

Washington State Register

JULY 16, 1997

OLYMPIA, WASHINGTON

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filed not later than July 2, 1997

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) 753-7470.

REPUBLICATION OF OFFICIAL DOCUMENTS

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

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

The maximum allowable interest rate applicable for the month of July 1997 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.

Mary F. Gallagher Dilley
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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six 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) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

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. 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].

1996 - 1997

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 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>
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
96-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18, 1996	Jan 7, 1997
97-01	Nov 21	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 22
97-02	Dec 5	Dec 19, 1996	Jan 2, 1997	Jan 15	Feb 4
97-03	Dec 26, 1996	Jan 8, 1997	Jan 22	Feb 5	Feb 25
97-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 11
97-05	Jan 22	Feb 5	Feb 19	Mar 5	Mar 25
97-06	Feb 5	Feb 19	Mar 5	Mar 19	Apr 8
97-07	Feb 19	Mar 5	Mar 19	Apr 2	Apr 22
97-08	Mar 5	Mar 19	Apr 2	Apr 16	May 6
97-09	Mar 26	Apr 9	Apr 23	May 7	May 27
97-10	Apr 9	Apr 23	May 7	May 21	Jun 10
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97-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
97-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
97-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
97-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
97-24	Nov 5	Nov 19	Dec 3	Dec 17, 1997	Jan 6, 1998

¹All 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.

²A 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.

³At 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.

REGULATORY FAIRNESS ACT

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

Small Business Economic Impact Statements (SBEIS)

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

Mitigation

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

When is an SBEIS Required?

When:

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

When is an SBEIS Not Required?

When:

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

There is less than minor economic impact on business;

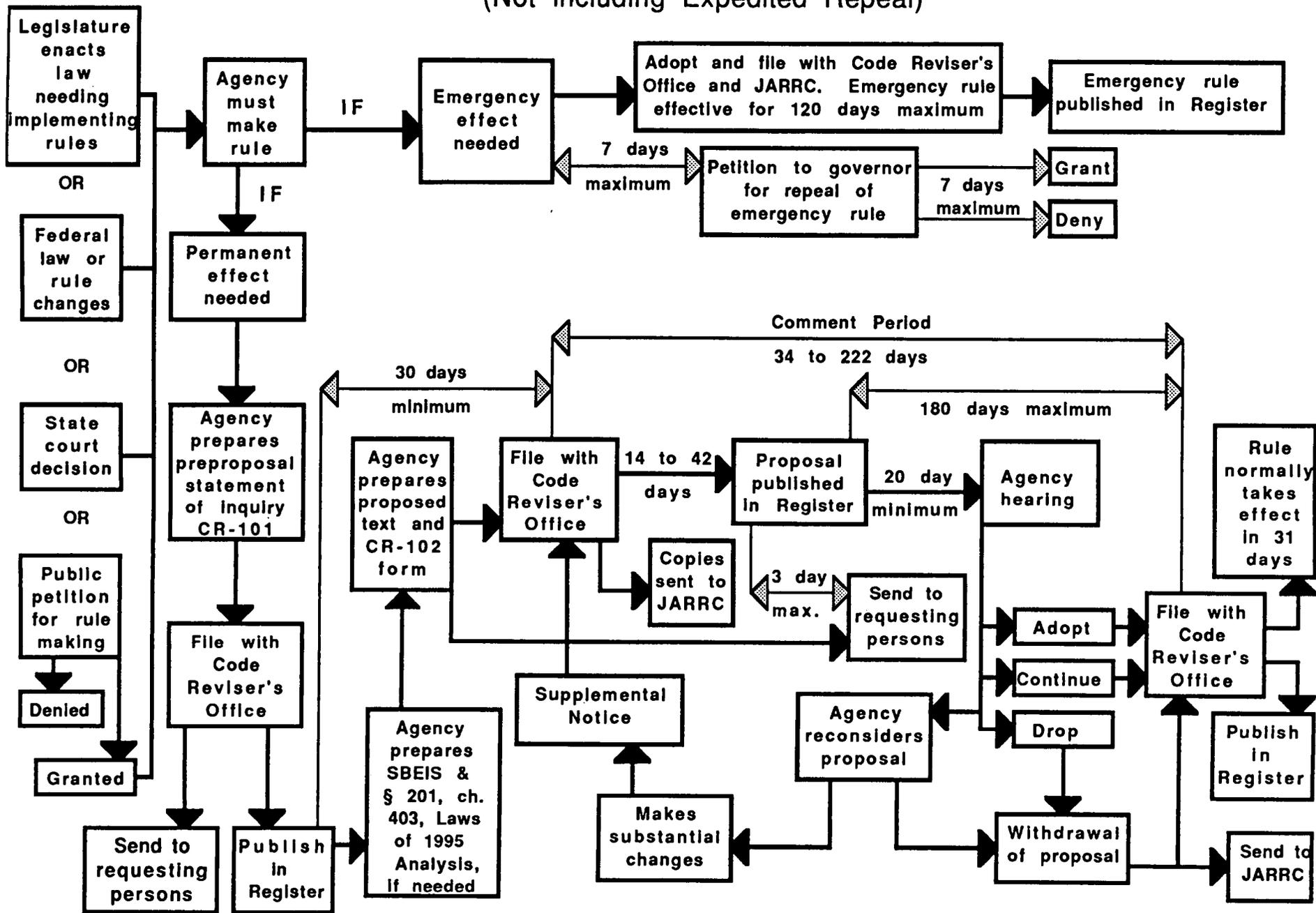
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

RULE-MAKING PROCESS

(Not including Expedited Repeal)



WSR 97-14-024
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD FOR
COMMUNITY AND TECHNICAL COLLEGES

[Filed June 24, 1997, 10:25 a.m.]

Subject of Possible Rule Making: Medical expense plans for the community and technical college system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B.50 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997 legislature enacted SHB 2090 to allow authorized college boards (and the state board for its own employees) to provide tax-free medical expense plans. Funding for each eligible employee's medical expense account is from sick leave buyout funds due the employee at retirement. See additional background below.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Internal Revenue Code and SHB 2090 permits such payments be placed instead in a medical expense plan for payment of medical insurance premiums and other medical expenses. Payments from such medical expense plans are tax-free. SHB 2090 affects only community and technical college employees (and the state board for its own employees).

Process for Developing New Rule: Meetings with various system groups; normal rule-making process; including filing of CR-101, CR-102, CR-103, etc., giving adequate public notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Larry Lael, Personnel Director, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-3661.

June 24, 1997

Claire C. Krueger
 Executive Assistant and
 Agency Rules Coordinator

WSR 97-14-025
PREPROPOSAL STATEMENT OF INQUIRY
HOUSING FINANCE COMMISSION

[Filed June 24, 1997, 10:50 a.m.]

Subject of Possible Rule Making: WAC 262-04-010 to 262-04-160, providing procedures pursuant to which the commission will allocate or award tax credits.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 43.180 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed rules establish the parameters of the commission's tax credit allocation program.

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

Process for Developing New Rule: The commission will request written comments from persons who may be interested in the development of rules concerning its tax credit program. Comments received will be considered by

the commission before the final rules are published pursuant to a formal notice.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments must be received by September 24, 1997. These comments will be considered by the commission at its September 25, 1997, meeting. Thereafter, the commission will proceed with rule making. Contact Mr. Paul Fitzgerald, Director, Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, phone (206) 287-4462, FAX (206) 587-5113.

June 25 [24], 1997

Paul Fitzgerald, Director
 Tax Credit Division

WSR 97-14-033
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 25, 1997, 10:53 a.m.]

Subject of Possible Rule Making: RCW 66.24.570, sports/entertainment facilities license.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030 and 66.24.570.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the conditions under which types and service of liquor may be provided in such facilities. Each facility and event may require different conditions based upon the type of event, traffic patterns in the facility and the age of patrons attending the event.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Local police and sheriff's departments.

Process for Developing New Rule: [No information supplied by agency.]

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David E. Goyette, Director, Regulatory Services, 1025 East Union, P.O. Box 43098, Olympia, WA 98504-3098, phone (360) 753-2724, FAX (360) 753-2710, e-mail DEG@LIQ.WA.GOV.

June 24, 1997

Nathan S. Ford, Jr.
 Chairman

WSR 97-14-045
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed June 27, 1997, 3:50 p.m.]

Subject of Possible Rule Making: New rules to consolidate temporary assistance for needy families (TANF) assistance units by including nonsibling children in the same assistance unit when living with a single caretaker relative.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: It would equalize the

treatment of households with sibling-only children with that of combined (both sibling and nonsibling children) households and generate significant program savings.

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

Process for Developing New Rule: Interested parties are invited to contact the Department of Social and Health Services staff representative below to participate in developing these rules. The Department of Social and Health Services will distribute proposed rules for review and comment. All comments will be taken into consideration before final rules are adopted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, Program Manager, WorkFirst Program Support Section, WorkFirst Division, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3093, FAX (360) 413-3495, e-mail sullikm@dshs.wa.gov, TTY (360) 413-3001.

June 27, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-14-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)
[Filed June 27, 1997, 3:52 p.m.]

Subject of Possible Rule Making: Washington WorkFirst program based on EHB 3901 (1997), Part III and federal legislation under Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Repeal of existing chapter 388-300 WAC, Job opportunities and basic skills training (JOBS) program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EHB 3901 repeals the JOBS program and replaces it with the Washington WorkFirst program. Rules are needed to assure clients are treated in a fair and equitable manner across the state with regard to work activity program requirements. EHB 3901, section 325 directs the department to promulgate rules regarding which employers would be eligible to participate in a wage subsidy program; section 326 directs the department to establish the community service program.

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

Process for Developing New Rule: Interested parties are invited to contact the Department of Social and Health Services staff representative below to participate in developing these rules. The Department of Social and Health Services will distribute proposed rules for review and comment. All comments will be taken into consideration before final rules are adopted.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sue Langley, Program Manager, WorkFirst Program Operations Section, WorkFirst Division, P.O. Box 45480, Olympia, WA 98504-5480, phone (360) 413-3241, FAX (360) 413-3493, e-mail Langlsa@dshs.wa.gov, TTY 1-800-833-6388.

June 25, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-14-047
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed June 27, 1997, 3:54 p.m.]

Subject of Possible Rule Making: Chapter 388-290 WAC and related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050 and EHB 3901, section 801 (1997).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On November 1, 1997, the four main Department of Social and Health Services-subsidized child care programs (JOBS, income assistance, transitional, and employment child care) will be consolidated into an integrated child care program. New rules will implement the mandate that all income and otherwise eligible TANF and non-TANF clients be eligible for the Department of Social and Health Services child care subsidies with a capayment.

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

Process for Developing New Rule: The Department of Social and Health Services will continue to assure inclusion of all interested parties in the rule-making process, including child care advocates, child care providers, and other state agencies. A subcommittee of the Child Care Coordinating Committee has served as the primary rule-making advisory body on subsidized child care.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Roger V. Long, Program Manager, Department of Social and Health Services, Lacey Government Center, 1009 College Street S.E., Lacey, WA 98504, phone (360) 413-3256, FAX (360) 413-3494, e-mail longrv@dshs.wa.gov, TTY (360) 413-3001.

June 27, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-14-051
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 30, 1997, 8:05 a.m.]

Subject of Possible Rule Making: Licensing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 1997 legislature has amended recreational and commercial licensing statutes and rules clarifying and implementing these statutes are necessary.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Betty Buckley, Assistant Director, Management Services, 600 North Capitol Way, Olympia, WA 98501-1091, (360) 902-2233. Contact by August 16, 1997, expected rule filing August 20, 1997.

July 27, 1997

Evan Jacoby
 Rules Coordinator

WSR 97-14-072
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Division of Developmental Disabilities)
 [Filed June 30, 1997, 11:44 a.m.]

Subject of Possible Rule Making: This revision will amend the definition of "shared living arrangement" in WAC 388-15-202. Any related sections may be amended. "Shared living arrangement" will be revised to include children age seventeen and younger who live with their natural, step, or adopted parents in order to comply with legislative and departmental direction in the Division of Developmental Disabilities Medicaid personal care budget.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.520(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: "Shared living arrangement" definition needs to be expanded to include children living with their parents in order to comply with the legislated Medicaid personal care funding reductions as required of the department by RCW 74.09.520(4).

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

Process for Developing New Rule: A copy of the proposed WAC revision will be mailed to DDD constituent groups and family/parent advocate organizations along with a copy of the CR-101. DDD will review verbal and written comments and the WAC hearing will provide another opportunity for comment.

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

publication. If you wish to comment on the process or revision, please contact Sue Poltl, DDD, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 902-8474, FAX (360) 902-8482, e-mail spoltl@dshs.wa.gov.

June 30, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

WSR 97-14-073
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Children's Administration)
 (Public Assistance)
 [Filed June 30, 1997, 11:45 a.m.]

Subject of Possible Rule Making: Chapter 388-155 WAC, Minimum licensing requirements for child day care homes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.15.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Changes in WAC are needed to comply with state law. Also considering changes in WAC to increase safety and welfare of children in care, decrease redundancy in regulations, and review the need for regulations that may not be effective.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Child Care Coordinating Committee, Department of Health, State Fire Marshall. The Department of Social and Health Services will meet with all entities to assure these rules do not conflict or overlap.

Process for Developing New Rule: The Department of Social and Health Services encourages public participation developing these rules. Interested persons may contact the Department of Social and Health Services representative below for information about public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Laura Dallison, Licensing Program Manager, Office of Child Care Policy, P.O. Box 45700, Olympia, WA 98502, phone (360) 902-8044, FAX (360) 902-7903, e-mail dlau300@dshs.wa.gov, TTY (360) 902-7906.

June 27, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

WSR 97-14-081
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)
 [Filed July 1, 1997, 11:55 a.m.]

Subject of Possible Rule Making: Chapter 388-235 WAC, General assistance—Unemployable, WAC 388-235-6000 Duration of assistance based on incapacity, 388-215-

8000 Redetermination of financial eligibility, and 388-215-8100 Redetermination of incapacity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.057.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rules are needed in order for the Department of Social and Health Services to determine eligibility and provide general assistance unemployable (GA-U) benefits to legal immigrants who have been terminated from the Social Security supplemental security income (SSI) program under Public Law 104-193 (1997).

Process for Developing New Rule: Anyone interested in participating in the development of these rules is encouraged to contact Kay Hanvey at the address below. Draft rules will be sent to staff for regular departmental review and to any interested person upon request. The Department of Social and Health Services will take all comments into consideration before adopting final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you would like to participate in the review, contact Kay Hanvey, Program Manager, Adult Program Support Services, Division of Assistance Programs, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3100, FAX (360) 413-3495, e-mail HANVEYKL@DSHS.WA.GOV.

June 30, 1997
Merry Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-14-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Filed July 1, 1997, 4:21 p.m.]

Subject of Possible Rule Making: Chapter 173-224 WAC, Wastewater discharge permit fees.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.48 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule amendment will keep ecology in compliance with RCW 90.48.465 by recovering the program funding level appropriated by the legislature.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Ecology is the only regulating authority implementing chapter 173-224 WAC.

Process for Developing New Rule: Negotiated rule making; and amendment of existing rule. Ecology will hold public workshops/hearings with permittees and other interested parties to negotiate any proposed rule changes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bev Poston, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6425, FAX (360) 407-6426, e-mail BPOS461@ecy.wa.gov.

June 30, 1997
Richard K. Wallace, Acting Program Manager
Water Quality Program

WSR 97-14-087
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 1, 1997, 4:45 p.m.]

Subject of Possible Rule Making: New rules defining family violence will be added to Title 388 WAC, to describe how the Wellstone/Murray Family Violence Amendment will be applied to temporary assistance for needy families (TANF) clients.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Public Law 104-193, Section 103, Subsection 408 (a)(7)(c)(iii); [EHB] 3901, section 103(4); RCW 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Wellstone/Murray Amendment mandates screening of and identifying all TANF clients for a history of family violence, referrals to available community resources, and waiving certain requirements of WorkFirst.

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

Process for Developing New Rule: Design team meetings throughout the legislative session have been held. Team members include representatives from domestic violence shelters, Washington State Coalitions Against Domestic Violence and Sexual Abuse, Northwest Womens Law Center, Department of Health, Division of Children and Family Services, Division of Child Support, domestic violence advocates, lobbyists and several program managers within WorkFirst. Consideration of comments submitted by interested parties will be used as well as a teleconference to public stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Comments can be submitted to June Hershey, Program Manager, WorkFirst, P.O. Box 45480, Olympia, WA 98504, phone (360) 413-3258, FAX (360) 413-3293.

July 1, 1997
Merry A. Kogut, Manager
Rules and Policies Assistance Unit

WSR 97-14-088
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF LICENSING
(Business and Professions Division)

(Master License Service)
[Filed July 2, 1997, 8:37 a.m.]

Subject of Possible Rule Making: Implementing licensing of Whitewater River Outfitters, and repeal of WAC 308-300-310.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 391, Laws of 1997 (SSB 5483, section (9), a new section added to chapter 88.12 RCW).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Setting of the license application and renewal fees, and specifics regarding

application for and renewal of the license through the Master License Service.

Process for Developing New Rule: Agency study; and public input, both solicited and unsolicited via comments from mail, telephone, and open public work sessions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties are invited to comment to Clyde Zahn, Management Analyst, Department of Licensing, Master License Service, P.O. Box 9034, Olympia, WA 98507-9034, (360) 664-0218 (will refer to new number in July 1997), FAX (360) 586-1596, e-mail czahn@dol.wa.gov; Nell Benzschawel, Licensing Administrator, Department of Licensing, Master License Service, P.O. Box 9034, Olympia, WA 98507-9034, (360) 586-5372 (will refer to new number in July 1997), FAX (360) 753-9668, e-mail nbensch@dol.wa.gov; TDD (360) 586-2788. Notice of public meetings will be sent to those indicating interest.

July 1, 1997
Nell Benzschawel
Licensing Administrator

WSR 97-14-104
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed July 2, 1997, 11:02 a.m.]

Subject of Possible Rule Making: WAC 180-78A-265 Program approval requirement—Field experience for all administrators.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendment to this section would adjust the length of the internship required for approval of a principal preparation program. The current requirement was adopted assuming funding from the legislature which is no longer available.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

July 2, 1997
Larry Davis
Executive Director

WSR 97-14-105
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed July 2, 1997, 11:03 a.m.]

Subject of Possible Rule Making: WAC 180-79A-150 General requirements—Teachers, administrators, educational staff associates.

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: To delete the exclusion of vocational teacher certificates to meet the teachers certificate requirement for a principal's certificate.

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

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, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

July 2, 1997
Larry Davis
Executive Director

WSR 97-14-112
PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed July 2, 1997, 11:38 a.m.]

Subject of Possible Rule Making: Updating obsolete address and telephone numbers in chapter 51-04 WAC, Policies and procedures for consideration of state-wide and local amendments to the State Building Code and chapter 51-06 WAC, Public records.

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: Address and telephone information found in these WACs is no longer valid.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike McEnaney, Chair, Washington State Building Code Council, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 753-5927, FAX (360) 586-5880.

July 2, 1997
Mike McEnaney
Council Chair



CORRECTION

WSR 97-12-081
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Medical Assistance Administration)
(Public Assistance)
[Filed June 4, 1997, 10:31 a.m.]

Reviser's note: Due to a clerical error, the following section was not shown correctly in WSR 97-12-081. Following is the correct version of WAC 388-524-2405 in the paper filing by the agency.

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-524-2405 SSI/state supplement termination. ~~((When SSA terminates an SSI/state supplemental client because of failure to meet blindness and disability criteria under Title XVI,))~~ (1) The department shall ~~((terminate))~~ provide uninterrupted medical assistance ~~((at the end of the second month following the month in which eligibility based on disability or blindness criteria ceases))~~ for a period of up to one hundred twenty days:

(a) For a person whose SSI/state supplemental is terminated; and

(b) While the department redetermines the person's eligibility for other financial or medical programs.

~~((1))~~ (2) The department shall continue medical assistance for a person:

(a) Who has filed a timely request for a hearing under SSA jurisdiction; and ~~((SSA continues benefits, the department shall continue medical assistance concurrently))~~

(b) Until SSA makes a final decision on the hearing request and any subsequent timely appeals.

~~((2))~~ (3) The department shall ~~((not authorize the CSO to resubmit))~~ only submit a request for a redetermination of blindness or disability ~~((for consideration of the categorically needy or medically needy program.~~

(3) If the client) if:

(a) The person presents new medical evidence ~~((to the CSO or the client's));~~

(b) The person's medical condition ~~((worsens, the department shall require a referral to SSA))~~ changes significantly; or

(c) The termination of SSI/state supplement or Social Security Disability Insurance was not based on a review of current medical evidence.

WSR 97-12-082
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 4, 1997, 10:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-06-072.

Title of Rule: WAC 388-96-010, 388-96-224, 388-96-505, 388-96-534, 388-96-553, 388-96-554, 388-96-559, 388-96-565, 388-96-585, 388-96-709, 388-96-719, 388-96-735, 388-96-745(7), 388-96-754, 388-96-774, and 388-96-776.

Purpose: WAC 388-96-010, define intangible assets. Removes numbering system and makes other editorial changes to specific definitions.

WAC 388-96-224, in nonaudit years, clarifies desk reviewed allowable costs are used to compute the final statement.

WAC 388-96-505, add refunds of any allowable cost as an example of financial benefit that must be offset against allowable costs in year of receipt.

WAC 388-96-534, clarifies effective dates of a JCADs and reduces the time for a revision from ninety days to thirty days.

WAC 388-96-553, raises limit on depreciable assets to \$750; deletes subsections (3), (4) and (5); and moves (6) to WAC 388-96-565.

WAC 388-96-554, changes limit to \$750 and removes subsections (3) and (4).

WAC 388-96-559, implement 1997 legislation on establishing land value; define depreciable assets and land value when builder sells new nursing facility before operating it.

WAC 388-96-565, adds subsection (6) from WAC 388-96-553 and implements 1997 legislative changes.

WAC 388-96-585, revises subsection (2)(j) Bad debts, limits the time to request compensation from date the bad debt occurred. Revises subsection (2)(w), removes "in terms of costs to employees and benefits commensurate to such costs." Revises subsection (2)(gg), lists bed rights as an example of intangible assets that are not used in patient care.

WAC 388-96-709, 388-96-719 and 388-96-735, implements 1997 amendment to RCW on method for determining anticipated days. Implements 1997 amendment to RCW on occupancy level for new facilities. Edit changes.

WAC 388-96-745(7), removes actual tables from Marshall Swift and makes a reference to the latest published Marshall Swift. Implements 1997 amendment to RCW on anticipated days when beds are reduced or increased.

WAC 388-96-754, implements 1997 amendment to RCW on anticipated days when beds are reduced or increased.

WAC 388-96-774, implements 1995 legislative limit on current funding.

WAC 388-96-776, implements 1997 amendment to RCW that allows current funding of real estate taxes that result from renovations.

Statutory Authority for Adoption: For WAC 388-96-010 and 388-96-735 is RCW 74.46.800; for WAC 388-96-224 is RCW 74.46.150, [74.46.]160, [74.46.]170 and [74.46.]800; for WAC 388-96-505 is RCW 74.46.200 and 74.46.800; for WAC 388-96-534 is RCW 74.46.270 and [74.46.]800; for WAC 388-96-553, 388-96-554 and 388-96-565 is RCW 74.46.310, [74.46.]320, [74.46.]330 and [74.46.]800; for WAC 388-96-559 is RCW 74.46.360 and [74.46.]800; for WAC 388-96-585 is RCW 74.46.190, [74.46.]460 and [74.46.]800; for WAC 388-96-709 is RCW 74.46.510 and [74.46.]800; for WAC 388-96-719 is RCW 74.46.430 and [74.46.]800; for WAC 388-96-745(7) is RCW 74.46.800 and 74.46.530; for WAC 388-96-754 is RCW

74.46.530 and [74.46.]800; for WAC 388-96-774 is RCW 74.46.460 and [74.46.]800; and for WAC 388-96-776 is RCW 74.46.465 and [74.46.]800.

Statute Being Implemented: Chapter 74.46 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Patricia Hague, P.O. Box 45600, Lacey, WA 98503, (360) 493-2969; Implementation: Paul Montgomery, P.O. Box 45600, Lacey, WA 98503, (360) 493-2587; and Enforcement: Denise Gaither, P.O. Box 45600, Lacey, WA 98503, (360) 493-2525.

Name of Proponent: The Department of Social and Health Services, Aging and Adult Services Administration, Management Services, 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. No small businesses will be impacted by the revisions to chapter 388-96 WAC.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328 (5)(a)(i).

Hearing Location: Lacey Government Center (behind Tokyo Bento restaurant), 1009 College Street S.E., Room 104-A, Lacey, WA 98503, on August 5, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Leslie Baldwin by July 27, 1997, TDD (360) 902-8324, or (360) 902-7540.

Submit Written Comments to: Leslie Baldwin, Department of Social and Health Services, Rules Coordinator, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by August 5, 1997.

Date of Intended Adoption: No sooner than August 6, 1997.

June 3, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

WAC 388-96-010 Terms. Unless the context ~~((clearly requires))~~ indicates otherwise, the following ~~((terms shall have the meaning set forth in this section when used))~~ definitions apply in this chapter.

~~((4))~~ **"Accounting"** means activities providing information, usually quantitative and often expressed in monetary units, for:

~~((a))~~ (1) Decision-making;

~~((b))~~ (2) Planning;

~~((c))~~ (3) Evaluating performance;

~~((d))~~ (4) Controlling resources and operations; and

~~((e))~~ (5) External financial reporting to investors, creditors, regulatory authorities, and the public.

~~((2))~~ **"Accrual method of accounting"** means a method of accounting in which revenues are reported in the

period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.

~~((3))~~ **"Administration and management"** means activities ~~((employed))~~ used to maintain, control, and evaluate the efforts and resources of an organization for the accomplishment of the objectives and policies of that organization.

~~((4))~~ **"Allowable costs"** - See WAC 388-96-501.

~~((5))~~ **"Ancillary care"** means services ~~((required by the individual, comprehensive plan of care))~~ provided by qualified therapists or by support personnel under their supervision that are required by the individual, comprehensive plan of care.

~~((6))~~ **"Arm's-length transaction"** means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse bargaining positions in the marketplace. ~~((a))~~ The following are not arms's-length transactions:

(1) The sale~~((s))~~ or exchange~~((x))~~ of nursing home facilities ~~((among))~~ between two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transaction~~((s shall not be considered as arm's length transactions for purposes of this chapter. ((b))~~); and

(2) Sale of a nursing home facility ~~((which))~~ that is subsequently leased back to the seller within five years of the date of sale ~~((shall not be considered as an arm's length transaction for purposes of this chapter))~~.

~~((7))~~ **"Assets"** means economic resources and certain deferred charges of the contractor, recognized and measured ~~((in conformity with))~~ according to generally accepted accounting principles. ~~((("Assets" also include certain deferred charges that are not resources but are recognized and measured in accordance with generally accepted accounting principles.~~

~~((8))~~ **"Bad debts"** means amounts considered to be uncollectible from accounts and notes receivable.

~~((9))~~ **"Beds"** means, unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

~~((10))~~ **"Beneficial owner"** means any person who:

~~((a))~~ (1) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

~~((i))~~ (a) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

~~((ii))~~ (b) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest~~((-b))~~;

(2) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest, or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

~~((e))~~ (3) Subject to subsection ~~((4))~~ (2) of ~~((this section-))~~ **"beneficial owner,"** has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

((+)) (a) Through the exercise of any option, warrant, or right;

((+)) (b) Through the conversion of an ownership interest;

((+)) (c) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

((+)) (d) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in (a), (b), or (c) of this subsection (~~((10)(c)(i), (ii), or (iii) of this section)~~) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power (~~(-d)~~);

(4) In the ordinary course of business, is a pledgee of ownership interest under a written pledge agreement (~~and~~), shall not be deemed the beneficial owner of such pledged ownership interest until the pledgee (~~takes~~):

((+)) (a) Takes all formal steps necessary required to declare a default; and

((+)) (b) Determines the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; provided that, the pledge agreement: ((A))

(i) Is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (~~((10)(b))~~) (2) of this (~~section~~) definition; and

((B)) (ii) Prior to default, does not grant the pledgee the power to:

((H)) (A) Vote or direct the vote of the pledged ownership interest; or

((H)) (B) Dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

((11)) "Capitalization" means the recording of an expenditure as an asset.

((12)) "Capitalized lease" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

((13)) "Cash method of accounting" means a method of accounting in which revenues are (~~recognized only~~) recorded when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for those expenditures and assets.

((14)) "Change of ownership" means a substitution of the individual operator or operating entity contracting with the department to deliver care services to medical care recipients in a nursing facility and ultimately responsible for the daily operational decisions of the nursing facility (~~(-or-a substitution of control of such operating entity)~~).

((a)) (1) Events which constitute a change of ownership include, but are not limited to, the following:

((+)) (a) The form of legal organization of the contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

((+)) (b) Ownership of the nursing home business enterprise is transferred by the contractor to another party, regardless of whether ownership of some or all of the real property and/or personal property assets of the facility is also transferred;

((+)) (c) If the contractor is a partnership, any event (~~occurs which~~) that dissolves the partnership;

((+)) (d) If the contractor is a corporation, and the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation;

((+)) (e) If the operator is a corporation and, whether by a single transaction or multiple transactions within any continuous twenty-four-month period, fifty percent or more of the stock is transferred to one or more:

((A)) (i) New or former stockholders; or

((B)) (ii) Present stockholders each having held less than five percent of the stock before the initial transaction; or

((+)) (f) Any other event or combination of events which results in a substitution or substitution of control of the individual operator or the operating entity contracting with the department to deliver care services.

((b)) (2) Ownership does not change when the following, without more, occur:

((+)) (a) A party contracts with the contractor to manage the nursing facility enterprise as the contractor's agent, i.e., subject to the contractor's general approval of daily operating and management decisions; or

((+)) (b) The real property or personal property assets of the nursing facility change ownership or are leased, or a lease of them is terminated, without a substitution of individual operator or operating entity and without a substitution of control of the operating entity contracting with the department to deliver care services.

((15)) "Charity allowance(s)" means a reduction(s) in charges made by the contractor because of the indigence or medical indigence of a patient.

((16)) "Contract" means a contract between the department and a contractor for the delivery of nursing facility services to medical care recipients.

((17)) "Contractor" means an entity (~~which~~) that contracts with the department to deliver (~~nursing facility~~) services to medical care recipients in a nursing facility. The entity is responsible for operational decisions.

((18)) "Courtesy allowances" mean(s) reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

((19)) "CSO" means the local community services office of the department.

((20)) "Department" means the department of social and health services (DSHS) and employees.

((21)) "Depreciation" means the systematic distribution of the cost or other base of tangible assets, less salvage, over the estimated useful life of the assets.

((22)) "Donated asset" means an asset the contractor acquired without making any payment for the asset either in

~~((the form of))~~ cash, property, or services. ~~((a))~~ An asset is not a donated asset if the contractor:

(1) Made even a nominal payment in acquiring the asset~~((b) An asset purchased using); or~~

(2) Used donated funds ~~((is not a donated))~~ to purchase the asset.

~~((23))~~ **"Entity"** means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

~~((24))~~ **"Equity capital"** means total tangible and other assets which are necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

~~((25))~~ **"Exceptional care recipient"** means a medical care recipient determined by the department to require exceptionally heavy care.

~~((26))~~ **"Facility"** means a nursing home or facility licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((27))~~ **"Fair market value"** means:

~~((a))~~ (1) Prior to January 1, 1985, the price for which an asset would have been purchased on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell; or

~~((b))~~ (2) Beginning January 1, 1985, the replacement cost of an asset, less observed physical depreciation, on the date the fair market value is determined.

~~((28))~~ **"Financial statements"** mean ~~((s))~~ statements prepared and presented ~~((in conformity with))~~ according to generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to:

~~((a))~~ (1) Balance sheet;

~~((b))~~ (2) Statement of operations;

~~((c))~~ (3) Statement of changes in financial position; and

~~((d))~~ (4) Related notes.

~~((29))~~ **"Fiscal year"** means the operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods. As determined by context or otherwise, "fiscal year" may also refer to a state fiscal year extending from July 1 through June 30 of the following year and comprising the first or second half of a state fiscal biennium.

~~((30))~~ **"Gain on sale"** means the actual total sales price of all tangible and intangible nursing home assets including, but not limited to, land, building, equipment, supplies, goodwill, and beds authorized by certificate of need, minus the net book value of such assets immediately prior to the time of sale.

~~((31))~~ **"Generally accepted accounting principles (GAAP)"** means accounting principles approved by the financial accounting standards Board (FASB).

~~((32))~~ **"Generally accepted auditing standards (GAAS)"** means auditing standards approved by the American institute of certified public accountants (AICPA).

~~((33))~~ **"Goodwill"** means the excess of the price paid for:

~~((a))~~ (1) A business over the fair market value of all other identifiable, tangible, and intangible assets acquired; and

~~((b))~~ (2) An asset over the fair market value of the asset.

~~((34))~~ **"Historical cost"** means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

~~((35))~~ **"Imprest fund"** means a fund which is regularly replenished in exactly the amount expended from it.

~~((36))~~ **"Intangible asset"** is an asset that lacks physical substance but possesses economic value.

"Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

~~((37))~~ **"Joint facility costs"** means any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

~~((38))~~ **"Lease agreement"** means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

~~((39))~~ **"Medical care program"** means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

~~((40))~~ **"Medical care recipient"** means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

~~((41))~~ **"Multiservice facility"** means a facility at which two or more types of health or related care are delivered, e.g., a hospital and nursing facility, or a boarding home and nursing facility.

~~((42))~~ **"Net book value"** means the historical cost of an asset less accumulated depreciation.

~~((43))~~ **"Net invested funds"** means the net book value of tangible fixed assets, excluding assets associated with central or home offices or otherwise not on the nursing facility premises, employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles and not in excess of any lids or reimbursement limits set forth in this chapter, plus an allowance for working capital as provided in this chapter.

~~((44))~~ **"Nonadministrative wages and benefits"** means wages, benefits, and corresponding payroll taxes paid for nonadministrative personnel, not to include administrator, assistant administrator, or administrator-in-training.

~~((45))~~ **"Nonallowable costs"** means the same as "unallowable costs."

~~((46))~~ **"Nonrestricted funds"** means funds which are not restricted to a specific use by the donor, e.g., general operating funds.

~~((47))~~ **"Nursing facility"** means a home, place, or institution, licensed under chapter 18.51 or 70.41 RCW, where nursing care services are delivered.

~~((48))~~ **"Operating lease"** means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

~~((49))~~ **"Owner"** means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

~~((50))~~ **"Ownership interest"** means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form the beneficial ownership takes.

~~((51))~~ **"Patient day" or "resident day"** means a calendar day of care provided to a nursing facility resident ~~(-in computing calendar days of care-)~~ that will include the day of admission ((is always counted-)) and exclude the day of discharge ((is counted only when the patient was admitted-)); except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A patient is admitted for purposes of this definition when the patient is assigned a bed and a patient medical record is opened. A **"client day" or "recipient day"** means a calendar day of care provided to a medical care recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

~~((52))~~ **"Per diem (per patient day or per resident day) costs"** means total allowable costs for a fiscal period divided by total patient or resident days for the same period.

~~((53))~~ **"Professionally designated real estate appraiser"** means an individual:

~~((a))~~ (1) Regularly engaged in the business of providing real estate valuation services for a fee;

~~((b))~~ (2) Qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including ~~((the))~~:

~~((i))~~ (a) Writing of real estate valuation reports;

~~((ii))~~ (b) Passing of written examinations on valuation practice and theory; and

~~((iii))~~ Requirement to subscribe and adhere)

(c) Subscribing and adhering to ((certain)) the standards of professional practice ((as)) required by the organization ((prescribes)).

~~((54))~~ **"Prospective daily payment rate"** means the rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

~~((55))~~ **"Qualified therapist"**:

~~((a))~~ (1) An activities specialist having specialized education, training, or at least one year's experience in organizing and conducting structured or group activities;

~~((b))~~ (2) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience;

~~((c))~~ (3) A mental health professional as defined by chapter 71.05 RCW;

~~((d))~~ (4) A mental retardation professional ~~((;))~~ who is either a qualified therapist or a therapist ~~((;))~~ approved by the department ((having)) who has specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

~~((e))~~ (5) A social worker graduated from a school of social work;

~~((f))~~ (6) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience;

~~((g))~~ (7) A physical therapist as defined by chapter 18.74 RCW;

~~((h))~~ (8) An occupational therapist ~~((graduated from a program in occupational therapy, or having the equivalent of education or training, and meeting all requirements of state law))~~ licensed under chapter 18.59 RCW and chapter 246-847 WAC; or

~~((i))~~ (9) A respiratory care practitioner certified under chapter 18.89 RCW.

~~((56))~~ **"Rebased rate" or "cost rebased rate"** means a facility-specific rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year.

~~((57))~~ **"Recipient"** means a medical care recipient.

~~((58))~~ **"Records"** means data supporting all financial statements and cost reports including, but not limited to:

~~((a))~~ (1) All general and subsidiary ledgers;

~~((b))~~ (2) Books of original entry;

~~((c))~~ (3) Invoices;

~~((d))~~ (4) Schedules;

~~((e))~~ (5) Summaries; and

~~((f))~~ (6) Transaction documentation, however maintained.

~~((59))~~ **"Regression analysis"** means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

~~((60))~~ **"Related care"** includes:

~~((a))~~ (1) The director of nursing services;

~~((b))~~ (2) Activities and social services programs;

~~((c))~~ (3) Medical and medical records specialists; and

~~((d))~~ (4) Consultation provided by:

~~((i))~~ (a) Medical directors;

~~((ii))~~ (b) Pharmacists;

~~((iii))~~ (c) Occupational therapists;

~~((iv))~~ (d) Physical therapists;

~~((v))~~ (e) Speech therapists; ~~((and))~~

~~((vi))~~ (f) Other therapists; and

~~((vii))~~ (g) Mental health professionals as defined in law and regulation.

~~((61))~~ **"Related organization"** means an entity under common ownership and/or control, or which has control of or is controlled by, the contractor. Common ownership exists if an entity has a five percent or greater beneficial ownership interest in the contractor and any other entity. Control exists if an entity has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or institution, whether or not the power is legally enforceable and however exercisable or exercised.

~~((62))~~ **"Relative"** includes:

- ~~((a))~~ (1) Spouse;
~~((b))~~ (2) Natural parent, child, or sibling;
~~((c))~~ (3) Adopted child or adoptive parent;
~~((d))~~ (4) Stepparent, stepchild, stepbrother, stepsister;
~~((e))~~ (5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law;
~~((f))~~ (6) Grandparent or grandchild; and
~~((g))~~ (7) Uncle, aunt, nephew, niece, or cousin.

~~((63))~~ **"Restricted fund"** means a fund for which the use of the principal and/or income is restricted by agreement with or direction of the donor to a specific purpose, in contrast to a fund over which the contractor has complete control. Restricted funds generally fall into three categories:

~~((a))~~ (1) Funds restricted by the donor to specific operating purposes;

~~((b))~~ (2) Funds restricted by the donor for additions to property, plant, and equipment; and

~~((c))~~ (3) Endowment funds.

~~((64))~~ **"Secretary"** means the secretary of the department of social and health services (DSHS).

~~((65))~~ **"Start-up costs"** means the one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include:

~~((a))~~ (1) Administrative and nursing salaries;

~~((b))~~ (2) Utility costs;

~~((c))~~ (3) Taxes;

~~((d))~~ (4) Insurance;

~~((e))~~ (5) Repairs and maintenance; and

~~((f))~~ (6) Training costs.

Start-up costs do not include expenditures for capital assets.

~~((66))~~ **"Title XIX"** means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

~~((67))~~ **"Unallowable costs"** means costs which do not meet every test of an allowable cost.

~~((68))~~ **"Uniform chart of accounts"** means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

~~((69))~~ **"Vendor number"** means a number assigned to each contractor delivering care services to medical care recipients.

~~((70))~~ **"Working capital"** means total current assets necessary, ordinary, and related to patient care from the most recent cost report minus total current liabilities necessary, ordinary, and related to patient care from the most recent cost report.

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

WAC 388-96-224 Final settlement. (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process, including exhaustion or termination of any administrative review and appeal of audit findings or determinations requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

(2) The department shall prepare ~~((the))~~ a final settlement by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost report and financial statements, reports, and schedules

submitted by the contractor. The department shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis. For the final settlement report, the department shall compare:

(a) The prospective rate the contractor was paid for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect ~~((as verified by audit,))~~ to

(b) The contractor's audited allowable costs for the reporting period~~((-~~

~~The department shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis.~~

~~((2))~~; or

(c) For nonaudited reporting periods, the contractor's desk reviewed allowable costs for the reporting period.

(3) A contractor shall have twenty-eight days after receipt of a final settlement report to contest such report pursuant to WAC 388-96-901 and 388-96-904. Upon expiration of the twenty-eight-day period, the department shall not review a final settlement report. Any administrative review of a final settlement shall be limited to calculation of the settlement or the application of settlement principles and rules, or both, and shall not examine or reexamine rate or audit issues.

~~((3))~~ (4) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from an audit performed pursuant to RCW 74.46.105. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's medical care recipients, pursuant to RCW 74.46.180(5).

AMENDATORY SECTION (Amending Order 3634, filed 9/14/93, effective 10/15/93)

WAC 388-96-505 Offset of miscellaneous revenues.

(1) The contractor shall reduce allowable costs whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts, refunds of allowable costs or rebates) other than through the contractor's normal billing for care services; except, the department shall not deduct from the allowable costs of a nonprofit facility unrestricted grants, gifts, and endowments, and interest therefrom.

(2) The contractor shall reduce allowable costs for hold-bed revenue in the property, administrative, and operational cost areas only. In the property cost area, the amount of reduction will be determined by dividing a facility's allowable property costs by total patient days and multiplying the result by total hold-room days. In the administrative cost area, the amount of the bed hold revenue shall be determined by dividing a facility's allowable administrative costs by total patient days and multiplying the result by total hold-room days. In the operational cost area, the amount of reduction will be determined by dividing allowable operational costs minus dietary and laundry costs by the total patient days and multiplying the result by total hold-room days.

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documenta-

tion of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts, refunds of allowable costs or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts, refunds of allowable costs and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

(4) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in nursing facility services (e.g., costs of vending machines and services specified in chapter 388-86 WAC not included in nursing facility services) are nonallowable costs.

AMENDATORY SECTION (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

WAC 388-96-534 Joint cost allocation disclosure (JCAD). (1) The contractor shall disclose to the department:

- (a) The nature and purpose of all costs representing allocations of joint facility costs; and
 - (b) The methodology of the allocation utilized.
- (2) The contractor shall demonstrate in such disclosure:
- (a) The services involved are necessary and nonduplicative; and

(b) Costs are allocated in accordance with benefits received from the resources represented by those costs.

(3) The contractor shall make such disclosure not later than September 30th for the following year; except, a new contractor shall submit the first year's disclosure together with the submissions required by WAC 388-96-026. Within this section, the meaning of the:

(a) "Effective date" is the date the department will recognize allocation per an approved JCAD; and

(b) "Implementation date" is the date the facility will begin or began incurring joint facility costs.

(4) The department shall determine the acceptability of the JCAD methodology not later than December 31~~(7)~~ of each year for all ~~((timely received))~~ JCADs~~((—Costs disclosed, allocated, and reported in conformity with a department approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit))~~ received by September 30th.

(a) The effective date of an acceptable JCAD that was received by September 30th is January 1st.

(b) The effective date of an acceptable JCAD that was received after September 30th shall be ninety days from the date the JCAD was received by the department.

(5) The contractor shall submit to the department for approval an amendment or revision to an approved JCAD methodology ((shall be submitted to the department for approval)) at least ((ninety)) thirty days prior to the ((effective)) implementation date of the amendment or revision. For amendments or revisions received less than ((ninety)) thirty days before the ((proposed effective)) implementation date, the effective date of approval will be ((ninety)) thirty days from the date the ((amendment or revision)) JCAD is received by the department.

(6) ~~((Where))~~ When a contractor ((with)), who is not currently incurring joint facility costs, begins to incur joint facility costs ((at some time other than the beginning of)) during the calendar year, the contractor shall provide the

information required in subsections (1) and (2) of this section at least ninety days prior to the implementation date ~~((the cost will first be incurred))~~. If the JCAD is not received ninety days before the ~~((proposed effective))~~ implementation date, the effective date of the approval will be ninety days from the date the ~~((amendment or revision))~~ JCAD is received by the department.

(7) Joint facility costs not disclosed, allocated, and reported in conformity with this section are nonallowable costs. Joint facility costs incurred before the effective dates of subsection ~~((3))~~ (4), (5), and (6) of this section are unallowable. Costs disclosed, allocated, and reported in conformity with a department-approved JCAD methodology must undergo review and be determined allowable costs for the purposes of rate setting and audit.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-553 Capitalization. The following costs shall be capitalized:

(1) Expenditures for ~~((and costs of equipment, including furniture and furnishings,))~~ depreciable assets with historical cost in excess of ~~((one))~~ seven hundred fifty dollars per unit and a useful life of more than one year from the date of purchase;

(2) Expenditures and costs for ~~((equipment, including furniture and furnishings,))~~ depreciable assets with historical cost of ~~((one))~~ seven hundred fifty dollars or less per unit if either:

(a) The ~~((item of equipment))~~ depreciable asset was acquired in a group purchase where the total cost exceeded ~~((one))~~ seven hundred fifty dollars; or

(b) The ~~((item of equipment))~~ depreciable asset was part of the initial equipment or stock of the nursing home~~(-);~~ and

(3) ~~((Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.~~

~~((4) Effective January 1, 1983, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1984, and subsequently subsections (1) and (2) of this section shall be applied with the sum of seven hundred fifty dollars replacing the sum of one hundred fifty dollars.~~

~~((5)) Expenditures for ((and costs of building, and other real property items, components, and improvements, whether for leased or owner-operated facilities, in excess of five hundred dollars and involving one or more of the following:~~

~~((a) Increase of the interior floor space of the structure;~~
~~((b) Increase or renewal of paved areas outside the structure;~~

~~((c) Exterior or interior remodeling of the structure;~~

~~((d) Installation of additional heating, cooling, electrical, water related, or similar fixed equipment;~~

~~((e) Landscaping or redecorating;~~

~~((f)) any change, including repairs~~((, which))~~ with a cost in excess of seven hundred fifty dollars that increases the~~

useful life of the ~~((structure or item if not a part of the structure))~~ depreciable asset by two years or more~~(;~~

~~(g) Any replacement or renewal of a real property item, component or improvement, whether structural or nonstructural.~~

~~(6) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with Internal Revenue Service class life ADR system guidelines or in accordance with American Hospital Association guidelines).~~

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-554 Expensing. The following costs shall be expensed:

(1) Expenditures for ~~((and costs of equipment, including furniture and furnishings,))~~ depreciable assets with historical cost of ~~((one))~~ seven hundred fifty dollars or less per unit or a useful life of one year or less from the date of purchase.

(2) Subsection (1) of this section shall not apply if:

(a) The ~~((item of equipment))~~ depreciable asset was acquired in a group purchase where the total cost exceeded ~~((one))~~ seven hundred fifty dollars; or

(b) The ~~((item of equipment))~~ depreciable asset was part of the initial equipment or stock of the nursing home.

~~(3) ((Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsections (1) and (2) of this section shall be applied with the sum of five hundred dollars replacing the sum of one hundred fifty dollars.~~

~~(4) Effective January 1, 1983, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1984, and subsequently subsections (1) and (2) of this section shall be applied with the sum of seven hundred fifty dollars replacing the sum of one hundred fifty dollars.~~

~~(5))~~ Expenditures for and costs of building and other real property items, components and improvements, whether for leased or owner-operated facilities, of ~~((five))~~ seven hundred and fifty dollars or less.

~~((6))~~ (4) Expenditures for and costs of repairs necessary to maintain the useful life of equipment, including furniture and furnishings, and real property items, components or improvements which do not increase the useful life of the asset by two years or more. If a repair is to the interior or exterior of the structure, the term "asset" shall refer to the structure.

~~((7))~~ (5) Remaining undepreciated cost of equipment, including furniture or furnishings or real property items, components, or improvements which are retired and not replaced, provided such cost shall be offset by any proceeds or compensations received for such assets, and such cost shall be expensed only if the contractor has made a reasonable effort to recover at least the outstanding book value of such assets. If a retired asset is replaced, WAC 388-96-572(3) shall apply and the replacement or renewal shall be capitalized if required by WAC 388-96-553.

AMENDATORY SECTION (Amending Order 3737, filed 5/26/94, effective 6/26/94)

WAC 388-96-559 Cost basis of land and depreciation base. (1) For all partial or whole rate periods after December 31, 1984 unless otherwise provided or limited by this chapter or by this section, chapter 388-96 WAC or chapter 74.46 RCW, the total depreciation base of depreciable assets and the cost basis of land shall be the lowest of:

(a) The contractor's appraisal, if any;

(b) The department's appraisal obtained through the department of general administration of the state of Washington, if any; or

(c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation, if applicable, incurred during periods the assets have been used in or as a facility by any and all contractors. Such accumulated depreciation is to be measured in accordance with subsection (5) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. Where the straight-line or sum-of-the-years digits method of depreciation is used the contractor:

(i) May deduct salvage values from historical costs for each cloth based item, e.g., mattresses, linen, and draperies; and

(ii) Shall deduct salvage values from historical costs of at least:

(A) Five percent of the historical value for each noncloth item included in moveable equipment; and

(B) Twenty-five percent of the historical value for each vehicle.

(2) Unless otherwise provided or limited by this chapter or by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a depreciable real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

(a) The date such asset was first used in the medical care program; or

(b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

(a) The department challenges the historical cost of an asset; or

(b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset and cost basis of land will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) If the land and depreciable assets of a newly constructed nursing facility were never used in or as a nursing facility before being purchased from the builder, the cost basis and the depreciation base shall be the lesser of:

(a) Documented actual cost of the builder; or

(b) The approved amount of the certificate of need issued to the builder.

When the builder is unable or unwilling to document its costs, the cost basis and the depreciation base shall be the approved amount of the certificate of need.

(5) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

(a) The lessor's purchase acquisition date; or

(b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

~~((5))~~ (6) For all rate periods past or future, where depreciable assets or land are acquired from a related organization, the contractor's depreciation base and land cost basis shall not exceed the base and basis the related organization had or would have had under a contract with the department.

~~((6))~~ (7) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the *Marshall and Swift Valuation Guide* to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, under subsection ~~((8))~~ (9) of this section, the *Marshall and Swift Valuation Guide* will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the *Marshall and Swift Valuation Guide* publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the *Western District Index* calculated by Marshall and Swift shall be used.

~~((7))~~ (8) For new or replacement building construction or for substantial building additions requiring the acquisition of land and which commenced to operate on or after July 1, 1997, the department shall determine allowable land costs of the additional land acquired for the new or replacement construction or for substantial building additions to be the lesser of:

(a) The contractor's or lessor's actual cost per square foot; or

(b) The square foot land value as established by an appraisal that meets the latest publication of the *Uniform Standards of Professional Appraisal Practice (USPAP)* and the *Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA)*. The department shall obtain a USPAP appraisal that meets FIRREA first from:

(i) An arms'-length lender that has accepted the ordered appraisal; or

(ii) If the department is unable to obtain from the arms'-length lender a lender-approved appraisal meeting USPAP and FIRREA standards or if the contractor or lessor is unable or unwilling to provide or cause to be provided a lender-approved appraisal meeting USPAP and FIRREA standards, then:

(A) The department shall order such an appraisal; and

(B) The contractor shall immediately reimburse the department for the costs incurred in obtaining the USPAP and FIRREA appraisal.

(9) For all rates effective on or after January 1, 1985, if depreciable assets or land are acquired by purchase which were used in the medical care program on or after January 1, 1980, the depreciation base or cost basis of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

~~((8))~~ ~~((10))~~(a) Subsection ~~((7))~~ (9) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs ten years or more after the previous arm's-length transfer of ownership nor shall subsection ~~((7))~~ (9) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program before January 1, 1980. The depreciation base or cost basis for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and state statutory amendments, and under RCW 74.46.840, for all partial or whole rate periods after July 17, 1984, this subsection is inoperative for any transfer of ownership of any asset, including land and all depreciable or nondepreciable assets, occurring on or after July 18, 1984, leaving subsection ~~((7))~~ (9) of this section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections ~~((8))~~ ~~((10))~~(b) and ~~((9))~~ (11) of this section.

(b) For all rates after July 17, 1984, subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring before January 1, 1985, if the costs of such assets have never been reimbursed under Medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) Under written and enforceable purchase and sale agreements dated before July 18, 1984, which are documented and submitted to the department before January 1, 1988.

(c) For purposes of Medicaid cost reimbursement under this chapter, an otherwise enforceable agreement to purchase a nursing home dated before July 18, 1984, shall be considered enforceable even though the agreement contains:

(i) No legal description of the real property involved; or

(ii) An inaccurate legal description, notwithstanding the statute of frauds or any other provision of law.

~~((9))~~ (11)(a) In the case of land or depreciable assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection ~~((8))~~ (10) of this section apply to the purchase; or

(ii) Reimbursement for property and return on investment continue to be calculated under the provisions contained in RCW 74.46.530 (1)(e) and (f) and WAC 388-96-754(5). Reimbursement shall be based upon provisions of the lease in existence on the date of the purchase.

(b) The lessee/contractor may select the option in subsection ~~((9))~~ (11)(a)(ii) of this section only when the purchase date meets one of the following criteria. The purchase date is:

(i) After the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) Within one year of the lease expiration or renewal date contained in the lease;

(iii) After a rate setting for the facility in which the reimbursement rate set, under this chapter and under chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) Within one year of any purchase option in existence on January 1, 1988.

~~((10))~~ (12) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the *Marshall and Swift Valuation Guide* to reflect the value of the asset at the lessor's purchase acquisition date.

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 3737, filed 5/26/94, effective 6/26/94)

WAC 388-96-565 Lives. (1) Except for new buildings, major remodels and major repair projects as defined in subsection (3) of this section, the contractor shall use lives reflecting the estimated actual useful life of assets, for example, land improvements, buildings, equipment, leasehold improvements, and other assets. Lives shall not be shorter

than guideline lives published by the American Hospital Association in computing allowable depreciation. ~~((The shortest building life a contractor may use is thirty years; provided that,))~~ In cases of newly constructed buildings containing newly licensed nursing home beds, the shortest lives shall be the most recently published lives for construction classes as defined and described in the *Marshall Valuation Service* published by the Marshall Swift Publication Company.

(2) The contractor shall measure lives from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition by purchase of the asset, whichever is more recent. The contractor shall extend lives to reflect periods, if any, during which assets were not used to provide nursing care or were not used in the medical care program.

(3) Effective July 1, 1997, for depreciable assets acquired on or after July 1, 1997 including new facilities, major remodels, and major repair projects that begin operating on or after July 1, 1997, the department shall use the most current edition of *Estimated Useful Lives of Depreciable Hospital Assets* published by the American Hospital Publishing, Inc., to determine the useful life of depreciable assets, new building, major remodels, and major repair projects; provided that, the shortest life that may be used for new buildings is thirty years. New building, major remodels, and major repair projects are those projects that meet or exceed the expenditure minimum established by the department of health pursuant to chapter 70.38 RCW.

(4) Contractors shall depreciate building improvements other than major remodels and major repairs defined in subsection (3) of this section over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

~~((4))~~ (5) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement in accordance with American Hospital Association guidelines.

~~((5))~~ (6) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

AMENDATORY SECTION (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

WAC 388-96-585 Unallowable costs. (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items covered by the Medicaid program but not included in the Medicaid nursing facility daily payment rate. Items and services covered by the Medicaid nursing facility daily payment rate are listed in chapters 388-86 and 388-97 WAC;

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a) if such approval or exemption was not obtained;

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space);

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or violating principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients (~~only if:~~) through the final settlement process when the bad debt is reported in the cost report period in which it began or the cost report period immediately following the cost report period in which the bad debt began; provided that,

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made. For the purposes of this section, reasonable collection efforts:

(A) Are equal to the collection efforts for non-Title XIX recipients;

(B) Are designed to result in collection; and

(C) Do not result in the increase of the debt. All amounts accumulated after sixty days from the initial nonpayment by the Title XIX recipients are deemed increases as a result of unreasonable collection efforts;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future(~~:-~~)

~~Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent~~

~~of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.) If a contractor collects on an allowed bad debt, within sixty days of the date of collection, the contractor shall refund to the department the amount collected.~~

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care;

(r) Fund-raising expenses, except expenses directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of any employee benefit not in fact made available to all employees on an equal or fair basis (~~in terms of costs to employees and benefits commensurate to such costs~~), e.g., key-man insurance, other insurance, or retirement plans;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses for membership in professional organizations and all expenses of maintaining professional licenses, e.g., nursing home administrator's license;

(bb) Costs related to agreements not to compete;

(cc) Goodwill and amortization of goodwill;

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing, a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions;

(gg) Lease acquisition costs, bed rights and other intangible((s)) assets not related to patient care;

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds;

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs;

(jj) Beginning January 1, 1985, interest costs;

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care;

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year;

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia;

(nn) For rates effective after June 30, 1993, depreciation expense in excess of four thousand dollars per year for each passenger car or other vehicles primarily used for the administrator, facility staff, or central office staff;

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of health at the time of such pool personnel use;

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel;

(qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year;

(rr) For all partial or whole rate periods after July 17, 1984, costs of assets, including all depreciable assets and land, which cannot be reimbursed under the provisions of the Deficit Reduction Act of 1984 (DEFRA) and state statutes and regulations implementing DEFRA;

(ss) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensations which would have been paid for such hours of nursing care services had

they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period;

(tt) Outside consultation expenses required pursuant to WAC 388-97-275;

(uu) Fees associated with filing a bankruptcy petition under chapters VII, XI, and XIII, pursuant to the Bankruptcy Reform Act of 1978, Public Law 95-598;

(vv) All advertising or promotional costs of any kind, except reasonable costs of classified advertising in trade journals, local newspapers, or similar publications for employment of necessary staff;

(ww) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate.

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds. (1) The department will revise a contractor's prospective rate when the contractor reduces the number of its licensed beds and:

(a) Notifies the department in writing thirty days before the licensed bed reduction; and

(b) Supplies a copy of the new bed license and documentation of the number of beds sold, exchanged or otherwise placed out of service, along with the name of the contractor that received the beds, if any; and

(c) Requests a rate revision.

(2) The revised prospective rate shall comply with all the provisions of rate setting contained in this chapter including all lids and maximums unless otherwise specified in this section and shall remain in effect until an adjustment can be made for economic trends and conditions as authorized by chapter 74.46 RCW and this chapter.

(3) The revised prospective rate shall be effective the first of a month determined by where in the month the effective date of the licensed bed reduction occurs or the date the contractor complied with subsections 1(a), (b), and (c) of this section as follows:

(a) If the contractor complied with subsection (1)(a), (b), and (c) of this section and the effective date of the reduction falls:

(i) Between the first and the fifteenth of the month, then the revised prospective rate is effective the first of the month in which the reduction occurs; or

(ii) Between the sixteenth and the end of the month, then the revised prospective rate is effective the first of the month following the month in which the reduction occurs; or

(b) When the contractor fails to comply with subsection 1(a) of this section, then the date the department receives from the contractor the documentation that is required by subsection (1)(b) and (c) of this section shall become the effective date of the reduction for the purpose of applying subsection (3)(a)(i) and (ii) of this section.

(4) For all prospective Medicaid payment rates from July 1, 1995 through June 30, 1998, the department shall

revise a nursing facility's prospective rate to reflect a reduction in licensed beds as follows:

(a) The department shall use the reduced total number of licensed beds to determine occupancy used to calculate the nursing services, food, administrative and operational rate components per WAC 388-96-719. If actual occupancy from the 1994 cost report was:

(i) At or over ninety percent before the reduction and remains at or above ninety percent, there will be no change to the components;

(ii) Less than ninety percent before the reduction and changes to at or above ninety percent, then recompute the components using actual 1994 resident days;

(iii) Less than ninety percent before the reduction and remains below ninety percent, then recompute the components using the change in resident days from the 1994 cost report resulting from the reduced number of licensed beds used to calculate the ninety percent.

~~(b) ((The department shall use the reduced number of licensed beds))~~ To determine occupancy used to calculate the property and return on investment (ROI) components per WAC 388-96-719, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease in licensed bed capacity as long as the occupancy for the reduced number of beds is at or above ninety percent. ~~((If actual occupancy from the cost report from the calendar year immediately prior to the bed reduction was:~~

~~(i) At or over ninety percent before the reduction and remains at or above ninety percent, then recompute property and ROI to reflect the new asset basis using actual days from the cost report for the prior calendar year;~~

~~(ii) Less than ninety percent before the reduction and changes to at or above ninety percent, then recompute property and ROI to reflect the new asset basis using actual days from the cost report for the prior calendar year;~~

~~(iii) Less than ninety percent before the reduction and remains below ninety percent, then recompute property and ROI to reflect the new asset basis using the change in resident days from the cost report for the prior calendar year resulting from the reduced number of licensed beds used to calculate the ninety percent.~~

~~(c) Reported occupancy must represent at least six months of data.~~

~~(d) The department will utilize a minimum of eighty-five percent occupancy in subsections (4)(a), (b), and (c) of this section for those facilities authorized in chapter 74.46 RCW and this chapter))~~ Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW, in no case shall the department use less than ninety percent occupancy of the facility's reduced licensed bed capacity.

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

WAC 388-96-719 Method of rate determination. (1) Effective July 1, 1995 through June 30, 1998, nursing facility Medicaid payment rates shall be rebased or adjusted for economic trends and conditions annually and prospectively, on a per resident day basis, in accordance with the principles and methods set forth in chapter 74.46 RCW and this chapter, to take effect July 1st of each year. Unless the operator qualifies as a "new contractor" under the provisions

of this chapter, a nursing facility's rate for July 1, 1995 must be established upon its own calendar year cost report data for 1994 covering at least six months.

(2) July 1, 1995 component rates in the nursing services, food, administrative and operational cost centers shall be cost-rebased utilizing desk-reviewed and adjusted costs reported for calendar year 1994, for all nursing facilities submitting at least six months of cost data. Such component rates for July 1, 1995 shall also be adjusted upward or downward for economic trends and conditions as provided in RCW 74.46.420 and in this section. Component rates in property and return on investment (ROI) shall be reset annually as provided in chapter 74.46 RCW and in this chapter.

(3) July 1, 1995 component rates in the nursing services, food, administrative and operational cost centers shall be adjusted by the change in the Implicit Price Deflator for Personal Consumption Expenditures Index ("IPD index"). The period used to measure the IPD increase or decrease to be applied to these July 1, 1995 rate components shall be calendar year 1994.

(4) July 1, 1996 component rates in the nursing services, food, administrative and operational cost centers shall not be cost-rebased, but shall be the component rates in these cost centers assigned to each nursing facility in effect on June 30, 1996, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the Health Care Financial Administration of the United States Department of Health and Human Services (HCFA index). The period to be used to measure the HCFA index increase or decrease to be applied to these June 30, 1996 component rates for July 1, 1996 rate setting shall be calendar year 1994.

(5) July 1, 1997 component rates in the nursing services, food, administrative and operational cost centers shall not be cost-rebased, but shall be the component rates in these cost centers assigned to each nursing facility in effect on June 30, 1997, adjusted downward or upward for economic trends and conditions by the change in the nursing home input price index without capital costs published by the Health Care Financing Administration of the United States Department of Health and Human Services (HCFA index), multiplied by a factor of 1.25. The period to be used to measure the HCFA index increase or decrease to be applied to these June 30, 1997 component rates for July 1, 1997 rate setting shall be calendar year 1996.

(6) The 1994 change in the IPD index to be applied to July 1, 1995 component rates in the nursing services, food, administrative and operational costs centers, as provided in subsection (3) of this section, shall be calculated by:

(a) Consulting the latest quarterly IPD index available to the department no later than February 28, 1995 to determine, as nearly as possible, applicable expenditure levels as of December 31, 1994;

(b) Subtracting from expenditure levels taken from the quarterly IPD index described in subsection (6)(a) of this section expenditure levels taken from the IPD index for the quarter occurring one year prior to it; and

(c) Dividing the difference by the level of expenditures from the quarterly IPD index occurring one year prior to the quarterly IPD index described in subsection (6)(a) of this section.

(7) In applying the change in the IPD index to establish July 1, 1995 component rates in the nursing services, food, administrative and operational cost centers for a contractor having at least six months, but less than twelve months, of cost report data from calendar year 1994, the department shall prorate the downward or upward adjustment by a factor obtained by dividing the contractor's actual calendar days from 1994 cost report data by two, adding three hundred sixty-five, and dividing the resulting figure by five hundred forty-eight.

(8) The change in the HCFA index to be applied to each nursing facility's June 30, 1996 and June 30, 1997 component rates in nursing services, food, administrative and operational cost centers, as provided in subsections (4) and (5) of this section, shall be calculated by:

(a) Consulting the latest quarterly HCFA index available to the department no later than February 28 following the applicable calendar year to be used to measure the change to determine, as nearly as possible, the applicable price levels as of December 31 of the applicable calendar year;

(b) Subtracting from the price levels taken from the quarterly HCFA index described in subsection (8)(a) of this section the price levels taken from the HCFA index for the quarter occurring one year prior to it; and

(c) Dividing the difference by the price levels from the quarterly HCFA index occurring one year prior to the quarterly HCFA index described in subsection (8)(a).

(9) If either the Implicit Price Deflator for Personal Consumption Expenditures (IDP) index or the Health Care Financing Administration (HCFA) index specified in this section ceases to be available, the department shall select and use in its place or their place one or more measures of change utilizing the same or comparable time periods specified in this section.

