

WSR 07-06-017
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Filed February 26, 2007, 3:33 p.m., effective February 26, 2007]

Effective Date of Rule: Immediately.

Purpose: WAC 458-16-115 explains the personal property tax exemption for household goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for other taxable personal property. These exemptions are provided by RCW 84.36.110.

A constitutional amendment was approved by the voters at the November 2006 election. The amendment changed the amount of the exemption for the personal property of a head of a family from \$3,000 to \$15,000 and also changed the implementing statute, RCW 84.36.110. This change was effective January 1, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 458-16-115 Personal property exemptions for household goods, furnishings, and personal effects, and for the head of a family.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, and 84.36.865.

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 change to this rule is needed to recognize a constitutional amendment and statutory amendment that became effective January 1, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 26, 2007.

Janis P. Bianchi
 Assistant Director
 Interpretations and
 Technical Advice Division

AMENDATORY SECTION (Amending WSR 06-24-043, filed 11/30/06, effective 12/31/06)

WAC 458-16-115 Personal property exemptions for household goods, furnishings, and personal effects, and for the head of a family. (1) **Introduction.** This ~~((rule))~~ section explains the personal property tax exemption for house-

hold goods, furnishings, and personal effects. It also explains the exemption available to the head of a family for otherwise taxable personal property up to a value of ~~((three))~~ fifteen thousand dollars. These exemptions are provided by RCW 84.36.110. (For ~~((rules))~~ sections dealing with exemptions of intangible personal property under RCW 84.36.070, see WAC 458-50-150 through 458-50-190.)

(2) **Exemption for household goods, furnishings, and personal effects.** All household goods and furnishings actually being used to equip and outfit the owner's residence or place of abode and all personal effects held by any person for his or her exclusive use and benefit are exempt from property taxation. Any household goods and furnishings or personal effects held for sale or commercial use do not qualify for this exemption. RCW 84.36.110(1).

(a) **What are household goods and furnishings?** "Household goods and furnishings" are all items of tangible personal property normally located in or about a residence and used or held to enhance the value or enjoyment of the residence, including its premises. The phrase includes, but is not limited to, movable items of necessity, convenience, or decoration, such as furniture, appliances, food, pictures, and tools and equipment used to maintain the residence. Personal property qualifying for this exemption retains its exempt status while temporarily in storage or while being used temporarily at locations other than the owner's residence.

"Household goods and furnishings" do not include items of personal property constructed primarily for use independent of and separate from a residence such as boats, motor vehicles, campers, and travel trailers. However, certain motor vehicles, campers, and travel trailers may be entitled to an exemption from property taxation under RCW 84.36.595. Also, some boats may be wholly or partially exempt from property taxation under RCW 84.36.080 and 84.36.090.

(b) **What are personal effects?** "Personal effects" are items of tangible property of a personal or intimate nature that usually and ordinarily accompany a person such as wearing apparel, jewelry, and articles of a similar nature. RCW 84.36.120.

(c) **When are household goods, furnishings, and personal effects not exempt?** Personal property held for sale or used for any business or commercial purpose does not qualify for the household goods exemption. Thus, property used to equip and outfit a motel, hotel, apartment, sorority, fraternity, boarding house, rented home, duplex, or any other premises not used by the owner for his or her own personal residence or place of abode does not qualify for this exemption. Likewise, a hairdresser who uses any portion of his or her home as a beauty salon cannot claim a household goods exemption for personal property held for sale or otherwise used in the business. Business inventories, however, are exempt from property taxation under RCW 84.36.477.

Following is a nonexclusive list of items that are exempt as household goods or furnishings if they are used in a residence or place of abode but are fully taxable if they are used for business or commercial purposes.

(i) Desks are exempt as household goods if they are used in a residence but are taxable if they are used in a business office, including an office located in the owner's residence.

(ii) Silverware and china are exempt if they are used in a residence but are taxable if they are used in a restaurant.

(iii) Art or other collections are exempt if they are located in a residence but are taxable if they are located in a public display or used for commercial purposes.

(iv) Power equipment such as lawnmowers used exclusively to enhance the value or enjoyment of a residence, including its premises, are exempt, but they are taxable when used to maintain a golf course or for any other business or commercial purpose.

