD-P	02-09-096	296-800-170	AMD-P	02-09-092	296-824-50010	NEW-X	02-15-166
296-400A-130	AMD	02-14-074	296-800-17020	AMD-P	02-09-092	296-824-50015	NEW-X	02-15-166
296-400A-140	AMD-P	02-09-096	296-800-17025	AMD-P	02-09-092	296-824-50020	NEW-X	02-15-166
296-400A-140	AMD	02-14-074	296-800-17030	AMD-P	02-09-092	296-824-50025	NEW-X	02-15-166
296-400A-430	NEW-P	02-09-096	296-800-18010	AMD-P	02-09-092	296-824-50030	NEW-X	02-15-166
296-400A-430	NEW	02-14-074	296-800-18015	AMD-P	02-09-092	296-824-600	NEW-X	02-15-166
296-401B-700	AMD-P	02-09-095	296-800-20005	AMD-P	02-09-092	296-824-60005	NEW-X	02-15-166
296-401B-700	AMD	02-12-022	296-800-23010	AMD-P	02-09-092	296-824-60010	NEW-X	02-15-166
296-402A-040	AMD-P	02-09-097	296-800-23020	AMD-P	02-09-092	296-824-60015	NEW-X	02-15-166
296-402A-410	AMD-P	02-09-097	296-800-25015	AMD-P	02-09-092	296-824-700	NEW-X	02-15-166
296-402A-630	AMD-P	02-09-097	296-800-28040	AMD-P	02-09-092	296-824-70005	NEW-X	02-15-166
296-403-010	REP-P	02-09-097	296-800-28045	AMD-P	02-09-092	296-824-800	NEW-X	02-15-166
296-403-020	REP-P	02-09-097	296-800-32025	AMD-P	02-09-092	296-832-10000	NEW-X	02-08-080

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296-832-10005	NEW-X	02-08-080	296-835-13015	NEW-P	02-07-100	308-12-031	AMD	02-11-082
296-832-10010	NEW-X	02-08-080	296-835-13015	NEW	02-15-102	308-12-050	AMD-P	02-04-114
296-832-10015	NEW-X	02-08-080	296-835-13020	NEW-P	02-07-100	308-12-050	AMD	02-11-082
296-832-10020	NEW-X	02-08-080	296-835-13020	NEW	02-15-102	308-12-081	AMD-P	02-04-114
296-832-10025	NEW-X	02-08-080	296-835-13025	NEW-P	02-07-100	308-12-081	AMD	02-11-082
296-835-100	NEW-P	02-07-100	296-835-13025	NEW	02-15-102	308-12-085	AMD-P	02-04-114
296-835-100	NEW	02-15-102	296-835-13030	NEW-P	02-07-100	308-12-085	AMD	02-11-082
296-835-110	NEW-P	02-07-100	296-835-13030	NEW	02-15-102	308-12-115	AMD-P	02-04-114
296-835-110	NEW	02-15-102	296-835-140	NEW-P	02-07-100	308-12-115	AMD	02-11-082
296-835-11005	NEW-P	02-07-100	296-835-140	NEW	02-15-102	308-12-150	AMD-P	02-04-114
296-835-11005	NEW	02-15-102	296-860-100	NEW-P	02-07-101	308-12-150	AMD	02-11-082
296-835-11010	NEW-P	02-07-100	296-860-10005	NEW-P	02-07-101	308-12-210	AMD-P	02-04-114
296-835-11010	NEW	02-15-102	296-860-10010	NEW-P	02-07-101	308-12-210	AMD	02-11-082
296-835-11015	NEW-P	02-07-100	296-860-10020	NEW-P	02-07-101	308-12-220	AMD-P	02-04-114
296-835-11015	NEW	02-15-102	296-860-10025	NEW-P	02-07-101	308-12-220	AMD	02-11-082
296-835-11020	NEW-P	02-07-100	296-860-10030	NEW-P	02-07-101	308-12-230	AMD-P	02-04-114
296-835-11020	NEW	02-15-102	296-860-10040	NEW-P	02-07-101	308-12-230	AMD	02-11-082
296-835-11025	NEW-P	02-07-100	296-860-10050	NEW-P	02-07-101	308-12-240	AMD-P	02-04-114
296-835-11025	NEW	02-15-102	296-860-10060	NEW-P	02-07-101	308-12-240	AMD	02-11-082
296-835-11030	NEW-P	02-07-100	296-860-10070	NEW-P	02-07-101	308-12-320	AMD-P	02-04-114
296-835-11030	NEW	02-15-102	296-860-10100	NEW-P	02-07-101	308-12-320	AMD	02-11-082
296-835-11035	NEW-P	02-07-100	296-878-100	NEW-P	02-13-118	308-12-321	REP-P	02-04-114
296-835-11035	NEW	02-15-102	296-878-10005	NEW-P	02-13-118	308-12-321	REP	02-11-082
296-835-11040	NEW-P	02-07-100	296-878-110	NEW-P	02-13-118	308-12-322	REP-P	02-04-114
296-835-11040	NEW	02-15-102	296-878-11005	NEW-P	02-13-118	308-12-322	REP	02-11-082
296-835-11045	NEW-P	02-07-100	296-878-120	NEW-P	02-13-118	308-12-323	REP-P	02-04-114
296-835-11045	NEW	02-15-102	296-878-12005	NEW-P	02-13-118	308-12-323	REP	02-11-082
296-835-11050	NEW-P	02-07-100	296-878-130	NEW-P	02-13-118	308-12-324	REP-P	02-04-114
296-835-11050	NEW	02-15-102	296-878-13005	NEW-P	02-13-118	308-12-324	REP	02-11-082
296-835-120	NEW-P	02-07-100	296-878-13010	NEW-P	02-13-118	308-12-325	REP-P	02-04-114
296-835-120	NEW	02-15-102	296-878-140	NEW-P	02-13-118	308-12-325	REP	02-11-082
296-835-12005	NEW-P	02-07-100	296-878-14005	NEW-P	02-13-118	308-12-330	NEW-P	02-04-114
296-835-12005	NEW	02-15-102	296-878-150	NEW-P	02-13-118	308-12-330	NEW	02-11-082
296-835-12010	NEW-P	02-07-100	296-878-15005	NEW-P	02-13-118	308-13-005	AMD-P	02-04-113
296-835-12010	NEW	02-15-102	296-878-15010	NEW-P	02-13-118	308-13-005	AMD	02-07-047
296-835-12015	NEW-P	02-07-100	296-878-15015	NEW-P	02-13-118	308-13-020	AMD-P	02-04-113
296-835-12015	NEW	02-15-102	296-878-15020	NEW-P	02-13-118	308-13-020	AMD	02-07-047
296-835-12020	NEW-P	02-07-100	296-878-15025	NEW-P	02-13-118	308-13-024	AMD-P	02-04-113
296-835-12025	NEW	02-15-102	296-878-160	NEW-P	02-13-118	308-13-024	AMD	02-07-047
296-835-12025	NEW	02-15-102	296-878-16005	NEW-P	02-13-118	308-13-036	NEW-P	02-04-113
296-835-12030	NEW-P	02-07-100	296-878-170	NEW-P	02-13-118	308-13-036	NEW	02-07-047
296-835-12035	NEW-P	02-07-100	296-878-17005	NEW-P	02-13-118	308-13-050	AMD-P	02-04-113
296-835-12035	NEW	02-15-102	296-878-180	NEW-P	02-13-118	308-13-050	AMD	02-07-047
296-835-12040	NEW-P	02-07-100	296-878-18005	NEW-P	02-13-118	308-13-100	AMD-P	02-04-113
296-835-12040	NEW	02-15-102	296-878-18010	NEW-P	02-13-118	308-13-100	AMD	02-07-047
296-835-12045	NEW-P	02-07-100	296-878-18015	NEW-P	02-13-118	308-13-150	PREP	02-08-033
296-835-12045	NEW	02-15-102	296-878-18020	NEW-P	02-13-118	308-13-150	AMD-P	02-12-077
296-835-12050	NEW-P	02-07-100	296-878-190	NEW-P	02-13-118	308-14-085	AMD-P	02-08-074
296-835-12050	NEW	02-15-102	296-878-19005	NEW-P	02-13-118	308-14-085	AMD-W	02-11-057
296-835-12055	NEW-P	02-07-100	296-878-19010	NEW-P	02-13-118	308-14-090	REP-P	02-08-074
296-835-12055	NEW	02-15-102	296-878-200	NEW-P	02-13-118	308-14-090	REP-W	02-11-057
296-835-12060	NEW-P	02-07-100	296-878-20005	NEW-P	02-13-118	308-14-100	AMD-P	02-08-074
296-835-12060	NEW	02-15-102	296-878-20010	NEW-P	02-13-118	308-14-100	AMD-W	02-11-057
296-835-12065	NEW-P	02-07-100	296-878-20015	NEW-P	02-13-118	308-14-120	AMD-P	02-08-074
296-835-12065	NEW	02-15-102	296-878-210	NEW-P	02-13-118	308-14-120	AMD-W	02-11-057
296-835-130	NEW-P	02-07-100	296-878-21005	NEW-P	02-13-118	308-14-130	AMD-P	02-08-074
296-835-130	NEW	02-15-102	296-878-220	NEW-P	02-13-118	308-14-130	AMD-W	02-11-057
296-835-13005	NEW-P	02-07-100	308-08-085	AMD-X	02-14-001	308-14-135	AMD-P	02-08-074
296-835-13005	NEW	02-15-102	308-08-600	AMD	02-11-011	308-14-135	AMD-W	02-11-057
296-835-13010	NEW-P	02-07-100	308-12-010	AMD-P	02-04-114	308-14-210	AMD-P	02-08-074
296-835-13010	NEW	02-15-102	308-12-010	AMD	02-11-082	308-14-210	AMD-W	02-11-057