(10) For July 1, 1995, July 1, 1996, and July 1, 1997, the department shall ((compute the occupancy level for each facility)) establish the per resident day nursing services, food, administrative and operations prospective component rates and limits using resident days at the higher of ninety percent occupancy or actual facility occupancy computed by dividing the actual number of resident days by the product of the number of licensed beds and calendar days in the 1994 cost report period; except that, new facilities as defined in WAC 388-96-026 (1)(a) commencing operation between January 1, 1994 and June 30, 1994 that had their occupancy for nursing services, food, administrative and operational component rates based on the higher of ninety percent or actual occupancy level shall have these component rates revised effective May 1, 1997 based on eighty-five percent occupancy. ((If a facility's occupancy is below ninety percent, the department shall compute per resident day nursing services, food, administrative and operational prospective component rates and limits utilizing resident days at the ninety percent occupancy level. The department shall use actual occupancy level for facilities at or above ninety percent occupancy for 1994. The higher of ninety percent occupancy or actual facility occupancy for 1994 shall be used in establishing these component rates))

(11) For July 1, 1995, July 1, 1996, and July 1, 1997((-)), the department shall compute per resident day property and return on investment prospective component rates ((utilizing)) using resident days at the higher of ninety

percent occupancy or actual facility occupancy ((for the prior calendar year for July 1, 1995, July 1, 1996, and July 1, 1997)) computed by dividing the actual number of resident days by the product of the number of licensed beds and calendar days in the prior calendar year cost report period.

~~((11))~~ (12) If a nursing facility has full-time residents other than those receiving nursing facility care:

(a) The facility may request in writing, and

(b) The department may grant in writing an exception to include the ((requirements)) resident days for the nonnursing facility care residents in the occupancy calculations of subsections (10) and (11) of this section ((by including such other full-time residents in computing occupancy)). Exceptions granted shall be revocable effective ninety days after written notice of revocation is received from the department. The department shall not grant an exception unless the contractor submits with the annual cost report a certified statement of occupancy including all residents of the facility and their status or level of care.

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

AMENDATORY SECTION (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

WAC 388-96-735 Administrative cost area rate. (1) The administrative cost center shall include for cost reporting purposes all administrative, oversight, and management costs, whether incurred at the facility or allocated in accordance with a department-approved joint cost allocation methodology.

(2) For July 1, 1995 rate setting only, the department shall determine peer group median cost plus limits for the administrative cost center in accordance with this section.

(a) The department shall divide into two peer groups nursing facilities located in the state of Washington providing services to Medicaid residents. These two peer groups shall be:

(i) Those nursing facilities located within a Metropolitan Statistical Area (MSA) as defined and determined by the United States Office of Management and Budget or other applicable federal office (MSA facilities); and

(ii) Those not located within such an area (non-MSA facilities).

(b) Prior to any adjustment for economic trends and conditions under WAC 388-96-719, the facilities in each peer group shall be arrayed from lowest to highest by magnitude of per resident day adjusted administrative cost from the 1994 cost report year, regardless of whether any such adjustments are contested by the nursing facility. All available cost reports from the 1994 cost report year having at least six months of cost report data shall be used, including all closing cost reports covering at least six months. The department shall include costs current-funded by means of rate add-ons, granted under the authority of WAC 388-96-777 and commencing in the 1994 cost report year in costs arrayed. The department shall exclude costs current-funded by rate add-ons granted under the authority of WAC 388-96-777 and commencing January 1 through June 30, 1995 from costs arrayed.

(c) The median or fiftieth percentile nursing facility administrative cost for each peer group shall then be determined. In the event there are an even number of facilities within a peer group, the adjusted administrative cost of the lowest cost facility in the upper half shall be used as the median cost for that peer group. Facilities at the fiftieth percentile in each peer group and those immediately above and below it shall be subject to field audit in the administrative cost area prior to issuing new July 1 rates.

(3) For July 1, 1995 rate setting only, administrative component rates for facilities within each peer group shall be set ~~((for the))~~ at the lower of:

(a) The facility's adjusted per patient day administrative cost from the 1994 report period, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719; or

(b) The median nursing facility administrative cost for the facility's peer group using the 1994 calendar year report data plus ten percent of that cost, reduced or increased by the change in the IPD Index as authorized by WAC 388-96-719.

(4) Rate add-ons made to current fund administrative costs, pursuant to WAC 388-96-777 and commencing in the 1994 cost report year, shall be reflected in July 1, 1995 prospective rates only by their inclusion in the costs arrayed. A facility shall not receive, based on the calculation or consideration of any such 1994 report year adjustment, a July 1, 1995 administrative rate higher than that provided in subsection (3) of this section.

(5) For all rate setting beginning July 1, 1995 and following, the department shall add administrative rate add-ons, granted under authority of WAC 388-96-533 and 388-96-777 to a facility's administrative rate, but only up to the facility's peer group median cost plus ten percent limit as follows:

(a) For July 1, 1995, add-ons commencing in the preceding six months;

(b) For July 1, 1996, add-ons commencing in the preceding eighteen months; and

(c) For July 1, 1997, add-ons commencing in the preceding thirty months.

(6) Subsequent to issuing July 1, 1995 rates, the department shall recalculate the median costs of each peer group based on the most recent adjusted administrative cost report information in departmental records as of October 31, 1995. For any facility which would have received a higher or lower July 1, 1995 administrative component rate based upon the recalculation of that facility's peer group median costs, the department shall reissue that facility's administrative rate reflecting the recalculation, retroactive to July 1, 1995.

(7) For both the initial calculation of peer group median costs and the recalculation based on adjusted administrative cost information as of October 31, 1995 the department shall use adjusted information regardless of whether the adjustments may be contested or the subject of pending administrative or judicial review. Median costs, once calculated utilizing October 31, 1995 adjusted cost information, shall not be adjusted to reflect subsequent administrative or judicial rulings, whether final or not.

(8) For rates effective July 1, 1996, a nursing facility's noncost-rebased administrative component rate shall be that

facility's administrative component rate existing on June 30, 1996, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1996, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1996, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460 and WAC 388-96-777.

(9) For rates effective July 1, 1997, a nursing facility's noncost-rebased administrative component rate shall be that facility's administrative component rate existing on June 30, 1997, reduced or inflated as authorized by RCW 74.46.420 and WAC 388-96-719. The July 1, 1997, administrative component rate used to calculate the return on investment (ROI) component rate shall be the inflated prospective administrative component rate as of June 30, 1997, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460 and WAC 388-96-777.

AMENDATORY SECTION (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

WAC 388-96-745 Property cost area reimbursement rate. (1) The department shall determine the property cost area component rate for each facility annually, to be effective July 1, 1995, 1996, and 1997 in accordance with this section and any other applicable provisions of this chapter. For July 1, 1995, July 1, 1996, and July 1, 1997 rates, funding granted under the authority of WAC 388-96-776 shall be annualized and subsumed in each of these July 1 prospective rates.

(2) The department shall divide the allowable prior period depreciation costs subject to the provisions of this chapter, adjusted for any capitalized addition or replacements approved by the department, plus

(a) The retained savings from the property cost center as provided in WAC 388-96-228, by

(b) The greater of:

(i) Total resident days for the facility in the calendar year cost report period ending six months prior to each July 1, property component rate commencement date; or

(ii) Resident days for the facility as calculated on eighty-five or ninety ~~((or eight five))~~ percent facility occupancy, as applicable in accordance with the provisions of this chapter and chapter 74.46 RCW.

(3) Allowable depreciation costs are defined as the costs of depreciation of tangible assets meeting the criteria specified in WAC 388-96-557, regardless of whether owned or leased by the contractor. The department shall not reimburse depreciation of leased office equipment.

(4) If a capitalized addition or retirement of an asset will result in ~~((a different))~~ an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, ~~((resident days from the cost report for the calendar year immediately prior to the capitalized addition or replacement that were used in computing the property component rate will be adjusted to the product of the occupancy level derived from the cost report used to compute the property component rate at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed~~

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beds on the new license. For rate computation purposes the minimum occupancy for the initial property component rate period following the increase in licensed bed capacity shall be eighty five percent; and for each rate period thereafter that will be rebased, commencing July 1, it shall be ninety percent) the department shall use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above ninety percent. Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW, in no case shall the department use less than ninety percent occupancy of the facility's increased licensed bed capacity. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

(5) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a), the department shall determine actual and allocated allowable land cost and building construction cost. Reimbursement for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (4)((~~5~~)) and (6) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the *Marshall and Swift Valuation Service* published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

(6) Construction costs shall be final labor, material, and service costs to the owner or owners and shall include:

- (a) Architect's fees;
- (b) Engineers' fees (including plans, plan check and building permit, and survey to establish building lines and grades);
- (c) Interest on building funds during period of construction and processing fee or service charge;
- (d) Sales tax on labor and materials;
- (e) Site preparation (including excavation for foundation and backfill);
- (f) Utilities from structure to lot line;
- (g) Contractors' overhead and profit (including job supervision, workmen's compensation, fire and liability insurance, unemployment insurance, etc.);
- (h) Allocations of costs which increase the net book value of the project for purposes of Medicaid reimbursement;
- (i) Other items included by the *Marshall and Swift Valuation Service* when deriving the calculator method costs.

(7) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from ~~((one of the three tables which follow. The department shall derive the limit from the accompanying table which corresponds to the number of total nursing home beds for the proposed new construction, remodel or expansion. The limit will be))~~ the sum of the basic construction cost limit plus the common use area limit which corresponds to the type ~~((and)),~~ class ~~((of))~~ and number of total nursing home beds for the new construction, remodel or expansion. The

maximum limits shall be calculated using the ((tables)) most current cost criteria contained in the Marshall and Swift Valuation Service and shall be adjusted forward ((from September 1990 to the average date of construction, to reflect the change in average construction costs. The department shall base the adjustment on the change shown by relevant cost indexes published by Marshall and Swift Publication Company. The average date of construction shall be)) to the midpoint date between award of the construction contract and completion of construction.

BASE CONSTRUCTION COST LIMITS		COMMON USE AREA COST LIMITS	
74 BEDS & UNDER			
Building Class	Base per Bed Limit	Base Limit	
A Good	\$50,433		\$278,847
A Avg	\$41,141		\$227,469
B Good	\$48,421		\$267,718
B Avg	\$40,042		\$221,392
C Good	\$35,887		\$198,421
C Avg	\$27,698		\$153,143
C Low	\$21,750		\$120,258
D Good	\$33,237		\$183,765
D Avg	\$25,716		\$142,182
D Low	\$20,298		\$112,227

BASE CONSTRUCTION COST LIMITS		COMMON USE AREA COST LIMITS		
75 TO 120 BEDS				
Building Class	Base Limit	Add per Bed Over 74	Base Limit	Add per Bed Over 74
A Good	\$3,732,076	\$48,210	\$278,847	\$2,808
A Avg	\$3,044,442	\$39,327	\$227,469	\$2,291
B Good	\$3,583,131	\$46,286	\$267,718	\$2,696
B Avg	\$2,963,112	\$38,277	\$221,392	\$2,230
C Good	\$2,655,654	\$34,305	\$198,421	\$1,998
C Avg	\$2,049,668	\$26,477	\$153,143	\$1,542
C Low	\$1,609,531	\$20,792	\$120,258	\$1,211
D Good	\$2,459,506	\$31,771	\$183,765	\$1,851
D Avg	\$1,902,956	\$24,582	\$142,182	\$1,442
D Low	\$1,502,048	\$19,403	\$112,227	\$1,130

BASE CONSTRUCTION COST LIMITS		COMMON USE AREA COST LIMITS		
121 BEDS AND OVER				
Building Class	Base Limit	Add per Bed Over 120	Base Limit	Add per Bed Over 120
A Good	\$5,949,745	\$42,359	\$408,015	\$2,106
A Avg	\$4,853,505	\$34,555	\$332,855	\$1,718
B Good	\$5,712,287	\$40,669	\$391,734	\$2,022
B Avg	\$4,723,848	\$30,142	\$323,972	\$1,672
C Good	\$4,233,692	\$23,264	\$290,329	\$1,499
C Avg	\$3,267,618	\$18,268	\$224,092	\$1,157
C Low	\$2,565,943	\$27,916	\$175,971	\$ 908
D Good	\$3,920,989	\$21,599	\$268,911	\$1,388
D Avg	\$3,033,727	\$17,048	\$208,493	\$1,081
D Low	\$2,394,592	\$19,403	\$164,220	\$ 848))

(8) When some or all of a nursing home's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance ~~((shown in the attached tables))~~ for common-use areas to derive the construction cost lid for the facility. The amount excluded will

be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area ~~((limit in the table))~~ limits determined in accordance with subsection (7) of this section. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes ~~((from))~~ published in the Marshall and Swift ((Publication)) Valuation Service.

(9) Subject to provisions regarding allowable land contained in this chapter, allowable costs for land shall be the lesser of:

(a) Actual cost per square foot, including allocations; ~~((or))~~

(b) The average per square foot land value of the ten nearest urban or rural nursing facilities at the time of purchase of the land in question. The average land value sample shall reflect either all urban or all rural facilities depending upon the classification of urban or rural for the facility in question. The values used to derive the average shall be the assessed land values which have been calculated for the purpose of county tax assessments; or

(c) For new or replacement building construction or for substantial building additions requiring the acquisition of land which commenced to operate on or after July 1, 1997, WAC 388-96-559(8) shall apply.

(10) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsection (3), (4), and (5) of this section, the department may increase the amount if the owner or contractor is able to show unusual or unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of their financial impact with the request.

AMENDATORY SECTION (Amending Order 3896, filed 9/12/95, effective 10/13/95)

WAC 388-96-754 A contractor's return on investment. (1) The department shall establish for each Medicaid nursing facility a return on investment (ROI) component rate composed of a financing allowance and a variable return allowance. The department shall determine a facility's ROI rate annually in accordance with this section, to be effective July 1, 1995, July 1, 1996, and July 1, 1997.

(2) The department shall rebase a nursing facility's financing allowance annually and shall determine the financing allowance by:

(a) Multiplying the net invested funds of each facility by ten percent and dividing by the greater of:

(i) A nursing facility's total resident days from the most recent cost report period, to which the provisions of WAC 388-96-719 and RCW 74.46.420 shall apply; or

(ii) Resident days calculated on eighty-five percent or ninety percent ~~((or eighty-five percent))~~ resident occupancy at the facility, as determined by the provisions of this

chapter. Resident day calculations from the most recent cost report shall correspond to the following:

(A) If the nursing facility cost report covers twelve months, annual resident days from the contractor's most recent twelve month cost report period; or

(B) If the nursing facility cost report covers less than twelve months but more than six months, annualized resident days and working capital costs based upon data in the cost report ~~((or~~

~~((or~~

~~((or~~

~~((or~~ (b) If a capitalized addition or replacement results in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the ~~((total resident days from the cost report immediately prior to the capitalized addition or replacement that were used in computing the financing and variable return allowances will be adjusted to the product of the occupancy level derived from the cost report used to compute the financing and variable return allowances at the time of the increased licensed bed capacity multiplied by the number of calendar days in the calendar year following the increased licensed bed capacity multiplied by the number of licensed beds on the new license; or~~

~~((D))~~ department shall multiply the net invested funds of each facility by ten percent and divide by the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above ninety percent. Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW, in no case shall the department use less than ninety percent occupancy of the facility's increased licensed bed capacity.

If a capitalized addition or retirement of an asset results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

~~((b))~~ (c) For July 1, 1995 rate setting, the working capital portion of net invested funds at a nursing facility shall be five percent of the sum of a contractor's costs from the cost report year used to establish the contractor's prospective component rates in the nursing services, food, administrative, and operational cost centers that have been adjusted for economic trends and conditions under authority of WAC 388-96-719 and RCW 74.46.420 and five percent of allowable property cost.

~~((e))~~ (d) For July 1, 1996 rate setting, the working capital portion of net invested funds shall be five percent of the sum of the July 1, 1996 prospective component rates, excluding any rate increases granted from January 1, 1996 to June 30, 1996 pursuant to RCW 74.46.460, WAC 388-96-774 and 388-96-777, for the nursing services, food, administrative, and operational cost centers multiplied by resident days as defined in subsection (2)(a)(ii)(A)(~~((i))~~) and (B), ~~((C))~~ and ~~((D))~~ or if a capitalized addition or replacement, subsection (2)(b) of this section from calendar year 1995, adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report for calendar year 1995;

~~((d))~~ (e) For July 1, 1997 rate setting, the working capital portion of net invested funds shall be five percent of the sum of the July 1, 1997 prospective component rates, excluding any rate increases granted from January 1, 1997 to June 30, 1997 pursuant to RCW 74.46.460, WAC 388-96-

774 and 388-96-777, for the nursing services, food, administrative and operational cost centers multiplied by resident days as defined in subsection (2)(a)(ii)(A)(~~(7)~~) and (B)(~~(7)~~) and (~~(D)~~) (b) of this section from calendar year 1996, adjusted for economic trends and conditions granted under authority of WAC 388-96-719 plus the desk reviewed property costs from the cost report for calendar year 1996;

((~~(e)~~)) (f) For July 1, 1995, July 1, 1996, and July 1, 1997 rate setting, in computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing resident care shall also be included. As such, subject to provisions contained in this chapter, capitalized cost of leased land, regardless of the type of lease, shall be the lessor's historical capitalized cost. Subject to provisions contained in this chapter, for land purchases before July 18, 1984 (the enactment date of the Deficit Reduction Act of 1984 (DEFRA)), capitalized cost of land shall be the buyer's capitalized cost. For all partial or whole rate periods after July 17, 1984, if the land is purchased on or after July 18, 1984, capitalized cost of land shall be that of the owner of record on July 17, 1984, or buyer's capitalized cost, whichever is lower. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration per this chapter; and

((~~(f)~~)) (g) A contractor shall retain that portion of ROI rate payments at settlement representing the contractor's financing allowance only to the extent reported net invested funds, upon which the financing allowance is based, are substantiated by the department.

(3) The department shall determine the variable return allowance according to the following procedure:

(a) For July 1, 1995 rate setting only, the department shall, without utilizing the MSA and Non-MSA peer groups used to calculate other Medicaid component rates, rank all facilities in numerical order from highest to lowest based upon the combined average resident day allowable costs, as adjusted by desk review and audit, for the nursing services, food, administrative, and operational cost centers taken from the 1994 cost report period. The department shall use adjusted costs taken from 1994 cost reports having at least six months of data, shall not include adjustments for economic trends and conditions granted under authority of WAC 388-96-719 and RCW 74.46.420, and shall include costs current-funded under authority of WAC 388-96-774 and 388-96-777 and commencing in the 1994 cost report year. The adjusted costs of each facility shall be calculated based upon a minimum facility occupancy of ninety percent. In the case of a new contractor, nursing services, food, administrative, and operational cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor.

(b) The department shall compute the variable return allowance by multiplying the sum of the July 1, 1995 nursing services, food, administrative and operational rate

components for each nursing facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. The department shall assign facilities in the highest quarter a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(c) The percentages so determined and assigned to each facility for July 1, 1995 rate setting, shall continue to be assigned without modification for July 1, 1996 and July 1, 1997 rate setting. Neither the break points separating the four groups nor facility ranking shall be adjusted to reflect future rate add-ons granted to contractors for any purpose under WAC 388-96-774 and 388-96-777. These principles shall apply, as well, to new contractors as defined in WAC 388-96-026 (1)(a) and (b).

(d) For an initial rate established for a nursing facility on or after July 1, 1995 under WAC 388-96-710(1), the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return percentage breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon the consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the initial rate shall continue until the facility's return on investment component rate can be rebased from cost report data of the new contractor covering at least six months from the prior calendar year.

(e) For a new contractor's nursing facility rate rebased as of July 1, 1996 determined under WAC 388-96-710, the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon the consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the rebased rate at this time shall continue without modification for July 1, 1997 rate setting.

(f) For a new contractor's nursing facility rate rebased as of July 1, 1997 determined under WAC 388-96-710, the variable return allowance shall be computed as provided in subsection (3)(b) of this section, using the identical variable return breakpoints calculated for July 1, 1995 rate setting. The variable return breakpoints shall not be modified based upon consideration of any rate adjustment, nor shall the variable return breakpoints be adjusted for economic trends and conditions. The percentage so determined and assigned for the rebased rate at this time shall continue without modification until June 30, 1998.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment rate for each facility and shall be a component of the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be a component of the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease agreement existing on January 1, 1980, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, per a provision of the lease agreement existing on January 1, 1980, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect, except the adjustments shall reflect a minimum bed occupancy level of eighty-five percent. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

AMENDATORY SECTION (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

WAC 388-96-774 Add-ons to the prospective rate—Staffing. (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st.

(a) The department may grant a rate add-on to a nursing service (NS) or operational (OP) prospective reimbursement rate; provided that, for the current fiscal year, the total amount of the current legislative appropriation, if any, to fund the Medicaid share of such rate add-on has not been exceeded. The NS and OP rate add-ons shall be for:

(i) Variations in the distribution of patient classifications for the total resident population or changes in patient characteristics for the total resident population from:

(A) The Medicaid cost report for the calendar year immediately prior to the first fiscal year of a state biennium; or

(B) Those used to set the rate for a new contractor; or

(ii) Changes in staffing levels at a facility required by the department as evidenced by a written directive from the director of nursing home services, aging and adult services administration.

(b) The department shall not grant and the contractor shall not use rate add-ons for:

(i) Compensation increases for existing, newly hired or promoted staff;

(ii) The use of temporary employment services providing direct patient care;

(iii) Any purpose if the nursing facility has a pending bankruptcy; *unless*, it is under chapter 11 and the nursing facility can provide a written evaluation from the trustee in bankruptcy stating the reorganization will be approved and implemented;

(iv) Correction of survey citations; or

(v) Staffing increases to resolve complaints.

(c) The department shall not grant a rate add-on to a cost center if that cost center is at or above the median cost limit for the facility's peer group reduced or increased under WAC 388-96-719.

(2) Per state fiscal year, the contractor may submit no more than two requests under this section. If a request has been previously submitted and denied because it was not complete, then it will not count as a request for this subsection; *provided*, the resubmitted request is complete and exactly the same as the previous request, e.g., type of request, positions and full-time equivalencies.

(3) Contractors requesting a rate add-on shall submit a written request to the office of rates management, aging and adult services administration, separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). The written request shall only be submitted after the hire date of the new staff and shall include the following:

(a) A financial analysis showing:

(i) The increased cost; and

(ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost.

(b) A written justification for granting the rate increase;

(c) A certification and supporting documentation showing the changes in staffing have commenced;

(d) Two proofs of hire, e.g., payroll document, W-4, and appointment letter;

(e) A written narrative describing the contractor's efforts to provide alternative solutions prior to submitting a request under this section; and

(f) A written plan specifying:

(i) Additional staff to be added;

(ii) Changes in all patient characteristics requiring the additional staff; and

(iii) The predicted improvements in patient care services that will result.

(4) Contractors receiving rate add-ons per this section shall submit quarterly reports. The quarterly reports shall cover the first day the rate add-on is effective and show how the additional rate funds and hours were utilized. The contractor shall submit quarterly reports as long as it receives the rate add-on. If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

(5) In reviewing a request made under subsection (3) of this section, the department shall consider but is not limited to one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of nursing facilities from either the latest statewide metropolitan statistical area (MSA) peer group or non-MSA peer group to which the nursing facility belongs and calculated on a per patient day basis. The department shall use the latest MSA and non-MSA designations received from the office of management and budget or the appropriate federal agency;

(c) The physical layout of the facility;

(d) Nursing service planning and management for maximum efficiency;

(e) Historic trends in underspending of a facility's nursing services and operational component rates;

(f) Numbers, positions, and scheduling of existing staff;

(g) Increases in acuity (debility) levels of all residents in the facility;

(h) Survey, complaint resolution reports, and quality assurance data; and

(i) The facility's ability to fund its staffing request through the facility's existing total Medicaid reimbursement rate.

(6) The department may also adjust rates to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

(a) Compensation of the receiver;

(b) Reasonable expenses of receivership and transition of control; and

(c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(7) The department shall not grant a rate add-on effective earlier than sixty days prior to receipt of the initial written request by the office of rates management subject to the requirements of subsection (3) of this section, the department shall grant a rate add-on for an approved request as follows:

(a) If the request is received between the first day and fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the request is received between the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

(8) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor must submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the rate add-on request by providing all the requested documentation and information within the fifteen days from the date of receipt of notification, the department will deny the request for failure to complete.

(9) If, after the denial for failure to complete the request, the contractor submits a written request for the same need, the date of receipt for the purposes of applying subsection (7) will depend upon whether the subsequent request for the same need is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same need is:

(a) Complete, then the date of the initial incomplete request may be used when applying subsection (7) of this section; or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection (7) of this section.

(10) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

AMENDATORY SECTION (Amending WSR 96-15-056, filed 7/16/96, effective 8/16/96)

WAC 388-96-776 Add-ons to the prospective rate—Capital improvements. (1) The department shall grant an add-on to a prospective rate for any capitalized additions or replacements made as a condition for licensure or certification; *provided*, the net rate effect is ten cents per patient day or greater.

(2) The department shall grant an add-on to a prospective rate for capitalized improvements done under RCW 74.46.465; *provided*, the legislature specifically appropriates funds for capital improvements for the biennium in which the request is made and the net rate effect is ten cents per patient day or greater. Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a) or capitalized additions or renovations for the removal of physical plant waivers.

(3) Rate add-ons granted pursuant to subsection (1), (2) or (16) of this section shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the Medicaid share of such rate add-ons for the fiscal year.

(4) When physical plant improvements made under subsection (1) or (2) are completed in phases, the department shall not grant a rate add-on for any addition, replacement or

improvement until each phase is completed and fully utilized for which it was intended. The department shall limit rate add-on to only the actual cost of the depreciable tangible assets meeting the criteria of WAC 388-96-557 and as applicable to that specific completed and fully utilized phase.

~~((4))~~ (5) When the construction class of any portion of a newly constructed building will improve as the result of any addition, replacement or improvement occurring in a later, but not yet completed and fully utilized phase of the project, the most appropriate construction class, as applicable to that completed and fully utilized phase, will be assigned for purposes of calculating the rate add-on. The department shall not revise the rate add-on retroactively after completion of the portion of the project that provides the improved construction class. Rather, the department shall calculate a new rate add-on when the improved construction class phase is completed and fully utilized and the rate add-on will be effective in accordance with subsection ~~((8))~~ (9) of this section using the date the class was improved.

~~((5))~~ (6) The department shall not add on construction fees as defined in WAC 388-96-745(6) and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.

~~((6))~~ (7) The contractor requesting an adjustment under subsection (1) or (2) shall submit a written request to the office of rates management separate from all other requests and inquiries of the department, e.g., WAC 388-96-904 (1) and (5). A complete written request shall include the following:

(a) A copy of documentation requiring completion of the addition or replacements to maintain licensure or certification for adjustments requested under subsection (1) of this section;

(b) A copy of the new bed license, whether the number of licensed beds increases or decreases, if applicable;

(c) All documentation, e.g., copies of paid invoices showing actual final cost of assets and/or service, e.g., labor purchased as part of the capitalized addition or replacements;

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets were placed in service per WAC 388-96-559(2);

(e) A properly completed depreciation schedule for the capitalized additions or replacement as provided in this chapter;

(f) A written justification for granting the rate increase; and

(g) For capitalized additions or replacements requiring certificate of need approval, a copy of the approval and description of the project.

~~((7))~~ (8) The department's criteria used to evaluate the request may include, but is not limited to:

(a) The remaining functional life of the facility and the length of time since the facility's last significant improvement;

(b) The amount and scope of the renovation or remodel to the facility and whether the facility will be better able to serve the needs of its residents;

(c) Whether the improvement improves the quality of living conditions of the residents;

(d) Whether the improvement might eliminate life safety, building code, or construction standard waivers;

(e) Prior survey results; and

(f) A review of the copy of the approval and description of the project.

~~((8))~~ (9) The department shall not grant a rate add-on effective earlier than sixty days prior to the receipt of the initial written request by the office of rates management and not earlier than the date the physical plant improvements are completed and fully utilized. The department shall grant a rate add-on for an approved request as follows:

(a) If the physical plant improvements are completed and fully utilized during the period from the first day to the fifteenth day of the month, then the rate will be effective on the first day of that month; or

(b) If the physical plant improvements are completed and fully utilized during the period from the sixteenth day and the last day of the month, the rate will be effective on the first day of the following month.

~~((9))~~ (10) If the initial written request is incomplete, the department will notify the contractor of the documentation and information required. The contractor shall submit the requested information within fifteen days from the date the contractor receives the notice to provide the information. If the contractor fails to complete the add-on request by providing all the requested documentation and information within the fifteen days from the date of receipt of notification, the department shall deny the request for failure to complete.

~~((10))~~ (11) If, after the denial for failure to complete, the contractor submits a written request for the same project, the date of receipt for the purpose of applying subsection ~~((8))~~ (9) will depend upon whether the subsequent request for the same project is complete, i.e., the department does not have to request additional documentation and information in order to make a determination. If a subsequent request for funding of the same project is:

(a) Complete, then the date of the first request may be used when applying subsection ~~((8))~~ (9); or

(b) Incomplete, then the date of the subsequent request must be used when applying subsection ~~((8))~~ (9) even though the physical plant improvements may be completed and fully utilized prior to that date.

~~((11))~~ (12) The department shall respond, in writing, not later than sixty days after receipt of a complete request.

~~((12))~~ (13) If the contractor does not use the funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

~~((13))~~ (14) When any physical plant improvements made under subsection (1) or (2) results in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter.

~~((14))~~ (15) All rate components to fund the Medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal

certificate of need approval, shall be based upon a minimum facility occupancy of ~~((eight))~~ eighty-five percent for the nursing services, food, administrative, operational and property cost centers, and the return on investment (ROI) rate component, during the initial rate period in which the adjustment is granted. These same component rates shall be based upon a minimum facility occupancy of ninety percent for all rate periods after the initial rate period.

(16) If a rate add-on granted under the authority of this section for a capitalized addition or replacement results in an increase in property taxes, the department may grant an additional rate add-on to fund the Medicaid share of any increase in property taxes. A rate add-on granted under this subsection shall be effective the first day of the month the tax increase is effective.

WSR 97-14-014
PROPOSED RULES
GAMBLING COMMISSION

[Filed June 20, 1997, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-15-020.

Title of Rule: Pull tab rule, WAC 230-30-106 Standards for flares made by manufacturers, distributors or operators.

Purpose: To require pull tab flares to prominently display the initial odds of winning the top prize with a single ticket purchase.

Statutory Authority for Adoption: RCW 9.46.070 (2), (11), (14).

Statute Being Implemented: See above.

Summary: See Purpose above.

Reasons Supporting Proposal: (1) Changes in Type of Games Offered to the Public: Over the past few years there have been many changes in the types, sizes and prizes of pull tab games. Each new generation of games has become a little more complex and sometimes more confusing than the earlier games. In addition, either by design or accident, many of the newer games offer the player less of a chance to win the top prize (Illustrated examples are attached to this petition [no information supplied by agency]).

Basically, as the ticket count increased the odds of winning, the top prize decreased. When \$200 was the top prize allowed and 4000 tickets was the maximum, the odds were 1 in 1000. With the introduction of games with 6000 tickets we saw the odds go to 1 in 1500 and today we have games where your chances of winning \$210 are 1 in 2000. The odds against the player in the \$500 games have increased even more dramatically. When first introduced they were generally 1 in 3000, but with the advent of 10,000 ticket games and step-ups the odds increased to as high as 1 in 30,000. It is a fact that some games have been produced that have good odds for the player, but these are not the games that the operators are buying. The simple reason being; you make more money if you don't pay out the top prize!

(2) Sixty Percent Payout Rule is Meaningless: It is a well-known fact that the 60% payout rule does not really reflect the actual market because less than 1% of all games

are bought out and total state-wide payouts are closer to 68%. The only real use of this rule is by operators to appease their customer when they complain of losing too much in a game.

"It pays out 60%!" Was a common defense of step-up games when they were first introduced and people bought games out without getting the top prize. If a customer asked for a game with four \$500 winners and used the line, "It pays out 60%" he wouldn't get far because the operator knows the true measure of a profitable game; the odds of that top prize coming out. A game with one \$500 winner has much less chance of having the winner coming out than a game with four; even though they both have a theoretical payout of 60%.

(3) Odds on Flares Will Bring Equality to all Games in the Market: Putting odds on the flares will create an internal marketing tool that will require all games to be fair to the player. No matter how complex or confusing a game is, if one game's odds of winning the top prize is 5000 to 1 and another game is 10,000 to 1; then that second game better have twice the prize or the marketplace won't accept it. This means the player will have more say as to what will go into the market. Since, he is the consumer, he should have that right.

(4) Most Other Forms of Gambling in this State Gives the Odds: Whether it's fairness to the players, state regulations, or just good marketing sense this state does have an excellent record of telling the consumer the odds. It doesn't matter whether you play the Lotto, scratch tickets, the horse races or McDonalds' Monopoly game; the odds are given to you. The odds are also given to you, for your protection, with every junk mail contest that comes your way.

(5) Conclusion: The purpose of this proposed rule is plain and simple, fair labeling for the player. The complex nature of today's game makes it extremely difficult to make an informed purchase. The player[s] need help.

When this industry started a player could look into a window on a wall machine and practically count all of the tickets that were left. Standing in front of the flare he could read the number of tickets the game started with, and looking at a flare he knew he could win everything that was not marked off. From there we moved the games away from him to where he couldn't read the number of tickets: We put them in all shapes of bowls where he really couldn't count the tickets, we added several thousand tickets to the bowls; we then started not marking everything off the flare; we invented games that he could but [buy] out and not get the top prizes; and now we are considering carryover progressive games where on a prorated prize scale the player has a less chance of winning than he does of winning the Lotto. And we wonder why we have a problem selling pull tabs!