(3) Exemption for the head of a family. Each head of a family is entitled to an exemption from his or her taxable personal property in an amount up to ~~((three))~~ fifteen thousand dollars of actual value. RCW 84.36.110(2). For purposes of this exemption, "actual value" has the same meaning as "true and fair value" as defined in WAC 458-07-030. The taxpayer must qualify for the head of a family exemption on January 1st of the assessment year (the assessment date) or the exemption is lost for taxes payable the following year. As noted above, household goods, furnishings, and personal effects not used for business or commercial purposes are exempt from property taxation; therefore, the exemption for the head of a family does not apply to such property.

(a) Who qualifies as the head of a family? The exemption for the head of a family applies only to individuals (i.e., natural persons); it does not apply to artificial entities such as corporations, limited liability companies, or partnerships. The "head of a family" includes the following residents of the state of Washington:

(i) Any person receiving an old age pension under the laws of this state;

(ii) Any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years;

(iii) The husband or wife, when the claimant is a married person, or a surviving spouse not remarried; and

(iv) Any person who resides with, and has under his or her care and maintenance, any of the following:

(A) His or her minor child or grandchild, or the minor child or grandchild of his or her deceased spouse;

(B) His or her minor brother or sister or the minor child of a deceased brother or sister;

(C) His or her father, mother, grandmother, or grandfather, or the father, mother, grandmother, or grandfather of a deceased spouse; or

(D) Any of the other relatives mentioned in this subsection who have attained the age of majority and are unable to take care of or support themselves.

(b) What property is not exempt? The personal property exemption for the head of a family does not apply to the following:

(i) Private motor vehicles. A "private motor vehicle" is any motor vehicle used for the convenience or pleasure of the owner, which carries a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer, or dealer's license. RCW 84.36.-120;

(ii) Mobile homes. A "mobile home" is a trailer designed for human habitation, which is capable of being moved upon the public streets and highways and is either more than thirty-

five feet in length or more than eight feet in width. RCW 84.36.120;

(iii) Floating homes. A "floating home" is a building on a float, used in whole or in part for human habitation as a single-family dwelling and is on the property tax rolls of the county in which it is located. A floating home is not designed for self-propulsion by mechanical means or by means of wind. RCW 82.45.032; or

(iv) Houses, cabins, boathouses, boat docks, or other similar improvements that are located on publicly owned land.

(c) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The status of each situation must be determined after a review of all of the facts and circumstances.

(i) A husband and wife operate a catering business as a limited liability company (LLC). The wife also operates a consulting business as a sole proprietor out of the family home. Husband and wife are not entitled to the head of family exemption for property held by the LLC. However, the wife is entitled to the head of family exemption for the taxable personal property used in her consulting business.

(ii) Jane Doe is a citizen of the United States, over the age of sixty-five, and has resided in the state of Washington continuously for over ten years. Jane owns a farm. She has transferred title to the farm property, both real and personal, into a trust. An attorney is the trustee, and Jane is the sole beneficiary. Since Jane Doe has beneficial ownership of the trust property and she qualifies as the head of a family, Jane may claim the head of a family exemption for the taxable personal property held in the trust.

(4) How do the exemptions included in this ~~((rule))~~ section affect listing? If the county assessor is satisfied that all of the personal property of any person is exempt from taxation, no listing is required by the owner or taxpayer. If the value of taxable personal property exceeds ~~((three))~~ fifteen thousand dollars, then the taxpayer must make a complete listing, and the assessor will deduct ~~((three))~~ fifteen thousand dollars from the total amount of the assessment and assess the remainder. RCW 84.36.110(2).

WSR 07-06-018

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed February 27, 2007, 11:14 a.m., effective February 27, 2007]

Effective Date of Rule: Immediately.

Purpose: The department is codifying new special terms and conditions in the new family planning/TAKE CHARGE waiver as set forth by the Centers for Medicare and Medicaid Services (CMS) for the state of Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 388-532-050, 388-532-100, 388-532-110, 388-532-120, 388-532-520, 388-532-530, 388-532-700, 388-

532-710, 388-532-720, 388-532-730, 388-532-740, 388-532-750, 388-532-760, 388-532-780, and 388-532-790.

Statutory Authority for Adoption: RCW 74.08.090 and 74.09.800.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: This emergency rule adoption is necessary while the permanent rule-making process is being completed because the current rules are out of compliance with special terms and conditions of the new family planning/TAKE CHARGE waiver set forth by the CMS for the state of Washington. The waiver was signed August 31, 2006, and is retroactive effective July 1, 2006. Immediate adoption of this emergency rule is required to prevent loss of 90% federal match funds for the family planning/TAKE CHARGE program.