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308-15-140	NEW-P	02-09-011	308-48-770	REP-P	02-14-059	308-90-130	AMD	02-05-073
308-17-150	AMD-P	02-03-130	308-49-150	AMD-P	02-14-059	308-90-140	AMD	02-05-073
308-17-150	AMD	02-11-098	308-49-164	AMD-P	02-14-059	308-90-150	AMD	02-05-073
308-17-310	PREP	02-07-069	308-49-170	AMD-P	02-14-059	308-90-160	AMD	02-05-073
308-17-320	PREP	02-07-069	308-49-210	NEW-P	02-14-059	308-91-030	PREP	02-12-124
308-18-150	AMD-P	02-02-096	308-56A	PREP	02-15-077	308-91-040	PREP	02-12-124
308-18-150	AMD	02-07-068	308-56A-030	PREP	02-05-019	308-91-050	PREP	02-12-124
308-19-130	AMD-P	02-02-095	308-56A-040	PREP	02-05-019	308-91-060	PREP	02-12-124
308-19-130	AMD	02-07-067	308-56A-056	PREP	02-05-019	308-91-080	PREP	02-12-124
308-19-240	AMD-P	02-02-095	308-56A-060	PREP	02-05-019	308-91-090	PREP	02-12-124
308-19-240	AMD	02-07-067	308-56A-070	PREP	02-05-015	308-91-095	PREP	02-12-124
308-20-010	AMD	02-04-012	308-56A-075	PREP	02-05-015	308-91-120	PREP	02-12-124
308-20-030	REP	02-04-012	308-56A-110	PREP	02-05-019	308-91-130	PREP	02-12-124
308-20-040	AMD	02-04-012	308-56A-115	PREP	02-05-019	308-91-140	PREP	02-12-124
308-20-045	REP	02-04-012	308-56A-140	PREP	02-05-018	308-91-150	PREP	02-12-124
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308-20-090	AMD	02-04-012	308-56A-160	PREP	02-05-018	308-91-172	PREP	02-12-124
308-20-105	AMD	02-04-012	308-56A-200	PREP	02-05-018	308-93	PREP	02-11-097
308-20-107	AMD	02-04-012	308-56A-210	PREP	02-05-019	308-93	PREP	02-15-117
308-20-110	AMD	02-04-012	308-56A-210	PREP	02-14-002	308-93-230	AMD	02-04-001
308-20-120	AMD	02-04-012	308-56A-215	PREP	02-05-018	308-93-230	PREP	02-11-097
308-20-122	NEW	02-04-012	308-56A-250	PREP	02-05-016	308-93-241	PREP	02-08-006
308-20-130	REP	02-04-012	308-56A-265	PREP	02-05-016	308-93-242	PREP	02-08-006
308-20-150	REP	02-04-012	308-56A-270	PREP	02-05-016	308-93-243	PREP	02-08-006
308-20-155	REP	02-04-012	308-56A-275	PREP	02-05-016	308-93-244	PREP	02-08-006
308-20-171	REP	02-04-012	308-56A-295	PREP	02-05-019	308-93-250	REP	02-04-001
308-20-172	REP	02-04-012	308-56A-300	PREP	02-05-014	308-93-270	AMD	02-04-001
308-20-210	AMD-P	02-04-088	308-56A-305	PREP	02-05-014	308-93-275	NEW	02-04-001
308-20-210	AMD	02-09-040	308-56A-310	PREP	02-05-014	308-93-276	PREP	02-15-117
308-20-310	REP	02-04-012	308-56A-315	PREP	02-05-014	308-93-280	AMD	02-04-001
308-20-590	REP	02-04-012	308-56A-320	PREP	02-05-014	308-93-390	PREP	02-14-026
308-47-010	NEW-P	02-14-059	308-56A-325	PREP	02-05-014	308-93-520	AMD	02-05-059
308-47-020	NEW-P	02-14-059	308-56A-330	PREP	02-05-014	308-93-530	AMD	02-05-059
308-47-030	NEW-P	02-14-059	308-56A-460	PREP	02-08-005	308-93-540	AMD	02-05-059
308-47-040	NEW-P	02-14-059	308-56A-460	AMD-E	02-13-005	308-93-700	AMD	02-05-058
308-47-050	NEW-P	02-14-059	308-56A-460	AMD-P	02-15-034	308-93-710	AMD	02-05-058
308-47-060	NEW-P	02-14-059	308-56A-500	AMD-P	02-07-035	308-93-720	AMD	02-05-058
308-47-070	NEW-P	02-14-059	308-56A-500	AMD-E	02-13-005	308-93-730	AMD	02-05-058
308-48-010	AMD-P	02-14-059	308-56A-500	AMD-W	02-13-025	308-93-740	AMD	02-05-058
308-48-015	NEW-P	02-14-059	308-56A-500	AMD-P	02-15-034	308-93-750	AMD	02-05-058
308-48-031	AMD-P	02-14-059	308-56A-525	PREP	02-15-077	308-93-760	AMD	02-05-058
308-48-040	AMD-P	02-14-059	308-56A-530	NEW-P	02-07-035	308-93-770	AMD	02-05-058
308-48-050	AMD-P	02-14-059	308-56A-530	NEW-E	02-13-005	308-94-050	AMD-P	02-07-024
308-48-060	AMD-P	02-14-059	308-56A-530	NEW-W	02-13-025	308-94-050	AMD	02-11-019
308-48-070	REP-P	02-14-059	308-56A-530	NEW-P	02-15-034	308-96A-005	PREP	02-09-004
308-48-085	AMD-P	02-14-059	308-56A-640	PREP	02-05-013	308-96A-005	AMD-P	02-12-064
308-48-100	REP-P	02-14-059	308-56A-640	PREP	02-05-017	308-96A-021	PREP	02-14-003
308-48-145	AMD-P	02-14-059	308-61	PREP	02-12-095	308-96A-046	PREP	02-05-002
308-48-180	AMD-P	02-14-059	308-63	PREP	02-13-012	308-96A-046	AMD-P	02-12-078
308-48-185	REP-P	02-14-059	308-63-090	AMD-E	02-13-005	308-96A-050	PREP	02-05-002
308-48-200	AMD-P	02-14-059	308-66	PREP	02-04-059	308-96A-050	AMD-P	02-12-078
308-48-210	AMD-P	02-14-059	308-66	PREP	02-12-096	308-96A-056	PREP	02-05-002
308-48-350	AMD-P	02-14-059	308-66-110	AMD-P	02-09-057	308-96A-056	AMD-P	02-12-078
308-48-520	AMD-P	02-14-059	308-66-110	AMD	02-12-062	308-96A-057	PREP	02-05-002
308-48-600	AMD-P	02-14-059	308-66-120	AMD-P	02-09-057	308-96A-057	AMD-P	02-12-078
308-48-700	REP-P	02-14-059	308-66-120	AMD	02-12-062	308-96A-062	PREP	02-09-004
308-48-710	REP-P	02-14-059	308-90-040	AMD	02-05-073	308-96A-062	AMD-P	02-12-064
308-48-720	REP-P	02-14-059	308-90-070	AMD	02-05-073	308-96A-064	PREP	02-09-004
308-48-730	REP-P	02-14-059	308-90-080	AMD	02-05-073	308-96A-064	AMD-P	02-12-064
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308-96A-074	PREP	02-05-002	308-103-170	NEW	02-11-011	314-11-072	NEW-P	02-04-110
308-96A-074	AMD-P	02-12-078	308-103-180	NEW	02-11-011	314-11-072	NEW	02-11-054
308-96A-080	PREP	02-05-020	308-103-190	NEW	02-11-011	314-11-095	AMD-P	02-04-110
308-96A-085	PREP	02-05-020	308-104-018	AMD-W	02-11-024	314-11-095	AMD	02-11-054
308-96A-090	PREP	02-05-020	308-124A-110	AMD-P	02-03-058	314-16-190	REP-P	02-04-115
308-96A-095	PREP	02-05-020	308-124A-110	AMD	02-07-060	314-16-196	REP-P	02-04-115
308-96A-098	AMD-P	02-07-014	308-124A-460	AMD	02-03-057	314-21-005	NEW-P	02-04-112
308-96A-098	AMD	02-11-079	308-124A-600	AMD	02-03-080	314-21-005	NEW	02-11-030
308-96A-101	PREP	02-03-086	308-124A-605	NEW	02-03-080	314-21-015	NEW-P	02-04-112
308-96A-101	AMD-P	02-08-036	308-124B-150	AMD	02-03-054	314-21-015	NEW	02-11-030
308-96A-101	AMD	02-11-096	308-124H-014	NEW	02-03-055	314-21-025	NEW-P	02-04-112
308-96A-110	PREP	02-03-086	308-124H-025	AMD	02-03-055	314-21-025	NEW	02-11-030
308-96A-110	AMD-P	02-08-036	308-124H-025	PREP	02-15-017	314-60-040	AMD-P	02-04-111
308-96A-110	AMD	02-11-096	308-124H-029	PREP	02-15-017	314-60-040	AMD	02-10-006
308-96A-117	PREP	02-14-003	308-124H-061	AMD	02-03-056	315-06-040	AMD-P	02-07-072
308-96A-136	PREP	02-03-086	308-124H-062	AMD	02-03-056	315-06-040	AMD	02-12-065
308-96A-136	AMD-P	02-08-036	308-125-085	AMD-P	02-04-083	315-06-123	PREP	02-09-081
308-96A-136	AMD	02-11-096	308-125-085	AMD	02-10-022	315-10	PREP	02-05-048
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308-96A-161	AMD	02-11-079	308-125-200	AMD	02-03-012	315-20-010	AMD	02-08-001
308-96A-201	AMD-P	02-05-057	308-127-160	AMD-P	02-12-082	315-37-010	NEW-P	02-03-109