Name of Agency Personnel Responsible for Drafting: Soojin Kim, Lacey, (360) 438-7654 ext. 310; Implementation: Frank Miller, Lacey, (360) 438-7654 ext. 302; and Enforcement: Ben Bishop, Lacey, (360) 438-7654 ext. 370.

Name of Proponent: Dennis Zaborac of Totem Tab-Service, private.

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: See Purpose, Summary and Reasons Supporting Proposal above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Proposal is exempt under RCW 19.85.025(2), therefore, a small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: WestCoast Wenatchee Center Hotel, 201 North Wenatchee Avenue, Wenatchee, WA 98801, on August 14, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by August 1, 1997, TDD (360) 438-7638, or (360) 438-7654 ext. 302.

Submit Written Comments to: Soojin Kim, Mailstop 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by July 31, 1997.

Date of Intended Adoption: August 15, 1997.

June 20, 1997

Soojin Kim

Rules and Policy Coordinator

[AMENDATORY SECTION (Amending WSR 95-23-109, filed 11/22/95)]

WAC 230-30-106 Standards for flares made by manufacturers, distributors or operators. (1) Except as set forth in subsection (2) of this section, the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall be made by the manufacturer only. Except as set forth below, flares shall not be altered by any operator or distributor, and shall:

(a) Be placed as follows:

(i) Only upon the upper face, or on the top, of any such punchboard; or

(ii) In plain view and in the vicinity of any pull tab dispensing device or container, provided if the flare is not attached to the dispensing device or container, a numerical or alphabetical reference shall be included directly on the flare and dispensing device or container clearly indicating which flare corresponds to which series; and

(b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(c) Set out the winning numbers or symbols for prizes of twenty dollars or more in cash, or merchandise worth twenty dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid by the licensed operator plus 50 percent of that actual cost.

(d) For all pull tab series, the initial odds of winning the top prize shall be prominently displayed in one-half inch size lettering on the flare. Odds, for the purpose of this subsection, shall be defined as the actual mathematical change of winning the top prize with a single ticket purchase, e.g., one in five-thousand.

(2) Substitute flares

(a) Distributors may make and apply substitute flares to punchboards and pull tab series provided that the conditions set forth in (c) of this subsection are satisfied;

(b) Licensed operators may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes provided that the conditions set forth in (c) of this subsection are satisfied;

(c) Use of substitute flares:

(i) The substitute flare must comply with the requirements of subsection (1)(a), (b) and (c) of this section;

(ii) Substitute flares must meet the requirements of WAC 230-30-015;

(iii) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer. Provided flares and games which offer merchandise, or combination merchandise/cash prizes, in excess of \$100.00 actual costs, must utilize numbers, not symbols to denote winners. Prizes must be assigned to the winning numbers consecutively starting with the highest value prize being assigned the lowest available winning number; and

(iv) The substitute flare is stapled to the manufacturer's flare and the manufacturer's flare is defaced so that it is unusable, but the identification and inspection services stamp is readable and visible.

(3) Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(9) are exempt from this section.

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.

WSR 97-14-023

WITHDRAWAL OF PROPOSED RULES STATE BOARD OF EDUCATION

[Filed June 23, 1997, 3:39 p.m.]

NOTICE OF WITHDRAWAL OF PROPOSED RULE MAKING

Notice is hereby given that the Washington State Board of Education is withdrawing Form CR-102 (WSR 97-13-096 filed June 18, 1997) related to proposed amendments to chapter 180-24 WAC, governing remote and necessary small school plants.

Larry Davis
Executive Director

WSR 97-14-055 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 30, 1997, 10:45 a.m.]

Original Notice.

June 30, 1997
Dr. Terry Bergeson
Superintendent of
Public Instruction

Preproposal statement of inquiry was filed as WSR 97-12-041.

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

Purpose: To realign the funding categories for school buses to reflect new bus design and to keep the number of school bus categories to a minimum. To allow school districts the ability to purchase new school bus design directly from the state quotation pursuant to RCW 28A.160.195.

Statutory Authority for Adoption: RCW 28A.150.290. Statute Being Implemented: RCW 28A.160.195.

Summary: These amendments realign the funding categories to more accurately reflect school district purchasing activity and accommodate new school bus designs.

Reasons Supporting Proposal: Without these changes, school districts are not able to purchase new design buses directly from the state quotation. These amendments will also keep the number of categories at a minimum, as directed by the legislature.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Kelly, Superintendent of Public Instruction, Olympia, 753-1142; and Enforcement: Roger Eastman, Superintendent of Public Instruction, Olympia, 753-0235.

Name of Proponent: 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 purpose of the rule is to provide for the replacement of school buses. The rule places school buses into more definable categories and accommodates a new design school bus. The proposed changes will allow school districts to purchase the new design school bus directly from the state quotation.

Proposal Changes the Following Existing Rules: The new rule incorporates changes that were made to school bus definitions in WAC 392-143-010. The proposed rule separates the Type A school bus into Type A-I and Type A-II categories and eliminates the Type B, 10-22 passenger capacity where there has been no purchasing activity for at least the past eight years.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have no or very negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 8, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by July 25, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, by August 7, 1997.

Date of Intended Adoption: August 11, 1997.

AMENDATORY SECTION (Amending Order 96-10, filed 7/25/96, effective 8/25/96)

WAC 392-142-155 Definition—School bus categories for those buses purchased after September 1, 1982. As used in this chapter, "school bus categories for those buses purchased after September 1, 1982," means the following:

((Student Capacity	Fuel Type	Transmission Type	Useful Life
(1) 10 to 22	Gas	Automatic	8
(2) 10 to 22	Diesel	Automatic	8
(3) 10 to 22	Gas	Automatic	8
(4) 10 to 22	Diesel	Automatic	8
(5) 23 to 34	Gas	Automatic	8
(6) 23 to 34	Diesel	Automatic	8
(7) 35 to 48	Diesel	Automatic	13
(8) 35 to 48	Diesel	Automatic	13
(9) 49 to 60	Diesel	Automatic	13
(10) 49 to 60	Diesel	Automatic	13
(11) 61 to 77	Diesel	Automatic	13
(12) 61 to 84	Diesel	Automatic	13
(13) Heavy 78 to 84	Diesel	Automatic	18
(14) 85 to 90	Diesel	Automatic	18))

<u>Student Capacity</u>	<u>Fuel Type</u>	<u>Transmission Type</u>	<u>Useful Life</u>	<u>Bus Type</u>
(1) 10 to 24	Gas	Automatic	8	A-II
(2) 10 to 24	Diesel	Automatic	8	A-II
(3) 10 to 34	Gas	Automatic	8	A-I
(4) 10 to 34	Diesel	Automatic	8	A-I
(5) 10 to 34	Gas	Automatic	8	B
(6) 10 to 34	Diesel	Automatic	8	B
(7) 35 to 48	Diesel	Automatic	13	C
(8) 35 to 48	Diesel	Automatic	13	D
(9) 49 to 60	Diesel	Automatic	13	C
(10) 49 to 60	Diesel	Automatic	13	D
(11) 61 to 77	Diesel	Automatic	13	C
(12) 61 to 84	Diesel	Automatic	13	D
(13) Heavy 78 to 84	Diesel	Automatic	18	D
(14) Heavy 85 to 90	Diesel	Automatic	18	D

WSR 97-14-077
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed June 30, 1997, 4:34 p.m.]

Continuance of WSR 97-01-012.

Preproposal statement of inquiry was filed as WSR 94-19-007.

Title of Rule: Chapter 392-160 WAC, Transitional bilingual instruction program rules (or limited English proficiency student program rules).

Purpose: To assure that limited English proficiency student programs enable students to achieve competency in English in compliance with state and federal laws.

Statutory Authority for Adoption: RCW 28A.180.060, [28A.180.]080, 28A.300.040(1), and Washington Constitutional Article 3, Section 22.

Statute Being Implemented: Chapter 28A.180 RCW and 20 U.S.C. Section 1703(f).

PROPOSED

Summary: WAC 392-160-004 is amended to reference state and federal statutory requirements respecting instructional programs for limited English proficiency students (hereafter referred to as "LEP students" and/or "LEP student programs").

WAC 392-160-005 is amended to list examples of permissible alternative LEP student instructional programs and services.

WAC 392-160-010 is amended to require notice of an LEP student's rights to services and to waive services and to recognize an LEP student's right to other special needs program services.

WAC 392-160-015 is amended to reorganize wording and to delete a provision respecting reassessment that is relocated to new section WAC 392-160-016.

New section WAC 392-160-016 relocates the reassessment provision deleted from WAC 392-160-015(5) and requires that the evaluation of LEP student academic progress be conducted the same year(s) evaluation(s) of regular education student progress is (are) conducted.

WAC 392-160-020 is amended to also recognize LAS/O and LAS R/W, IDEA proficiency tests and the Woodcock Munoz language survey as approved language proficiency tests and to require that grade 3-12 students who are fluent in oral English be assessed in English reading and writing comprehension.

WAC 392-160-029 is amended to condition the approval of LEP student program funding applications upon completeness, accuracy and program adequacy.

WAC 392-160-035 is amended to delete program exit provisions that are relocated to new section WAC 392-160-036 and expanded upon by new section WAC 392-160-037.

New section WAC 392-160-036 relocates the approved test provision that is deleted from WAC 392-160-035(2).

New section WAC 392-160-037 relocates the thirty-five percentile exit standard that is deleted from WAC 392-160-035(1); adds a second alternative reading, writing, speaking and academic proficiency exit standard; and adds requirements that students who have exited from an LEP student program be reviewed to determine whether they are succeeding in the regular program and, if a student is not succeeding due to a language barrier, that the student's deficiency be remedied.

WAC 392-160-040 is amended to require that alternative instructional LEP student programs be based upon sound educational theory; to recognize that alternative instructional programs are permissible for students who are advanced in their transition to English and best served by individual monitoring; and to require the submission of an alternative instructional program implementation plan to SPI.

New section WAC 392-160-050 recognizes that LEP students may be segregated as necessary to address their educational needs and requires that their physical facilities be comparable to those provided non-LEP students.

New section WAC 392-160-060 requires that LEP students also be provided access to gifted programs if they can meaningfully participate in both the LEP student program and a gifted program and also be provided access to necessary special education services.

New section WAC 392-160-070 establishes certification, training and/or experience, and language skill requirements

for LEP student teachers and/or classified staff and criteria for granting exceptions to the requirements.

New section WAC 392-160-080 requires that state basic education funding generated by LEP students be used in support of their instruction to the greatest extent practicable.

New section WAC 392-160-090 limits state reimbursement to expenditures included in a district's approved LEP program budget and limits state reimbursement for indirect costs to ten percent.

New section WAC 392-160-091 requires that districts with two hundred or more eligible LEP students evaluate the effectiveness of their programs at least every three years using relevant indicators.

WAC 392-160-045 is repealed.

Reasons Supporting Proposal: To update chapter 392-160 WAC in order to strengthen limited English proficiency student programs, and assure that the rules comport with legal requirements.

Name of Agency Personnel Responsible for Drafting: Robert E. Patterson, Attorney General, Olympia, (360) 664-2540; Implementation: Raul de la Rosa/Helen Valdez, Superintendent of Public Instruction, Olympia, (360) 753-2573; and Enforcement: Associate Superintendent, Jane Gutting, Superintendent of Public Instruction, Olympia, (360) 753-0397.

Name of Proponent: Superintendent of Public Instruction, governmental.

Rule is necessary because of federal law, 20 U.S.C. Section 1703(f).

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above. The anticipated effect of the changes is stronger or more effective limited English proficiency student programs.

Proposal Changes the Following Existing Rules: See Summary above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on December 15, 1997, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by December 1, 1997, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-7200, FAX (360) 753-4201, by December 12, 1997.

Date of Intended Adoption: December 16, 1997.

June 30, 1997

Dr. Terry Bergeson
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-004 Purpose. The purpose of this chapter is to ~~((set forth policies and procedures for the implementation of a transitional bilingual instructional program))~~ implement and assure compliance with the state

Transitional Bilingual Instruction Act (chapter 28A.180 RCW) and the requirement of the federal Equal Educational Opportunity Act that appropriate action be taken to overcome language barriers that impede equal participation by students in instructional programs (20 U.S.C. § 1703(f)).

AMENDATORY SECTION (Amending Order 84-41, filed 10/2/84)

WAC 392-160-005 Definitions. As used in this chapter:

(1) "Transitional bilingual instruction" means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a student to achieve competency in English;

(b) Introduces concepts and information in the primary language of a student and reinforces them in the English language; and

(c) Tests students in the subject matter in English (or in a student's native language, when appropriate).

(2) "Primary language" means the language most often used by a student (not necessarily by parents, guardians, or others) for communication in the student's place of residence.

(3) "Eligible student" means any student who meets the following two conditions:

(a) The primary language of the student must be other than English; and

(b) The student's English skills must be sufficiently deficient or absent to impair learning.

(4) "Alternative instructional program and/or services" means a program of instruction ~~((which may include English as a second language and))~~ that is designed to enable the student to achieve competency in English. Such programs and services may include:

(a) English as a Second Language (ESL), Sheltered English, ESL content classes;

(b) Cognitive Academic Language Learning Approach (CALLA);

(c) ESL tutoring (in limited circumstances, appropriate for a few advanced students in the school district);

(d) Instruction by mainstream teachers trained in ESL strategies, second language acquisition, multicultural awareness; and

(e) Individual monitoring where students who are advanced in their transition to English are provided individual assistance, counseling, and guidance and are assigned to regular education staff trained in ESL strategies, second language acquisition, and multicultural awareness to complete the individual's transition to English. Such individual monitoring may be the only instruction a transitional bilingual student receives.

AMENDATORY SECTION (Amending Order 84-41, filed 10/2/84)

WAC 392-160-010 School district board of directors duties. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible student a transitional bilingual instruction or, if the use of two lan-

guages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; ~~((and))~~

(3) Shall notify the parents or guardians of limited English proficient students of students' rights to transitional bilingual or alternative instructional program services and of the right to waive such services;

(4) Shall offer to make available the services of other special needs programs for which the student qualifies; and

(5) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for students of culturally different backgrounds and use of curriculum materials and program models.

AMENDATORY SECTION (Amending Order 12, filed 8/12/91, effective 9/12/91)

WAC 392-160-015 Identification of eligible students.

~~((District procedures—Identification of primary language required:))~~ Every school district board of directors shall adopt written procedures governing the identification of each student's primary language and the determination of which students with a primary language other than English are eligible students. Such procedures shall include:

(a) Provisions for the identification of a student's primary language pursuant to an interview with or a written questionnaire directed to the student and the student's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing students as provided for in this section, WAC 392-160-020, and 392-160-035.

~~((Deadline for determining eligibility of newly enrolled students:))~~ The primary language and eligibility of each newly enrolled student shall be established no later than the twentieth school day after the date upon which the student commences attendance at a particular school district.

~~((Newly enrolled students who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled student whose))~~ No approved test need be administered if, in the professional judgment of school personnel, the students' eligibility is reasonably apparent by reason of:

(a) The student's ability to communicate reasonably well in his or her non-English primary language; and

(b) The student's inability to communicate in English to any practical extent as determined by an interview with the student by appropriate school district staff. ~~((No other approved test need be administered if the professional judgment of the school personnel is that the student is eligible as defined in WAC 392-160-005(3).))~~

~~((All other newly enrolled students—Determination of eligibility:))~~ The eligibility of all ~~((newly))~~ other enrolled students:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

~~((5) Annual reassessment of all students required: Each school year each school in which an eligible student is enrolled shall conduct an evaluation of the overall academic progress of the student. This evaluation must include but not be limited to the administration of a standardized test in reading and language arts as set forth in WAC 392-160-035.))~~

NEW SECTION

WAC 392-160-016 Reassessment required. Each year that the district conducts an overall academic evaluation of regular education students, the school district shall conduct an evaluation of the overall academic progress of each eligible student. This evaluation must include, but not be limited to, the administration of a standardized test in reading and language arts as set forth in WAC 392-160-036.

AMENDATORY SECTION (Amending Order 12, filed 8/12/91, effective 9/12/91)

WAC 392-160-020 Approved tests for determining initial eligibility—English proficiency scores. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled students (other than those who speak little or no English) whose primary language is other than English:

- (a) Language assessment scales (~~((LAS))~~ - oral, and reading and writing LAS/O and LAS R/W; and Pre-LAS);
- (b) Basic inventory of natural language (BINL);
- (c) Bilingual syntax measure (BSM); ~~((and))~~
- (d) Secondary level English proficiency test (SLEP).
(To be used only at 8-12 level);
- (e) IDEA proficiency tests (IPT); and
- (f) Woodcock Munoz language survey.

(2) Scores which establish an English skills deficiency: In the event a student scores within the appropriate range provided by the test maker to establish such English skill deficiency, the student's English skills shall be deemed sufficiently deficient or absent to impair learning

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

- (a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;
- (b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and
- (c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

(4) Students in grades three through twelve who are fluent in oral English, as determined by the above test(s), must be assessed in English reading and writing comprehension.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-029 Program approval. Program approval by the superintendent of public instruction ~~((shall))~~ will be as follows:

(1) Each application that is submitted as required by and pursuant to this chapter shall be ~~((approved: Provided, That approval of an application may be withheld in whole or part in the event the superintendent of public instruction deems it necessary to ascertain the completeness and accuracy of the application))~~ reviewed for completeness and accuracy of the application and for adequacy of the program.

(2) Each school district shall be notified of program approval or disapproval, in whole or part, within thirty days after the date of receipt of the application by the superintendent of public instruction.

(3) Each application that is returned to a school district with approval withheld in whole or part shall be accompanied by an explanation of the reasons therefor and a statement of the corrective action necessary for approval.

AMENDATORY SECTION (Amending Order 84-41, filed 10/2/84)

WAC 392-160-035 Three-year limitation ~~((— Testing—Program exit requirements)). ((+))~~ No student shall continue to be entitled to a transitional bilingual or alternative instructional program after the student has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): *Provided*, That each such student who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the student's learning impairment (i.e., unable to ~~((score above the 35th percentile on an approved test))~~ satisfy the program exit requirements of WAC 392-160-037) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

~~((2) The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its students.~~

~~((3) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level.))~~

NEW SECTION

WAC 392-160-036 Testing. The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its students.

PROPOSED

NEW SECTION

WAC 392-160-037 Program exit requirements. (1) No student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the student:

(a) Has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the student's age and grade level; and/or

(b) Has become English proficient in reading, writing, speaking and comprehending and academically able to participate in the district's regular education program without the use of simplified English materials.

(2) The district shall have in place a plan for the annual review of exited students' academic progress to ensure that each exited student is able to succeed in the districts' regular academic program. At a minimum, the exited students will be reviewed annually for two consecutive years. If an exited student is not succeeding academically, the district must determine if the student's lack of success is due to language barrier. If the student's lack of success is due mainly to language barrier, the district must take appropriate steps to remedy the deficiency.

AMENDATORY SECTION (Amending Order 12, filed 8/12/91, effective 9/12/91)

WAC 392-160-040 Alternative instructional program. School districts under one or more of the following nonexclusive conditions may elect to provide an alternative instructional program: Provided, That such alternative instructional program is based on sound educational theory and:

(1) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success;

(2) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible students;

(3) Bilingual instruction cannot be provided affected students without substantially impairing their basic education program because of their distribution throughout many grade levels or schools, or both; or

(4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

(5) Individual students are advanced in their transition to English and individual students are best served by an individual monitoring, as described in WAC 392-160-005; and

(6) School districts that elect to provide an alternative instructional program must submit a program implementation plan as part of its application under WAC 392-160-026.

NEW SECTION

WAC 392-162-050 Segregation and comparable facilities. (1) Limited English proficient students may be segregated from their nonlimited English proficient peers only to the degree necessary to achieve the goals of the districts' transitional bilingual or alternative instructional program.

(2) Physical facilities for transitional bilingual or alternative instructional programs must be comparable to those provided to nonlimited English proficient students.

NEW SECTION

WAC 392-160-060 Access to specialized programs.

(1) Generally, limited English proficient students shall have access to specialized programs offered by a district and may not be excluded therefrom unless educationally justified by the needs of the student or by the specialized nature of the program.

(2) Gifted/highly capable. If a district has a process for locating and identifying gifted/highly capable students, it must also locate and identify limited English proficient, gifted/highly capable students who could meaningfully participate in the program. Such students may be excluded from program participation only if the time for the highly capable program would unduly hinder the students' participation in a transitional bilingual or alternative instructional program or the highly capable program itself requires proficiency in English language skills for meaningful participation.

(3) Special education. If a district has a process for locating and identifying handicapped students, it must also locate and identify limited English proficient, handicapped students who could benefit from the program. Alternative language services and special education services shall be provided to students who need them.

NEW SECTION

WAC 392-160-070 Staff qualifications and training.

All employees of a school district who provide transitional bilingual or alternative instruction and/or services shall be qualified, as follows:

(1) All employees shall hold such credentials, certificates or permits as are now or hereafter required by the state board of education for the particular position of employment and shall meet such supplemental standards as may be established by the school district of employment. Supplemental standards established by a district may exceed, but not be less than, those established by this section.

(2) In addition to the requirement of subsection (1) of this section, all teachers shall possess "substantial professional training" and/or "successful prior experience" and support personnel shall meet standards established under the educational staff associate rules of the state board of education, as now or hereafter amended.

(a) "Successful prior professional experience" as used in this section shall mean at least three full school years of satisfactory employment as demonstrated by a record of adequate performance reviews in an approved transitional bilingual or alternative instructional program within the five-year period immediately preceding the school year of employment in a position supported in whole or part by excess cost apportionment funds.

(b) "Substantial professional training" as used in this section shall mean and be evidenced by either an appropriate bilingual or English as a second language endorsement or recommended placement upon the teaching certificate of an employee issued by the superintendent of public instruction or completion of teacher education program designed to

prepare teachers of students with limited English proficiency offered by an institution approved by the state board of education for teacher certification purposes.

(c) Certificated staff who are assigned to teach in a transitional bilingual education classroom shall possess proficiency in speaking, reading and writing both languages.

(3) Classified staff shall present evidence of either formal and/or adequate in-service training or successful experience working with limited English proficient students, and shall work under the direct supervision of certificated staff. Classified staff who provide native language assistance shall possess the appropriate level of skill in speaking, reading and writing both languages.

(4) The assignment of personnel shall be consistent with training and experience appropriate to the grade level (preschool, elementary, secondary) and type of program in which teaching will be performed. District reorganization, reductions in force, and reassignments shall be made in a manner consistent with the requirements of this section.

(5) The superintendent of public instruction or his or her designee may grant an exception to compliance with any of the staff qualifications imposed by this section which are above and beyond certification requirements imposed by the state board of education for one year at a time and only upon the request of a school district and the provision of satisfactory assurances by the district that noncompliance:

(a) Is unavoidable;

(b) Will be addressed pursuant to a realistic plan for training and/or otherwise obtaining qualified certificated and classified staff; and

(c) Will not likely result in a significant reduction in the quality of the district's transitional bilingual or alternative instructional program.

NEW SECTION

WAC 392-160-080 Coordination and maximization of use of funds. School districts shall coordinate the use of funds from federal, state, and local sources in serving students who are limited English proficient, and make efficient use of these resources in the delivery of services to such students.

School districts shall use state basic education funds generated by limited English proficient students, to the greatest extent practicable, in the instruction of those students.

NEW SECTION

WAC 392-160-090 Allowable expenditures. Only allowed expenditures shall be reimbursed by the superintendent of public instruction. Allowed expenditures shall include direct and indirect expenditures included on the approved program budget: *Provided*, That beginning with expenditures for the 1996-97 school year, the allowed indirect expenditure rate shall not exceed ten percent.

NEW SECTION

WAC 392-160-091 Program evaluation. Each school district with two hundred or more students identified as eligible for the state transitional bilingual program, shall evaluate its program at least every three years to determine

that it is effective in teaching students English and providing the students with equivalent access to the school district's core curriculum. School districts shall use student grades and achievement test scores in its program evaluation. School districts may use drop out rates, participation in extra curricular activities, student/teacher/parent surveys, etc. If a school district's program is not effective in teaching students English and providing them access to the district core curriculum, the school district shall modify its program to make it effective.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-160-045 Handicapped students—No transitional bilingual entitlement.

**WSR 97-14-078
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

(By the Code Reviser's Office)
[Filed July 1, 1997, 8:05 a.m.]

WAC 220-140-010 and 220-140-040, proposed by the Department of Fish and Wildlife in WSR 97-01-086, appearing in issue 97-01 of the State Register, which was distributed on January 2, 1997, 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 97-14-079
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

(By the Code Reviser's Office)
[Filed July 1, 1997, 8:06 a.m.]

WAC 220-56-240, proposed by the Department of Fish and Wildlife in WSR 97-01-126, appearing in issue 97-01 of the State Register, which was distributed on January 2, 1997, 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 97-14-080
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)
 (By the Code Reviser's Office)
 [Filed July 1, 1997, 8:07 a.m.]

WAC 220-52-050, proposed by the Department of Fish and Wildlife in WSR 97-01-127, appearing in issue 97-01 of the State Register, which was distributed on January 2, 1997, 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 97-14-089
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed July 2, 1997, 9:29 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To amend WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Purpose: Amend WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment provides an exception to the permanent waterfowl, coot, and snipe season closure along a segment of the Columbia River, to allow hunting of these species during established seasons.

Reasons Supporting Proposal: Waterfowl, coot, and snipe hunting is a traditional wildlife management activity in this area and provides public recreation without harm to wildlife populations.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment protects waterfowl, coot, and snipe resources and provides recreational opportunity for hunters on the Columbia River.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Britnell

AMENDATORY SECTION [(Amending Order 96-123, filed 8/22/96)]

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67), except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published

above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 97-14-090
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Filed July 2, 1997, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-21-096.

Title of Rule: To amend WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished and WAC 232-12-014 Wildlife classified as endangered species.

Purpose: WAC 232-12-011, to add species to the state's list of threatened and sensitive species; and WAC 232-12-014, to add one species and remove two from the state's list of endangered species.

Statutory Authority for Adoption: RCW 77.12.020.

Statute Being Implemented: RCW 77.12.020.

Summary: WAC 232-12-011 adds the Aleutian Canada goose to protected wildlife designated as threatened, and the gray whale to protected wildlife designated as sensitive; and WAC 232-12-014, classifies the Oregon spotted frog as an endangered species; and removes the Aleutian Canada goose and the gray whale as endangered species.

Reasons Supporting Proposal: WAC 232-12-011, the Aleutian Canada goose and the gray whale, through 20-30 years of recovery efforts, have been restored to population levels that are no longer in danger of extinction throughout all or a significant portion of their range. The Aleutian Canada goose was federally downlisted to threatened in 1991. There are no special circumstances in Washington that would indicate it should not be downlisted on the state's list as well. The gray whale was federally delisted in 1994. While this species has recovered to historic population levels, there remain management concerns for resident animals in Washington. For these reasons, it is recommended they be downlisted to sensitive status; and WAC 232-12-014, the classification of the Oregon spotted frog as an endangered species identifies it as a species native to Washington that is seriously threatened with extinction throughout all or a significant portion of its range in the state. This species has undergone significant reductions in population numbers and distribution primarily as a result of habitat loss and alteration, and introduced bullfrogs and warmwater fish. Remaining populations require special management considerations and development of recovery plans in order to restore them to viable levels. After 20-30 years of recovery efforts, the gray whale and Aleutian Canada goose have recovered to the point that they are no longer seriously threatened with extinction in all or a significant portion of their range in Washington. This proposal reflects the current biological status of the populations of these species in Washington.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and

Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-12-011 identifies species of wild animals to be managed by the Department of Fish and Wildlife as protected species in one of three categories: Threatened, sensitive, and other protected wildlife. This amendment adds Aleutian Canada goose as a threatened species, and gray whale as a sensitive species. Threatened and sensitive species are in need of special management consideration to recover populations to healthy levels or to keep them from becoming threatened or endangered. Land managing agencies and local governments may use these lists to consider the needs of species of special concern in land management decisions. Endangered species are also recognized in the Department of Natural Resources forest practice rules for evaluating forest practice applications; and WAC 232-12-014 identifies wild animals to be managed by the Department of Fish and Wildlife as endangered species and as such, receive special management consideration in order to restore populations to viable levels. This amendment would classify the Oregon spotted frog as an endangered species and would remove the gray whale and Aleutian Canada goose from the list. Land managing agencies and local governments may use these lists to consider the needs of species of special concern in land management decisions. Endangered species are also recognized in the Department of Natural Resources forest practice rules for evaluating forest practice applications.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997
Dave Brittell

AMENDATORY SECTION [(Amending WSR 97-12-048, filed 6/2/97)]

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered

within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
<u>Aleutian Canada goose</u>	<u><i>Branta canadensis leucopareia</i></u>
bald eagle	<i>Haliaeetus leucocephalus</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>
loggerhead sea turtle	<i>Caretta caretta</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
<u>Gray whale</u>	<u><i>Eschrichtius gibbosus</i></u>
Larch Mountain salamander	<i>Plethodon larselli</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
fisher	<i>Martes pennanti</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata;</i>

all birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or

sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

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

AMENDATORY SECTION [(Amending Order 616, filed 10/14/93)]

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
((gray whale))	((<i>Eschrichtius robustus</i>))
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
((Aleutian Canada goose))	((<i>Branta canadensis leucopareia</i>))
peregrine falcon	<i>Falco peregrinus</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
<u>Oregon spotted frog</u>	<u><i>Rana pretiosa</i></u>

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

WSR 97-14-091
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed July 2, 1997, 9:31 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

PROPOSED

Title of Rule: To amend WAC 232-12-061 Tagging requirements.

Purpose: To amend WAC 232-12-061 to provide an option to mandatory transport tagging of all big game animals and turkey, by allowing the Fish and Wildlife Commission to determine if tags will be required to hunt for black bear and cougar.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The WAC amendment modifies big game tagging requirements, so that the Fish and Wildlife Commission has the ability to determine if transport tags are required to hunt black bear and cougar. The amendment provides consistency between the WAC and recently passed legislation (SB 5626).

Reasons Supporting Proposal: Greater flexibility in managing black bear and cougar populations by manipulating hunter numbers through tag requirements/tag fees, and consistency with SB 5626.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment allows the Fish and Wildlife Commission to determine if, for purposes of achieving species harvest management goals, black bear and cougar transport tags will be required of hunters. Changes to the tag requirement could assist the commission in increasing black bear and cougar harvest by generating greater hunter participation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997
Dave Brittell

AMENDATORY SECTION [(Amending Order 174, filed 10/22/81)]

WAC 232-12-061 Tagging requirements. It is unlawful for a person who kills a big game animal or turkey to fail to immediately cut out and completely remove from

their tag the designated notches corresponding to the day and month of the kill for that species. Unless, in the case of black bear or cougar, that for purposes of achieving species harvest management goals the fish and wildlife commission determines that tags are not required for these two big game animals. A person who kills such animal or bird, shall immediately attach their notched tag to the carcass of such animal or bird. That tag must remain attached to the carcass while it is being transported and must remain with the wildlife during the period of retention of the edible parts.

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

WSR 97-14-092
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Filed July 2, 1997, 9:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To amend WAC 232-12-141 Wild animal trapping.

Purpose: To amend WAC 232-12-141 to modify the trap types, and trap-check times associated with furbearer trapping regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Trapping is an essential wildlife management tool that is benefiting from technological improvements and changes in social values related to animal welfare. The WAC amendment requires the use of padded foot-hold traps in all land sets not capable of killing the animal, and reduces the trap-check time from seventy-two hours to forty-eight hours.

Reasons Supporting Proposal: The amendments are consistent with animal trap research indicating that padded foot-hold traps can significantly reduce trap related injury and increase the welfare of land trapped species. Continued, regulated use of foot-hold traps will allow efficient nuisance and damage trapping programs consistent with wildlife management, and animal welfare goals.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above. Adoption of trapping regulations that address animal welfare issues is essential to maintaining the use of trapping as a wildlife management tool. Expected benefits include the continuation of recreational trapping seasons, which provide significant

nuisance and damage relief from certain species of wildlife (eg., coyotes, beaver, river otter).

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Brittell

AMENDATORY SECTION [(Amending Order 563, filed 9/2/92)]

WAC 232-12-141 Wild animal trapping. (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit pursuant to WAC 232-12-064.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped furbearers must be lethally dispatched or immediately released. A firearm may be used for this purpose.

(4) It is unlawful to trap for wild animals:

(a) By any means other than commercially manufactured padded foot-hold traps, unpadded foot-hold traps, cage (live) traps, ((instant-))kill traps and snares.

(b) With an unpadded foot-hold trap, unless the trap is capable of completely submersing and drowning the animal, except that unpadded foot-hold traps may be used on private property with written landowner permission for the purpose of protecting livestock, domestic animals, private property, or public safety.

((b)) (c) With a steel trap having a jaw spread exceeding seven and one-half inches, except [that] an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set with the springs beneath the water surface.

((e)) (d) With a No. 3 size or larger unpadded foot-hold ((steel)) trap if it does not have spacing of at least three-sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal[.]

((d)) (e) With a ((No. 3 size or larger)) steel trap with teeth or serrated edges. ((when the set is not capable of drowning the trapped animal-))

((e)) (f) Unless traps or devices not capable of killing the animal are checked and animals removed within ((seven-

ty-two)) forty-eight hours, except within identified urban trapping areas, where ((the)) sets ((is)) not capable of ((drowning)) killing the animal, ((traps or devices)) must be checked and animals removed within ((forty-eight)) twenty-four hours.