This continues the emergency rule that is currently in effect under WSR 06-22-080 while the department completes the permanent rule-making process begun under WSR 06-22-093. The department anticipates the permanent rule proposal (CR-102) by March 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 15, 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 15, Repealed 0.

Date Adopted: February 20, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

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 07-07 issue of the Register.

WSR 07-06-019
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed February 27, 2007, 11:18 a.m., effective March 1, 2007]

Effective Date of Rule: March 1, 2007.

Purpose: The department is amending WAC 388-492-0040 Can I choose whether I get WASHCAP or regular food assistance?, this rule change is necessary so we can allow recipients to choose whether to participate in Washington combined application project (WASHCAP) or apply for

Basic Food benefits if their food benefits under Basic Food would be at least \$40 more due to excess shelter costs or legally-obligated child support payments. The change also removes the high rent threshold as an opt-out criterion, to be replaced by the benefit difference criterion, and corrects the date for the grandfathered rule consistent with a court order.

Citation of Existing Rules Affected by this Order: Amending WAC 388-492-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Other Authority: The change is consistent with the amendment to the WASHCAP extension demonstration project plan approved by the United States Department of Agriculture, Food and Nutrition Services (FNS) from December 1, 2006, through November 30, 2011. A letter, dated January 17, 2007, from Arthur Foley, director of program development division, FNS, approves the amendment to the "opt-out" criteria at the \$40 threshold versus the high rent cost threshold.

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 United States Department of Agriculture, Food and Nutrition Services approved an extension to the Washington combined application project (WASHCAP) waiver from December 1, 2006, through November 30, 2011. A letter, dated January 17, 2007, from Arthur Foley, director of program development division, FNS, gives the department authorization to establish a food stamp benefit loss of \$40 as the threshold at which households participating in WASHCAP may "opt out" and participate in the regular food stamp program. Additional changes are consistent with a Thurston County Superior Court Order from November, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 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 1, Repealed 0.

Date Adopted: February 20, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 06-21-011, filed 10/6/06, effective 11/6/06)

WAC 388-492-0040 Can I choose whether I get WASHCAP food benefits or Basic Food benefits? You can

choose to have Basic Food benefits instead of WASHCAP food benefits when:

(1) ~~((Your nonutility shelter costs as defined in WAC 388-450-0190 (1)(a) through (d) are more than five hundred sixty-seven dollars a month;~~

~~(2))~~ Your out-of-pocket medical expenses are more than thirty-five dollars a month; ~~((or~~

~~(3))~~ (2) You chose to have Basic Food benefits instead of WASHCAP benefits prior to ((January +) April 25, 2005; or

(3) Your food benefits under Basic Food would be at least forty dollars more due to excess shelter costs under WAC 388-450-0190 (1)(a) through (e) or legally obligated child support payments.

WSR 07-06-020

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed February 27, 2007, 11:21 a.m., effective March 1, 2007]

Effective Date of Rule: March 1, 2007.

Purpose: The department is amending WAC 388-436-0015 Consolidated emergency assistance program (CEAP) and 388-436-0030 Eligibility for CEAP depends on other possible cash benefits in order to allow a one-time emergency benefit to families who have had their cash grant terminated under the noncompliance sanction policy. The emergency cash benefit would assist families with meeting needs such as shelter, food and utilities. Starting in March 2007, some families may have their full cash grant terminated under the new noncompliance sanction (NCS) policy. Revising the WAC will allow these families to be eligible to receive the emergency assistance.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-436-0025; and amending WAC 388-436-0015 and 388-436-0030.

Statutory Authority for Adoption: RCW 74.040.050 [74.04.050], 74.04.055, 74.04.057, 74.08.090.

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: Under the new noncompliance sanction (NCS) policy, some families may have their full TANF cash grant terminated starting in March 2007. The rule changes are necessary in order to allow the department to allow a one-time emergency cash benefit for families who have had their cash grant terminated.

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 1.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Date Adopted: February 20, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 04-05-013, filed 2/6/04, effective 3/8/04)

WAC 388-436-0015 Consolidated emergency assistance program (CEAP). (1) CEAP is available to the following persons:

(a) A pregnant woman in any stage of pregnancy; or

(b) Families with dependent children, including, within available funds, families who have stopped receiving their TANF grant within the last six months under WAC 388-310-1600.