308-96A-201	AMD	02-10-013	308-127-160	AMD	02-15-169	315-37-010	NEW	02-07-073
308-96A-205	AMD-P	02-07-036	308-330-305	AMD	02-04-075	315-37-020	NEW-P	02-03-109
308-96A-205	AMD	02-11-095	308-330-307	AMD	02-04-075	315-37-020	NEW	02-07-073
308-96A-206	AMD-P	02-07-036	308-330-320	AMD	02-04-075	315-37-030	NEW-P	02-03-109
308-96A-206	AMD	02-11-095	308-330-464	AMD	02-04-075	315-37-030	NEW	02-07-073
308-96A-207	AMD-P	02-05-057	308-330-481	AMD	02-04-075	315-37-040	NEW-P	02-03-109
308-96A-207	AMD	02-10-013	308-330-705	AMD	02-04-075	315-37-040	NEW	02-07-073
308-96A-208	AMD-P	02-05-057	308-420-240	AMD-P	02-12-081	315-37-050	NEW-P	02-03-109
308-96A-208	AMD	02-10-013	308-420-240	AMD	02-15-168	315-37-050	NEW	02-07-073
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308-96A-220	AMD	02-11-095	314-02-015	AMD-P	02-04-115	315-37-060	NEW	02-07-073
308-96A-275	AMD-P	02-07-014	314-02-020	AMD-P	02-04-115	315-37-070	NEW-P	02-03-109
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308-96A-311	AMD	02-04-002	314-02-033	NEW-P	02-04-115	315-37-080	NEW	02-07-073
308-96A-312	AMD	02-04-002	314-02-035	AMD-P	02-04-115	315-37-090	NEW-P	02-03-109
308-96A-313	AMD	02-04-002	314-02-045	AMD-P	02-04-115	315-37-090	NEW	02-07-073
308-96A-314	AMD	02-04-002	314-02-050	REP-P	02-04-115	315-37-100	NEW-P	02-03-109
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308-96A-530	PREP	02-05-002	314-02-125	AMD-P	02-04-115	315-37-110	NEW	02-07-073
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308-96A-550	PREP	02-12-006	314-11-015	AMD-P	02-04-110	315-37-120	NEW	02-07-073
308-99-040	PREP	02-10-079	314-11-015	AMD	02-11-054	315-38-010	NEW-P	02-12-080
308-100-140	AMD	02-04-076	314-11-020	AMD-P	02-04-110	315-38-010	NEW	02-15-122
308-103-010	NEW	02-11-011	314-11-020	AMD	02-11-054	315-38-020	NEW-P	02-12-080
308-103-020	NEW	02-11-011	314-11-025	AMD-P	02-04-110	315-38-020	NEW	02-15-122
308-103-030	NEW	02-11-011	314-11-030	AMD-P	02-04-110	315-38-030	NEW-P	02-12-080
308-103-040	NEW	02-11-011	314-11-030	AMD	02-11-054	315-38-030	NEW	02-15-122
308-103-050	NEW	02-11-011	314-11-035	AMD-P	02-04-110	315-38-040	NEW-P	02-12-080
308-103-060	NEW	02-11-011	314-11-035	AMD	02-11-054	315-38-040	NEW	02-15-122
308-103-070	NEW	02-11-011	314-11-040	AMD-P	02-04-110	315-38-050	NEW-P	02-12-080
308-103-080	NEW	02-11-011	314-11-040	AMD	02-11-054	315-38-050	NEW	02-15-122
308-103-080	NEW	02-11-011	314-11-045	AMD-P	02-04-110	315-38-060	NEW-P	02-12-080
308-103-090	NEW	02-11-011	314-11-045	AMD	02-11-054	315-38-060	NEW	02-15-122
308-103-100	NEW	02-11-011	314-11-060	AMD-P	02-04-110	315-38-070	NEW-P	02-12-080
308-103-110	NEW	02-11-011	314-11-060	AMD	02-11-054	315-38-070	NEW	02-15-122
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315-38-100	NEW	02-15-122	332-30-109	AMD-S	02-14-157	356-18-160	AMD-E	02-12-046
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315-38-110	NEW	02-15-122	332-30-115	AMD-S	02-14-157	356-18-160	AMD	02-15-052
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315-38-120	NEW	02-15-122	332-30-139	AMD-S	02-14-157	356-18-220	AMD	02-15-055
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315-38-130	NEW	02-15-122	332-30-144	AMD-S	02-14-157	356-22-220	AMD-P	02-12-115
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316-02-300	AMD	02-14-013	356-14-010	AMD-E	02-12-049	356-42-010	AMD	02-15-048
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316-02-310	REP	02-14-013	356-14-010	AMD	02-15-049	356-42-020	REP-P	02-12-111
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316-02-340	REP	02-14-013	356-14-026	AMD-P	02-12-116	356-42-030	REP-E	02-12-052
316-02-350	REP-X	02-08-029	356-14-026	AMD	02-15-049	356-42-030	REP-P	02-12-111
316-02-350	REP	02-14-013	356-14-060	REP-E	02-12-049	356-42-030	REP	02-15-048
316-02-360	REP-X	02-08-029	356-14-060	REP-P	02-12-116	356-42-040	REP-E	02-12-052
316-02-360	REP	02-14-013	356-14-060	REP	02-15-049	356-42-040	REP-P	02-12-111
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316-02-610	AMD	02-14-013	356-15-100	AMD-E	02-12-051	356-42-045	AMD-P	02-12-111
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316-02-630	AMD	02-14-013	356-15-110	AMD-P	02-12-112	356-42-049	REP	02-15-048
316-02-640	AMD-X	02-08-029	356-15-110	AMD-E	02-12-121	356-42-060	REP-E	02-12-052
316-02-640	AMD	02-14-013	356-15-110	AMD	02-15-046	356-42-060	REP-P	02-12-111
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316-02-650	AMD	02-14-013	356-18-080	AMD	02-15-053	356-42-070	REP-E	02-12-052
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316-02-660	AMD	02-14-013	356-18-100	AMD-P	02-12-109	356-42-070	REP	02-15-048
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356-42-083	REP-P	02-12-111	365-220-055	NEW	02-07-026	388-14A-3370	AMD-E	02-13-043
356-42-083	REP	02-15-048	365-220-060	NEW	02-07-026	388-14A-3800	PREP	02-03-010
356-42-084	REP-E	02-12-052	365-220-065	NEW	02-07-026	388-14A-3810	PREP	02-03-010
356-42-084	REP-P	02-12-111	365-220-070	NEW	02-07-026	388-14A-3810	PREP	02-13-042
356-42-084	REP	02-15-048	365-220-075	NEW	02-07-026	388-14A-3810	AMD-E	02-13-043
356-42-085	REP-E	02-12-052	365-220-080	NEW	02-07-026	388-14A-3925	AMD-P	02-03-096
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356-42-086	REP-E	02-12-052	365-220-095	NEW	02-07-026	388-14A-4300	PREP	02-03-010
356-42-086	REP-P	02-12-111	365-220-100	NEW	02-07-026	388-14A-4301	PREP	02-03-010
356-42-086	REP	02-15-048	365-220-105	NEW	02-07-026	388-14A-4302	PREP	02-03-010
356-42-088	REP-E	02-12-052	365-220-110	NEW	02-07-026	388-14A-4303	PREP	02-03-010
356-42-088	REP-P	02-12-111	365-220-115	NEW	02-07-026	388-14A-4304	PREP	02-03-010
356-42-088	REP	02-15-048	365-220-120	NEW	02-07-026	388-14A-5520	AMD-P	02-03-096
356-42-089	REP-E	02-12-052	365-220-125	NEW	02-07-026	388-14A-5520	AMD	02-06-098
356-42-089	REP-P	02-12-111	365-220-130	NEW	02-07-026	388-14A-5525	AMD-P	02-03-096
356-42-089	REP	02-15-048	365-220-135	NEW	02-07-026	388-14A-5525	AMD	02-06-098
356-42-105	AMD-E	02-12-052	365-220-140	NEW	02-07-026	388-14A-5530	AMD-P	02-03-096
356-42-105	AMD-P	02-12-111	365-220-145	NEW	02-07-026	388-14A-5530	AMD	02-06-098
356-42-105	AMD	02-15-048	365-220-150	NEW	02-07-026	388-15	AMD-P	02-03-118
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356-56-001	AMD-P	02-13-130	365-220-160	NEW	02-07-026	388-15-001	NEW-P	02-03-118