((f)) (g) With a neck or body snare attached to a spring pole or any spring pole type of device.

((g)) (h) Within thirty feet of any exposed meat bait which is visible to flying raptors.

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

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

WSR 97-14-093
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)

[Filed July 2, 1997, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To amend WAC 232-12-068 Nontoxic shot requirements for waterfowl, coot, and snipe hunting.

Purpose: To amend WAC 232-12-068 Nontoxic shot requirements for waterfowl, coot, and snipe hunting.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment modifies the existing allowable types of nontoxic shotgun shot pellets for waterfowl, coot, and snipe hunting, to include tungsten-iron shot.

Reasons Supporting Proposal: Tungsten-iron shot has been demonstrated to be an effective nontoxic shot alternative, in addition to other shot types approved by the United States Fish and Wildlife Service.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment protects the waterfowl resource and provides additional ammunition options for migratory game bird hunters.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Brittell

AMENDATORY SECTION [(Amending Order 96-127, filed 8/22/96)]

WAC 232-12-068 Nontoxic shot requirements for waterfowl, coot, and snipe hunting. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot, ~~((#))~~ bismuth-tin shot (nominally ~~((97-3 percent, respectfully)))~~ 97 parts bismuth:3 parts tin with <1 percent residual lead, or tungsten-iron shot (nominally 40 parts tungsten:60 parts iron with <1 percent residual lead) when hunting for waterfowl, coot, or snipe.

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

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

WSR 97-14-094
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)
[Filed July 2, 1997, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To adopt WAC 232-16-800 Debay's Slough Game Reserve, 232-16-790 Hayton Game Reserve, 232-16-780 Fir Island Farm Game Reserve, and 232-16-730 Coffeepot Lake Game Reserve.

Purpose: Establish WAC 232-16-800 Debay's Slough Game Reserve; establish WAC 232-16-790 Hayton Game Reserve; establish WAC 232-16-780 Fir Island Farm Game Reserve; and establish WAC 232-16-730 Coffeepot Lake Game Reserve.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: WAC 232-16-780, 232-16-790 and 232-16-800, designates areas in Skagit County as a game reserve, closed to all hunting and trapping; and WAC 232-16-730 designates an area in Lincoln County as a Game Reserve, closed to all hunting and trapping.

Reasons Supporting Proposal: WAC 232-16-800, the reserve will provide wintering habitat for trumpeter swans during established hunting seasons, and allow maintenance

of the population; WAC 232-16-780 and 232-16-790, the reserves will provide wintering habitat for Wrangel Island snow geese during established hunting seasons, and allow maintenance of the population; and WAC 232-16-730, the reserve will provide wintering habitat for Canada geese and other wildlife during established hunting seasons, and allow maintenance of the population.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 232-16-800, the rule protects the trumpeter swan resource and provides secure feeding and resting areas during the waterfowl season; WAC 232-16-780 and 232-16-790, the rules protect the Wrangel Island snow goose resource and provides secure feeding and resting areas during the waterfowl season; and WAC 232-16-730, to protect the Canada goose resource and preserve recreational opportunities.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Brittell

NEW SECTION

WAC 232-16-800 Debay's Slough Game Reserve In Skagit County, beginning at the intersection of Francis Road and Debay's Slough Road; then south and west along Francis Road (3090 feet) to white corner marker; then north (1265 feet) to the middle of Debay's Slough (white corner marker); then westerly (2087 feet) along the channel of Debay's Slough to the western tip of the farmed portion of Debay's Island; then northerly (1485 feet) to the south bank of the Skagit River (white corner marker); then easterly (1600 feet) along the south bank of the Skagit River to fence line (white corner marker); then south along fence line (855 feet) to corner post; then east along fence line (435 feet) to fence intersection; then south (300 feet) along fence line to existing tree line (white corner marker); then continue south (835 feet) to south shoreline of Debay's Slough (white

corner marker); then easterly and southerly along the west shoreline of Debay's Slough (1770 feet) to the south side of Debay's Slough Road (white corner marker); then east along the south side of Debay's Slough Road to the intersection of Francis Road and the point of beginning.

NEW SECTION

WAC 232-16-790 Hayton Game Reserve Beginning at the intersection of the west bank of Dry Slough and the Dike District #22 Skagit Bay dike, then east approximately 1330 feet along the south side of the District #22 dike to the intersection of the District #22 dike and the west bank of McDonald's Slough, then north along the west bank of McDonald's Slough to the point where the adjacent farmed field boundary extends west, then west along the north edge of the farmed field boundary to the point where the farmed field boundary intersects Dry Slough, then across Dry Slough to the west bank of Dry Slough, then south along the west bank of Dry Slough to the point of beginning.

NEW SECTION

WAC 232-16-780 Fir Island Farm Game Reserve In Skagit County, beginning at the intersection of Fir Island Road and the east bank of Brown's Slough; then east along Fir Island Road (96 feet) to the Brown's Slough dike; then southerly and easterly along the Brown's Slough dike to the Fir Island Farm access road; then north along the Fir Island Farm access road to Fir Island Road; then east along Fir Island Road to the northeast corner of Section 22 (T33N, R3E); then south along the east line of Section 22 (T33N, R3E) to Dry Slough; then westerly and south along the west bank of Dry Slough to the intersection with Dike District #22 dike; then westerly along the south side (Skagit Bay side) of the Dike District #22 dike to the intersection of the Dike District #22 dike and the south line of Government Lot #5 (Section 22, T33N, R3E), then west approximately 1900 feet to the east bank of Brown's Slough, then north along the east bank of Brown's Slough to the intersection with the Fir Island Road and the point of beginning.

NEW SECTION

WAC 232-16-730 Coffeepot Lake Game Reserve In Lincoln County, all portions of Coffeepot Lake and those lands within one-quarter mile of Coffeepot Lake.

**WSR 97-14-095
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)**

[Filed July 2, 1997, 9:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To amend WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

Purpose: Amend WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amendment shortens the September Canada goose season in southwest Washington and establishes a youth pheasant and quail hunt in eastern Washington.

Reasons Supporting Proposal: The amendment is needed to shift available goose season days from September to the more critical goose damage period in late winter. The amendment also addresses a law enacted by the 1997 legislature, which required changes in pheasant and quail seasons.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment addresses southwest Washington Canada goose depredation problems in late winter and changes eastern Washington upland bird seasons as mandated by the 1997 legislature.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Brittell

AMENDATORY SECTION [(Amending Order 97-28, filed 2/27/97)]

WAC 232-28-264 1997-98, 1998-99, and 1999-2000 Official hunting hours and small game seasons.

PROPOSED

1997-98 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1997 to January 31, 1998

Dates (Inclusive)	Daylight Savings Time	Western Washington from		Eastern Washington from	
		A.M.	P.M.	A.M.	P.M.
Mon. Sept. 1 - Sun. Sept. 7	Sept. 7	6:00	7:45	5:50	7:30
Mon. Sept. 8 - Sun. Sept. 14	Sept. 14	6:10	7:30	6:00	7:20
Mon. Sept. 15 - Sun. Sept. 21	Sept. 21	6:20	7:15	6:10	7:05
Mon. Sept. 22 - Sun. Sept. 28	Sept. 28	6:30	7:00	6:15	6:50
Mon. Sept. 29 - Sun. Oct. 5	Oct. 5	6:40	6:45	6:30	6:35
Mon. Oct. 6 - Fri. Oct. 10	Oct. 10	6:45	6:30	6:35	6:25
((Opening Oct. 11** Sat.		((8:00)) 6:50**	6:30	((Noon)) 6:40**	6:15
Weekend**)) Oct. 12 Sun.		6:50	6:30	6:40	6:15
Mon. Oct. 13 - Sun. Oct. 19	Oct. 19	7:00	6:20	6:50	6:10
Mon. Oct. 20 - Sat. Oct. 25	Oct. 25	7:10	6:10	7:00	5:55
	Pacific Standard Time				
Mon. Oct. 27 - Sun. Oct. 26	Oct. 26	6:15	5:00	6:00	4:50
Mon. Nov. 3 - Sun. Nov. 2	Nov. 2	6:20	4:55	6:15	4:45
Mon. Nov. 10 - Sun. Nov. 9	Nov. 9	6:30	4:45	6:20	4:30
Mon. Nov. 17 - Sun. Nov. 16	Nov. 16	6:40	4:35	6:30	4:25
Mon. Nov. 24 - Sun. Nov. 23	Nov. 23	6:50	4:30	6:40	4:15
Mon. Dec. 1 - Sun. Nov. 30	Nov. 30	7:00	4:20	6:50	4:10
Mon. Dec. 8 - Sun. Dec. 7	Dec. 7	7:10	4:20	7:00	4:10
Mon. Dec. 15 - Sun. Dec. 14	Dec. 14	7:15	4:20	7:05	4:05
Mon. Dec. 22 - Sun. Dec. 21	Dec. 21	7:20	4:20	7:10	4:10
Mon. Dec. 29 - Sun. Dec. 28	Dec. 28	7:25	4:25	7:15	4:10
Mon. Jan. 5 - Sun. Jan. 4	Jan. 4	7:25	4:30	7:15	4:15
Mon. Jan. 12 - Sun. Jan. 11	Jan. 11	7:25	4:35	7:15	4:25
Mon. Jan. 19 - Sun. Jan. 18	Jan. 18	7:25	4:45	7:10	4:35
Mon. Jan. 26 - Sat. Jan. 25	Jan. 25	7:20	4:55	7:05	4:45
Mon. Jan. 26 - Sat. Jan. 31	Jan. 31	7:10	5:00	7:00	4:50

*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.

**Pheasant/quail ((⊖))opening ((⊕))day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant((⊕)) and quail((⊕)) seasons open at noon. ((In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.))

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) 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.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

PROPOSED

1998-99 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1998 to January 31, 1999

PROPOSED

Dates (Inclusive)				Western Washington from		Eastern Washington from		
				A.M.	P.M.	A.M.	P.M.	
Daylight Savings Time								
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	7:45	5:50	7:35
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	7:35	6:00	7:20
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:20	6:05	7:05
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:05	6:15	6:50
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	6:50	6:25	6:35
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	6:35	6:25	6:25
Mon.	Oct. 12	-	Fri.	Oct. 16	6:55	6:20	6:45	6:10
Opening Weekend**	Oct. 17**		Sat.		8:00	6:20	Noon	6:05
Mon.	Oct. 18		Sun.		6:55	6:20	6:45	6:05
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05	6:10	6:55	6:00
Pacific Standard Time								
Mon.	Oct. 26	-	Sun.	Oct. 25	6:10	5:00	6:00	4:50
Mon.	Nov. 2	-	Sun.	Nov. 1	6:20	4:55	6:05	4:45
Mon.	Nov. 9	-	Sun.	Nov. 8	6:30	4:45	6:15	4:35
Mon.	Nov. 16	-	Sun.	Nov. 15	6:40	4:35	6:30	4:25
Mon.	Nov. 23	-	Sun.	Nov. 22	6:50	4:30	6:40	4:15
Mon.	Nov. 30	-	Sun.	Nov. 29	7:00	4:25	6:50	4:10
Mon.	Dec. 7	-	Sun.	Dec. 6	7:10	4:20	6:55	4:10
Mon.	Dec. 14	-	Sun.	Dec. 13	7:15	4:20	7:05	4:05
Mon.	Dec. 21	-	Sun.	Dec. 20	7:20	4:20	7:10	4:10
Mon.	Dec. 28	-	Sun.	Dec. 27	7:25	4:20	7:15	4:10
Mon.	Jan. 4	-	Sun.	Jan. 3	7:25	4:30	7:15	4:15
Mon.	Jan. 11	-	Sun.	Jan. 10	7:25	4:35	7:15	4:25
Mon.	Jan. 18	-	Sun.	Jan. 17	7:25	4:45	7:10	4:30
Mon.	Jan. 25	-	Sat.	Jan. 24	7:20	4:55	7:05	4:40
Mon.				Jan. 31	7:10	5:00	7:00	4:50

*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.

**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) 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.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1999-2000 OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
September 1, 1999 to January 31, 2000

Dates (Inclusive)				Daylight Savings Time		Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	7:45	5:45	7:35	
Mon.	Sept. 6	-	Sun.	Sept. 12	6:05	7:35	5:50	7:20	
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:20	6:05	7:10	
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:10	6:15	6:50	
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	6:50	6:25	6:40	
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	6:40	6:35	6:25	
Mon.	Oct. 11	-	Fri.	Oct. 15	6:50	6:25	6:45	6:15	
Opening	Oct. 16**		Sat.		8:00	6:25	Noon	6:15	
Weekend**	Oct. 17		Sun.		6:50	6:25	6:45	6:15	
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:15	6:55	6:00	
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15	6:00	7:05	5:45	
				Pacific Standard Time					
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25	4:45	6:15	4:35	
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35	4:40	6:25	4:25	
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	4:30	6:35	4:20	
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:25	6:45	4:10	
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:20	6:50	4:10	
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:20	7:00	4:05	
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:20	7:05	4:05	
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:25	7:10	4:10	
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:25	7:15	4:15	
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	4:35	7:15	4:20	
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	4:40	7:10	4:30	
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	4:50	7:05	4:45	
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:00	7:00	4:50	

*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.

**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) 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.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1997-1998 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1997 to January 31, 1998

Dates (Inclusive)				Daylight Savings Time		Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.	A.M.	P.M.
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00	8:15	5:50	8:00	
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10	8:00	6:00	7:50	

PROPOSED

Mon.	Sept. 15	-	Sun.	Sept. 21	6:20	7:45	6:10	7:35
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:30	6:15	7:20
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	7:15	6:30	7:05
Mon.	Oct. 6	-	Fri.	Oct. 10	6:45	7:00	6:35	6:55
((Opening	Oct. 11**		Sat.		6:50**	7:00	6:40**	6:45
Weekend**))	Oct. 12		Sun.		6:50	7:00	6:40	6:45
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:50	6:50	6:40
Mon.	Oct. 20	-	Sat.	Oct. 25	7:10	6:40	7:00	6:25

Pacific Standard Time

			Sun.	Oct. 26	6:15	5:30	6:00	5:20
Mon.	Oct. 27	-	Sun.	Nov. 2	6:20	5:25	6:15	5:15
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30	5:15	6:20	5:00
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40	5:05	6:30	4:55
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50	5:00	6:40	4:45
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00	4:50	6:50	4:40
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10	4:50	7:00	4:40
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15	4:50	7:05	4:35
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20	4:50	7:10	4:40
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25	4:55	7:15	4:40
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25	5:00	7:15	4:45
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25	5:05	7:15	4:55
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25	5:15	7:10	5:05
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20	5:25	7:05	5:15
Mon.	Jan. 26	-	Sat.	Jan. 31	7:10	5:30	7:00	5:20

*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.

**Pheasant/quail ((⊖))opening ((⊕))day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant((⊖)) and quail((⊖)) seasons open at noon. (~~In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.~~)

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) 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.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

1998-1999 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1998 to January 31, 1999

				Western Washington from		Eastern Washington from		
				A.M.	P.M.	A.M.	P.M.	
				Daylight Savings Time				
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	8:15	5:50	8:05
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	8:05	6:00	7:50
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:50	6:05	7:35
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:35	6:15	7:20
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	7:20	6:25	7:05
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	7:05	6:25	6:55
Mon.	Oct. 12	-	Fri.	Oct. 16	6:55	6:50	6:45	6:40
Opening	Oct. 17**		Sat.		6:55**	6:50	6:45**	6:35
Weekend**	Oct. 18		Sun.		6:55	6:50	6:45	6:35
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05	6:40	6:55	6:30

			Pacific Standard Time					
		Sun.	Oct. 25	6:10	5:30	6:00	5:20	
Mon.	Oct. 26	- Sun.	Nov. 1	6:20	5:25	6:05	5:15	
Mon.	Nov. 2	- Sun.	Nov. 8	6:30	5:15	6:15	5:05	
Mon.	Nov. 9	- Sun.	Nov. 15	6:40	5:05	6:30	4:55	
Mon.	Nov. 16	- Sun.	Nov. 22	6:50	5:00	6:40	4:45	
Mon.	Nov. 23	- Sun.	Nov. 29	7:00	4:55	6:50	4:40	
Mon.	Nov. 30	- Sun.	Dec. 6	7:10	4:50	6:55	4:40	
Mon.	Dec. 7	- Sun.	Dec. 13	7:15	4:50	7:05	4:35	
Mon.	Dec. 14	- Sun.	Dec. 20	7:20	4:50	7:10	4:40	
Mon.	Dec. 21	- Sun.	Dec. 27	7:25	4:50	7:15	4:40	
Mon.	Dec. 28	- Sun.	Jan. 3	7:25	5:00	7:15	4:45	
Mon.	Jan. 4	- Sun.	Jan. 10	7:25	5:05	7:15	4:55	
Mon.	Jan. 11	- Sun.	Jan. 17	7:25	5:15	7:10	5:00	
Mon.	Jan. 18	- Sun.	Jan. 24	7:20	5:25	7:05	5:10	
Mon.	Jan. 25	- Sat.	Jan. 31	7:10	5:30	7:00	5:20	

*These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) 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.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

**1999-2000 OFFICIAL HUNTING HOURS
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)*
September 1, 1999 to January 31, 2000**

Dates (Inclusive)			Daylight Savings Time		Western Washington from		Eastern Washington from	
				A.M.	P.M.	A.M.	P.M.	
Wed.	Sept. 1	- Sun.	Sept. 5	6:00	8:15	5:45	8:05	
Mon.	Sept. 6	- Sun.	Sept. 12	6:05	8:05	5:50	7:50	
Mon.	Sept. 13	- Sun.	Sept. 19	6:15	7:50	6:05	7:40	
Mon.	Sept. 20	- Sun.	Sept. 26	6:25	7:40	6:15	7:20	
Mon.	Sept. 27	- Sun.	Oct. 3	6:35	7:20	6:25	7:10	
Mon.	Oct. 4	- Sun.	Oct. 10	6:45	7:10	6:35	6:55	
Mon.	Oct. 11	- Fri.	Oct. 15	6:50	6:55	6:45	6:45	
Opening Weekend**	Oct. 16**	Sat.		6:50**	6:55	6:45**	6:45	
Mon.	Oct. 17	Sun.		6:50	6:55	6:45	6:45	
Mon.	Oct. 18	- Sun.	Oct. 24	7:05	6:45	6:55	6:30	
Mon.	Oct. 25	- Sat.	Oct. 30	7:15	6:30	7:05	6:15	
Pacific Standard Time								
Sun.	Oct. 31	- Sun.	Nov. 7	6:25	5:15	6:15	5:05	
Mon.	Nov. 8	- Sun.	Nov. 14	6:35	5:10	6:25	4:55	
Mon.	Nov. 15	- Sun.	Nov. 21	6:50	5:00	6:35	4:50	
Mon.	Nov. 22	- Sun.	Nov. 28	7:00	4:55	6:45	4:40	
Mon.	Nov. 29	- Sun.	Dec. 5	7:05	4:50	6:50	4:40	
Mon.	Dec. 6	- Sun.	Dec. 12	7:10	4:50	7:00	4:35	
Mon.	Dec. 13	- Sun.	Dec. 19	7:20	4:50	7:05	4:35	

PROPOSED

Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:55	7:10	4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:55	7:15	4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	5:05	7:15	4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	5:10	7:10	5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	5:20	7:05	5:15
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:30	7:00	5:20

*These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

**Opening Day (Oct. 11, 1997; Oct. 17, 1998; and Oct. 16, 1999) - In Eastern Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at noon. In Western Washington, pheasant, quail, duck, goose, coot, and snipe seasons open at 8:00 a.m.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark, Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) 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.
- 4) 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, and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge and in GMU 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

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, 410, and 522.

Sept. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED in GMU 522 and CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, 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. 2, 1997-Mar. 15, 1998; Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000; 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 during 1997, 1998, and 1999; except CLOSED in GMU 522.

PTARMIGAN

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.

Juvenile Season: Sept. 27 & 28, 1997; Oct. 3 & 4, 1998; Oct. 2 & 3, 1999 open only to juvenile hunters age 15 and under. Juvenile hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: Noon Oct. 11-Dec. 31, 1997; Noon Oct. 17-Dec. 31, 1998; Noon Oct. 16-Dec. 31, 1999.

Chukar Partridge

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, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

PROPOSED

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, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999; Oct. 1, 1999-Jan. 9, 2000.

Mountain QuailSeason closed throughout eastern WashingtonValley and Bobwhite Quail

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.

Juvenile Season: Sept. 27 & 28, 1997; Oct. 3 & 4, 1998; Oct. 2 & 3, 1999 open only to juvenile hunters age 15 and under. Juvenile hunters must be accompanied by an adult of at least 18 years old who is not hunting.

Regular Season: Noon Oct. 11, 1997-Jan. 11, 1998; Noon Oct. 17, 1998-Jan. 10, 1999; Noon Oct. 16, 1999-Jan. 9, 2000.

Yakama Indian Reservation: The 1997-98, 1998-99, 1999-2000 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 on designated release sites, EXCEPT two (2) cock pheasants per day on other than designated release sites, with a total of fifteen (15) pheasants in possession at any time.

Early season: Sept. 20-26, 1997; Sept. 26-Oct. 2, 1998; and Sept. 25-Oct. 1, 1999 for juvenile hunters under 15 and senior hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult.

Sept. 27-Nov. 30, 1997; Oct. 3-Nov. 30, 1998; and Oct. 2-Nov. 30, 1999; 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 11, 1997; Oct. 17, 1998; Oct. 16, 1999; except CLOSED in GMU 522.

A Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge in western Washington, in addition to a current hunting license. Pheasant kills only must be recorded. Upon taking a pheasant, the holder of a Western Washington Upland Bird Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the 1997, 1998, 1999 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) Juvenile (under 15): Allows the harvest of six (6) pheasants.
- (3) 2-Day Option: Allows the harvest of four (4) pheasants during two consecutive days.

Every person possessing a Western Washington Upland Bird 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. Hunters may only possess one valid permit at a time.

A hunter shall select one valid option at the time they purchase their Western Washington Upland Bird Permit.

Special Restriction: Non-toxic shot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Hunting is restricted on weekend mornings at Lake Terrell (all units including ARCO and INTELCO), Tennant Lake, Snoqualmie (including Stillwater, Cherry Valley, and Two Rivers segments) and Skagit (including headquarters and Smith Farm segments) Skookumchuck and Scatter Creek wildlife areas. Only hunters with Western Washington Upland Bird Permits marked "odd" may hunt these sites from 8:00 a.m. until 10:00 a.m. on odd numbered weekend days. Only hunters with Western Washington Upland Bird Permits marked "even" may hunt these sites from 8:00 a.m. until 10:00 a.m. on even numbered weekend days. Hunters that select the two day option, senior hunters 65 years of age or older, and juvenile hunters 14 years of age or younger may hunt during either weekend day morning. Juvenile hunters must be accompanied by an adult with an appropriately marked upland bird permit.

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. 11-Nov. 30, 1997; Oct. 17-Nov. 30, 1998; Oct. 16-Nov. 30, 1999. except CLOSED in GMU 522.

Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

Oct. 11-Nov. 30, 1997; Oct. 17-Nov. 30, 1998; Oct. 16-Nov. 30, 1999; except CLOSED in GMU 522.

TURKEY

Spring Season

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 1997; April 15-May 15, 1998; and April 15-May 15, 1999.

Fall Season

Either Sex

Klickitat and Skamania counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999.

Asotin, Columbia, Garfield, and Walla Walla counties: Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998; Nov. 25-29, 1999. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid hunting license and turkey tag while hunting in this area.

OFFICIAL HUNTING HOURS/BAG LIMITS:

Bag and Possession Limit: One turkey per day, with a total of three (3) per year; only one turkey from each subspecies

may be killed per year in 1997, 1998 and 1999; Subspecies are defined by county of kill.

Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.

Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.

Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.

Tag Sale Cutoff: All multiple tags must be purchased by April 14 each year; a single statewide tag may be purchased at any time.

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. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

SAGE AND SHARP-TAILED GROUSE

Season Closed Statewide.

BIRD DOG TRAINING SEASON

Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; and Aug. 1, 1999-Mar. 15, 2000, except from Sept. 27-Nov. 30, 1997, Oct. 3-Nov. 30, 1998, and Oct. 2-Nov. 30, 1999, dog training is prohibited except 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 Two - Wahluke Wildlife Area north of Highway 24; 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 Six - Scatter Creek Wildlife Area.

CANADA GOOSE SEPTEMBER SEASON

~~((Early September Canada Goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties.~~

~~Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.~~

~~Sept. 1-15, 1997; Sept. 1-15, 1998; Sept. 1-15, 1999.~~

~~Open Area: Clark, Cowlitz, Pacific, and Wahkiakum counties.~~

~~Early September Canada Goose season for the remainder of western Washington and all of eastern Washington.))~~

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Statewide: ~~((September 6-12, 1997;))~~ September 8-14, 1998; September 7-13, 1999.

~~((Open Area: Statewide, except Clark, Cowlitz, Pacific, and Wahkiakum counties.))~~

BAND-TAILED PIGEON

Closed Season Statewide.

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, 1997; Sept. 1-15, 1998; and Sept. 1-15, 1999; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and Jackrabbit.

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000; except CLOSED in GMU 522.

CROWS

Bag and possession limits: No limits

Statewide: Oct. 1, 1997-Jan. 31, 1998; Oct. 1, 1998-Jan. 31, 1999; Oct. 1, 1999-Jan. 31, 2000

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

Statewide: Sept. 1, 1997-Mar. 15, 1998; Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000.

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.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 1997; Sept. 1-15 and Oct. 1-Dec. 31, 1998; and Sept. 1-15 and Oct. 1-Dec. 31, 1999.

Cottontail and Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

Statewide: Aug. 1, 1997-Mar. 15, 1998; Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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

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

**WSR 97-14-096
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)
[Filed July 2, 1997, 9:36 a.m.]**

**WSR 97-14-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Wildlife)
[Filed July 2, 1997, 9:37 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: Repealing WAC 232-28-241 1996-97 Official hunting hours and small game seasons, 232-28-246 1996-97 Deer/elk permit hunting seasons, 232-28-251 1996-97 Elk permit quotas, 232-28-250 1996 Deer permit quotas, 232-28-420 1996-97 Migratory waterfowl seasons and regulations, and 232-28-514 1996-97 Trapping seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.
Statute Being Implemented: RCW 77.12.040.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.
July 2, 1997
Dave Brittell

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-241	1996-97 Official hunting hours and small game seasons
WAC 232-28-246	1996-97 Deer/elk permit hunting seasons
WAC 232-28-251	1996-97 Elk permit quotas
WAC 232-28-250	1996 Deer permit quotas
WAC 232-28-420	1996-97 Migratory waterfowl seasons and regulations
WAC 232-28-514	1996-97 Trapping seasons and regulations

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To adopt WAC 232-28-421 1997-98 Migratory waterfowl seasons and regulations.

Purpose: Establish WAC 232-28-421 1997-98 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.
Statute Being Implemented: RCW 77.12.040.

Summary: The WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl for the 1997-98 hunting season.

Reasons Supporting Proposal: Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the United States Fish and Wildlife Service, considering population status and other biological parameters.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.
July 2, 1997
Dave Brittell

PROPOSED

NEW SECTION**WAC 232-28-421 1997-98 Migratory Waterfowl Seasons and Regulations
DUCKS****Western Washington**

Oct. 4, 1997-Jan. 17, 1998

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, not more than 3 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 14 ducks—to include not more than 4 hen mallards, not more than 6 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting).

Sept. 27, 1997

Eastern Washington

Oct. 4, 1997-Jan. 17, 1998

Daily bag limit: 7 ducks—to include not more than 2 hen mallards, not more than 3 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 14 ducks—to include not more than 4 hen mallards, not more than 6 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

Special youth hunting day open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting).

Sept. 27, 1997

COOT (Mudhen)

Same areas, dates (including Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except Youth Hunting Day), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada Geese)**WESTERN WASHINGTON****Western Washington Goose Management Area 1
Island, Skagit, Snohomish counties**

Oct. 11-Jan. 4, 1998

Daily bag limit: 3 geese.

Possession limit: 6 geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1996 authorization and returned the Harvest Report prior to the deadline will be mailed a 1997 authorization in early October. Hunters who did not possess a 1996 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and

regional offices). **Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 1997 authorization before the season starts. No applications will be accepted after October 31, 1997.** Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1998 will be ineligible to participate in the 1998 snow goose season.

Western Washington Goose Management Area 2
Pacific, Wahkiakum, Cowlitz, and Clark counties, except the area of Clark County south of the Washougal River.

Open in Cowlitz County south of the Kalama River and Clark County (see exception above), except on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 22, 24, 26, 28, 30, 1997

Dec. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 26, 28, 30, 1997

Jan. 2, 4, 6, 8, 10, 12, 14, 16, 18, 1998

Open in Cowlitz county north of the Kalama River, Pacific, and Wahkiakum counties on the following dates from 8:00 a.m. to 4:00 p.m.:

Mondays, Wednesdays, and Saturdays only, Nov. 22, 1997-Jan. 18, 1998.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose with a culmen (bill) length of 40-50 mm.

The Canada goose season for Western Washington Goose Management Area 2 will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 67 geese. The Fish and Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: a total of 67 duskys, to be distributed 18 for Clark County private lands, 10 for Ridgefield NWR, 19 for Cowlitz County south of the Kalama River, 10 for Cowlitz County north of the Kalama River and Wahkiakum County, and 10 for Pacific County.

Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1996 written authorization will be mailed a 1997 authorization card prior to the 1997 season. New hunters and those who did not maintain a valid 1996 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a Harvest Report. Hunters must carry the authorization card and

Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season and the Special Late Canada Goose Season. It is unlawful to fail to comply with all provisions listed above for Western Washington Goose Management Area 2.

Western Washington Goose Management Area 2 Special Late Canada Goose Season

Open to Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) program graduates possessing a valid 1997 southwest Washington Canada goose hunting authorization. Hunters qualifying for the season will be notified of available hunting dates and selected at random for participation. Depending on the number of AHE hunters available, additional authorized non-AHE hunters may be selected at random from applicants (applications will be available in early January 1998). AHE hunters will be given priority in assigning hunt days.

Open in Agricultural Goose Damage Areas in Western Washington Goose Management Area 2 on selected dates within the following period from 7:00 a.m. to 4:00 p.m.:

January 24-March 10, 1998

Daily bag limit: 3 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 6 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose with a culmen (bill) length of 40-50 mm.

The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 5. Hunting is only permitted by written authorization from the Washington Department of Fish and Wildlife. Hunters who maintained a valid 1996 written authorization will be mailed a 1997 authorization card prior to the 1997 season. New hunters and those who did not maintain a valid 1996 authorization must review goose identification training materials and demonstrate adequate performance on a goose identification test to receive written authorization. Information on training materials and testing dates/locations is available at the Olympia and Regional offices.

With written authorization, hunters will receive a Special Late Canada Goose Season authorization card and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of

birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in the Special Late Canada Goose Season for the remainder of the season. It is unlawful to fail to comply with all requirements listed above for the Special Late Canada Goose Season.

Western Washington Goose Management Area 3

Includes all parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

Oct. 11, 1997-Jan. 18, 1998

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

EASTERN WASHINGTON

Eastern Washington Goose Management Area 1

Okanogan, Douglas, Kittitas, Grant, Adams, Franklin, Benton, Lincoln, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only, from Oct. 11, 1997-Jan. 11, 1998, Nov. 11, 27, 28, 1997, and every day Jan. 12-18, 1998.

Eastern Washington Goose Management Area 2

Includes all other parts of eastern Washington not included in Eastern Washington Goose Management Area 1.

Every day, from Oct. 11, 1997-Jan. 18, 1998.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

BRANT

Open in Skagit and Pacific counties only

In 1997, the brant wintering population in northern Puget Sound remained significantly below objective levels. If the 1997-98 pre-season wintering population in northern Puget Sound is below 6,000, the brant season in Skagit County will be closed.

Open in Skagit county on the following dates:

Jan. 10, 11, 14, 17, 18, 1998

Open in Pacific county on the following dates:

Jan. 3, 4, 10, 17, 18, 1998

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1996 authorization and returned the Harvest Report prior to the deadline will be mailed a 1997 authorization in early December. Hunters who did not possess a 1996 authorization must fill out an application (available at Washington Department of Fish and Wildlife regional offices). **Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1997 authorization in early December. Late applications will not be accepted.** Immediately after taking a brant into possession, hunters must record in ink the information required on the

Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1998 will be ineligible to participate in the 1998 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or a Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge; and federal and state waterfowl stamps are required to hunt waterfowl. A 1998 hunting license, 1998 falconry license, and a 1998 Eastern or Western Washington Upland Bird Permit are required to hunt pheasant, partridge, and grouse after December 31.

DUCKS AND COOTS (Falconry)

(Bag limits include geese, snipe, and mourning doves.)

Western Washington

Sept. 27, 1997, Oct. 4, 1997-Jan. 17, 1998

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Eastern Washington

Sept. 27, 1997, Oct. 4, 1997-Jan. 17, 1998

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Oct. 11, 1997-Jan. 18, 1998, statewide, except:

Nov. 22, 1997-Jan. 18, 1998 and Jan. 24-Mar. 10, 1998 in Western Washington Goose Management Area 2.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

SNIFE (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves.)