(2) Applicants must be residents of Washington state as defined in WAC 388-468-0005.

(3) Applicants must demonstrate a financial need for emergency funds for one or more of the following basic requirements:

(a) Food;

(b) Shelter;

(c) Clothing;

(d) Minor medical care;

(e) Utilities;

(f) Household maintenance supplies;

(g) Necessary clothing or transportation costs to accept or retain a job; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Payment under this program is limited to not more than thirty consecutive days within a period of twelve consecutive months.

AMENDATORY SECTION (Amending WSR 99-24-130, filed 12/1/99, effective 1/1/00)

WAC 388-436-0030 Eligibility for CEAP depends on other possible cash benefits. (1) Before the department approves CEAP benefits, we must determine that all household members are ineligible for benefits from any of the following programs:

(a) Temporary assistance for needy families (TANF) or state family assistance (SFA), unless the family has had its cash grant terminated under WAC 388-310-1600 within the last six months;

~~((State family assistance (SFA);~~

~~(e))~~ Refugee cash assistance (RCA);

~~((c))~~ (c) Diversion cash assistance (DCA).

(2) To receive CEAP, the applicant must take any required action to receive benefits from the following programs:

(a) TANF(~~(;)~~) or SFA, (~~and RCA~~) unless the family has had its case grant terminated under WAC 388-310-1600 within the last six months;

(b) RCA

(c) Supplemental security income (SSI);

~~((d))~~ (d) Medical assistance for those applicants requesting help for a medical need;

~~((e))~~ (e) Food assistance for those applicants requesting help for a food need;

~~((f))~~ (f) Housing assistance from any available source for those applicants requesting help for a housing need;

~~((g))~~ (g) Unemployment compensation, veteran's benefits, industrial insurance benefits, Social Security benefits, pension benefits, or any other source of financial benefits the applicant is potentially eligible to receive.

(3) The department may not authorize CEAP benefits to any household containing a member who is (~~under a grant penalty~~) receiving reduced cash benefits for failure to comply with program requirements of TANF/SFA(~~(;)~~) or RCA(~~(; or WorkFirst under chapter 388-310 WAC)~~). This restriction does not apply to families who have stopped receiving TANF cash benefits under WAC 388-310-1600 within the last six months.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-436-0025 Eligibility conditions for CEAP—Job refusal.

WSR 07-06-023 EMERGENCY RULES SECRETARY OF STATE

(Elections Division)

[Filed February 27, 2007, 3:07 p.m., effective February 27, 2007]

Effective Date of Rule: Immediately.

Purpose: To promote consistency in county canvassing board decisions statewide and to comply with requirements set by the Help America Vote Act.

Citation of Existing Rules Affected by this Order: Amending WAC 434-261-070 and 434-261-075.

Statutory Authority for Adoption: RCW 29A.04.611.

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 federal law, Help America Vote Act, requires each state to adopt rules to determine what a valid vote is for each voting system.

Number of Sections Adopted in Order to Comply with Federal Statute: New 1, Amended 2, 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 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 2, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 2, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 27, 2007.

Steve Excell
Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

WAC 434-261-070 Manual inspection of ballots. (1)

Upon receiving absentee ballots and upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot will be readable by the vote tabulating system. This manual inspection is a required part of processing ballots.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29A.44.340 are in effect.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, (~~but the marks clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined;~~) the county auditor (~~may either:~~

(a) Refer the ballots to the county canvassing board; or

(b) Duplicate the ballots if authorized by the county canvassing board.

~~If the voter's intent is not clear, the ballot must be referred)~~ shall refer such ballots to the county canvassing board.

(4) Nothing in this section shall alter the authority of the county canvassing board to delegate in writing, to the county auditor or the county auditor's staff, the performance of any task assigned by law to the canvassing board as set forth in RCW 29A.60.140(2).

AMENDATORY SECTION (Amending WSR 06-14-047, filed 6/28/06, effective 7/29/06)

WAC 434-261-075 Manual inspection of ballot—Acceptability of marks. (1) If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

(a) Only votes for offices or measures for which the voter is eligible are counted.

(b) The candidate or measure response position for which the voter is voting can be clearly identified.

(c) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(d) A valid signature on an absentee oath is on file with the county auditor.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

(2) Corrected absentee ballots shall be counted in the following manner:

(a) If a voter follows the instructions for correcting a vote, either the written instructions or other instructions given to the voter by the county auditor, the correction shall be made by duplicating the ballot and then tabulating the duplicated ballot.