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356-56-070	NEW-E	02-12-045	365-220-170	NEW	02-07-026	388-15-005	NEW-P	02-03-118
356-56-070	NEW-P	02-12-120	365-220-175	NEW	02-07-026	388-15-005	NEW	02-15-098
356-56-070	NEW	02-15-043	365-220-180	NEW	02-07-026	388-15-009	NEW-P	02-03-118
356-56-125	REP-E	02-13-055	365-220-185	NEW	02-07-026	388-15-009	NEW	02-15-098
356-56-125	REP-P	02-13-129	365-220-190	NEW	02-07-026	388-15-011	NEW-P	02-03-118
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356-60-010	NEW-P	02-13-131	371-08-450	AMD	02-06-012	388-15-013	NEW-P	02-03-118
356-60-020	NEW-E	02-13-056	371-08-485	AMD	02-06-013	388-15-013	NEW	02-15-098
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356-60-030	NEW-E	02-13-056	388-01-015	NEW	02-15-119	388-15-017	NEW	02-15-098
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356-60-040	NEW-E	02-13-056	388-14A-2025	PREP	02-03-010	388-15-021	NEW	02-15-098
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356-60-057	NEW-E	02-13-056	388-14A-2114	NEW	02-07-091	388-15-033	NEW	02-15-098
356-60-057	NEW-P	02-13-131	388-14A-2115	AMD	02-07-091	388-15-037	NEW-P	02-03-118
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356-60-060	NEW-P	02-13-131	388-14A-2120	AMD	02-07-091	388-15-041	NEW-P	02-03-118
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365-220-015	NEW	02-07-026	388-14A-3115	PREP	02-13-042	388-15-061	NEW	02-15-098
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388- 15-077	NEW	02-15-098	388- 15-651	PREP	02-15-056	388- 71-05924	NEW	02-10-117
388- 15-081	NEW-P	02-03-118	388- 15-651	PREP-W	02-15-058	388- 71-05925	NEW	02-10-117
388- 15-081	NEW	02-15-098	388- 15-652	PREP	02-15-056	388- 71-05926	NEW	02-10-117
388- 15-085	NEW-P	02-03-118	388- 15-652	PREP-W	02-15-058	388- 71-05927	NEW	02-10-117
388- 15-085	NEW	02-15-098	388- 15-653	PREP	02-15-056	388- 71-05928	NEW	02-10-117
388- 15-089	NEW-P	02-03-118	388- 15-653	PREP-W	02-15-058	388- 71-05929	NEW	02-10-117
388- 15-089	NEW	02-15-098	388- 15-654	PREP	02-15-056	388- 71-05930	NEW	02-10-117
388- 15-093	NEW-P	02-03-118	388- 15-654	PREP-W	02-15-058	388- 71-05931	NEW	02-10-117
388- 15-093	NEW	02-15-098	388- 15-655	PREP	02-15-056	388- 71-05932	NEW	02-10-117
388- 15-097	NEW-P	02-03-118	388- 15-655	PREP-W	02-15-058	388- 71-05933	NEW	02-10-117
388- 15-097	NEW	02-15-098	388- 15-656	PREP	02-15-056	388- 71-05934	NEW	02-10-117
388- 15-101	NEW-P	02-03-118	388- 15-656	PREP-W	02-15-058	388- 71-05935	NEW	02-10-117
388- 15-101	NEW	02-15-098	388- 15-657	PREP	02-15-056	388- 71-05936	NEW	02-10-117
388- 15-105	NEW-P	02-03-118	388- 15-657	PREP-W	02-15-058	388- 71-05937	NEW	02-10-117
388- 15-105	NEW	02-15-098	388- 15-658	PREP	02-15-056	388- 71-05938	NEW	02-10-117
388- 15-109	NEW-P	02-03-118	388- 15-658	PREP-W	02-15-058	388- 71-05939	NEW	02-10-117
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388- 15-113	NEW-P	02-03-118	388- 15-659	PREP-W	02-15-058	388- 71-05941	NEW	02-10-117
388- 15-113	NEW	02-15-098	388- 15-660	PREP	02-15-056	388- 71-05942	NEW	02-10-117
388- 15-117	NEW-P	02-03-118	388- 15-660	PREP-W	02-15-058	388- 71-05943	NEW	02-10-117
388- 15-117	NEW	02-15-098	388- 15-661	PREP	02-15-056	388- 71-05944	NEW	02-10-117
388- 15-121	NEW-P	02-03-118	388- 15-661	PREP-W	02-15-058	388- 71-05945	NEW	02-10-117
388- 15-121	NEW	02-15-098	388- 15-662	PREP	02-15-056	388- 71-05946	NEW	02-10-117
388- 15-125	NEW-P	02-03-118	388- 15-662	PREP-W	02-15-058	388- 71-05947	NEW	02-10-117
388- 15-125	NEW	02-15-098	388- 15-880	PREP-W	02-05-064	388- 71-05948	NEW	02-10-117
388- 15-129	NEW-P	02-03-118	388- 15-890	PREP-W	02-05-064	388- 71-05949	NEW-S	02-11-129
388- 15-129	NEW	02-15-098	388- 27-0225	AMD-P	02-15-136	388- 71-05949	NEW	02-15-064
388- 15-130	REP-P	02-03-118	388- 27-0375	AMD-P	02-15-136	388- 71-05950	NEW	02-10-117
388- 15-130	REP	02-15-098	388- 71	PREP	02-11-064	388- 71-05951	NEW	02-10-117
388- 15-131	REP-P	02-03-118	388- 71	PREP	02-15-056	388- 71-05952	NEW	02-10-117
388- 15-131	REP	02-15-098	388- 71	PREP-W	02-15-058	388- 71-05953	NEW-W	02-10-036
388- 15-132	REP-P	02-03-118	388- 71-0410	PREP	02-04-096	388- 71-0600	PREP	02-04-096
388- 15-132	REP	02-15-098	388- 71-0410	PREP-W	02-05-066	388- 71-0820	PREP	02-04-096
388- 15-133	NEW-P	02-03-118	388- 71-0430	PREP	02-04-096	388- 71-0820	AMD-P	02-12-067
388- 15-133	NEW	02-15-098	388- 71-0435	PREP	02-04-096	388- 71-0820	AMD	02-15-138
388- 15-134	REP-P	02-03-118	388- 71-0440	PREP	02-04-096	388- 76-535	AMD-P	02-03-117
388- 15-134	REP	02-15-098	388- 71-0440	PREP-W	02-05-066	388- 76-535	AMD	02-15-081
388- 15-135	NEW-P	02-03-118	388- 71-0445	PREP	02-04-096	388- 76-540	PREP	02-04-096
388- 15-135	NEW	02-15-098	388- 71-0445	PREP-W	02-05-066	388- 76-570	AMD-S	02-11-032
388- 15-141	NEW-P	02-03-118	388- 71-0450	PREP	02-04-096	388- 76-570	AMD	02-15-065
388- 15-141	NEW	02-15-098	388- 71-0500	PREP	02-04-096	388- 76-59100	REP-S	02-11-032
388- 15-194	PREP-W	02-05-066	388- 71-0500	AMD	02-10-117	388- 76-59100	REP	02-15-065
388- 15-202	PREP	02-04-096	388- 71-0515	PREP	02-04-096	388- 76-59110	REP-S	02-11-032
388- 15-202	PREP-W	02-05-064	388- 71-0520	AMD	02-10-117	388- 76-59110	REP	02-15-065
388- 15-202	PREP-W	02-05-065	388- 71-0525	REP	02-10-117	388- 76-59120	REP-S	02-11-032
388- 15-202	PREP-W	02-05-066	388- 71-0530	REP	02-10-117	388- 76-59120	REP	02-15-065
388- 15-203	PREP	02-04-096	388- 71-0535	REP	02-10-117	388- 76-61510	AMD-P	02-03-117
388- 15-203	PREP-W	02-05-065	388- 71-0540	AMD	02-10-117	388- 76-61510	AMD	02-15-081
388- 15-203	PREP-W	02-05-066	388- 71-05910	NEW	02-10-117	388- 76-640	REP-P	02-03-117
388- 15-204	PREP	02-04-096	388- 71-05911	NEW	02-10-117	388- 76-640	REP-S	02-14-161
388- 15-204	PREP-W	02-05-066	388- 71-05912	NEW	02-10-117	388- 76-64005	NEW-P	02-03-117
388- 15-205	PREP-W	02-05-065	388- 71-05913	NEW	02-10-117	388- 76-64005	NEW-S	02-14-161
388- 15-205	PREP-W	02-05-066	388- 71-05914	NEW	02-10-117	388- 76-64010	NEW-P	02-03-117
388- 15-207	PREP-W	02-05-064	388- 71-05915	NEW	02-10-117	388- 76-64010	NEW-S	02-14-161
388- 15-214	PREP-W	02-05-064	388- 71-05916	NEW	02-10-117	388- 76-64015	NEW-P	02-03-117
388- 15-215	PREP-W	02-05-064	388- 71-05917	NEW	02-10-117	388- 76-64015	NEW-S	02-14-161
388- 15-219	PREP-W	02-05-064	388- 71-05918	NEW	02-10-117	388- 76-64020	NEW-P	02-03-117
388- 15-600	PREP-W	02-05-064	388- 71-05919	NEW	02-10-117	388- 76-64020	NEW-S	02-14-161
388- 15-620	PREP-W	02-05-064	388- 71-05920	NEW	02-10-117	388- 76-64025	NEW-P	02-03-117