Sept. 27, 1997, Oct. 4, 1997-Jan. 17, 1998, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

WSR 97-14-098
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed July 2, 1997, 9:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To amend WAC 232-28-268 1997-98 Elk permit quotas.

Purpose: To amend elk permit quotas for the 1997-98 hunting season.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Special elk hunting permits are identified in the *1997 Big Game Hunting Seasons and Rules Pamphlet*. The amended permit quota for the Olympic Unit is eight permits less than adopted in April. This quota is recommended as a result of negotiations with the Point No Point Treaty Tribes.

Reasons Supporting Proposal: Amended permit quotas in the Olympic Unit will allow the herd to grow.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed permit quotas will protect the elk resource, share the allocation between user groups, and result in recreational opportunity.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Brittell

AMENDATORY SECTION [(Amending WSR 97-12-057, filed 6/2/97)]

WAC 232-28-268 1997-1998 Elk permit quotas

PROPOSED

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)						
2001	Blue Creek A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 154	5
2002	Watershed A*	Nov. 1-9	3 Pt. Min. or Antlerless	BP	GMU 157	75
2003	Dayton A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 162	10
2004	Tucannon A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 166	6
2005	Wenaha A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 169	13
2006	Mountain View A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 172	8
2007	Peola A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 178	6
2008	Grande Ronde A	Oct. 20-Nov. 2	3 Pt. Min.	BP	GMU 186	2
2009	Naneum A	Oct. 20-Nov. 2	3 Pt. Min.	CP	GMU 328	25
2010	Quilomene A	Oct. 20-Nov. 2	3 Pt. Min.	CP	GMU 329	13
2011	Peaches Ridge A	Oct. 20-Nov. 2	3 Pt. Min.	YP	GMUs 336, 346	69
2012	Observatory A	Oct. 20-Nov. 2	3 Pt. Min.	YP	GMUs 340, 342	39
2013	Goose Prairie A	Oct. 20-Nov. 2	3 Pt. Min.	YP	GMUs 352, 356	32
2014	Bethel A	Oct. 20-Nov. 2	3 Pt. Min.	YP	GMU 360	17
2015	Rimrock A	Oct. 20-Nov. 2	3 Pt. Min.	YP	GMU 364	50
2016	Cowiche A	Oct. 20-Nov. 2	3 Pt. Min.	YP	GMU 368	9
2017	White River A	Nov. 3-16	Spike Only	WP	GMU 472	820
2018	White River B	Nov. 3-16	3 Pt. Min.	WP	GMU 472	25
2019	Green River A	Nov. 8-12	3 Pt. Min. or Antlerless	WP	GMU 485	0
2020	Winston A	Nov. 3-16	3 Pt. Min.	WP	GMU 520	9
2021	Margaret A	Nov. 3-16	3 Pt. Min.	WP	GMU 524	18
2022	Coweeman A	Nov. 3-16	3 Pt. Min.	WP	GMU 550	9
2023	Toutle A	Nov. 3-16	3 Pt. Min.	WP	GMU 556	114
2024	Lewis River A	Nov. 3-16	3 Pt. Min.	WP	GMU 560	14
2025	Dickey A	Nov. 3-16	3 Pt. Min.	WP	GMU 602	53
2026	Olympic A	Nov. 3-16	3 Pt. Min.	WP	GMU 621	((++)) 8

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
Modern Firearm Elk Permit Hunts (Only modern firearm and muzzleloader elk tag holders may apply.)						
2027	Northeast	Oct. 29-Nov. 2	Antlerless Only	BP or BM	GMUs 109, 113, 117, 124 (E. of SR 395)	75
2028	Mica, Cheney	Oct. 11-Nov. 2	Antlerless Only	BP or BM	GMUs 127, 130	250
2029	Wenaha B	Oct. 1-10	3-Pt. Min.	BP or BM	GMU 169	8
2030	Peola B	Oct. 29-Nov. 2	Antlerless Only	BP or BM	GMU 178	50
2031	Wenatchee Mtns.	Oct. 1-10	3-Pt. Min.	CP, CM, YP, or YM	GMUs 302, 335	24

*Permit season for archery and muzzleloader is the same as modern firearm and all hunters must wear hunter orange.

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
2032	Naneum B	Oct. 29-Nov. 2	Antlerless Only	CP or CM	GMU 328	0
2033	Shushuskin A	Nov. 15-Dec. 15	Antlerless Only	CP or CM	Elk Area 031	150
2034	Malaga A	Sept. 1-Oct. 3	Antlerless Only	CP or CM	Elk Area 032	75
2035	Malaga B	Nov. 7-Dec. 31	Antlerless Only	CP or CM	Elk Area 032	75
2036	Peshastin A	Sept. 1-Oct. 3	Antlerless Only	CP or CM	Elk Area 033	25
2037	Peshastin B	Nov. 7-Dec. 31	Any Elk	CP or CM	Elk Area 033	25
2038	Brushy	Sept. 20-22	Antlerless Only	CP or CM	Elk Area 035	50
2039	Quilomene B	Oct. 29-Nov. 2	Antlerless Only	CP or CM	GMU 329	0
2040	West Bar A	Oct. 22	Antlerless Only	CP or CM	GMU 330	10
2041	West Bar B	Oct. 23	Antlerless Only	CP or CM	GMU 330	10
2042	West Bar C	Oct. 24	Antlerless Only	CP or CM	GMU 330	10
2043	Taneum	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 336	100
2044	Manastash A	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 340	100
2045	Umtanum	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 342	150
2046	Little Naches A	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 346	100

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2047	Little Naches B	Oct. 1-10	3-Pt. Min.	YP or YM	GMU 346	15
2048	Nile	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 352	30
2049	Bumping	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 356	150
2050	Bethel B	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 360	25
2051	Rimrock B	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 364	100
2052	Cowiche B	Oct. 29-Nov. 2	Antlerless Only	YP or YM	GMU 368	200
2053	White River C	Nov. 12-16	Antlerless Only	WP or WM	GMU 472	5
2054	Green River B	Nov. 8-12	Antlerless Only	WP or WM	GMU 485	0
2055	Lincoln	Nov. 12-16	Antlerless Only	WP or WM	GMU 501	0
2056	Willapa Hills	Nov. 12-16	Antlerless Only	WP or WM	GMU 506	100
2057	Packwood	Nov. 12-16	Antlerless Only	WP or WM	GMU 516	25
2058	Winston B	Nov. 12-16	Antlerless Only	WP or WM	GMU 520	30
2059	Margaret B	Nov. 12-16	Antlerless Only	WP or WM	GMU 524	30
2060	Ryderwood	Nov. 12-16	Antlerless Only	WP or WM	GMU 530	125
2061	Coweeman B	Nov. 12-16	Antlerless Only	WP or WM	GMU 550	50
2062	Toutle B	Nov. 12-16	Antlerless Only	WP or WM	GMU 556	50
2063	Marble	Nov. 12-16	Antlerless Only	WP or WM	GMU 558	60
2064	Carlton	Oct 1-10	3-Pt. Min.	WP or WM	Elk Area 057	5
2065	West Goat Rocks	Oct. 1-10	3-Pt. Min.	WP or WM	Elk Area 058	5
2066	Mt. Adams	Oct. 1-10	3-Pt. Min.	WP or WM	Elk Area 059	5
2067	Lewis River B	Nov. 12-16	Antlerless Only	WP or WM	GMU 560	75
2068	Washougal	Nov. 12-16	Antlerless Only	WP or WM	GMU 568	0
2069	Siouxon	Nov. 12-16	Antlerless Only	WP or WM	GMU 572	50
2070	Wind River	Nov. 12-16	Antlerless Only	WP or WM	GMU 574	0
2071	West Klickitat	Nov. 12-16	Antlerless Only	WP or WM	GMU 578	0
2072	Grayback	Nov. 12-16	Antlerless Only	WP or WM	GMU 588	0
2073	Minot Peak	Nov. 12-16	Antlerless Only	WP or WM	GMU 660	10
2074	Williams Creek	Nov. 12-16	Antlerless Only	WP or WM	GMU 673	80
2075	Curtis	Dec. 20-31	Antlerless Only	WP or WM	Elk Area 050	50
2076	Boisfort A	Jan. 1-15, 1998	Antlerless Only	WP or WM	Elk Area 054	50
2077	East Valley	Jan. 1-15, 1998	Antlerless Only	WP or WM	Elk Area 055	25

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
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Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)

2078	Blue Creek B	Oct. 1-10	3 Pt. Min.	BM	GMU 154	2
2079	Watershed B*	Nov. 1-9	3 Pt. Min. or Antlerless	BM	GMU 157	0
2080	Dayton B	Oct. 1-10	3 Pt. Min.	BM	GMU 162	3
2081	Tucannon B	Oct. 1-10	3 Pt. Min.	BM	GMU 166	1
2082	Wenaha C	Oct. 1-10	3 Pt. Min.	BM	GMU 169	4
2083	Mountain View B	Oct. 1-10	3 Pt. Min.	BM	GMU 172	2
2084	Peola C	Oct. 1-10	3 Pt. Min.	BM	GMU 178	1
2085	Grande Ronde B	Oct. 1-10	3 Pt. Min.	BM	GMU 186	1
2086	Naneum C	Oct. 1-10	3 Pt. Min.	CM	GMU 328	21
2087	Quilomene C	Oct. 1-10	3 Pt. Min.	CM	GMU 329	22
2088	Peaches Ridge B	Oct. 1-10	3 Pt. Min.	YM	GMUs 336, 346	13
2089	Observatory B	Oct. 1-10	3 Pt. Min.	YM	GMUs 340, 342	17
2090	Goose Prairie B	Oct. 1-10	3 Pt. Min.	YM	GMUs 352, 356	12
2091	Bethel C	Oct. 1-10	3 Pt. Min.	YM	GMU 360	8
2092	Rimrock C	Oct. 1-10	3 Pt. Min.	YM	GMU 364	10
2093	Cowiche C	Oct. 1-10	3 Pt. Min.	YM	GMU 368	6
2094	White River D	Oct. 1-10	Spike Only	WM	GMU 472	360
2095	White River E	Oct. 1-10	3 Pt. Min.	WM	GMU 472	11
2096	Green River C*	Nov. 8-12	3 Pt. Min. or Antlerless	WM	GMU 485	0
2097	Winston C	Oct. 1-10	3 Pt. Min.	WM	GMU 520	3
2098	Margaret C	Oct. 1-10	3 Pt. Min.	WM	GMU 524	6
2099	Coweeman C	Oct. 1-10	3 Pt. Min.	WM	GMU 550	3
2100	Toutle C	Oct. 1-10	3 Pt. Min.	WM	GMU 556	40
2101	Lewis River C	Oct. 1-10	3 Pt. Min.	WM	GMU 560	5
2102	Dickey B	Oct. 1-10	3 Pt. Min.	WM	GMU 602	18
2103	Olympic B	Oct. 1-10	3 Pt. Min.	WM	GMU 621	((8)) 6

* Permit season in Watershed B & Green River C is the same as modern firearm, and hunters must wear hunter orange.

PROPOSED

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)						
2104	Blue Creek C	12/1/97 - 1/31/98	Antlerless Only	BM	GMU 154	50
2105	Couse	12/1/97 - 1/31/98	Antlerless Only	BM	GMU 181	150
2106	Stella	Nov. 26-Dec. 15	Spike or antlerless	WM	GMU 504	100
2107	Boisfort B	Jan. 16-31, 1998	Antlerless Only	WM	Elk Area 054	50
2108	Yale	Nov. 26-Dec. 15	Any Elk	WM	GMU 554	75
2109	Toledo	Jan. 2-16, 1998	Antlerless Only	WM	Elk Area 029	75
2110	North River	Nov. 26-Dec. 15	Antlerless Only	WM	GMU 658	20

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
Archery Bull Permit Hunts (Only archery elk tag holders may apply.)						
2111	Blue Creek D	Sept. 1-14	3 Pt. Min.	BA	GMU 154	3
2112	Watershed C*	Nov. 1-9	3 Pt. Min. or Antlerless	BA	GMU 157	0
2113	Dayton C	Sept. 1-14	3 Pt. Min.	BA	GMU 162	5
2114	Tucannon C	Sept. 1-14	3 Pt. Min.	BA	GMU 166	3
2115	Wenaha D	Sept. 1-14	3 Pt. Min.	BA	GMU 169	7
2116	Mountain View C	Sept. 1-14	3 Pt. Min.	BA	GMU 172	13
2117	Peola D	Sept. 1-14	3 Pt. Min.	BA	GMU 178	6
2118	Grande Ronde C	Sept. 1-14	3 Pt. Min.	BA	GMU 186	1
2119	Naneum D	Sept. 1-14	3 Pt. Min.	CA	GMU 328	85
2120	Quilomene D	Sept. 1-14	3 Pt. Min.	CA	GMU 329	68
2121	Peaches Ridge C	Sept. 1-14	3 Pt. Min.	YA	GMUs 336, 346	77
2122	Observatory C	Sept. 1-14	3 Pt. Min.	YA	GMUs 340, 342	77
2123	Goose Prairie C	Sept. 1-14	3 Pt. Min.	YA	GMUs 352, 356	41
2124	Bethel D	Sept. 1-14	3 Pt. Min.	YA	GMU 360	31
2125	Rimrock D	Sept. 1-14	3 Pt. Min.	YA	GMU 364	26
2126	Cowiche D	Sept. 1-14	3 Pt. Min.	YA	GMU 368	9
2127	White River F	Sept. 1-14	Spike Only	WA	GMU 472	880
2128	White River G	Sept. 1-14	3 Pt. Min.	WA	GMU 472	26
2129	Green River D*	Nov. 8-12	3 Pt. Min. or Antlerless	WA	GMU 485	0
2130	Winston D	Sept. 1-14	3 Pt. Min.	WA	GMU 520	9
2131	Margaret D	Sept. 1-14	3 Pt. Min.	WA	GMU 524	19
2132	Coweeman D	Sept. 1-14	3 Pt. Min.	WA	GMU 550	9
2133	Toutle D	Sept. 1-14	3 Pt. Min.	WA	GMU 556	123
2134	Lewis River D	Sept. 1-14	3 Pt. Min.	WA	GMU 560	15
2135	Dickey C	Sept. 1-14	3 Pt. Min.	WA	GMU 602	57
2136	Olympic C	Sept. 1-14	3 Pt. Min.	WA	GMU 621	((+)) 8

* Permit season in Watershed C and Green River D is the same as modern firearm and hunters must wear hunter orange.

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
Advanced Hunter Education (AHE) Graduate Special Elk Permit Hunts (Only AHE graduates may apply.)						
2137	Shushuskin B	12/16/97-1/15/98	Antlerless Only	Any Elk Tag	Elk Area 031	75
2138	Margaret E	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 524	15
2139	Quinault Ridge	Oct. 1-10	3-Pt. Min or Antlerless	Any Elk Tag	GMU 638	5
2140	Skookumchuck	Oct. 1-10	Spike Bull or Antlerless	Any Elk Tag	GMU 667	2
2141	South Bank A	Jan. 1-15, 1998	Antlerless Only	Any Elk Tag	Elk Area 062	5
2142	South Bank B	Jan. 16-31, 1998	Antlerless Only	Any Elk Tag	Elk Area 062	5
2143	Cathlamet	Sept. 1-14 and Nov. 26-Dec. 8	Archery Antlerless Only	Any Elk Tag	Cathlamet Big Game Closure in Wahkiakum Co.	7

Hunt Choice No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	1997 Permits
Persons of Disability Only - Special Elk Permit Hunts (Only for persons issued a "DHP" - see pg. 13)						
2144	Quilomene E	Nov. 1-7	3-Pt. Min or	CP or CM	GMU 329	5

2145	Manastash B	Nov. 1-7	Antlerless Only 3-Pt. Min or	YP or YM	GMU 340	5
2146	Little Naches C	Oct. 1-10	Antlerless Only 3-Pt. Min or	YP or YM	GMU 346	5
2147	Green River E	Nov. 8-12	Antlerless Only	WP or WM	GMU 485	0
2148	Centralia Mine A	Nov. 22-23	Antlerless Only	Any Elk Tag	Portion of 667*	4
2150	Centralia Mine B	Nov. 29-30	Any Elk	Any Elk Tag	Portion of 667*	4
2151	South Bank C	Dec. 10-20	Antlerless Only	Any Elk Tag	Elk Area 062	3

*Successful applicants will be mailed a map of the hunt boundary.

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

Reviser's note: The spelling 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.

WSR 97-14-099
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed July 2, 1997, 9:42 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-028.

Title of Rule: To adopt WAC 232-28-515 1997-98, 1998-99, 1999-2000 Trapping seasons and regulations.

Purpose: To adopt WAC 232-28-515 1997-98, 1998-99, 1999-2000 Trapping seasons and regulations, for furbearing animals are established to provide recreational opportunity and to address nuisance and damage problems.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The new section of the WAC establishes trapping seasons and regulations for the period from 1997 to 1999.

Reasons Supporting Proposal: Recreational opportunity and nuisance and damage response.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and **Enforcement:** Ron Swatfigure, Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above. Seasons currently provide recreational opportunity for, and damage relief from, an estimated six hundred trappers state-wide.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Red Lion Inn, 802 George Washington Way, Richland, WA 99352, on August 8-9, 1997, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1997, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942.

Date of Intended Adoption: August 8, 1997.

July 2, 1997

Dave Brittell

NEW SECTION

WAC 232-28-515 1997-98, 1998-99, 1999-2000 Trapping seasons and regulations

Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum counties):

PROPOSED

SPECIES	OPENING DATE	CLOSING DATE
Badger	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Bobcat	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Red Fox	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Weasel	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Marten	December 15, 1997 December 15, 1998 December 15, 1999	January 31, 1998 January 31, 1999 January 31, 2000
Raccoon	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Mink	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Muskrat	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
Beaver	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 8, 1997 November 14, 1998 November 13, 1999	February 28, 1998 February 28, 1999 February 28, 2000

Exceptions to General Western Washington Trapping Seasons:

Cowlitz County

Game Management Unit 522 (Loo-wit) is closed to all trapping.

Island County

The red fox season is closed.

Lewis County

Green River, above the confluence of Elk Creek, is closed to all trapping except for bobcat, and coyote. Game Management Unit 522 (Loo-wit) is closed to all trapping.

Skagit County

The Ross Lake National Recreation Area is closed to all trapping. The red fox season is closed in Skagit County, except within the exterior boundaries of the Mount Baker-Snoqualmie National Forest.

Skamania County

Smith Creek, Bean Creek, and Clearwater Creek, above USFS 83 Road on Pine Creek, and above the confluence of Bean Creek on the Muddy River are closed to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) is closed to all trapping.

Whatcom County

The Ross Lake National Recreation Area is closed to all trapping. The red fox season is closed in Whatcom County,

except within the exterior boundaries of the Mount Baker-Snoqualmie, and Okanogan National Forests.

Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

General Eastern Washington Trapping Seasons (Adams,

PROPOSED

SPECIES	OPENING DATE	CLOSING DATE
Bobcat	November 22, 1997	February 15, 1998
	November 21, 1998	February 15, 1999
	November 20, 1999	February 15, 2000
Red Fox	November 22, 1997	February 15, 1998
	November 21, 1998	February 15, 1999
	November 20, 1999	February 15, 2000
Weasel	November 22, 1997	February 15, 1998
	November 21, 1998	February 15, 1999
	November 20, 1999	February 15, 2000
Marten	November 22, 1997	January 31, 1998
	November 21, 1998	January 31, 1999
	November 20, 1999	January 31, 2000
Raccoon	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000
Mink	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000
Muskrat	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000
Beaver	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000
River Otter	December 13, 1997	January 31, 1998
	December 12, 1998	January 31, 1999
	December 11, 1999	January 31, 2000

Exceptions to General Eastern Washington Trapping Seasons:

The river otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens and Yakima counties, as well as in the Snake and Walla Walla Rivers and their tributaries.

Chelan County

The beaver season is closed in Swakane and Mudd Creek.

Kittitas County

The beaver season is closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, kill, or snare traps except muskrat and mink may be taken with a number one and one-half foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission. In these areas all traps or devices, not capable of killing the animal must be checked and the animal removed within 24 hours.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to ~~((I-5; then north and west))~~ Highway 7; then south on Highway 7 to Highway 507 to the Pierce County line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

Exceptions to General Eastern Washington Trapping Seasons:

The river otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens and Yakima counties, as well as in the Snake and Walla Walla Rivers and their tributaries.

Chelan County

The beaver season is closed in Swakane and Mudd Creek.

Kittitas County

The beaver season is closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, kill, or snare traps except muskrat and mink may be taken with a number one and one-half foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission. In these areas all traps or devices, not capable of killing the animal must be checked and the animal removed within 24 hours.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to ~~((I-5; then north and west))~~ Highway 7; then south on Highway 7 to Highway 507 to the Pierce County line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

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

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 97-14-100 PROPOSED RULES PERSONNEL RESOURCES BOARD

[Filed July 2, 1997, 9:47 a.m.]

Original Notice.

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

Title of Rule: WAC 356-56-115 Salary adjustments, 356-56-205 Movement within Washington Management Service, and 356-56-550 Reduction in force—Agency procedure—Bump options.

Purpose: These rules pertain to salary adjustments, movement, and reduction-in-force within the Washington Management Service.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.500.

Summary: The Department of Social and Health Services is proposing this modification to provide the use of the level of responsibilities and duties in addition to, or in place of, evaluation points for various Washington Management Service actions.

Name of Agency Personnel Responsible for Drafting: Sharon Peck, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules pertain to salary adjustments, movement, and reduction-in-force within the Washington Management Service. Compensation adjustments in these areas are based on evaluation points. This modification would provide the use of the level of responsibilities and duties in addition to, or in place of, evaluation points for these various actions.

Proposal Changes the Following Existing Rules: See above.

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

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules relate to internal government operations that are not subject to violation by a nongovernmental party. Therefore, pursuant to RCW 34.05.328 [(5)](b)(ii), section 201 does not apply.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on August 12, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by August 5, 1997, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Peck, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by August 8, 1997.

Date of Intended Adoption: August 13, 1997.

July 2, 1997
 Dennis Karras
 Director

AMENDATORY SECTION (Amending WSR 96-12-004, filed 5/23/96, effective 6/6/96)

WAC 356-56-115 Salary adjustments. (1) Adjustments to the compensation for a position with no change in evaluation points shall not exceed the maximum or fall below the minimum amount set by the director of personnel for the management band. After the initial transition evaluation, salary adjustments initiated by the agency, other than for promotion or demotion, will not normally exceed a total of ten percent for a single fiscal year. Excluded from the ten percent limit on salary increases are annual periodic increments, legislatively approved increases, movement of a position to the minimum of the band, initial transition evaluation adjustments, and promotional increases. Requests for exception may be granted only by the director of personnel. Salary adjustments may be made under the following conditions:

- (a) Legislatively directed general and/or special increase;
- (b) Documented recruitment and/or retention problems as approved by the agency director or designee;
- (c) Documented agency and/or state internal salary relationship problems, as approved by the agency director or designee; or

(d) Progression adjustments may be granted in recognition of the employee's demonstrated growth and development following initial transition, hire, transfer, or a promotion by up to five percent annually, for a maximum total of twenty percent.

(2) Voluntary movement in or to a position of lower evaluation points may result in a salary decrease which exceeds ten percent but does not fall below the minimum amount of the band.

(3) A promotion is the assignment of additional higher level responsibilities which results in higher evaluation points for the same position, or movement to a different position that has a higher level of responsibilities and duties and/or higher evaluation points. Promotional increases may exceed ten percent.

(4) A disciplinary demotion for cause is the assignment of responsibilities which results in a lower level of responsibilities and duties and/or lower evaluation points for the same position, or movement to a different position that has a lower level of responsibilities and duties and/or lower evaluation points. The resulting salary decrease may exceed ten percent and must be in conformance with the provisions of the Fair Labor Standards Act.

(5) Involuntary downward movement based on a nondisciplinary reassignment of duties that results in a lower level of responsibilities and duties and/or lower evaluation points for an employee's present position shall not cause a decrease in the employee's current salary. The employee's current salary will be retained until such time as it is exceeded by the Washington management service salary structure or the employee leaves the position.

(6) An agency may provide a lump sum recognition payment within guidelines established by the department of personnel in recognition of documented exceptional work and performance results. Such compensation shall not become a permanent salary increase but is considered to be

income for recognizing documented exceptional work and performance results. A payment made as a lump sum for recognition purposes shall be included within the ten percent annual adjustment limitation in the fiscal year in which it is paid.

(7) Salary changes greater than five percent proposed for any group of employees shall require review and approval by the director of personnel.

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-205 Movement within Washington management service. (1) There is no required promotional preference when recruiting and selecting for Washington management service positions. However, an agency may determine, on an individual position basis, if it is in the organization's best interest to limit the candidate pool to those eligible for agency or service-wide promotion.

(2) A transfer is the movement of an employee from one position to a different position or movement of a position from one section, department, or geographical location to another at the same level of responsibilities and duties and/or evaluation points.

(a) An employee and the affected agency or agencies may agree to a transfer within Washington management service, within an agency, or between agencies.

(b) An agency or agencies may transfer an employee or a position with an incumbent to meet client or organizational needs if the new location is within a reasonable commute as defined by the agency.

(c) An agency may transfer a position at any time. However, if the transfer results in an unreasonable commute for the incumbent, and the incumbent does not agree to transfer with the position, the rules on reduction in force as provided in WAC 356-56-550 shall apply.

AMENDATORY SECTION (Amending WSR 94-12-055, filed 5/27/94, effective 7/1/94)

WAC 356-56-550 Reduction in force—Agency procedure—Bump options. (1) Washington management service employees may be separated due to reduction in force in accordance with the statutes and the agency's reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated to the Washington General Service, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of these rules.

(2) When exempt employees have statutory rights to return to the Washington management service, such employees first shall be returned to the position selected. If such return causes the total number of employees to exceed the total number of positions to be filled, the least senior person in the position shall have the reduction in force rights prescribed in this section.

(3) Each agency shall develop a reduction in force procedure that is consistent with the following:

- (a) For purposes of reduction in force, seniority shall be determined by the definition in WAC 356-05-390. Ties in seniority will be broken by first measuring the employees

PROPOSED

last continuous time within their current position; if the tie still exists, by measuring the employees last continuous time in their current agency; and if the tie still exists, by lot.

(b) Layoff units will be clearly defined, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a smaller unit.

(c) Options in lieu of separation by reduction in force may be offered by an agency only when such options are in accordance with the agency's reduction in force procedure.

(d) Appointment to vacancies and "bumping" shall occur in accordance with the following:

(i) Appointing authorities will seek within the agency a funded vacant Washington management service position for which the employee has the required job skills, and which is at the same level of responsibility and duties and/or that is at the same evaluation points. If no funded vacancies exist, then the appointing authority shall seek a funded position within the agency at the same or lower level of responsibility and duties and/or at the same or lower evaluation points for which the separated employee has greater seniority, applicable personal work history, and the required job skills. The appointing authority will first look within the current management band for equivalent funded positions which have the same level of responsibility and duties and/or at the same evaluation points, and if none are found, then progressively to positions with a lower level of responsibility and duties and/or lower evaluation points. The appointing authority may consider vacant positions within the agency at higher evaluation points.

(ii) Appointing authorities will consider appropriate Washington general service positions within the agency in the same occupational field with the same or similar salary for which the employee is qualified and has held permanent status, prior to considering appropriate Washington management service positions within the agency which have a lower level of responsibility and duties and/or lower evaluation points and salary.

(iii) Permanent Washington management service employees who have no options for the same or similar positions in the Washington management service, and who have held permanent status in the Washington general service, will be afforded reduction in force rights as provided in chapter 356-30 WAC.

(e) The right to actually "bump" shall be exercised only after the employee to be "bumped" has received at least fifteen calendar days' notice of the scheduled action.

(f) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(g) Seniority for part-time employees will be computed using the same percentage the part-time schedule bears to a full-time schedule. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

(h) No permanent employee shall be separated through reduction in force without being offered acting positions for which the agency determines the employee is qualified.

(i) The salary of an employee who accepts a position with lower evaluation points shall be determined by the agency.

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 97-14-101
PROPOSED RULES
YAKIMA VALLEY
COMMUNITY COLLEGE

[Filed July 2, 1997, 9:52 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-076.

Title of Rule: Parking and traffic regulations.

Purpose: Protect pedestrians, control vehicular traffic, assure emergency access, and minimize traffic disturbance.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Update regulations and clarify the appeal of fine process.

Reasons Supporting Proposal: The regulations are seventeen years old. These changes bring rules up-to-date. Additionally, the appeal process needed to be changed to reflect a more equitable process for students and others to appeal parking infraction fines.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Whelan, Director of Facilities Operations, (509) 574-4690.

Name of Proponent: Mike Whelan, Director of Facilities Operations, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation of the rule and its purpose was defined in Purpose above. Proposed changes would simplify the parking appeals process by making the appeals board decision final.

Proposal Changes the Following Existing Rules: Parking fines and penalties and appeal of fines and penalties are changed within the rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact to businesses in our area.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Does not apply to Yakima Valley Community College.

Hearing Location: Yakima Valley Community College Boardroom, on August 14, 1997, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Mark Cornett by August 8, 1997, TDD (509) 574-4961.

Submit Written Comments to: Mike Whelan, FAX (509) 574-4698, by August 8, 1997.

Date of Intended Adoption: September 4, 1997.

June 26, 1997

Suzanne M. West
Assistant to the President

PROPOSED

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-010 Purpose. Pursuant to the authority granted by RCW 28B.50.140, the board of trustees of Yakima Valley Community College, District 16 is granted authority to make rules and regulations for pedestrian and vehicular traffic over property owned, operated or maintained by the college district. The rules and regulations contained herein are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the operation of the ~~((community))~~ college ~~((of the district by assuring access for vehicles and to regulate the use of parking spaces)).~~
- (5) To regulate the use of parking spaces.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-020 Definitions. As used in this chapter, the following words shall mean:

- (1) "College." Yakima Valley Community College, or any additional community college hereafter established with Community College District 16, state of Washington, and collectively, those responsible for its control and operations.
- (2) "College community." Trustees, students, employees, and guests on college owned or controlled facilities.
- (3) "College facilities." Includes any or all property ~~((controlled))~~ owned or operated by the college.
- (4) "Student." Includes all ~~((persons))~~ individuals enrolled at the college, or in any educational program operating on the college facilities, both full and part time.
- (5) ~~("Security coordinator.")~~ "Director of facilities operations." An employee of Yakima Valley Community College, District 16, state of Washington, who is responsible to the vice-president for administrative services for campus security, safety, parking and traffic control.
- (6) "Vehicle." ~~((An))~~ All modes of transportation including, but not limited to automobiles, trucks, motor-driven cycles, scooters, or any vehicle powered by ((an)) a battery or engine((-Also included are)), and also including bicycles and other nonengine vehicles.
- (7) "Visitor." ~~((Any person or persons, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in Washington.))~~ Any individual who comes to campus who is neither an employee nor a registered student of the college.
- (8) "Permanent permits." Permits ~~((which are))~~ valid for a ~~((school term, quarter,))~~ college year or ((portion thereof)) quarter.
- (9) "Temporary permits." Permits ~~((which are))~~ valid for less than a quarter and/or a specific period designated on the permit ((or application)).
- (10) ~~("School term.")~~ "College year." Unless otherwise designated, the time period commencing with the ~~((summer))~~ fall quarter of a community college calendar year and extending through the immediately subsequent ~~((fall,))~~ winter ~~((and)),~~ spring, and summer quarters. The ~~((summer school session))~~ fall quarter shall be considered the first

quarter of the college year for parking and traffic control purposes.

(11) "Special permits." Permits issued for specific purposes by campus security to enhance the business or operation of the college.

(12) "Car pool permits." Permits issued to individuals by campus security to individuals driving a car pool consisting of a minimum of two adults.

(13) "Resident student permits." Permits issued by campus security to students living in the student residence center.

(14) "Reserved parking permits." Permits issued by campus security for a specified parking space reserved for that permit holder only.

(15) "Disabled person permit." A permit issued to a person with a physical, mental, or sensory impairment.

(16) "Designated permit areas." Designated areas of parking on college facilities requiring a permit to park.

(17) "Parking/traffic appeals board." Board responsible for hearing appeals of parking/traffic citations.

(18) "Business day." Set forth in RCW 42.04.060.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-040 Permits required for vehicles ~~((on campus))~~ in designated permit areas. Students, faculty and staff shall not stop, park or leave a vehicle ~~((whether))~~ attended or unattended ~~((upon the campus))~~ in designated permit areas without a parking permit. All persons parking ~~((on the campus))~~ in designated permit areas must have the permit properly placed in or on the vehicle by the ~~((beginning))~~ first business day of the second week of each quarter. Warning citations will be issued during the first week of the quarter.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-050 Registration of student, faculty, staff, and visitors vehicles. Students~~((s))~~ shall register their vehicles per WAC 132P-116-060(1). Student permits are not required unless the student is a resident of the student residence center per WAC 132P-116-060(3). Faculty~~((s))~~ and staff ~~((and visitors who have motor vehicles on campus will register them with the security office and))~~ shall obtain ~~((a))~~ parking permits~~((Failure of these people to obtain and properly display the parking permit will result in a fine))~~ at the security office. Visitors shall park in areas designated as "visitor" parking and shall obtain a permit at the college information office or security office.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-060 Authorization for issuance of permits. The campus security office is authorized to issue parking permits to ~~((students,))~~ faculty and staff ~~((members))~~ of the college pursuant to the following regulations:

(1) Students ~~((may be issued a parking permit upon the registration of))~~ will register their vehicle(s) with the ~~((campus security))~~ registration office at the beginning of each academic ~~((period))~~ quarter.