(b) If a voter appears to have corrected the ballot in a manner other than as instructed, the vote for that candidate or issue shall not be tabulated unless the voter provides written instructions directing how the vote should be counted or has clearly attempted to erase a mark.

(3) If a voter has indicated a write-in vote on the ballot which duplicates the name of a candidate who already appears on the ballot for the same office, the ballot shall be duplicated to count one vote for the candidate indicated. Such a vote shall be counted pursuant to RCW 29A.60.021.

(4) If a ballot contains marks that differ from those specified in the voting instructions, those marks shall not be counted as valid votes unless ~~((there is a discernable and consistent pattern, to the extent that the voter's intent can clearly be determined. If there is such a pattern, the ballot shall be duplicated to reflect the voter's intent))~~ the marks are made in the same manner for each office or issue for which the voter has indicated a preference. Voter intent in any single contest may not be determined based upon a pattern of partisan voting on the ballot.

NEW SECTION

WAC 434-261-086 Statewide standards on determining voter intent. (1) The secretary of state, pursuant to the provisions of the Help America Vote Act, shall prepare and distribute to each county canvassing board a manual that defines what constitutes a vote and what will be counted as a vote for each category of voting system used in the state, consistent with state law and administrative rules. The manual shall contain reasonably comprehensive illustrations of irregularly marked ballots and shall provide standards for determining whether or not a valid vote has been cast.

(2) The secretary of state shall periodically review the manual as necessary to keep it updated. Wherever practical the secretary shall seek input from county canvassing boards and other interested parties to ensure that the manual remains as comprehensive as possible. The currently adopted manual shall be posted on the secretary of state web site (www.sec.state.wa.gov) for public review or reference at any time.

(3) Compliance by county canvassing boards with the standards set forth in the manual shall be mandatory.

**WSR 07-06-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-30—Filed February 28, 2007, 1:51 p.m., effective March 1, 2007, 8:00 a.m.]

Effective Date of Rule: March 1, 2007, 8:00 a.m.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-52-04600B; 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: California Assembly Bill 2773 (effective January 1, 2007) limits the geographic area where a California coastal Dungeness crab license is valid to the state and federal waters adjacent to the coast of California. The Washington department of fish and wildlife agreed to adopt reciprocal regulations limiting the area that Washington coastal Dungeness crab licenses are valid to the state and federal waters adjacent to the coast of Washington. Similar reciprocal rules between Oregon and Washington were in place at the beginning of the 2005-2006 season. Special management area closures according to state-tribal management plans. Special management areas for tribal fishing are included as part of the crab management plan agreements. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 26, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-52-04600D Coastal crab season. Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice, it is unlawful to commercially fish for Dungeness crab in the following areas:

(1) A Quinault special management area (QIN SSMA) will close to fishing for Dungeness crab effective at 8:00 am

March 1, 2007: The QIN SSMA includes the coastal waters shoreward of a line approximating the 25-fathom depth curve from Copalis River to Point Grenville as described by the following coordinates

- Northeast Corner: 47°18.35 N Lat. - 124°16.00 W Lon.
- Northwest Corner: 47°18.35 N Lat. - 124.28.40 W. Lon.
- Southwest Corner: 47°08.00 N. Lat. - 124°23.50 W. Lon.
- Southeast Corner: 47°08.00 N. Lat. - 124°11.20 W. Lon.

(2) A Quinault special management area (QIN SSMA) will close to fishing for Dungeness crab effective at 8:00 am March 1, 2007: The QIN SSMA includes the coastal waters shoreward of a line approximating the 30-fathom depth curve from Point Grenville to Split Rock as described by the following coordinates

- Northeast corner; 47°24.50 N Lat. - 124°20.00 W Lon.
- Northwest corner; 47°24.50 N Lat. - 124°33.70 W Lon.
- Southwest corner; 47°18.35 N Lat. - 124°31.20 W Lon.
- Southeast corner; 47°18.35 N Lat. - 124°16.00 W Lon.