388- 15-630	PREP-W	02-05-064	388- 71-05921	NEW	02-10-117	388- 76-64025	NEW-S	02-14-161

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388-76-64030	NEW-S	02-14-161	388-97-550	PREP	02-11-126	388-98-015	REP	02-14-063
388-76-64035	NEW-P	02-03-117	388-97-550	AMD-E	02-14-082	388-98-020	REP-P	02-07-116
388-76-64035	NEW-S	02-14-161	388-97-555	PREP	02-11-126	388-98-020	REP	02-14-063
388-76-64040	NEW-S	02-14-161	388-97-555	AMD-E	02-14-082	388-98-300	REP-P	02-07-116
388-76-64045	NEW-S	02-14-161	388-97-565	AMD-P	02-07-116	388-98-300	REP	02-14-063
388-76-64050	NEW-S	02-14-161	388-97-565	AMD	02-14-063	388-98-320	REP-P	02-07-116
388-76-64055	NEW-S	02-14-161	388-97-570	AMD-P	02-07-116	388-98-320	REP	02-14-063
388-76-655	AMD-S	02-11-032	388-97-570	PREP	02-11-066	388-98-330	REP-P	02-07-116
388-76-655	AMD	02-15-065	388-97-570	AMD	02-14-063	388-98-330	REP	02-14-063
388-76-660	AMD-S	02-11-032	388-97-575	AMD-P	02-07-116	388-98-340	REP-P	02-07-116
388-76-660	AMD	02-15-065	388-97-575	AMD	02-14-063	388-98-340	REP	02-14-063
388-76-710	AMD-P	02-03-117	388-97-580	AMD-P	02-07-116	388-98-700	REP-P	02-07-116
388-76-710	AMD	02-15-081	388-97-580	AMD	02-14-063	388-98-700	REP	02-14-063
388-76-765	REP-P	02-15-135	388-97-585	AMD-P	02-07-116	388-98-750	REP-P	02-07-116
388-76-76505	NEW-P	02-15-135	388-97-585	AMD	02-14-063	388-98-750	REP	02-14-063
388-76-76510	NEW-P	02-15-135	388-97-595	AMD-P	02-07-116	388-98-810	REP-P	02-07-116
388-76-76515	NEW-P	02-15-135	388-97-595	AMD	02-14-063	388-98-810	REP	02-14-063
388-76-76520	NEW-P	02-15-135	388-97-605	NEW-P	02-07-116	388-98-830	REP-P	02-07-116
388-78A-050	AMD-S	02-11-031	388-97-605	NEW	02-14-063	388-98-830	REP	02-14-063
388-78A-050	AMD	02-15-066	388-97-610	NEW-P	02-07-116	388-98-870	REP-P	02-07-116
388-78A-060	AMD-W	02-11-059	388-97-610	NEW	02-14-063	388-98-870	REP	02-14-063
388-78A-265	PREP	02-09-047	388-97-615	NEW-P	02-07-116	388-98-890	REP-P	02-07-116
388-78A-265	AMD-P	02-14-062	388-97-615	NEW	02-14-063	388-98-890	REP	02-14-063
388-79-010	AMD-P	02-11-067	388-97-620	NEW-P	02-07-116	388-105	AMD-E	02-14-081
388-79-020	AMD-P	02-11-067	388-97-620	NEW	02-14-063	388-105	PREP	02-14-099
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388-79-040	AMD-P	02-11-067	388-97-625	NEW	02-14-063	388-105-0030	NEW-E	02-14-081
388-96-713	AMD-E	02-04-011	388-97-630	NEW-P	02-07-116	388-105-0035	NEW-E	02-14-081
388-96-901	AMD-E	02-04-011	388-97-630	NEW	02-14-063	388-105-0040	NEW-E	02-14-081
388-97	PREP	02-11-066	388-97-635	NEW-P	02-07-116	388-110-020	PREP	02-04-096
388-97-005	AMD-P	02-07-116	388-97-635	NEW	02-14-063	388-110-110	REP-S	02-11-032
388-97-005	AMD	02-14-063	388-97-640	NEW-P	02-07-116	388-110-110	REP	02-15-065
388-97-043	AMD-P	02-07-116	388-97-640	NEW	02-14-063	388-110-210	PREP	02-04-096
388-97-043	AMD	02-14-063	388-97-645	NEW-P	02-07-116	388-110-230	PREP	02-04-096
388-97-07005	AMD-P	02-07-116	388-97-645	NEW	02-14-063	388-112-0001	NEW-S	02-11-032
388-97-07005	AMD	02-14-063	388-97-650	NEW-P	02-07-116	388-112-0001	NEW	02-15-065
388-97-07040	AMD-P	02-07-116	388-97-650	NEW	02-14-063	388-112-0005	NEW-S	02-11-032
388-97-07040	AMD	02-14-063	388-97-655	NEW-P	02-07-116	388-112-0005	NEW	02-15-065
388-97-07050	AMD-P	02-07-116	388-97-655	NEW	02-14-063	388-112-0010	NEW-S	02-11-032
388-97-07050	AMD	02-14-063	388-97-660	NEW-P	02-07-116	388-112-0010	NEW	02-15-065
388-97-076	AMD-P	02-07-116	388-97-660	NEW	02-14-063	388-112-0015	NEW-S	02-11-032
388-97-076	AMD	02-14-063	388-97-665	NEW-P	02-07-116	388-112-0015	NEW	02-15-065
388-97-160	AMD-P	02-07-116	388-97-665	NEW	02-14-063	388-112-0020	NEW-S	02-11-032
388-97-160	AMD	02-14-063	388-97-670	NEW-P	02-07-116	388-112-0020	NEW	02-15-065
388-97-162	AMD-P	02-07-116	388-97-670	NEW	02-14-063	388-112-0025	NEW-S	02-11-032
388-97-162	AMD	02-14-063	388-97-675	NEW-P	02-07-116	388-112-0025	NEW	02-15-065
388-97-180	AMD-P	02-07-116	388-97-675	NEW	02-14-063	388-112-0030	NEW-S	02-11-032
388-97-180	AMD	02-14-063	388-97-680	NEW-P	02-07-116	388-112-0030	NEW	02-15-065
388-97-202	AMD-P	02-07-116	388-97-680	NEW	02-14-063	388-112-0035	NEW-S	02-11-032
388-97-202	AMD	02-14-063	388-97-685	NEW-P	02-07-116	388-112-0035	NEW	02-15-065
388-97-203	NEW-P	02-07-116	388-97-685	NEW	02-14-063	388-112-0040	NEW-S	02-11-032
388-97-203	NEW	02-14-063	388-97-690	NEW-P	02-07-116	388-112-0040	NEW	02-15-065
388-97-204	NEW-P	02-07-116	388-97-690	NEW	02-14-063	388-112-0045	NEW-S	02-11-032
388-97-204	NEW	02-14-063	388-97-695	NEW-P	02-07-116	388-112-0045	NEW	02-15-065
388-97-205	AMD-P	02-07-116	388-97-695	NEW	02-14-063	388-112-0050	NEW-S	02-11-032
388-97-205	AMD	02-14-063	388-98-001	REP-P	02-07-116	388-112-0050	NEW	02-15-065
388-97-260	AMD-P	02-07-116	388-98-001	REP	02-14-063	388-112-0055	NEW-S	02-11-032
388-97-260	AMD	02-14-063	388-98-003	REP-P	02-07-116	388-112-0055	NEW	02-15-065
388-97-285	AMD-P	02-07-116	388-98-003	REP	02-14-063	388-112-0060	NEW-S	02-11-032
388-97-285	AMD	02-14-063	388-98-010	REP-P	02-07-116	388-112-0060	NEW	02-15-065
388-97-35040	AMD-P	02-07-116	388-98-010	REP	02-14-063	388-112-0065	NEW-S	02-11-032

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388-112-0065	NEW	02-15-065	388-112-0220	NEW	02-15-066	388-112-0375	NEW	02-15-066
388-112-0070	NEW-S	02-11-032	388-112-0225	NEW-S	02-11-031	388-112-0380	NEW-S	02-11-031
388-112-0070	NEW	02-15-065	388-112-0225	NEW	02-15-066	388-112-0380	NEW	02-15-066
388-112-0075	NEW-S	02-11-032	388-112-0230	NEW-S	02-11-031	388-112-0385	NEW-S	02-11-031
388-112-0075	NEW	02-15-065	388-112-0230	NEW	02-15-066	388-112-0385	NEW	02-15-066
388-112-0080	NEW-S	02-11-032	388-112-0235	NEW-S	02-11-031	388-112-0390	NEW-S	02-11-031
388-112-0080	NEW	02-15-065	388-112-0235	NEW	02-15-066	388-112-0390	NEW	02-15-066
388-112-0085	NEW-S	02-11-032	388-112-0240	NEW-S	02-11-031	388-112-0395	NEW-S	02-11-031
388-112-0085	NEW	02-15-065	388-112-0240	NEW	02-15-066	388-112-0395	NEW	02-15-066
388-112-0090	NEW-S	02-11-032	388-112-0245	NEW-S	02-11-031	388-112-0400	NEW-S	02-11-031
388-112-0090	NEW	02-15-065	388-112-0245	NEW	02-15-066	388-112-0400	NEW	02-15-066
388-112-0095	NEW-S	02-11-032	388-112-0250	NEW-S	02-11-031	388-112-0405	NEW-S	02-11-031
388-112-0095	NEW	02-15-065	388-112-0250	NEW	02-15-066	388-112-0405	NEW	02-15-066
388-112-0100	NEW-S	02-11-032	388-112-0255	NEW-S	02-11-031	388-112-0410	NEW-S	02-11-031
388-112-0100	NEW	02-15-065	388-112-0255	NEW	02-15-066	388-112-0410	NEW	02-15-066
388-112-0105	NEW-S	02-11-032	388-112-0260	NEW-S	02-11-031	388-148	PREP	02-06-083