(2) Faculty and staff ~~((members))~~ shall be issued a parking permit upon the registration of their vehicles at the

beginning of fall quarter(~~(: Provided, That new faculty and staff members employed during the regular academic year may be issued a parking permit upon the registration of their vehicles)) or at the time ((they begin)) of their employment ((at the college)).~~

(3) (~~Full-time faculty and staff personnel shall be issued a second car permit for another personally owned vehicle. A condition of issuance is that at no time will more than one vehicle be parked on campus unless authorized by campus security.)) Resident students shall obtain a parking permit at the security office within five business days of becoming a resident of the student residence center.~~

(4) Campus security may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

(5) Any permit holder may obtain temporary parking permits at the campus security office without charge for an unregistered vehicle when necessary due to the nonavailability of his or her registered vehicle. Issuance of such permit is left to the discretion of the campus security office.

(6) (~~The parking permit is issued for the use of the person to whom it was issued and is not to be given to another person for their use.~~

(7) The permit remains valid as long as the holder remains a student or member of the faculty or staff.)) Permits are issued to an individual and are not transferable. If the individual is no longer attending or employed by the college, the permit is invalid.

(7) Any permit holder may obtain a replacement permit for a replacement fee from the security office upon request and explanation of loss or destruction of original permit.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-070 Valid permit. A valid parking permit is:

(1) An unexpired **permanent** (~~(parking))~~ permit registered and properly displayed.

(2) A **temporary** permit issued by campus security and properly displayed.

(3) A **special** (~~(parking))~~ permit issued by campus security and properly displayed.

(4) A (~~(handicapped))~~ **disabled person** permit issued by campus security (~~(for a specified parking place))~~ and properly displayed.

(5) A valid disabled person parking sticker issued by the state of Washington and properly displayed.

(6) A resident student permit issued by campus security and properly displayed.

(7) A car pool permit issued by campus security and properly displayed.

(8) A reserved permit issued by campus security and properly displayed.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-080 Display of permit. All (~~(permanent))~~ parking permits shall be (~~(affixed to the front windshield on the lower left corner. Special and temporary parking permits shall be placed within the vehicle on the left side of the dashboard, where it can be plainly observed))~~ placed at a designated location within the vehicle in plain

view. If the permit is not in plain view, a citation will be issued.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-100 Permit revocation. Parking permits are the property of the college and may be recalled for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used for an unregistered vehicle or by an unregistered individual.

(3) (~~(Falsification of a parking permit application.~~

~~(4))~~ Continued violation of college parking and traffic rules and regulations.

~~((5))~~ (4) Counterfeiting or altering ((of)) a parking permit.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-110 Right to refuse permit. The college reserves the right to refuse (~~(the issuance of))~~ to issue a parking permit to anyone who has an outstanding parking fine(s) or penalties, or who has had a previous permit ((revoked)) revocation, or for other good cause shown.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-120 Responsibility of person to whom permit is issued. The person to whom a permit is issued is responsible for all violations of the parking and traffic rules and regulations involving the vehicle (~~(for))~~ to which the permit ((was issued and to which it was)) is affixed(~~(: Provided, however, That such responsibility shall not relieve other persons who violate these rules and regulations))~~. In the event that a vehicle in violation ((is not registered with the college)) does not have a permit displayed, the current registered owner will be responsible for the violation(s) ((of the campus regulations)).

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-130 Designation of parking spaces. The parking spaces available on campus shall be designated and allocated in such a manner as will best achieve the objective of the rules and regulations contained in this chapter(~~(:))~~ and shall include, but not be limited to:

(1) Faculty and staff spaces (~~(shall be designated)).~~

(2) Student spaces (~~(shall be designated for their use: Provided, That physically handicapped students may be granted special permits to park in proximity to the classrooms used by such students)).~~

(3) (~~(Parking spaces shall be designated for use of visitors on the campus.))~~ Disabled person spaces.

(4) Such parking spaces may be designated for other purposes as deemed necessary.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-140 Parking within designated spaces. (1) Any person parking a vehicle (~~(on Yakima Valley Community College property)~~) at a college facility shall park ((his)) the vehicle in designated parking areas only. These areas are marked by ((a)) curbs, signs, or white or yellow line(s). Parking on or over a line constitutes a violation.

(2) No vehicle may be parked on any area (~~(which)) that has been landscaped or designated ((for landscaping, or any eement)) as a walkway or ((unpaved)) pathway ((designated for pedestrian use)) (paved or unpaved), except for ((the purposes of maintenance by an appropriate Yakima Valley Community College employee or by an agent from an outside firm employed by Yakima Valley Community College, or in the case of)) college vehicles, emergency vehicles, or approved agents.~~

(3) No vehicle may be stopped, parked, or left (~~(on the Yakima Valley Community College campus)) at a college facility in a designated permit area without a valid parking permit, with the exception of trucks or cars making deliveries.~~

(4) No vehicle shall be parked on campus for a period in excess of seventy-two hours, unless cleared through the campus security office. Vehicles which have been parked in excess of seventy-two hours shall be impounded and stored at the expense of either or both owner and operator.

(5) (~~(Personnel))~~ Staff who require parking longer than normal parking hours may apply through the campus security office for permission.

(6) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(7) No vehicle shall be parked so as to occupy any portion of more than one parking space (~~(or stall)) as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle to occupy a portion or more than one space or stall shall not constitute an excuse for a violation of this section unless weather conditions are such as to make this impossible.~~

(8) (~~(There are two designated parking areas on campus for student use. They will be open from 6:00 a.m. to 11:00 p.m. Monday through Friday.))~~ No vehicle shall be parked in such a manner as to interfere with traffic, create a hazardous condition, hinder maintenance, or emergency vehicles, or otherwise interfere with the operation of the college.

(9) No vehicle shall (~~(be parked on the campus except in those areas set aside and designated pursuant to these rules and regulations))~~ back into parking stalls.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-150 ((Day parking-)) Designated permit area hours. The rules and regulations pertaining to (~~(the use of certain parking permits in specified))~~ designated permit areas ((shall be)) are in force ((during the hours of 6:00 a.m. to 11:00 p.m.)) as posted in the security office.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-170 Parking in prohibited places. (1) No person shall stop, stand, or park any vehicle so as to obstruct traffic along or upon any street or sidewalk.

(2) No vehicle shall be parked at any place where official signs or other markings prohibit parking, or within fifteen feet of a fire hydrant.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-200 Pedestrian's right of way. (1) The operator of a vehicle shall yield the right of way (~~(-slow down and/or stop, if need be-)) for any pedestrian((-but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield)).~~

(2) Whenever any vehicle slows or stops (~~((or as))~~) to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such ((a)) vehicle (~~((which has slowed or stopped to yield to pedestrian traffic)).~~

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-210 Two-wheeled motorbikes ((or)), bicycles, skateboards, or rollerblades. (1) All two-wheeled vehicles powered by (~~(an)) a battery or engine shall park in a space designated for motorcycles only. ((No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the president or his designee.))~~

(2) Bicycles and other nonengine cycles shall be subject to the posted or published regulations as established.

(3) No bicycle(s) shall be parked inside a building, near a building exit, or on a path or sidewalk. Bicycles must be secured to racks as provided.

(4) Skateboarding and rollerblading is not permitted on campus.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-220 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))~~) in any amount, shall within twenty-four hours, report such accident to the campus security office. This does not relieve any person so involved in an accident from (~~(his)) the~~ responsibility to file a state of Washington motor vehicle accident report (~~((within twenty-four hours of the accident))~~) as required by state law.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-230 Specific traffic and parking regulations and restrictions authorized. Upon special occasions causing additional and/or heavy traffic and during emergencies, the (~~((security coordinator))~~) director of facilities operations is authorized to impose additional traffic and

parking regulations and restrictions, ~~((with))~~ in coordination with the vice-president of administrative services or official designee, for the achievement of the objectives specified in this policy.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-240 Enforcement. Parking rules and regulations will be enforced throughout the calendar year. ~~((Parking and traffic rules and regulations are enforced twenty-four hours a day, seven days a week.))~~

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-250 Issuance of traffic citations. Upon violation(s) of any of the rules and regulations contained in this document, ~~((the))~~ security ~~((coordinator or subordinates))~~ officers or designee are authorized to issue traffic citations, setting forth the date, permit number, the approximate time, license number, name of permit holder, infraction, officer and schedule of fines. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the citation to the operator.

Violation(s) of the campus traffic code ~~((refers))~~ include but are not limited to:

(1) **No parking permit displayed.** A ~~((Yakima Valley Community))~~ college parking ~~((deed))~~ permit is necessary when parking in any designated permit area on ~~((campus))~~ college facilities. The permit must be ~~((prominently))~~ displayed as set forth herein.

(2) **Failure to stop at stop signs/signals.** ~~((The))~~ Failure to bring a vehicle to a complete stop at properly erected and identified stop signs/signals.

(3) **Failure to yield right of way.** The act of depriving another vehicle or pedestrian of the right of way at an intersection or crosswalk.

(4) **Improper parking.** Parking a vehicle in areas that are intended for purposes other than parking, i.e., fire lanes, driveways, sidewalk, lawns, or taking up more than one parking stall.

(5) ~~((Parking in the wrong area.))~~ **Permit violations.** Parking in ~~((faculty areas or any other area differing from the locations indicated on the issued))~~ designated permit areas without proper permit.

(6) **Negligent/reckless driving.** The operation of a vehicle in such a manner as to place persons or property in danger of injury or grievous harm.

(7) **Speeding.** The operation of a vehicle in ~~((such a manner as to exceed the))~~ excess of posted speed limits.

(8) **Other violations.** ~~((Clearly indicated and an))~~ Such other actual violations of ((the law or traffic ordinances. The violation must be recorded in the space provided)) these regulations or city, county, or state laws or ordinances.

(9) ~~((Repeated offenses. Repeated offenses or))~~ **Impoundment.** Violations that create a hazardous condition, impede traffic or otherwise interfere with the operation of a college facility may result in the immediate impoundment (removal) of the vehicle.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-260 Fines and penalties. (1) Fines will be levied for ~~((all))~~ violations of the rules and regulations contained in this chapter.

(2) In addition to fines imposed under these regulations, ~~((illegally parked vehicles or those vehicles not displaying a valid parking permit))~~ vehicles violating these regulations may be impounded. ~~((Such))~~ Impounded vehicles will be taken to a place for storage as designated by the administration. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) An accumulation of traffic violations by a student shall be cause for disciplinary action as stated in WAC 132P-116-110 and in subsection ~~((9))~~ (7) of this section.

(4) An accumulation of traffic violations by faculty and staff shall be cause for disciplinary action as stated in WAC 132P-116-100~~((4))~~ and subsection ~~((10))~~ (8) of this section.

(5) ~~((Vehicles involved in violations of these rules and regulations may be impounded as provided in subsection (2) herein.))~~

~~((6))~~ Parking and traffic violations will be processed by the college. Parking fines are to be paid at the ~~((College Security Building, 1107 South 16th Avenue, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday))~~ college's cashier counter during business hours.

~~((7))~~ (6) A schedule of fines shall be ~~((set and))~~ reviewed annually by ~~((a parking advisory committee appointed by the president or his))~~ the director of facilities operations and the vice-president of administrative services or designee. This schedule shall be ~~((published in the summary of))~~ a supplement to the parking and traffic rules and regulations and ((the traffic violation form)) attached and printed on all college citation forms.

~~((8))~~ If the fine is paid during the business day following the date of the citation, the fine will be reduced to \$1.00.

~~((9))~~ (7) In the event a student fails or refuses to pay a fine, the following may result:

(a) The student ~~((may))~~ shall not be eligible to register for any further courses.

(b) The student ~~((may))~~ shall not be able to obtain a transcript of his or her grades or credits.

(c) ~~((The student may not receive a degree until all fines are paid.))~~

~~((d))~~ The student may be denied future parking privileges.

~~((e))~~ The vehicle may be impounded.

~~((10))~~ In the event that a faculty or staff member fails to pay a fine the following may result:

(a) ~~((The faculty or staff member may have his or her parking privileges on campus revoked.))~~

~~((b))~~ The vehicle may be impounded. (8) In the event that faculty or staff fails to pay a fine, they may have their parking privileges on campus revoked.

(9) In the event that a faculty member, staff member or student has multiple unpaid fines, the vehicle may be impounded or immobilized.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-270 Parking fees. Parking fees ~~((shall))~~ may be adopted by the board of trustees ~~((specifying the charges per quarter))~~. The fee schedule shall be published ~~((and summarized in a separate document entitled "parking fee schedule and administrative procedures manual."))~~ in the quarterly class schedule and posted in the security office.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-280 Liability of the college. The college assumes no liability under any circumstances for the vehicles ~~((on campus))~~ parking or traveling on college property, nor shall it be held liable for loss of goods or property from vehicles parked on college property.

(1) The college, the college facility operations department, the college security department, the college security officers, members and employees shall not be held liable for any damages or losses occurring to or from vehicles or equipment when rendering motorists assistance, impounding vehicles, or performing any duties as described in these parking and traffic rules and regulations. This section also applies to nonvehicular modes of transportation.

(2) The college provides only limited maintenance to college parking lots. Persons using the college parking lots do so at their own risk. The college will not be responsible for any liability or damage claims.

(3) No bailment is created by the issuance of a parking permit.

AMENDATORY SECTION (Amending Order 21-80, Resolution No. 21-80, filed 8/27/80)

WAC 132P-116-290 Appeal of fines and penalties. ~~((+))~~ An appeal from any fine or penalty levied against an individual pursuant to these rules and regulations may be made in writing to the ~~((security coordinator or his or her designee))~~ parking/traffic appeals board within five ~~((working))~~ business days from the date of the citation. Within twenty ~~((working))~~ business days from the receipt of any such appeal, the ~~((security coordinator))~~ parking/traffic appeals board shall render a written decision that shall be final.

~~((2))~~ If the appellant is not satisfied with the decision of the security coordinator, he or she may appeal in writing to the dean of administrative services within five working days of the appellant's receipt of the decision. Within twenty working days from the receipt of any such appeal, the college dean shall render a written decision.

~~((3))~~ If the appellant is not satisfied with the decision of the dean of administrative services, he or she may appeal it to the president within five days of his or her receipt of the dean's decision for a final determination.) As an alternative, an individual may, within five business days, request an appearance before the parking/traffic appeals board. Failure to appeal in writing or request an appearance within the five-day period constitutes a waiver of right to appeal. The decision of the parking/traffic appeals board shall be final.

NEW SECTION

WAC 132P-116-300 Parking/traffic appeals board.

The parking/traffic appeals board shall be appointed by the director of facilities operations. The board shall include a minimum representation of one student, one faculty, and one classified staff. The board shall meet on a regular basis at such times as the director of facilities operations shall designate. The board shall hear appeals of citations issued pursuant to these regulations and render a written decision within twenty business days of the hearing. The board's decision shall be final.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 132P-116-090 Transfer of permit.
- WAC 132P-116-160 Night parking.

WSR 97-14-102 PROPOSED RULES DEPARTMENT OF AGRICULTURE

[Filed July 2, 1997, 10:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-10-098.

Title of Rule: Chapter 16-580 WAC, Farmed Salmon Commission Commodity Board, assessments and collections.

Purpose: Reduce the assessment on farmed salmon from one cent per pound to one tenth of one cent (dressed head-on equivalent) and reduce the board membership from six to five.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The rule will reduce the assessment on farmed salmon raised in the state and reduce the board membership on the commission.

Reasons Supporting Proposal: Agricultural commodity commissions may recommend amendments to the marketing order.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA 98504, (360) 902-1928; Implementation and Enforcement: Pete Granger, P.O. Box 5305, Bellingham, WA 98227, (360) 671-1997.

Name of Proponent: Washington Farmed Salmon Commission Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will reduce the assessment rate on farmed salmon from one cent to one tenth of one cent (head-on equivalent) produced collectively by the affected producers and reduce the board membership from six to five. The reduced assessment placed on Washington raised farmed salmon is in response to the world price situation on salmon products. The reduced board membership will provide more equitable producer representation on the commission.

Proposal Changes the Following Existing Rules: The proposed rule will reduce the assessment rate on farmed salmon and reduce the board membership from six to five.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule will reduce cost to the producers.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Natural Resources Building, Room 205, 1111 Washington Street, 2nd Floor, Olympia, WA 98504-2560, on August 12, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by August 11, 1997, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Walter Swenson, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2089, by August 12, 1997.

Date of Intended Adoption: August 20, 1997.

July 1, 1997

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending Order 5085, filed 10/25/95, effective 11/25/95)

WAC 16-580-020 Farmed salmon commodity board.

(1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of five members. Four shall be affected producer representatives elected as provided in this section. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a period of one year and has, during that time, derived a substantial portion of his/her income therefrom. 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, unless the marketing order is terminated earlier. 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 five and the member appointed by the director, position six.

(c) Commencing on January 1, 1996, the term of office for the board members shall be as follows:

Position one - one year - shall terminate on December 31, 1996.

Positions two and three - two years - shall terminate on December 31, 1997.

Positions four and five - three years - shall terminate on December 31, 1998.

(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. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative 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, and the director deems that said nominee satisfies the requirements of the position, 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 October 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 qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) 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.

(10) 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 meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order.

(f) To establish a 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, not to exceed one hundred dollars, shall be deposited each day.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, 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 the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the admin-

istration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership 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 notifying the regular news media.

(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.

AMENDATORY SECTION (Amending Order 5035, filed 4/5/94, effective 5/6/94)

WAC 16-580-040 Assessments and collections. (1) The assessment on all farmed salmon products shall be one ~~tenth of one cent (((\$-01)))~~ (\$0.01) per pound ~~((on the first fifteen million pounds (dressed head on equivalent); and one-half cent (\$-005) per pound over fifteen million pounds))~~ (dressed head-on equivalent) produced collectively by affected producers.

(2) The board shall determine the assessment rate each month on the basis of the total production reported, year to date, and bill the producer for his/her production for that month at that rate.

(3) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(4) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(5) All reports and records furnished or submitted by producers or to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibi-

tion of disclosure of individual producers' identity or operation.

(6) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(7) Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(8) Assessments may, with the concurrence of the affected producer, be collected prospectively.

WSR 97-14-103
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed July 2, 1997, 10:50 a.m.]

Original Notice.

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

Title of Rule: WAC 308-10-050 Exemptions.

Purpose: Incorporates provisions of the federal Driver's Privacy Protection Act of 1994 in the agency's rule regarding exemptions to the public disclosure provisions of chapter 42.17 RCW and clarifies language.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: 18 USC 2721 et seq.

Summary: Provides that the department shall not release personal information from records pertaining to motor vehicle operator's permits, motor vehicle titles, motor vehicle registrations, and identification cards where such release is in conflict with the prohibitions on release and use of certain personal information in the Driver's Privacy Protection Act of 1994. The proposal also clarifies existing language of WAC 308-10-050.

Reasons Supporting Proposal: Violation of the federal Driver's Privacy Protection Act of 1994 would subject the department to criminal and civil penalties.

Name of Agency Personnel Responsible for Drafting: Clark J. Holloway, Highways-Licenses Building, (360) 902-3846; Implementation and Enforcement: Judith Giniger, Highways-Licenses Building, (360) 902-3847.

Name of Proponent: Department of Licensing, governmental.

Rule is necessary because of federal law, 18 USC 2721 et seq.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-10-050 outlines exemptions to public disclosure under chapter 42.17 RCW. The amendment provides that the department shall not release personal information from records pertaining to motor vehicle operator's permits, motor vehicle titles, motor vehicle registrations, and identification cards where such release would conflict with the provisions of the federal Driver's Privacy Protection Act of 1994. The amendment also clarifies existing language within WAC 308-10-050.

Proposal Changes the Following Existing Rules: A new subsection is added to WAC 308-10-050 to accommodate the privacy provisions of the federal Driver's Privacy Protection Act of 1994. Existing language is clarified.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment is exempt under RCW 19.85.025(2) because the proposal is adopting or incorporating a federal statute without material change, as provided in RCW 34.05.310 (4)(c) and clarifies language as provided in RCW 46.05.310 (4)(d).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Proposal is adopting or incorporating a federal statute without material change and provides clarification of existing language.

Hearing Location: Department of Licensing, Highways-Licenses Building, Room 413, Olympia, WA 98507, on August 6, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Department of Licensing by August 5, 1997, TDD (360) 664-8885, or (360) 902-3846.

Submit Written Comments to: Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030, FAX (360) 586-8351, by August 5, 1997.

Date of Intended Adoption: August 7, 1997.

July 2, 1997
Judith Giniger
Assistant Director

AMENDATORY SECTION (Amending WSR 92-09-107, filed 4/20/92)

WAC 308-10-050 Exemptions. (1) The department ~~((reserves the right to))~~ may determine that a public record requested is exempt under the provisions of RCW 42.17.310 or other law.

(2) ~~((In addition, pursuant to))~~ Under RCW 42.17.260, the department ((reserves the right to)) may delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. ((The department shall identify and explain in writing any deletion of information from any public record.))

(3) The department will not release personal information, as defined in 18 USC 2725(3), from records pertaining to motor vehicle operator's licenses and permits, motor vehicle titles, motor vehicle registrations, and identification cards, where the release is in conflict with the prohibitions in 18 USC 2721.

(4) All denials of requests for public records (~~must~~) will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

WSR 97-14-106
PROPOSED RULES
SECRETARY OF STATE
 [Filed July 2, 1997, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-14-103.

Title of Rule: Chapters 434-09, 434-20, 434-24, 434-28, 434-30, 434-34, 434-36, 434-40, 434-53, 434-61, 434-62, and 434-840 WAC.

Purpose: Amend and recodify rules relating to elections, including the citizens' commission for salaries of elected officials, voter registration, candidate filing, ballots, absentee ballots, mail ballot elections, polling place operation, counting center procedures, and the verification of signatures on referendum and initiative petitions.

Statutory Authority for Adoption: RCW 29.36.150, 29.04.210, 29.04.080, 29.79.200.

Statute Being Implemented: Chapters 29.04, 29.07, 29.10, 29.15, 29.30, 29.33, 29.36, 29.48, 29.51, 29.54, 29.62, 29.79, and 40.24 RCW.

Summary: Amend and recodify rules relating to elections, including the citizens' commission for salaries of elected officials, voter registration, candidate filing, ballots, absentee ballots, mail elections, polling place operation, counting center procedures, and verification of signatures on initiatives and referendums.

Reasons Supporting Proposal: Rules on elections are needed to (1) Simplify, streamline, and organize election administration procedures; (2) make administrative code reflect legislation enacted since rules were adopted or amended; and (3) recodify existing rules into a new codification structure.

Name of Agency Personnel Responsible for Drafting: Sheryl Moss, Office of the Secretary of State, (360) 664-3653.

Name of Proponent: Secretary of State, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 434-09-020, removes federal employees from definition of "public employees" for purposes of salary commission; WAC 434-09-030, cleanup, requires citizens selected for salary commission to be registered voters at time of selection; WAC 434-09-040 and 434-09-050, cleanup; WAC 434-09-060, cleanup, changes delivery of notification of salary commission selection from certified mail to nonforwardable first class mail; WAC 434-09-070, cleanup, Secretary of State will draw by lot all persons responding positively to the notice in WAC 434-209-060 to determine the list of voters for initial appointment and filling vacancies for salary commission; WAC 434-09-080, cleanup; WAC 434-09-090, cleanup, vacancies shall be filled by gubernatorial appointment from list prepared under WAC 434-09-070; WAC 434-20-010, repeal requirements to use Permanent

Registration Form 1; WAC 434-20-020, repeal use of registrar's certificate of registered voters; WAC 434-20-030, repeal use of certificate of transfer of registrations; WAC 434-20-040, repeal use of certificate of cancellation of registrations; WAC 434-20-050, repeal authorizations to use certain voter registration maintenance forms prior to January 1, 1975, and authorizations to use certain voter registration maintenance forms after January 1, 1975; WAC 434-24-010, remove language referencing the conversion of manual voter registration records to electronic voter registration records; WAC 434-24-015, require all counties to assign a control number to each voter registration record in their electronic voter registration files. Removes language specifying the length and format of control numbers; WAC 434-24-020, requires all counties to use two letter codes to designate the county in which voters register; WAC 434-24-035, cleanup, require all counties to maintain a voting record of the elections in which each voter cast a ballot; WAC 434-24-050, removes language designating the basic voter registration form as "Permanent Registration Form 2A"; WAC 434-24-060, removes language requiring counties to use a specific size and weight paper when certifying the voter registration transfers being transmitted to the Secretary of State. Requires all transmittal certificate to contain certain data; WAC 434-24-085, cleanup, remove language specifying size and paper weight of acknowledgment notices, specifies data included in acknowledgment notices; WAC 434-24-095, cleanup, remove language specifying paper size and weight for voter registration cancellation forms due to death; WAC 434-24-105, cleanup, remove language specifying the paper size and weight of notices of voter registration cancellation, require notices to inform voters of registration cancellations; WAC 434-24-110, cleanup, remove requirement for counties to transmit canceled voter registration information to the Secretary of State on a specific form, specify information required when counties transmit canceled voter registration information to the Secretary of State; WAC 434-24-115, cleanup; WAC 434-24-120, remove requirement for Secretary of State to approve the format of precinct lists of registered voters used at the polls by the county auditor, requires precinct lists of voters to include voters' residence address, allows counties to include a ballot code on the precinct list identifying the districts in which a voter is eligible to vote, and allow counties to eliminate the names of voters who requested absentee ballots from the precinct list; WAC 434-24-130, cleanup, allow counties to furnish voter registration names and addresses to people, restricts information counties may furnish to names, addresses, precinct and district codes, date of registration, and voting history; WAC 434-24-140, cleanup, remove language designating form used to request voter registration information as "Permanent Registration Form 14A"; WAC 434-24-160, cleanup, requires counties to notify the Secretary of State of its intent to purchase or install a new automated voter registration system, and specifies data regarding the new system counties must submit to the Secretary of State, removes requirement for Secretary of State to approve voter registration systems; WAC 434-24-040, repeals "Oath of deputy registrars"; WAC 434-24-055, repeals "Voter registration worksheet"; WAC 434-24-070, repeals "Voters' request for transfer"; WAC 434-24-080, repeals "Transmittal of transfers to the Secretary of State"; WAC 434-24-090, repeals "Voters' authorization to cancel registration"; WAC 434-24-100, repeals

"Cancellation for failure to vote"; WAC 434-24-150, repeals "Subsidies for establishment of automated voter registration systems"; WAC 434-24-155, repeals "Subsidies for maintenance of records on automated voter registration systems"; WAC 434-24-170, repeals "Continuing review of automated voter registration systems"; WAC 434-28-012, modifies declaration of candidacy form required when filing for federal, state, municipal, and special purpose elective offices; WAC 434-228-005, requires county auditors to send a questionnaire to solicit candidate filing information from the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer; WAC 434-30-010, allow counties with populations over 1,000,000 to produce more than one sample ballot for a primary or election; WAC 434-30-030, requires that county-wide ballot measures, in the absence of state measures, appear first on all sample and general election ballots; WAC 434-30-160 and 434-30-170, cleanup; WAC 434-30-180, cleanup, clarifies that the numbering requirements for punch card ballots also apply to paper ballots; WAC 434-30-210, cleanup, allow counties to place voting positions to either the left or right of candidates names on ballots; WAC 434-30-100, repeal "Mechanical voting device ballot label uniformity"; WAC 434-30-110, repeal "Mechanical voting device instructions"; WAC 434-30-120, repeal "Mechanical voting devices—Office title label"; WAC 434-30-130, repeal "Mechanical voting devices—Ballot form"; WAC 434-30-140, repeal "Mechanical voting device diagrams"; WAC 434-30-150, repeal "Electronic voting device ballot uniformity"; WAC 434-30-220, repeal "Paper ballots—Numbering"; WAC 434-34-090 and 434-34-110, cleanup; WAC 434-36-020, defines mail ballots and mail ballot precinct ballots, defines secure storage for mail ballot materials; WAC 434-36-030, cleanup; WAC 434-36-040, cleanup, require mail ballot election plans to be submitted to the Secretary of State only for the first mail ballot election conducted in a county, remove requirement to include a copy of the ballot layout and floor plan of work area with the mail ballot election plan submitted to the Secretary of State; WAC 434-36-050, cleanup, remove language restricting the aspects of a mail ballot election plan to which the Secretary of State may take formal exception; WAC 434-36-060, require that the notice of election in a mail ballot election list all dates and times drop-off sites will be open for voters to deposit ballots; WAC 434-36-070, cleanup; WAC 434-36-080, standardize mail ballot election envelopes and absentee envelopes to the extent allowed by statute, including modifying affidavit of voter, removes language restricting the size and color of ballot envelopes which may be used in mail ballot elections; WAC 434-36-090, cleanup, require counties to list in the voting instructions the dates and locations voters may deposit ballots at drop-off sites; WAC 434-36-100, require that people staffing ballot drop-off sites are representatives of each major political party, whenever possible, require that staff at drop-off site add the time and place of deposit to any ballot envelope submitted after 8:00 p.m. on election day, rather than initialing each ballot envelope deposited; WAC 434-36-110, cleanup; WAC 434-36-120, require county auditors to handle mail ballots submitted with an unsigned affidavit in the same manner the auditor handles absentee ballots submitted with an unsigned affidavit; WAC 434-36-140, requires the county auditors to verify signatures on mail ballots in the same manner canvassing boards verify signa-

tures on absentee ballots; WAC 434-36-170, cleanup, remove requirement to rerun logic and accuracy test on election day; WAC 434-36-180, allow county auditors to begin final processing of mail ballots at 7:00 a.m. on election day, requires county auditor to request in writing that each major political party appoint representatives to observe the processing, allows party observers to request that three precincts be manually counted to ensure the veracity of the electronic counting system, requires that, unless otherwise provided by law or rule, mail ballots shall be processed in the same manner as absentee ballots; WAC 434-36-200, cleanup, requires mail ballot election material to be stored in the same manner as material in other types of elections; WAC 434-36-210, cleanup, allow county auditors to submit mail ballot election reports within sixty days of the mail ballot election, removes requirement for mail ballot election reports to contain following information: The number of ballots returned by deposit and by mail as separate subtotals, subtotals for the number of replacement ballots issued, and subtotals for the number of ballots rejected; WAC 434-36-130, repeals "Signature verification—Personnel"; WAC 434-36-150, repeals "County canvassing board"; WAC 434-36-190, repeals "Canvassing of ballots"; WAC 434-40-010, update definitions to follow current state law, add definition of "mail ballot precinct"; WAC 434-40-030, remove unnecessary requirements for regular absentee ballot request forms; WAC 434-40-050, update ongoing absentee ballot request forms to follow current state law; WAC 434-40-060, update termination of ongoing status to follow current state law; WAC 434-40-070 and 434-40-080, repeal to comply with current state law; WAC 434-40-130, remove signature requirement for absentee ballot application forms; WAC 434-40-140, repeal to comply with current state law; WAC 434-40-160, update notification of incomplete form to follow current state law; WAC 434-40-170, repeal to remove security requirement for absentee ballot applications, 434-40-190, update absentee ballot oath, update postal endorsements; WAC 434-40-200, simplify the information required to be provided to the absentee voter; WAC 434-40-210 and 434-40-220, repeal, added to chapter 434-262 WAC; WAC 434-40-230, add further definition and time lines to the absentee ballot process; WAC 434-40-240, further defines the verification of the signature and postmark on absentee ballots; WAC 434-40-250, updates wording to comply with current state law; WAC 434-40-270, adds required reconciliation of absentee ballots; WAC 434-40-280, repeal, added to WAC 434-24-115; WAC 434-40-290, requires that tabulated absentee ballots be sealed; WAC 434-40-310, repeal to remove requirement to credit for voting absentee voters who do not return ballots; WAC 434-240-205, adds the ability and procedures for issuing a replacement absentee ballot; WAC 434-240-225, adds definitions of initial processing, final processing, and tabulation of absentee ballots; WAC 434-240-235, adds procedures for unsigned affidavits on absentee ballots; WAC 434-240-320, adds mail ballot precinct procedures; WAC 434-53-020, updates list of supplies required at the polling place; WAC 434-53-030, further defines sealing of ballot box; WAC 434-53-040, simplifies wording of section; WAC 434-53-050, changes the procedure of a voter unable to sign their name at the polling place; WAC 434-53-090, 434-53-100, 434-53-110, 434-53-120, 434-53-150, 434-53-160 and 434-53-170, simplifies wording of section; WAC 434-53-190, simplifies and updates

section to follow current state law; WAC 434-53-200, 434-53-210, 434-53-220, 434-53-230, 434-53-270, 434-53-280, 434-53-290 and 434-53-300, simplifies wording of section; WAC 434-61-010, removes requirement to file local counting center rules with the Secretary of State; WAC 434-61-020, requires political parties to appoint observers in writing; WAC 434-61-040, further defines procedures of receipt of ballot discrepancies at the counting center; WAC 434-61-050, repeal, added to WAC 434-61-040; WAC 434-261-005, adds manual inspection, duplicating ballots, and ballot enhancement definitions; WAC 434-261-070, adds manual inspection of ballots procedures; WAC 434-261-080, adds ballot enhancement procedures; WAC 434-261-090, adds ballot duplication procedures; WAC 434-261-100, adds required written procedures for enhancement and duplication of ballots as part of the canvassing board manual; WAC 434-62-030, updates wording of section to comply with current state law; WAC 434-62-040, removes unnecessary procedures for verification of auditor's abstract of votes; WAC 434-262-015, 434-262-025, 434-262-035 and 434-262-045, moved from chapter 434-40 WAC to chapter 434-262 WAC; and WAC 434-840-350, updates wording to comply with current state law.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Because no effect on small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. RCW 34.05.328 (5)(b)(ii).