(3) It is unlawful for a vessel to use more than 100-pots in any area open to the state fishery shoreward of 25-fathoms from Raft River to Copalis River from March 1, 2007 through April 30, 2007. Fishers must pre-register with WDFW 24-hours prior to deploying gear in this area by one of the three following methods:

- Fax transmission to Brandon Bryant at: 360-664-0689;
- Email to Brandon Bryant at: bryanblb@dfw.wa.gov or
- Telephone call to: Brandon Bryant at 360-249-4628 ext. 229

(4) The Quileute special management area (SMA) is closed to fishing for Dungeness crab through 7:59 a.m. May 1, 2007. The Quileute SMA is described as the area from Cape Johnson to Destruction Island shoreward of a line approximating 30 fathoms according to the following points:

- Northeast corner; Cape Johnson 47°58.00 N Lat. - 124°40.40 W Lon.
- Northwest corner; 47°58.00 N Lat. - 124°49.00 W Lon.
- Southwest corner; 47°40.50 N Lat. - 124°40.00 W Lon.
- Southeast corner; 47°40.50 N Lat - 124°24.43 W Lon.

(5) The Makah special management area (SMA) is closed to fishing for Dungeness crab through 7:59 a.m. April 14, 2007. The Makah SMA is described as the coastal waters between 48°02.15 N to 48°20.00 N east of a line connecting those points approximating the 25-fathom depth line according to the following coordinates:

- Northeast corner; Tatoosh Island
- Northwest corner; 48°20.00 N Lat. - 124°50.45 W Lon.
- Southwest corner; 48°02.15 N Lat. - 124°50.45 W Lon.
- Southeast corner; 48°02.15 N Lat. - 124°41.00 W Lon.

(6) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California without the licenses or permits required to commercially fish for Dungeness crab within the state waters of Oregon or California. Washington coastal

Dungeness crab permits are valid only in Washington state waters, the Columbia River, Willapa Bay, Grays Harbor and the Pacific Ocean in federal waters north of the Washington/Oregon border (46°15.00 N. Latitude), extending 200 nautical miles westward.

(5) All other provisions of the permanent rule remain in effect.

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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 8:00 a.m. March 1, 2007:

WAC 220-52-04600B Coastal crab season. (07-18)

WSR 07-06-056

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed March 5, 2007, 8:56 a.m., effective March 8, 2007]

Effective Date of Rule: March 8, 2007.

Purpose: The division of developmental disabilities has received approval from the federal Centers for Medicare and Medicaid Services (CMS) to increase the dollar maximum for certain services in the Basic and Basic Plus waivers within the home and community based service (HCBS) waivers. This third emergency rule filing replaces the emergency rules filed as WSR 06-23-054 on November 8, 2006, and is necessary to continue the emergency until the permanent rules take effect on March 12, 2007.

Citation of Existing Rules Affected by this Order: Amending WAC 388-845-0205 and 388-845-0210.

Statutory Authority for Adoption: RCW 71A.12.030, 71A.12.120.

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 approval of the amendments to the HCBS waivers by CMS allows the department to increase the dollar maximum for certain services within the Basic and Basic Plus waivers. These increases are necessary for the public general welfare to ensure that the eligible clients receive the full benefits for which they are entitled. Permanent rules were filed as WSR 07-05-014 on February 9, 2007. Those permanent rules will replace these emergency rules when the permanent rules become effective on March 12, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, 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 2, Repealed 0.

Date Adopted: February 28, 2007.

Jim Schnellman, Chief
Office of Administrative Resources

AMENDATORY SECTION (Amending WSR 06-01-024, filed 12/13/05, effective 1/13/06)

WAC 388-845-0205 Basic waiver services.

BASIC WAIVER	SERVICES	YEARLY LIMIT
	AGGREGATE SERVICES: Behavior management and consultation Community guide Environmental accessibility adaptations Occupational therapy Physical therapy Specialized medical equipment/supplies Specialized psychiatric services Speech, hearing and language services Staff/family consultation and training Transportation	May not exceed \$(1425)) <u>1454</u> per year on any combination of these services
	EMPLOYMENT/DAY PROGRAM SERVICES: Community access Person-to-person Prevocational services Supported employment	May not exceed \$(6500)) <u>6631</u> per year
	Sexual deviancy evaluation	Limits are determined by DDD

BASIC WAIVER	SERVICES	YEARLY LIMIT
	Respite care	Limits are determined by respite assessment
	Personal care	Limits are determined by CARE assessment
	MENTAL HEALTH STABILIZATION SERVICES: Behavior management and consultation Mental health crisis diversion bed services Skilled nursing Specialized psychiatric services	Limits are determined by a mental health professional or DDD
	Emergency assistance is only for services contained in the Basic waiver	\$6000 per year; Preauthorization required

AMENDATORY SECTION (Amending WSR 06-01-024, filed 12/13/05, effective 1/13/06)

WAC 388-845-0210 Basic Plus waiver services.