388-112-0105	NEW	02-15-065	388-112-0260	NEW	02-15-066	388-148-0040	PREP	02-06-083
388-112-0110	NEW-S	02-11-032	388-112-0265	NEW-S	02-11-031	388-148-0040	AMD-E	02-14-042
388-112-0110	NEW	02-15-065	388-112-0265	NEW	02-15-066	388-148-0045	PREP	02-06-083
388-112-0115	NEW-S	02-11-032	388-112-0270	NEW-S	02-11-031	388-148-0045	AMD-E	02-14-042
388-112-0115	NEW	02-15-065	388-112-0270	NEW	02-15-066	388-148-0050	PREP	02-06-083
388-112-0120	NEW-S	02-11-032	388-112-0275	NEW-S	02-11-031	388-148-0050	AMD-E	02-14-042
388-112-0120	NEW	02-15-065	388-112-0275	NEW	02-15-066	388-148-0058	NEW-E	02-14-042
388-112-0125	NEW-S	02-11-032	388-112-0280	NEW-S	02-11-031	388-148-0060	PREP	02-06-083
388-112-0125	NEW	02-15-065	388-112-0280	NEW	02-15-066	388-148-0060	AMD-E	02-14-042
388-112-0130	NEW-S	02-11-032	388-112-0285	NEW-S	02-11-031	388-148-0065	PREP	02-06-083
388-112-0130	NEW	02-15-065	388-112-0285	NEW	02-15-066	388-148-0065	AMD-E	02-14-042
388-112-0135	NEW-S	02-11-032	388-112-0290	NEW-S	02-11-031	388-148-0120	PREP	02-06-083
388-112-0135	NEW	02-15-065	388-112-0290	NEW	02-15-066	388-148-0120	AMD-E	02-14-042
388-112-0140	NEW-S	02-11-032	388-112-0295	NEW-S	02-11-031	388-148-0125	PREP	02-06-083
388-112-0140	NEW	02-15-065	388-112-0295	NEW	02-15-066	388-148-0125	AMD-E	02-14-042
388-112-0145	NEW-S	02-11-032	388-112-0300	NEW-S	02-11-031	388-148-0140	AMD-E	02-14-042
388-112-0145	NEW	02-15-065	388-112-0300	NEW	02-15-066	388-148-0220	PREP	02-06-083
388-112-0150	NEW-S	02-11-032	388-112-0305	NEW-S	02-11-031	388-148-0220	AMD-E	02-14-042
388-112-0150	NEW	02-15-065	388-112-0305	NEW	02-15-066	388-148-0260	PREP	02-06-083
388-112-0155	NEW-S	02-11-032	388-112-0310	NEW-S	02-11-031	388-148-0260	AMD-E	02-14-042
388-112-0155	NEW	02-15-065	388-112-0310	NEW	02-15-066	388-148-0270	AMD-E	02-14-042
388-112-0160	NEW-S	02-11-032	388-112-0315	NEW-S	02-11-031	388-148-0335	AMD-E	02-14-042
388-112-0160	NEW	02-15-065	388-112-0315	NEW	02-15-066	388-148-0345	PREP	02-06-083
388-112-0165	NEW-S	02-11-032	388-112-0320	NEW-S	02-11-031	388-148-0345	AMD-E	02-14-042
388-112-0165	NEW	02-15-065	388-112-0320	NEW	02-15-066	388-148-0350	PREP	02-06-083
388-112-0170	NEW-S	02-11-032	388-112-0325	NEW-S	02-11-031	388-148-0350	AMD-E	02-14-042
388-112-0170	NEW	02-15-065	388-112-0325	NEW	02-15-066	388-148-0395	AMD-E	02-14-042
388-112-0175	NEW-S	02-11-032	388-112-0330	NEW-S	02-11-031	388-148-0427	NEW-E	02-14-042
388-112-0175	NEW	02-15-065	388-112-0330	NEW	02-15-066	388-148-0460	AMD-E	02-14-042
388-112-0180	NEW-S	02-11-032	388-112-0335	NEW-S	02-11-031	388-148-0462	PREP	02-06-083
388-112-0180	NEW	02-15-065	388-112-0335	NEW	02-15-066	388-148-0462	NEW-E	02-14-042
388-112-0185	NEW-S	02-11-032	388-112-0340	NEW-S	02-11-031	388-148-0520	PREP	02-06-083
388-112-0185	NEW	02-15-065	388-112-0340	NEW	02-15-066	388-148-0520	AMD-E	02-14-042
388-112-0190	NEW-S	02-11-032	388-112-0345	NEW-S	02-11-031	388-148-0542	PREP	02-06-083
388-112-0190	NEW	02-15-065	388-112-0345	NEW	02-15-066	388-148-0542	NEW-E	02-14-042
388-112-0195	NEW-S	02-11-032	388-112-0350	NEW-S	02-11-031	388-148-0560	PREP	02-06-083
388-112-0195	NEW	02-15-065	388-112-0350	NEW	02-15-066	388-148-0560	AMD-E	02-14-042
388-112-0200	NEW-S	02-11-031	388-112-0355	NEW-S	02-11-031	388-148-0585	PREP	02-06-083
388-112-0200	NEW	02-15-066	388-112-0355	NEW	02-15-066	388-148-0585	AMD-E	02-14-042
388-112-0205	NEW-S	02-11-031	388-112-0360	NEW-S	02-11-031	388-148-0630	PREP	02-06-083
388-112-0205	NEW	02-15-066	388-112-0360	NEW	02-15-066	388-148-0630	AMD-E	02-14-042
388-112-0210	NEW-S	02-11-031	388-112-0365	NEW-S	02-11-031	388-148-0700	PREP	02-06-083
388-112-0210	NEW	02-15-066	388-112-0365	NEW	02-15-066	388-148-0700	AMD-E	02-14-042
388-112-0215	NEW-S	02-11-031	388-112-0370	NEW-S	02-11-031	388-148-0720	PREP	02-06-083
388-112-0215	NEW	02-15-066	388-112-0370	NEW	02-15-066	388-148-0720	AMD-E	02-14-042
388-112-0220	NEW-S	02-11-031	388-112-0375	NEW-S	02-11-031	388-148-0722	PREP	02-06-083

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388-148-0725	PREP	02-06-083	388-148-1265	NEW-E	02-08-031	388-273-0025	AMD-S	02-13-072
388-148-0725	AMD-E	02-14-042	388-148-1265	NEW-E	02-15-137	388-290-0010	PREP	02-04-097
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415-104-0111	PREP	02-06-041	415-108-465	AMD	02-03-120	415-111-220	PREP	02-08-063
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415-104-0112	PREP	02-06-041	415-108-491	AMD	02-03-120	415-111-410	NEW	02-03-120
415-104-0112	REP-P	02-15-153	415-108-570	AMD	02-03-120	415-111-440	NEW	02-03-120
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415-112-0167	REP-P	02-15-153	415-501-495	AMD-P	02-09-055	434-236-100	DECOD	02-09-007
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434-240-190	AMD-E	02-14-017	434-333-130	RECOD	02-09-007	458- 16-115	AMD-S	02-14-056
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458-40-610	PREP	02-08-068	468-38-340	AMD-E	02-15-110	478-117-090	NEW-P	02-03-085
458-40-610	AMD-P	02-15-079	468-38-340	PREP	02-15-111	478-117-090	NEW-E	02-04-087
458-40-660	PREP	02-06-031	468-38-390	AMD-P	02-03-049	478-117-090	NEW	02-08-023
458-40-660	AMD-P	02-10-136	468-38-390	AMD	02-06-106	478-117-100	NEW-P	02-03-085
458-40-660	AMD	02-14-019	468-300-010	AMD-P	02-05-062	478-117-100	NEW-E	02-04-087
458-53-030	PREP	02-06-108	468-300-010	AMD	02-09-010	478-117-100	NEW	02-08-023
458-53-030	AMD-P	02-10-032	468-300-020	AMD-P	02-05-062	478-117-110	NEW-P	02-03-085
458-53-030	AMD	02-14-031	468-300-020	AMD	02-09-010	478-117-110	NEW-E	02-04-087
458-53-050	PREP	02-06-108	468-300-040	AMD-P	02-05-062	478-117-110	NEW	02-08-023
458-53-050	AMD-P	02-10-032	468-300-040	AMD	02-09-010	478-117-200	NEW-P	02-03-085
458-53-050	AMD	02-14-031	468-300-220	AMD-P	02-05-062	478-117-200	NEW-E	02-04-087
458-53-090	PREP	02-06-108	468-300-220	AMD	02-09-010	478-117-200	NEW	02-08-023
458-53-090	REP-P	02-10-032	468-550	PREP	02-06-004	478-117-210	NEW-P	02-03-085
458-53-090	REP	02-14-031	468-550-030	AMD-P	02-10-020	478-117-210	NEW-E	02-04-087
458-53-140	PREP	02-06-108	468-550-030	AMD	02-13-004	478-117-210	NEW	02-08-023
458-53-140	AMD-P	02-10-032	468-550-040	AMD-P	02-10-020	478-117-220	NEW-P	02-03-085
458-53-140	AMD	02-14-031	468-550-040	AMD	02-13-004	478-117-220	NEW-E	02-04-087
458-57-005	PREP	02-12-122	468-550-050	AMD-P	02-10-020	478-117-220	NEW	02-08-023
458-57-005	AMD-P	02-15-142	468-550-060	AMD-P	02-10-020	478-117-230	NEW-P	02-03-085
458-57-015	PREP	02-12-122	468-550-060	AMD	02-13-004	478-117-230	NEW-E	02-04-087
458-57-015	AMD-P	02-15-142	468-550-070	AMD-P	02-10-020	478-117-230	NEW	02-08-023
458-57-017	PREP	02-12-122	468-550-070	AMD	02-13-004	478-117-240	NEW-P	02-03-085
458-57-017	NEW-P	02-15-142	468-550-080	AMD-P	02-10-020	478-117-240	NEW-E	02-04-087
458-57-025	PREP	02-12-122	468-550-080	AMD	02-13-004	478-117-240	NEW	02-08-023
458-57-025	AMD-P	02-15-142	478-108-010	AMD-P	02-03-085	478-117-250	NEW-P	02-03-085
458-57-035	PREP	02-12-122	478-108-010	AMD-E	02-04-087	478-117-250	NEW-E	02-04-087
458-57-035	AMD-P	02-15-142	478-108-010	AMD-E	02-06-042	478-117-250	NEW	02-08-023
458-57-045	PREP	02-12-122	478-108-010	AMD	02-08-023	478-117-260	NEW-P	02-03-085
458-57-045	AMD-P	02-15-142	478-108-010	AMD-P	02-08-066	478-117-260	NEW-E	02-04-087
460-10A-215	NEW-P	02-13-050	478-108-010	AMD-C	02-13-066	478-117-260	NEW	02-08-023
460-12A-010	NEW-P	02-07-027	478-108-010	AMD	02-15-174	478-117-270	NEW-P	02-03-085
460-12A-010	NEW	02-10-103	478-116-131	PREP	02-06-045	478-117-270	NEW-E	02-04-087
460-16A-205	PREP	02-15-069	478-116-131	AMD-P	02-10-080	478-117-270	NEW	02-08-023
460-21B-060	AMD-X	02-14-057	478-116-131	AMD-E	02-11-045	478-117-280	NEW-P	02-03-085
460-22B-090	AMD-X	02-14-057	478-116-131	AMD-C	02-15-012	478-117-280	NEW-E	02-04-087
460-24A-145	AMD-X	02-14-057	478-117-005	NEW-P	02-03-085	478-117-280	NEW	02-08-023
461-08-320	AMD	02-06-008	478-117-005	NEW-E	02-04-087	478-117-300	NEW-P	02-03-085
461-08-355	AMD	02-06-009	478-117-005	NEW	02-08-023	478-117-300	NEW-E	02-04-087
461-08-500	AMD	02-06-010	478-117-010	NEW-P	02-03-085	478-117-300	NEW	02-08-023
461-08-505	AMD	02-06-010	478-117-010	NEW-E	02-04-087	478-117-310	NEW-P	02-03-085
465-10-010	NEW-X	02-13-092	478-117-010	NEW	02-08-023	478-117-310	NEW-E	02-04-087
465-10-020	NEW-X	02-13-092	478-117-020	NEW-P	02-03-085	478-117-310	NEW	02-08-023
465-10-030	NEW-X	02-13-092	478-117-020	NEW-E	02-04-087	478-117-320	NEW-P	02-03-085
465-10-040	NEW-X	02-13-092	478-117-020	NEW	02-08-023	478-117-320	NEW-E	02-04-087
465-10-050	NEW-X	02-13-092	478-117-030	NEW-P	02-03-085	478-117-320	NEW	02-08-023
465-10-060	NEW-X	02-13-092	478-117-030	NEW-E	02-04-087	478-117-400	NEW-P	02-03-085
465-10-070	NEW-X	02-13-092	478-117-030	NEW	02-08-023	478-117-400	NEW-E	02-04-087
465-10-080	NEW-X	02-13-092	478-117-040	NEW-P	02-03-085	478-117-400	NEW	02-08-023
465-10-090	NEW-X	02-13-092	478-117-040	NEW-E	02-04-087	478-117-410	NEW-P	02-03-085
465-10-100	NEW-X	02-13-092	478-117-040	NEW	02-08-023	478-117-410	NEW-E	02-04-087
465-10-110	NEW-X	02-13-092	478-117-050	NEW-P	02-03-085	478-117-410	NEW	02-08-023
465-20-010	NEW-X	02-13-093	478-117-050	NEW-E	02-04-087	478-118	PREP	02-04-037
465-20-020	NEW-X	02-13-093	478-117-050	NEW	02-08-023	478-118	NEW-C	02-13-066
465-20-030	NEW-X	02-13-093	478-117-060	NEW-P	02-03-085	478-118-010	NEW-E	02-06-042
465-30-010	NEW-X	02-13-094	478-117-060	NEW-E	02-04-087	478-118-010	NEW-P	02-08-066

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
478-118-010	NEW	02-15-174	478-118-420	NEW-P	02-08-066	480- 75-600	NEW-P	02-12-132
478-118-020	NEW-E	02-06-042	478-118-420	NEW	02-15-174	480- 75-610	NEW-P	02-12-132
478-118-020	NEW-P	02-08-066	478-118-500	NEW-E	02-06-042	480- 75-620	NEW-P	02-12-132
478-118-020	NEW	02-15-174	478-118-500	NEW-P	02-08-066	480- 75-630	NEW-P	02-12-132
478-118-030	NEW-E	02-06-042	478-118-500	NEW	02-15-174	480- 75-640	NEW-P	02-12-132
478-118-030	NEW-P	02-08-066	478-118-510	NEW-E	02-06-042	480- 75-650	NEW-P	02-12-132
478-118-030	NEW	02-15-174	478-118-510	NEW-P	02-08-066	480- 75-660	NEW-P	02-12-132
478-118-040	NEW-E	02-06-042	478-118-510	NEW	02-15-174	480- 75-999	AMD-P	02-12-132
478-118-040	NEW-P	02-08-066	478-136-012	AMD	02-06-020	480- 80-010	AMD	02-11-081
478-118-040	NEW	02-15-174	478-136-015	AMD	02-06-020	480- 80-015	NEW	02-11-081
478-118-050	NEW-E	02-06-042	478-136-030	AMD-E	02-03-102	480- 80-020	AMD	02-11-081
478-118-050	NEW-P	02-08-066	478-136-030	AMD	02-06-020	480- 80-025	NEW	02-11-081
478-118-050	NEW	02-15-174	478-160-125	AMD	02-06-021	480- 80-030	AMD	02-11-081
478-118-060	NEW-E	02-06-042	478-160-130	AMD	02-06-021	480- 80-031	NEW	02-11-081
478-118-060	NEW-P	02-08-066	478-160-140	AMD	02-06-021	480- 80-035	REP	02-11-081
478-118-060	NEW	02-15-174	478-160-163	NEW	02-06-021	480- 80-040	REP	02-11-081
478-118-070	NEW-E	02-06-042	478-160-175	AMD	02-06-021	480- 80-041	REP	02-11-081
478-118-070	NEW-P	02-08-066	480- 14-999	AMD-X	02-12-131	480- 80-045	REP	02-11-081
478-118-070	NEW	02-15-174	480- 15-999	AMD-X	02-12-131	480- 80-050	REP	02-11-081
478-118-080	NEW-E	02-06-042	480- 30-999	AMD-X	02-12-131	480- 80-060	REP	02-11-081
478-118-080	NEW-P	02-08-066	480- 31-999	AMD-X	02-12-131	480- 80-070	REP	02-11-081
478-118-080	NEW	02-15-174	480- 40-999	AMD-X	02-12-131	480- 80-080	REP	02-11-081
478-118-090	NEW-E	02-06-042	480- 62-240	AMD-X	02-12-131	480- 80-090	REP	02-11-081
478-118-090	NEW-P	02-08-066	480- 62-999	AMD-X	02-12-131	480- 80-100	REP	02-11-081
478-118-090	NEW	02-15-174	480- 70	PREP	02-10-055	480- 80-101	NEW	02-11-081
478-118-100	NEW-E	02-06-042	480- 70-999	AMD-X	02-12-131	480- 80-102	NEW	02-11-081
478-118-100	NEW-P	02-08-066	480- 75	AMD-P	02-12-132	480- 80-103	NEW	02-11-081
478-118-100	NEW	02-15-174	480- 75-002	REP-P	02-12-132	480- 80-104	NEW	02-11-081
478-118-200	NEW-E	02-06-042	480- 75-005	REP-P	02-12-132	480- 80-105	NEW	02-11-081
478-118-200	NEW-P	02-08-066	480- 75-010	REP-P	02-12-132	480- 80-110	REP	02-11-081
478-118-200	NEW	02-15-174	480- 75-100	NEW-P	02-12-132	480- 80-111	NEW	02-11-081
478-118-210	NEW-E	02-06-042	480- 75-200	NEW-P	02-12-132	480- 80-112	NEW	02-11-081
478-118-210	NEW-P	02-08-066	480- 75-210	NEW-P	02-12-132	480- 80-121	NEW	02-11-081
478-118-210	NEW	02-15-174	480- 75-220	NEW-P	02-12-132	480- 80-122	NEW	02-11-081
478-118-220	NEW-E	02-06-042	480- 75-223	REP-P	02-12-132	480- 80-123	NEW	02-11-081
478-118-220	NEW-P	02-08-066	480- 75-230	REP-P	02-12-132	480- 80-124	NEW	02-11-081
478-118-220	NEW	02-15-174	480- 75-240	NEW	02-03-016	480- 80-125	REP	02-11-081
478-118-230	NEW-E	02-06-042	480- 75-250	NEW-P	02-12-132	480- 80-130	REP	02-11-081
478-118-230	NEW-P	02-08-066	480- 75-260	NEW-P	02-12-132	480- 80-131	NEW	02-11-081
478-118-230	NEW	02-15-174	480- 75-300	NEW-P	02-12-132	480- 80-132	NEW	02-11-081
478-118-240	NEW-E	02-06-042	480- 75-310	NEW-P	02-12-132	480- 80-133	NEW	02-11-081