BASIC PLUS WAIVER	SERVICES	YEARLY LIMIT
	AGGREGATE SERVICES: Behavior management and consultation Community guide Environmental accessibility adaptations Occupational therapy Physical therapy Skilled nursing Specialized medical equipment/supplies Specialized psychiatric services Speech, hearing and language services Staff/family consultation and training Transportation	May not exceed \$(6070)) <u>6192</u> per year on any combination of these services
	EMPLOYMENT/DAY PROGRAM SERVICES: Community access Person-to-person Prevocational services	May not exceed \$(9500)) <u>9691</u> per year

BASIC PLUS WAIVER	SERVICES	YEARLY LIMIT
	Supported employment	
	Adult foster care (adult family home) Adult residential care (boarding home)	Determined per department rate structure
	MENTAL HEALTH STABILIZATION SERVICES: Behavior management and consultation Mental health crisis diversion bed services Skilled nursing Specialized psychiatric services	Limits determined by a mental health professional or DDD
	Personal care	Limits determined by the CARE assessment
	Respite care	Limits are determined by respite assessment
	Sexual deviancy evaluation	Limits are determined by DDD
	Emergency assistance ((#)) is only for services contained in the Basic Plus waiver	\$6000 per year; Preauthorization required

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 5, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 232-28-61900P Exceptions to statewide rules—Washougal River Notwithstanding the provisions of WAC 232-28-619, effective March 16 through April 15, 2007, closed to all fishing in those waters of the Washougal River from the mouth to Mt. Norway Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. April 16, 2007:

WAC 232-28-61900P Exceptions to statewide rules—Washougal River.

**WSR 07-06-067
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-24—Filed March 5, 2007, 4:31 p.m., effective March 16, 2007, 12:01 a.m.]

Effective Date of Rule: March 16, 2007, 12:01 a.m.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-61900P; 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 wild steelhead run is below escapement needs, the regulation will close the river and prevent hooking mortality and harassment of the fish during the time they are entering the river and during spawning. There is insufficient time to promulgate permanent rules.

**WSR 07-06-080
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 07-31—Filed March 6, 2007, 1:12 p.m., effective March 6, 2007]

Effective Date of Rule: Immediately.

Purpose: Amend commercial use fishing rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-33-01000D; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Sets initial winter salmon directed fishing period. Impacts to ESA-listed stocks in these fisheries are covered under the biological opinion for the 2005-2007 interim management agreement. This rule is consistent with actions of the Columbia River compact hearings

of March 5, 2007, and conforms Washington and Oregon state rules. There is insufficient time to promulgate permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 6, 2007.

J. P. Koenings
Director

NEW SECTION

WAC 220-33-0100D Columbia River seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, WAC 220-33-020, and WAC 220-33-030, it is unlawful for a person to take or possess salmon, sturgeon, and shad, taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E except during the times and conditions listed:

1. Area: SMCRA 1A, 1B, 1C, and 1D upstream to Kelley Point.

a) Season: 12:00 p.m. (noon) through 12 a.m. (midnight) March 6, 2007 (12-hours).

b) Gear: Drift gill nets only. 8-inch minimum and 9 3/4 inch maximum mesh. Mono-filament is allowed. Gill nets that are fished at any time between official sunset and official sunrise must have lighted buoys on both ends of the net unless the net is attached to the boat then one lighted buoy on the opposite end of the net from the boat is required. Net length not to exceed 150 fathoms.

i. In the Columbia River downstream of Bonneville Dam and in the Select Areas (described in WAC 220-22-010(9)), it shall be lawful to have onboard a commercial fishing vessel more than one licensed net in excess of the lawful size or length prescribed for a single net as long as the net or nets are of legal size for the fishery, or the net has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length.

ii. Nets not lawful for use at that time and area may be onboard the boat if properly stored. A properly "stored" net is defined as a net on a drum that is fully covered by tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

c) Allowable Sale: Adipose fin-clipped salmon, white sturgeon and shad. An adipose fin-clipped salmon is defined as a hatchery salmon with a clipped adipose fin and having a

healed scar at the location of the fin. Green sturgeon retention is prohibited

d) Sanctuaries: Grays River, Elokom-B, Abernathy Creek, Cowlitz River, Kalama-B, Lewis-

e) Miscellaneous Regulations:

i. At least one fisher on each boat must have tanglenet certification.

ii. Soak times, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

iii. Red corks are required at 25 fathom intervals and red corks must be in contrast to the corks used in the remainder of the net.

iv. Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box and chamber shall be operating during any time that the net is being retrieved or picked. The flow in the recovery box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches.

Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is a least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to WDFW and ODFW employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river water into each chamber.

v. All non-legal sturgeon, non-adipose fin-clipped salmon, and steelhead must be released immediately to the river with care and the least possible injury to the fish or placed into an operating recovery box.

vi. Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

vii. All fish placed in recovery boxes must be released to the river prior to landing or docking.

viii. Quick reporting required for Washington wholesale dealers, WAC 220-69-240

ix. As a condition of fishing, owners or operators of commercial fishing vessels must cooperate with Department observers or observers collecting data for the Department, when notified by the observer of their intent to board the commercial vessel for observation and sampling during an open fishery.

x. Columbia River tangle net certification: Any individual meeting the qualifications of RCW 77.65.040(2) and obtained a tangle net certificate by attending and completing a WDFW/ODFW sponsored workshop concerning live captive commercial fishing techniques.

xi. Nothing in this section sets any precedent for any fishery after the 2006 spring Chinook fishery. The fact that an individual received a Columbia River tangle net certificate does not entitle the certificate holder to participate in any other fishery. If WDFW authorizes a tangle net fishery in any other time, WDFW may establish qualifications and requirements that are different from those established for 2006. In particular, WDFW may consider an individual's compliance with these rules in determining that individual's eligibility to participate in any future tangle net fisheries.

2. Blind Slough/Knappa Slough Select Area

a) Area: Open waters of Blind Slough extend from markers at the mouth of Gnat Creek located approximately 1/2 mile upstream of the county road bridge, downstream to markers at the mouth of Blind Slough. Concurrent Washington/Oregon waters extend downstream of the railroad bridge

Knappa Slough is open to fishing in all waters bounded by a line from the northerly most marker at the mouth of Blind Slough westerly to a marker on Karlson Island downstream to a north-south line defined by a marker on the eastern end of Minaker Island to markers on Karlson Island and the Oregon shore.

b) Dates:

Winter Season: 7:00 p.m. Wednesdays to 7:00 a.m. Thursdays and 7:00 p.m. Sunday to 7:00 a.m. Mondays immediately through March 12, 2007

Spring Season: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 19 until June 15, 2007.

Only Blind Slough is open through March 12. After March 12, both Blind Slough and Knappa Slough are open.

During May 3 through June 15, the lower boundary of the Knappa Slough fishing area is extended downstream to boundary lines defined by markers on the west end of Minaker Island to markers on the Karlson Island and the Oregon Shore (fall-season boundary).

c) Gear: 7-inch minimum mesh through March 12 and 8-inch maximum mesh thereafter. Monofilament nets are allowed. Nets restricted to 100 fathoms in length with no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed.

d) Allowable Sales: Salmon, sturgeon, shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each open period.

3. Deep River Select Area

a) Area: From the markers at USCG navigation marker #16 upstream to the Highway 4 Bridge.

b) Dates:

Winter season: 6:00 p.m. Sundays to 8:00 a.m. Mondays immediately through March 12, 2007

Spring season: 7:00 p.m. Mondays to 7:00 a.m. Tuesdays and 7:00 p.m. Thursdays to 7:00 a.m. Fridays from April 19 through June 15, 2007.

c) Gear: 7-inch minimum mesh size through March 14, 8-inch maximum mesh thereafter. Monofilament nets are allowed. Nets restricted to a maximum length of 100 fathoms and no weight restriction on leadline. Use of additional weights or anchors attached directly to the leadline is allowed. Nets cannot be tied off of any stationary structures. Nets may not fully cross the navigation channel.

d) Allowable sale: salmon, white sturgeon and shad. A maximum of three white sturgeon may be possessed or sold by each participating vessel during each open period.

e) Miscellaneous: Transportation or possession of fish outside the fishing area (except to the sampling station) is unlawful until WDFW staff has biologically sampled individual catches. After sampling fishers will be issued a transportation permit by agency staff.

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.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. June 16, 2007:

WAC 220-33-01000D Columbia River seasons below Bonneville. (07-31)