478-118-240	NEW-P	02-08-066	480- 75-320	NEW-P	02-12-132	480- 80-134	NEW	02-11-081
478-118-240	NEW	02-15-174	480- 75-330	NEW-P	02-12-132	480- 80-140	REP	02-11-081
478-118-250	NEW-E	02-06-042	480- 75-340	NEW-P	02-12-132	480- 80-141	NEW	02-11-081
478-118-250	NEW-P	02-08-066	480- 75-350	NEW-P	02-12-132	480- 80-142	NEW	02-11-081
478-118-250	NEW	02-15-174	480- 75-360	NEW-P	02-12-132	480- 80-143	NEW	02-11-081
478-118-260	NEW-E	02-06-042	480- 75-370	NEW-P	02-12-132	480- 80-150	REP	02-11-081
478-118-260	NEW-P	02-08-066	480- 75-380	NEW-P	02-12-132	480- 80-160	REP	02-11-081
478-118-260	NEW	02-15-174	480- 75-390	NEW-P	02-12-132	480- 80-170	REP	02-11-081
478-118-270	NEW-E	02-06-042	480- 75-400	NEW-P	02-12-132	480- 80-180	REP	02-11-081
478-118-270	NEW-P	02-08-066	480- 75-410	NEW-P	02-12-132	480- 80-190	REP	02-11-081
478-118-270	NEW	02-15-174	480- 75-420	NEW-P	02-12-132	480- 80-200	REP	02-11-081
478-118-280	NEW-E	02-06-042	480- 75-430	NEW-P	02-12-132	480- 80-201	NEW	02-11-081
478-118-280	NEW-P	02-08-066	480- 75-440	NEW-P	02-12-132	480- 80-202	NEW	02-11-081
478-118-280	NEW	02-15-174	480- 75-450	NEW-P	02-12-132	480- 80-203	NEW	02-11-081
478-118-400	NEW-E	02-06-042	480- 75-460	NEW-P	02-12-132	480- 80-204	NEW	02-11-081
478-118-400	NEW-P	02-08-066	480- 75-500	NEW-P	02-12-132	480- 80-205	NEW	02-11-081
478-118-400	NEW	02-15-174	480- 75-510	NEW-P	02-12-132	480- 80-206	NEW	02-11-081
478-118-410	NEW-E	02-06-042	480- 75-520	NEW-P	02-12-132	480- 80-210	REP	02-11-081
478-118-410	NEW-P	02-08-066	480- 75-530	NEW-P	02-12-132	480- 80-220	REP	02-11-081
478-118-410	NEW	02-15-174	480- 75-540	NEW-P	02-12-132	480- 80-230	REP	02-11-081
478-118-420	NEW-E	02-06-042	480- 75-550	NEW-P	02-12-132	480- 80-240	REP	02-11-081

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-80-241	NEW	02-11-081	480-120-052	REP	02-11-080	480-120-203	NEW-P	02-08-081
480-80-242	NEW	02-11-081	480-120-056	REP-P	02-12-055	480-120-204	NEW-P	02-08-081
480-80-250	REP	02-11-081	480-120-057	REP-P	02-12-055	480-120-205	NEW-P	02-08-081
480-80-260	REP	02-11-081	480-120-058	REP	02-11-080	480-120-206	NEW-P	02-08-081
480-80-270	REP	02-11-081	480-120-061	AMD-P	02-12-055	480-120-207	NEW-P	02-08-081
480-80-280	REP	02-11-081	480-120-081	REP-P	02-12-055	480-120-208	NEW-P	02-08-081
480-80-290	REP	02-11-081	480-120-087	REP-P	02-12-055	480-120-209	NEW-P	02-08-081
480-80-300	REP	02-11-081	480-120-088	REP-P	02-12-055	480-120-211	NEW-P	02-08-081
480-80-310	REP	02-11-081	480-120-089	REP-P	02-12-055	480-120-212	NEW-P	02-08-081
480-80-320	REP	02-11-081	480-120-101	REP-P	02-12-055	480-120-213	NEW-P	02-08-081
480-80-325	REP	02-11-081	480-120-102	NEW-P	02-12-055	480-120-214	NEW-P	02-08-081
480-80-326	REP	02-11-081	480-120-103	NEW-P	02-12-055	480-120-215	NEW-P	02-08-081
480-80-330	REP	02-11-081	480-120-104	NEW-P	02-12-055	480-120-216	NEW-P	02-08-081
480-80-335	REP	02-11-081	480-120-105	NEW-P	02-12-055	480-120-251	NEW-P	02-12-055
480-80-340	REP	02-11-081	480-120-106	REP-P	02-12-055	480-120-252	NEW-P	02-12-055
480-80-350	REP	02-11-081	480-120-107	NEW-P	02-12-055	480-120-253	NEW-P	02-12-055
480-80-360	REP	02-11-081	480-120-108	NEW-P	02-12-055	480-120-254	NEW-P	02-12-055
480-80-370	REP	02-11-081	480-120-112	NEW-P	02-12-055	480-120-255	NEW-P	02-12-055
480-80-380	REP	02-11-081	480-120-116	REP-P	02-12-055	480-120-256	NEW-P	02-12-055
480-90	PREP	02-10-055	480-120-121	REP-P	02-12-055	480-120-257	NEW-P	02-12-055
480-90-193	AMD	02-11-081	480-120-122	NEW-P	02-12-055	480-120-261	NEW-P	02-12-055
480-90-194	NEW	02-11-081	480-120-123	NEW-P	02-12-055	480-120-262	NEW-P	02-12-055
480-90-195	NEW	02-11-081	480-120-124	NEW-P	02-12-055	480-120-263	NEW-P	02-12-055
480-90-197	NEW	02-11-081	480-120-125	NEW-P	02-12-055	480-120-264	NEW	02-11-080
480-90-198	NEW	02-11-081	480-120-126	REP-P	02-12-055	480-120-265	NEW-P	02-12-055
480-90-199	NEW	02-11-081	480-120-127	NEW	02-11-080	480-120-301	NEW-P	02-12-055
480-90-203	AMD-X	02-12-131	480-120-128	NEW-P	02-12-055	480-120-302	NEW-P	02-12-055
480-90-208	AMD-X	02-12-131	480-120-131	REP-P	02-12-055	480-120-303	NEW-P	02-12-055
480-90-999	AMD-X	02-12-131	480-120-132	NEW-P	02-12-055	480-120-304	NEW-P	02-12-055
480-93-240	NEW	02-03-016	480-120-133	NEW-P	02-12-055	480-120-305	NEW-P	02-12-055
480-100	PREP	02-10-055	480-120-136	REP-P	02-12-055	480-120-306	NEW-P	02-12-055
480-100-148	PREP	02-10-055	480-120-138	REP-P	02-12-055	480-120-311	NEW-P	02-12-055
480-100-163	AMD-X	02-12-131	480-120-139	REP-P	02-12-055	480-120-312	NEW-P	02-12-055
480-100-193	AMD	02-11-081	480-120-141	REP-P	02-12-055	480-120-321	NEW-P	02-12-055
480-100-194	NEW	02-11-081	480-120-144	REP-P	02-08-081	480-120-322	NEW-P	02-12-055
480-100-195	NEW	02-11-081	480-120-146	NEW-P	02-12-055	480-120-323	NEW-P	02-12-055
480-100-197	NEW	02-11-081	480-120-147	NEW-P	02-12-055	480-120-340	REP-P	02-12-055
480-100-198	NEW	02-11-081	480-120-148	NEW-P	02-12-055	480-120-350	REP-P	02-12-055
480-100-199	NEW	02-11-081	480-120-151	REP-P	02-08-081	480-120-401	NEW-P	02-12-055
480-100-203	AMD-X	02-12-131	480-120-152	REP-P	02-08-081	480-120-402	NEW-P	02-12-055
480-100-208	AMD-X	02-12-131	480-120-153	REP-P	02-08-081	480-120-411	NEW-P	02-12-055
480-100-999	AMD-X	02-12-131	480-120-154	REP-P	02-08-081	480-120-412	NEW-P	02-12-055
480-110	PREP	02-10-055	480-120-161	NEW-P	02-12-055	480-120-414	NEW-P	02-12-055
480-110-275	AMD-X	02-12-131	480-120-162	NEW-P	02-12-055	480-120-436	NEW-P	02-12-055
480-110-485	AMD-X	02-12-131	480-120-163	NEW-P	02-12-055	480-120-437	NEW-P	02-12-055
480-110-999	NEW-X	02-12-131	480-120-164	NEW-P	02-12-055	480-120-438	NEW-P	02-12-055
480-120-011	AMD-P	02-12-055	480-120-165	NEW-P	02-12-055	480-120-439	NEW-P	02-12-055
480-120-015	AMD-P	02-12-055	480-120-166	NEW-P	02-12-055	480-120-440	NEW-P	02-12-055
480-120-017	NEW-P	02-12-055	480-120-167	NEW-P	02-12-055	480-120-450	NEW-P	02-12-055
480-120-019	NEW-P	02-12-055	480-120-171	NEW-P	02-12-055	480-120-451	NEW-P	02-12-055
480-120-021	AMD-P	02-12-055	480-120-172	NEW-P	02-12-055	480-120-452	NEW-P	02-12-055
480-120-029	REP-P	02-12-055	480-120-173	NEW-P	02-12-055	480-120-500	REP-P	02-12-055
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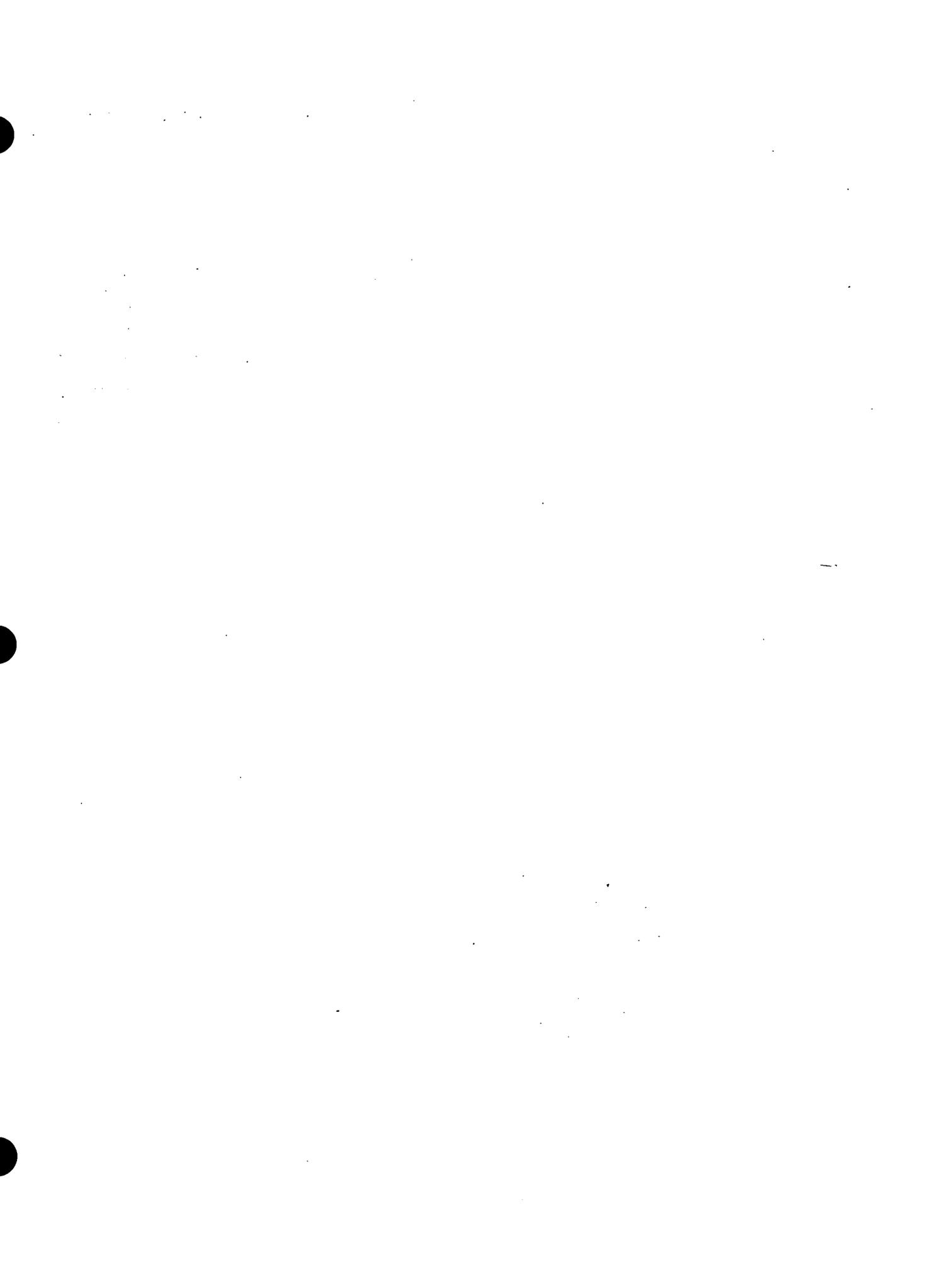
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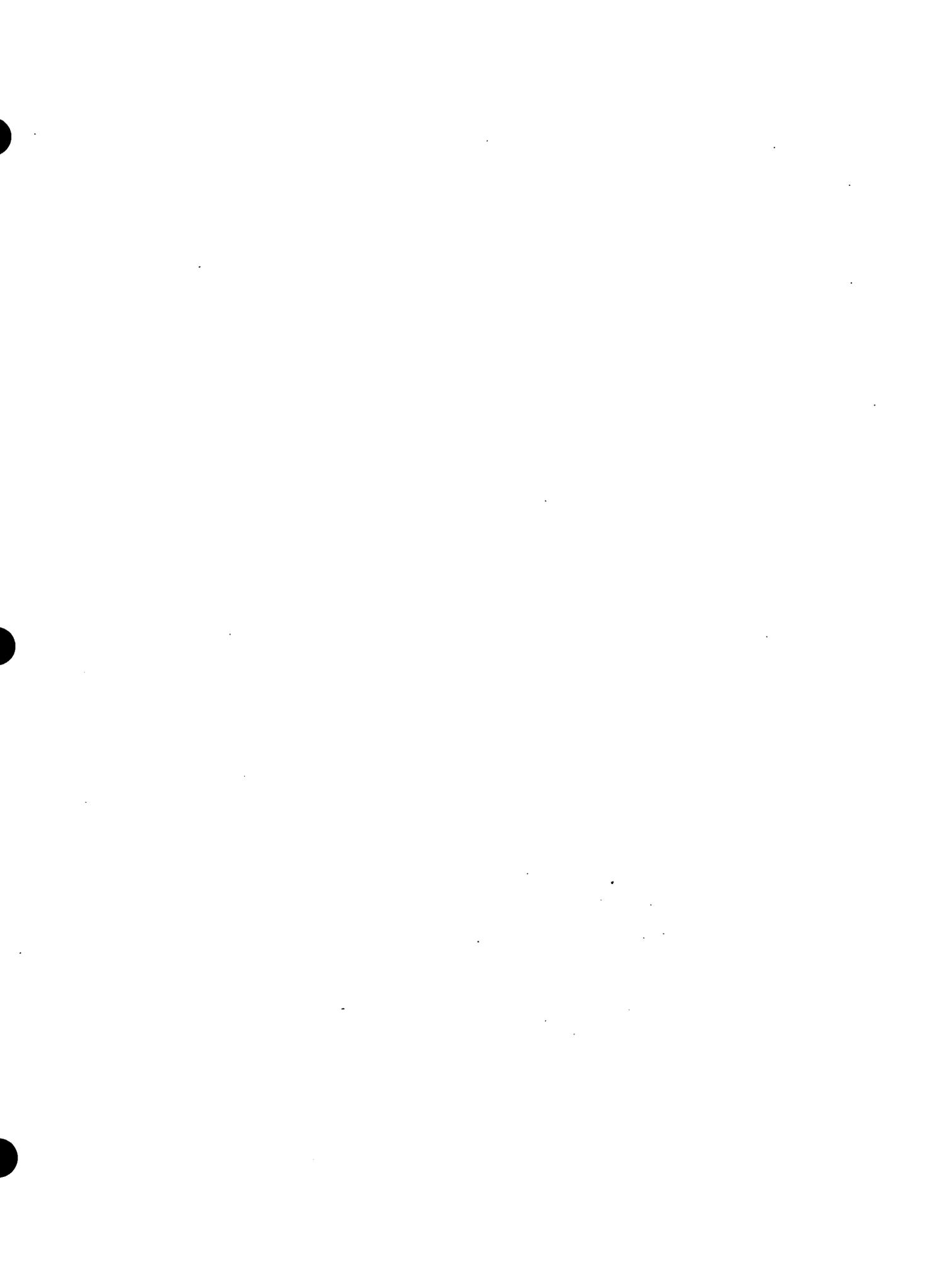
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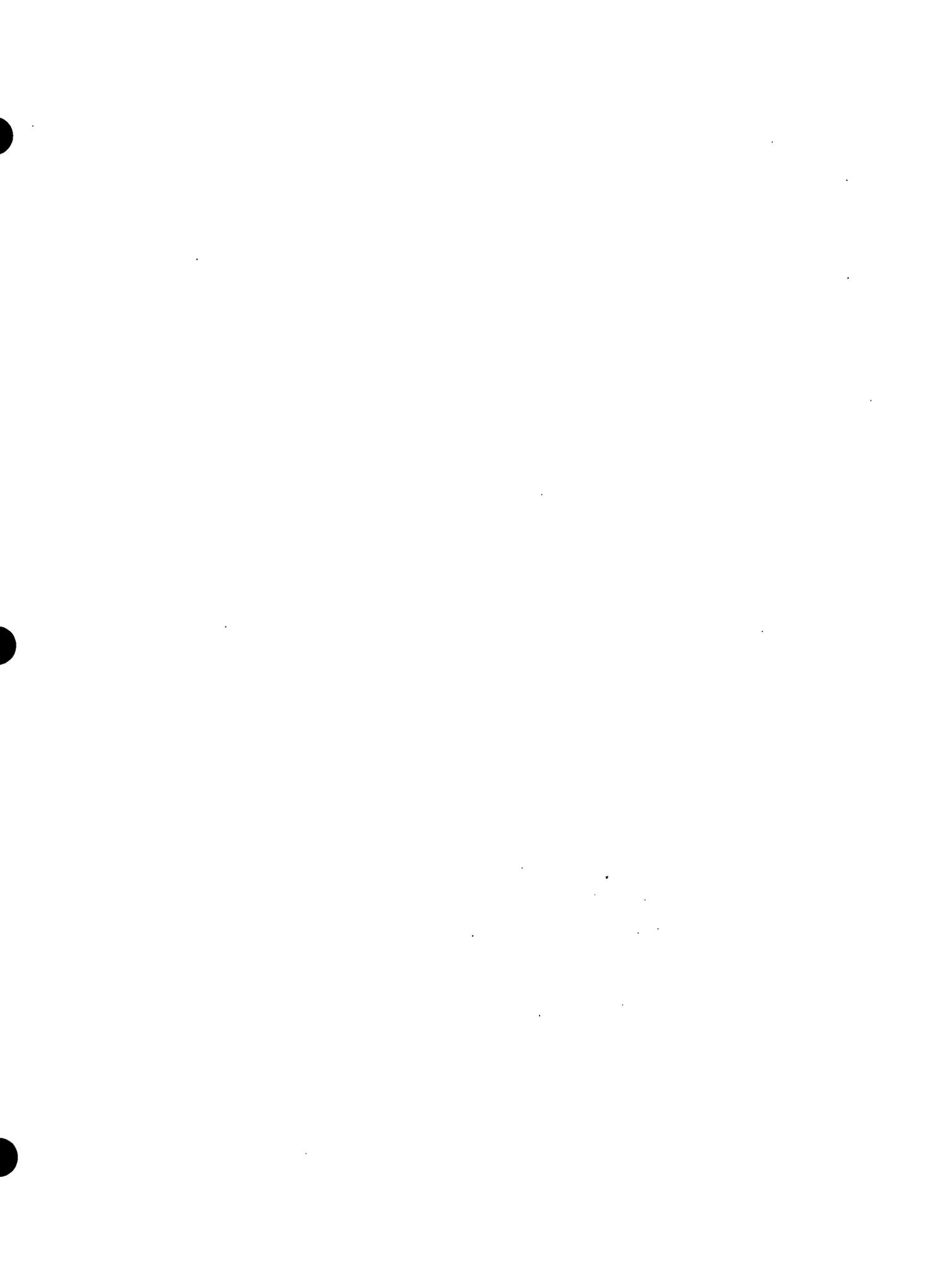
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