Hearing Location: Office of the Secretary of State, Legislative Building, Olympia, WA 98504, on August 8, 1997, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sheryl Moss by August 1, 1997, TDD (360) 753-1485, or (360) 664-3653.

Submit Written Comments to: Sheryl Moss, P.O. Box 40232, Olympia, WA 98504, FAX (360) 664-3657, by August 7, 1997.

Date of Intended Adoption: August 11, 1997.

July 2, 1997
Donald F. Whiting
Assistant Secretary of State

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-020 Definitions. As used in these regulations:

(1) "Public employee" includes all persons who, at the time of selection, are officers or employees of any governmental body or political subdivision including, but not limited to the agencies of the ~~((federal;))~~ state or county government or any other municipal corporation operating under federal or state law or local ordinance.

(2) "Lobbyist" is a person required to be registered as such by the provisions of chapter 42.17 RCW.

(3) "Immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-030 Qualification requirements. Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:

(1) Any person selected under ~~((section 7 of this chapter))~~ WAC 434-209-070 to serve must ~~((have been))~~ be a registered voter and eligible to vote at the ~~((previous state general election in the even numbered year))~~ time of selection in the congressional district from which that person was selected;

(2) Any person selected under ~~((section 9 of this chapter))~~ WAC 434-209-090 to serve must ~~((have been))~~ be a registered voter and eligible to vote at the time of selection;

(3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-040 Transmitting and compiling the data file of records of registered voters. No later than January 1 ~~((, 1987 and every four years thereafter))~~ of the year of selection, each county auditor shall submit to the secretary of state a data file of records of all registered voters eligible to vote at the previous state general election. The file shall contain the registration number, if available, name, address and congressional district for each registered voter. The secretary of state shall compile a separate list of the file for each congressional district.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-050 Conducting the selection of names by lot. No later than January ~~((15, 1987 and every four years thereafter))~~ 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district ~~((in substantially the same manner as prescribed in RCW 2.36.063 for jury selection))~~. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section. The secretary of state shall request a separate list of registered voters for each congressional district to be selected by ~~((an unrestricted))~~ a random sample from the lists compiled under ~~((section 4 of this chapter))~~ WAC 434-209-040.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-060 Notifying persons selected by lot. (1) No later than January ~~((20, 1987 and every four years thereafter))~~ 31 of the year of selection, the secretary of state shall notify by ~~((certified))~~ nonforwardable 1st class mail each person selected by lot under ~~((section 5 of this chapter))~~ WAC 434-209-050. The notification shall contain a response form and prestamped, self-addressed return envelope.

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The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in subsection (1) of this section ((6(1) of this chapter)).

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-070 Determination of commission appointees from congressional districts. From the list prepared under ((section 6(2) of this chapter)) WAC 434-209-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of ((three)) all qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-080 Names of selected persons to governor. No later than February 15 ((, 1987 and every four years thereafter)) of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under ((section 7 of this chapter)) WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under ((section 7 of this chapter)) WAC 434-209-070.

AMENDATORY SECTION (Amending Order 87-02, filed 2/19/87)

WAC 434-09-090 Vacancy on the commission. ((Unless voter registration information has been provided to the secretary of state under RCW 29.04.150 within the thirty days prior to the vacancy, each county auditor shall, no later than seven days after a vacancy in a position on the commission as selected under section 7 of this chapter, submit to the secretary of state a data file of records of registered voters eligible to vote at the time of the vacancy.)) Whenever a

vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-209-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in ((the sections 3-8 of this chapter)) WAC 434-209-030 through 434-209-080.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-20-010	Permanent registration Form 1.
WAC 434-20-020	Registrar's certificate of registered voters.
WAC 434-20-030	Certificate of transfer of registrations.
WAC 434-20-040	Certificate of cancellation of registrations.
WAC 434-20-050	Use of forms previously prescribed.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-010 Contents of computer file of registered voters. ((In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, a record or)) Records containing the following information shall be maintained on each registered voter in the computer file: Name, address, registration number, sex, date of birth, date of registration, applicable district and precinct codes, and up to five dates upon which the individual has voted since establishing that registration record. The county may assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address. ((When existing manual voter registration records are converted to data processing, the county auditor shall record the last date upon which the individual voted. Provided, That if the individual has not voted since establishing that record no data shall be recorded. Subsequent dates upon which the individual votes shall be recorded and retained as provided by WAC 434-24-035 as now or hereafter amended.))

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-015 Uniform control number. All counties ((which maintain voter registration records on electronic data processing systems under the provisions of

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~~RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030)) shall assign to each voter registration record in the computer file a permanent control number ((composed of two alphabetic characters representing the county in which the voter is registered, followed by two numeric characters which shall be the last two digits of the year in which the registration was taken, followed by a six digit item number assigned in sequence: *Provided*, That for those registrations taken prior to the time at which a county has placed all its current registrations on the computer file, the two numeric characters, which normally correspond to the year of registration, may be assigned arbitrarily, and: *Provided further*, That the components of the uniform registration number need not be stored in the computer file as a single item of information)).~~

registration record, only the available dates shall be recorded. If there are already five such dates being maintained in a given record, the least recent date shall be deleted at the time that any new date is added to that record.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-050 Basic voter registration form. Each original voter registration shall be recorded on a form substantially similar to the sample included below. The form(~~, designated Permanent Registration Form 2A,~~) shall measure eight inches by eight inches and be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

(WAC 434-24-050, Illus. 1)

WAC 434-24-020 County codes. All counties (~~which maintain voter registration records on electronic data processing systems under the provisions of subsection (2) of RCW 29.07.150 and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030,~~) shall use the following system of two character codes for designating the county in which the voter is registered:

(WAC 434-24-050, Illus. 2)

Adams	- AD	Lewis	- LE
Asotin	- AS	Lincoln	- LI
Benton	- BE	Mason	- MA
Chelan	- CH	Okanogan	- OK
Clallam	- CM	Pacific	- PA
Clark	- CR	Pend Oreille	- PE
Columbia	- CU	Pierce	- PI
Cowlitz	- CZ	San Juan	- SJ
Douglas	- DG	Skagit	- SK
Ferry	- FE	Skamania	- SM
Franklin	- FR	Snohomish	- SN
Garfield	- GA	Spokane	- SP
Grant	- GR	Stevens	- ST
Grays Harbor	- GY	Thurston	- TH
Island	- IS	Wahkiakum	- WK
Jefferson	- JE	Walla Walla	- WL
King	- KI	Whatcom	- WM
Kitsap	- KP	Whitman	- WT
Kittitas	- KS	Yakima	- YA
Klickitat	- KT		

Reviser's note: The illustrations in the above section above were omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-060 Transmittal of signature cards to the secretary of state. Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of RCW 29.07.120 shall be accompanied by a properly executed certificate (~~on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 5A shall measure five inches by eight inches and be printed on paper stock of sixteen pound bond or a comparable substitute approved by the office of the secretary of state~~) containing the following information: County, date, the number of cards, and the signature of the Register of Voters attesting to the authenticity of the cards.

(WAC 434-24-060)

Reviser's note: The illustration in the above section above was omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-035 Maintenance of recent voting record. After each primary or election, (~~in counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling as provided by RCW 29.48.030,~~) a date shall be entered in the voter registration record of each individual who cast a proper ballot at that election, either at the polling place or by absentee. In the case of each individual record, the five most recent of such dates (~~shall~~) may be retained in that record: *Provided*, That if the voter has not voted at least five times since establishing his current

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-085 Notice of new registration or transfer. Whenever an individual registers to vote ~~((pursuant to RCW 29.07.070, 29.07.080, and 29.07.090))~~ or transfers his/her registration record pursuant to RCW 29.10.100 or whenever a change in precinct boundaries requires that the existing record of a voter be moved from one precinct to another or be placed in a new precinct, the ~~((registration officer of the))~~ county auditor shall notify by ~~((first class))~~ nonforwardable, address correction requested mail, the individual or voter of such new registration, transfer, or change of precinct boundary acknowledging that the request of the individual or voter with respect to his record has been processed. Such notices and acknowledgment shall be provided on a form ~~((substantially similar to the sample included below. The form, designated Permanent Registration Form 11A shall be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state))~~ containing the following information: The voter's full name, address, county name, precinct name, voter ID number, the date the voter registered and a signature line for the voter.

(WAC 434-24-085)

Reviser's note: The illustration in the above section above was omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-095 Cancellation due to death. Pursuant to RCW 29.10.090, the ~~((registration officer))~~ county auditor shall maintain a supply of, furnish to each public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms ~~((substantially similar to the sample included below))~~ for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled. ~~((The form, designated Permanent Registration Form 13A, shall measure three and one fourth inches by five and one half inches and shall be printed on paper stock of one hundred twenty five pound index or a comparable substitute approved by the office of the secretary of state.))~~

(WAC 434-24-095)

Reviser's note: The illustration in the above section above was omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-105 Notification of cancellation ((for failure to vote)). The ~~((registration officer))~~ county auditor shall notify, by mail, each registered voter whose registration has been cancelled ~~((for failure to vote))~~ pursuant to RCW ~~((29.10.080 and WAC 434-24-100))~~ 29.10.075 and 29.10.210. Such notice shall ~~((be on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 12A, shall measure three and one quarter inches by five and one half inches and be printed on paper stock of one hundred twenty five pound index or a comparable substitute approved by the office of the secretary of state))~~ inform the voter that their voter registration has been cancelled and provide the voter with the information needed to contact the auditor.

(WAC 434-24-105)

Reviser's note: The illustration in the above section above was omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-110 Transmittal of cancellations to the secretary of state. Pursuant to the requirements of RCW 29.10.100, the ~~((registration officer in each))~~ county ~~((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the polling place as provided by RCW 29.48.030))~~ auditor shall prepare an alphabetical list of all voter registrations cancelled from the registration records of that county since the last previous report. The list shall ~~((be printed on paper stock measuring eight and one half inches by fourteen and seven eighths inches and shall be of substantially the following form:))~~ contain the following information for each voter: Voter ID number, voter name, date of registration.

((State of Washington _____)
County of _____) ss:

I, _____, hereby certify that I have cancelled from the registration records of this county, the following persons:

Signed: _____
Registrar of Voters

REGISTRATION NUMBER _____ NAME OF VOTER _____ DATE OF REGISTRATION _____ ADDRESS _____

(An alphabetical list of names, addresses, registration numbers, and date of registration, for each person whose registration record has been cancelled follows:))

PROPOSED

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-115 Challenge of voter's registration. All ~~((registrars))~~ county auditors shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing ~~((-(-1)))~~ a registered voter to challenge the registration of another voter ~~((on the basis of residence pursuant to RCW 29.59.010; or (2) a precinct committeeman or precinct election officer to challenge the registration of any voter on the basis of residence))~~ pursuant to RCW 29.10.130. A copy of the form ~~((, designated as Permanent Registration Form 15A, shall be in duplicate, the original to be retained by the registration officer and the duplicate copy to))~~ shall be sent to the voter, whose ~~((residence))~~ voter registration has been challenged ~~((, at the address at which the challenger asserts that the voter presently resides))~~ and to the challenger pursuant to RCW 29.10.140. The form shall be substantially similar to the following:

~~((WAC 434 24 115))~~

VOTER'S REGISTRATION CHALLENGE FORM

TO PROPERLY EXECUTE THIS FORM IT IS NECESSARY TO CHECK THE APPROPRIATE SQUARE BELOW. A SUMMARY OF THE ADMINISTRATIVE PROCEDURES WHICH WILL BE FOLLOWED WITH RESPECT TO THIS VOTER REGISTRATION CHALLENGE MAY BE FOUND ON THE REVERSE SIDE OF THIS FORM.

REASON FOR CHALLENGE

- The individual challenged is not a U.S. Citizen
- The individual challenged is not at least 18 years old
- The individual challenged is currently being denied his or her civil rights
- The individual challenged does not reside at the address at which he or she is registered and his or her actual residence is as follows:
.....

NOTE: State law (RCW 29.10.130) requires that challenging party must provide the address at which the challenged party resides in order for a challenge based on residence to be considered.

PROVISIONS RELATING TO VOTING RESIDENCE

The State Constitution and state law provide that a voting residence shall not be lost if the voter is absent because of:

- A. State or Federal employment, including military service
- B. School attendance
- C. Business outside the state
- D. Confinement in prison

NOTE: Persons in the above categories have the legal right to continue to use their former residence for voting purposes and may continue to vote unless additional conditions or circumstances indicate they have forfeited that right in Washington. Any person instituting a voter registration challenge should be sure of the facts BEFORE signing the challenge affidavit.

AFFIDAVIT OF CHALLENGER

I,, declare, under penalty of perjury, that I am a registered voter, that I hereby challenge the voter's registration of for the reason indicated above. I also state that I have read the above stated PROVISIONS RELATING TO VOTING RESIDENCE and that, to the best of my knowledge and belief, the above named individual does not fall into any of the protected categories.

.....
DATE

.....
SIGNATURE OF CHALLENGER

VOTER'S REGISTRATION CHALLENGES

A SUMMARY OF ADMINISTRATIVE PROCEDURES

CHALLENGES FILED THIRTY OR MORE DAYS PRIOR TO A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29.10.140) requires the county auditor to notify, by certified mail, any voter whose registration has been challenged.

The notification must be mailed to the address at which the challenged voter is registered, to any address provided by the challenger as required by RCW 29.10.130, and to any other address that the auditor could reasonably expect the challenged voter might receive such notification.

Included with the notification must be a request that the voter appear at a hearing to be held within ten days of the mailing of the request, at the place and time specified, in order to assist the auditor in determining the validity of the challenge.

THE PERSON MAKING THE CHALLENGE MUST BE PROVIDED WITH A COPY OF THE NOTIFICATION AND REQUEST MAILED TO THE CHALLENGED VOTER.

If either the challenger or the challenged voter, or both, are unable to appear in person they may file affidavits, stating UNDER OATH the reasons they believe the challenge to be valid or invalid.

The county auditor shall determine the validity of the challenge based on his or her evaluation of the evidence presented by both parties to the challenge. The decision of the auditor is final, subject only to a petition for judicial review under chapter 34.04 RCW.

CHALLENGES FILED WITHIN THIRTY DAYS OF A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29.10.130) provides that in the event the challenge is made within thirty days of an election, the voter and the precinct election officers within the voter's precinct are to be notified.

PROPOSED

Both the challenged voter and the precinct election officers are also to be informed that in the event the voter attempts to vote at the ensuing election, he or she will be provided with a CHALLENGED BALLOT.

The validity of the challenge and the disposition of the challenged ballot will be determined by the county canvassing board and both the challenger and the challenged voter may either appear in person or submit affidavits in support of their respective positions.

In the event the challenged voter does NOT vote at the ensuing election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the election.

In the event the challenge is filed more than thirty days prior to a primary or election, the challenge shall be processed in the manner provided by RCW 29.10.140. If the voter votes and returns his or her absentee ballot prior to the county auditor making his or her determination as to the validity of the challenge, the returned ballot shall be segregated from other absentee ballots and not processed until such a determination is made. In the event the challenge is made within thirty days of a primary or election and prior to the absentee ballots being separated from the return envelopes, the challenge and the returned ballot shall be forwarded to the canvassing board and processed in the manner provided by RCW 29.10.127. If the challenge is made within thirty days of a primary or election but after the ballots have been separated from the return envelopes, the challenge shall be processed by the county auditor in the manner provided by law for challenges made more than thirty days prior to the primary or election.

Reviser's note: The illustration in the above section above was omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-120 Contents of precinct list of registered voters. The precinct list of registered voters as required by RCW 29.48.030 shall contain the name, residence address, sex, month and day of birth, and voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information. The names shall be listed alphabetically by surname. The list ~~((may also))~~ shall contain a space for each voter to sign his name and his current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW 29.51.070. ~~((Each county shall submit its output format for listing to the secretary of state who shall determine whether such format is suitable for use at the polls. If so, he shall approve that format for use in all elections in that county-))~~ The county auditor may eliminate from precinct lists voters requesting absentee ballots for that election.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-130 Contents of list of registered voters for the public. Pursuant to the provisions of RCW 29.04.100 and 29.04.120, the ~~((registration officer in each))~~ county ~~((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the place as provided by RCW 29.48.030))~~ auditor shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The ~~((registration officer))~~ county auditor shall, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may only contain ~~((any))~~ this information ~~((maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts, computer prepared labels, microfilm duplicates, or magnetic tape copies of such information. Such voter registration lists shall be used only for political purposes-))~~. Commercial use of this information shall be punishable as provided in RCW 29.04.120 as now or hereafter amended.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-140 Requests for list of registered voters. ~~((In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030-))~~ The county auditor shall require each person who requests a list of registered voters under the authority of RCW 29.04.100 and WAC ~~((434-24-130))~~ 434-324-130 to sign a request on a form substantially similar to the sample included below. ~~((The form shall be designated as Permanent Registration Form 14A-))~~

(WAC 434-24-140)

Reviser's note: The illustration in the above section above was omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 74-4, filed 6/3/74)

WAC 434-24-160 Approval of automated voter registration systems. Each county ~~((which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030 shall submit to))~~ shall notify the office of the secretary of state of the intent to purchase or install a new automated voter registration system. The county shall submit a summary description of the automated voter registration system to be used by that county ~~((or by~~

the governmental unit or firm with which the county contracts for maintenance of voter registration records)). Such summary description shall contain, but not be limited to the following:

- ~~(1) ((Input formats;~~
- ~~(2))~~ Data storage formats or record layouts;
- ~~((3) Output formats;~~
- ~~(4))~~ (2) Samples of the outputs required by WAC ((434-24-080, 434-24-085, 434-24-105, 434-24-110, 434-24-120, and 434-24-130)) 434-324-085, 434-324-105, 434-324-110, 434-324-120, and 434-324-130;

((WAC 434-28-012, Illus. 1))

- ~~((5))~~ (3) Samples of any edit listings or other working output not specifically required by these regulations; and
- ~~((6))~~ (4) Any manuals of administrative procedure prepared for use by the elections staff of the county auditor or the data processing staff of that county or the governmental unit or firm with which the county contracts for maintenance of voter registration records.

(WAC 434-28-012, Illus. 1)

~~(If the)~~ A county's automated voter registration system shall conform((s)) to all of the requirements of state law and of these regulations(~~(, the office of the secretary of state shall approve and certify that system for use)~~). If the automated voter registration system fails to conform to all of the requirements of state law and these regulations, the office of the secretary of state shall notify the county auditor of the nature of the nonconformity. The county auditor shall correct the nonconforming aspects of the automated voter registration system and provide to the office of the secretary of state such evidence of the change or changes in the system as that office may deem appropriate.

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate

The forms 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 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 each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

Reviser's note: The illustrations in the above section above were omitted in the copy filed by the agency and appears as filed pursuant to the requirements of RCW 34.08.040.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-24-040 Oath of deputy registrars.
- WAC 434-24-055 Voter registration worksheet.
- WAC 434-24-070 Voters' request for transfer.
- WAC 434-24-080 Transmittal of transfers to the secretary of state.
- WAC 434-24-090 Voters' authorization to cancel registration.
- WAC 434-24-100 Cancellation for failure to vote.
- WAC 434-24-150 Subsidies for establishment of automated voter registration systems.
- WAC 434-24-155 Subsidies for maintenance of records on automated voter registration systems.
- WAC 434-24-170 Continuing review of automated voter registration systems.

NEW SECTION

WAC 434-228-005 Filing information—Questionnaire—Compiling and dissemination. Prior to May 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29.13.010 and 29.13.020. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period, and the statutory reference for candidate eligibility. Responses should be received prior to June 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-28-012 Declaration of candidacy—Offices subject to a primary. Declarations of candidacy for all partisan and nonpartisan offices shall be filed in substantially the following form:

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-010 Sample ballots. Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available

PROPOSED

PROPOSED

through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29.30.020. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over ~~((five hundred thousand))~~ one million may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-030 Placement of ballot measures for local units of government. All county-wide ballot measures shall be listed immediately following state measures or issues. In the absence of state measures or issues, county-wide ballot measures shall appear first on all sample ballots and on all general election ballots. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-160 Electronic voting device instructions. ~~((The))~~ Each ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues

and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a measure, punch or mark the voting position to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (if applicable), the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope and punch or mark such write-in position (if applicable).

Absentee ballots shall be designated with "absent voter" or "absentee ballot" printed at the top of the ballot card.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-170 Electronic voting devices—Ballot form. Each office on the ballot ~~((each office to be elected))~~ shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full ~~((regular))~~ term (e.g., short/full term, two-year unexpired term, etc.). Each office ~~((s))~~ shall be listed on the ballot in the manner prescribed by law ~~((and these))~~ or administrative rule ~~((s))~~. ~~((Immediately))~~ Following ~~((shall be))~~ the office designation the names of all candidates for that position ~~((, each followed by the name or abbreviation of the))~~ shall be listed together with political party ~~((, if any, with which the candidate desires to affiliate))~~ designation or the word "nonpartisan," or "NP" ~~((with an arrow, box, or other notation at the right edge of the ballot indicating where the voter is to punch or mark the ballot for the candidate))~~ as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be ~~((separated))~~ clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-180 Paper ballots and ballot cards—Numbering. All paper ballots and ballot cards shall be sequentially numbered ~~((, but done))~~ in such a way to permit removal of such numbers without leaving any identifying marks on the ballot card. The sequential number shall be used ~~((in a manner))~~ to inventory ballots issued at a precinct

on election day, and may be used (~~in a manner~~) to facilitate the auditing process for certification of an election. At no time may (~~there be a tracking system~~) the numbers be used to trace a specific ballot back to an individual voter. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-30-210 Paper ballots—Ballot form. Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for, with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full(~~regular~~) term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29.30.020. Immediately following shall be the names of all candidates for that position, (~~followed by the name or abbreviation of~~) together with the political party(~~if any, with which the candidate desires to affiliate~~) designation or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to either the left or right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at either the left or right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-30-100 Mechanical voting device ballot label uniformity.
- WAC 434-30-110 Mechanical voting device instructions.
- WAC 434-30-120 Mechanical voting devices—Office title label.
- WAC 434-30-130 Mechanical voting devices—Ballot form.
- WAC 434-30-140 Mechanical voting device diagrams.
- WAC 434-30-150 Electronic voting device ballot uniformity.

WAC 434-30-220 Paper ballots—Numbering.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-34-090 Logic and accuracy test certification—State primary and general election. The secretary of state, the county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW (~~29.34.163~~) 29.33.350. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-34-110 Logic and accuracy test certification—Special election. The county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW (~~29.34.163~~) 29.33.350. Copies of this certification shall be retained by the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary of election.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-020 Definitions. As used in this chapter:

- (1) "County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and conduct state and local elections in a charter county, and his or her deputies or staff, where the context indicates;
- (2) "Mail ballot (~~special~~) election" means an election conducted entirely by mail ballot where:
 - (a) Only issues or nonpartisan offices are on the ballot;
 - (b) The election is not being held in conjunction with a state primary or any general election; and
 - (c) The election involves precincts not regularly voting by mail at primary and general elections.
- (3) "Mail ballot" means a ballot used in a mail ballot (~~special~~) election and does not include (~~a ballot used in a precinct with fewer than one hundred registered voters regularly voting by mail in primary and general elections or~~):
 - (a) A mail ballot precinct ballot;
 - (b) An absentee ballot issued at the request of the voter;
 - (4) "Mail ballot precinct ballot" means a ballot used in a precinct with fewer than two hundred active registered voters regularly voting by mail in primary, general, and special elections;
 - (5) "Ballot security envelope" means the envelope which fits inside of the return envelope and in which the voter is instructed to seal his or her ballot so that, following the verification of the signature of that voter, the ballot cannot be distinguished from other valid ballots;
 - (~~5~~) (6) "Return envelope" means the envelope in which the voter is instructed to seal his or her ballot security envelope and on which the voter signs and dates the affidavit that he or she has cast a vote in that special election;

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~~((6))~~ (7) "Transmittal envelope" means the envelope in which the ballot, ballot security envelope, return envelope, and instructions are sent to the voter in a mail ballot special election; and

~~((7))~~ (8) "Secure storage" (~~means a locked room, cabinet, or other space, where access is controlled by the county auditor and where a record is maintained by the auditor of the date, time, and name of any person, other than an employee of the auditor's office, to whom access is permitted~~) in mail ballot elections shall be the same as "secure storage" defined in chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-030 Request for mail ballot ((special) election. At any nonpartisan, special election, not conducted in conjunction with a primary or general election, the jurisdiction requesting the election may also request that the election be conducted entirely by mail ballot. Such a request may be included in the resolution calling for the special election adopted pursuant to RCW 29.13.010 or 29.13.020, or it may be done by separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, that either (1) the request for the mail ballot special election is granted, pending approval of an election plan by the secretary of state, or (2) that the request for the mail ballot special election is not granted, for reasons specified. At the same time, the county auditor shall mail to the secretary of state a copy of the resolution for the mail ballot special election and a copy of the auditor's response.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-040 Mail ballot ((special)) election plan. A county auditor planning to conduct mail ballot ((special)) elections shall, not less than sixty days prior to the first such election, submit a ((standard)) mail ballot ((special)) election plan to the secretary of state. This plan shall ~~((remain on file in the office of the secretary of state and shall remain in effect for all mail ballot special elections unless amended by the county auditor))~~ only be required for and apply to the first mail ballot election in a county. The election plan shall be in check list form and shall specify the number of days before the election when certain activities are expected to be completed. The checklist may contain other activities, in addition to those listed here and may be arranged in a different chronological order, but otherwise shall be in substantially the following form:

DAYS PRECEDING THE ELECTION	ACTIVITY
.....	Ordering of ballots and ballot envelopes
.....	Layout ballot
.....	Materials to printer (including instructions to voters)
.....	Notification of postal authorities
.....	Notification of news media <u>and political parties</u>

- Receipt of ballot pages, ballot cards, or paper ballots and other printed material
- Preparation of mail ballot special election material
- Ballots mailed
- Extra personnel hired
- Extra personnel trained
- Begin initial verification of signatures
- Notice of election
- ~~((..... Last day to mail notification of lack of signature))~~

The ~~((standard))~~ mail ballot election plan may be amended at any time up to thirty-five days before the date of any mail ballot special election by notifying the secretary of state, in writing, of any changes. In addition to the ~~((standard))~~ mail ballot ~~((special))~~ election plan, the county auditor shall ~~((for the first three mail ballot special elections in his or her county,))~~ provide the secretary of state with the following material:

- (1) A brief narrative of the arrangements made with the postal authorities;
- (2) ~~((A copy of the ballot layout, including the ballot title(s);~~
- ~~((3))~~ (3) A brief narrative of the procedures to be followed from the time the ballots are received until they are tabulated;
- ~~((4) A floor plan of the working area where ballots will be processed, including approximate dimensions;~~
- ~~((5))~~ (3) Samples of ballot materials, instructions, legal notices, press releases, newspaper articles, and any other printed materials as they become available; ~~((and~~
- ~~((6))~~ (4) An estimate of the number of additional personnel to be hired; and
- (5) Any other materials the secretary of state may require.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-050 Review of the plan by the secretary of state. (1) Within five business days after the receipt of a ((standard)) mail ballot ((special)) election plan, an amendment to a special election plan, or election materials for a specific election, the secretary of state shall review the plan. If the secretary of state finds that, in his or her judgment, elements of the election plan, amendments to a plan, or election materials do not adequately provide for secrecy of the ballots, prevention of fraud, or the accurate processing and canvassing of ballots, he or she shall immediately notify the county auditor of these exceptions. The county auditor and the secretary of state shall attempt to reach mutually acceptable modifications to the election plan, amendments to a plan, or election materials. In the event that no mutually acceptable agreement is reached, the secretary of state shall notify the county auditor, in writing, that he or she takes formal exception to the disputed elements of the plan, amendment to a plan, or election materials and of the reasons for his or her objections. He or she shall also provide copies of that notification to the other members of the county canvassing board and, if he or she deems

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appropriate, to the governing body of any jurisdiction for which a mail ballot special election has been scheduled in that county.

(2) The secretary of state (~~may not take formal exception to any policies, procedures, or materials developed by the county auditor for the conduct of a mail ballot special election which do not directly affect secrecy of the ballot, prevention of fraud, or accurate processing and canvassing of the ballots. He or she~~) may recommend changes to ~~(these)~~ any policies, procedures, or materials where, in his or her judgment, such changes would improve the administration of the election.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-060 Notice of election. In any mail ballot (~~special~~) election, the notice of election published pursuant to RCW 29.27.080 shall include the following:

- (1) The title of each office to be voted upon, if any;
- (2) The names and addresses of all candidates; and
- (3) The ballot titles of all ballot measures.

The notice shall also list:

- (a) The precincts that are voting by mail ballot only;
- (b) The location where voters may obtain replacement ballots; and

(c) The location(s) where unmailed ballots may be deposited between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election, and any other dates and times such locations will be open.

The auditor shall additionally notify local radio, television, and newspapers, if applicable, that the election is to be conducted by mail ballot only.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-070 Delivery of ballot to voter. Not sooner than twenty-five days nor later than fifteen days before any mail ballot (~~special~~) election, the county auditor shall send to each registered voter in the election district a ballot, a return envelope, a ballot security envelope, and instructions regarding the mail ballot election.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-080 Envelope specifications. (~~All ballots, ballot security envelopes, and return envelopes shall be of uniform color and size for each jurisdiction conducting a mail ballot special election. The county auditor may, however, use ballots, security envelopes, and return envelopes of uniform size for all jurisdictions conducting a mail ballot special election should he or she so desire. The envelope in which the ballot is mailed to the voter shall be clearly marked, "DO NOT FORWARD — RETURN TO SENDER — RETURN POSTAGE GUARANTEED." The return envelope shall bear the address of the issuing officer and the words, "OFFICIAL BALLOT — DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right hand corner. The envelope shall contain a space for the voters name and address to be listed and shall also contain the following statement:~~

~~I, the undersigned, hereby state that I am a registered voter in Washington; that I am entitled to vote in this election; that I have not voted another ballot; and that I have completed this ballot in secret. I further understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment.~~

~~(signed)~~

~~(date of oath)~~

The envelopes in which mail ballots are mailed to the voters shall be clearly marked with postal service endorsements to prevent forwarding of the ballot and ensure undeliverable ballots are returned to the county auditor with address corrections. In all other respects, mail ballot election envelopes shall conform to the requirements for absentee ballot envelopes provided in chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-090 Instructions to voters. Instructions shall be included with the mail ballot, the return envelope, and ballot envelope delivered to the voter. The instructions shall detail the mechanical process which must be followed in order to properly cast the ballot. The instructions shall also:

(1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;

(2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;

(3) List the location(s) (~~of the place(s)~~), dates, and times where the voter may deposit his or her ballot on election day in the event the ballot is not mailed;

(4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at (~~the~~) a designated place (~~between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election~~);

(5) (~~Advise the voter that his or her ballot must be marked in secret; and~~

~~(6)) Advise the voter that any person attempting to vote when he or she is not entitled or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of not more than (~~five~~) ten thousand dollars, or both such fine and imprisonment; and~~

(6) State that every voter has the right to vote his or her ballot in secret.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-100 Depositing of ballots. Ballots may be deposited in the auditor's office at any time, during normal business hours, prior to the day of the election and from 7:00 a.m. to 8:00 p.m. on election day. The county auditor shall designate at least one other place of deposit

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within the jurisdiction holding the mail ballot special election whenever, in his or her judgment, having only the auditor's office as a place of deposit would unduly inconvenience the voter. If other places of deposit are designated, each shall be staffed ((by an employee of the auditor's office or)) by ((another)) two persons designated by the auditor. Whenever possible, the persons designated by the county auditor to staff places of deposit shall be representatives of each political party entitled to nominate precinct election officers pursuant to chapter 29.45 RCW. The person designated by the auditor shall not be an employee of the jurisdiction ((conducting the special election)) for whom the election is conducted and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated places of deposit shall be open from 7:00 a.m. until 8:00 p.m. on the day of the election and shall have a secure ballot box. The county auditor may designate additional dates and times during which any or all places of deposit may be open prior to election day. The ballot box shall be constructed in such a manner that return envelopes, once deposited, may be removed only by the county auditor or the persons appointed to staff the place(s) of deposit. ((That)) These persons shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. ((On election day, the person(s) staffing the designated place(s) of deposit shall place their initials and time of deposit on the return envelope.)) The person(s) staffing the designated place of deposit shall add the time and place of deposit to any ballot envelope deposited after 8:00 p.m. on election day. Such ballots shall be referred to the canvassing board for consideration.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-110 Obtaining replacement ballots.

Each county auditor shall designate his or her office or any other location within the jurisdiction requesting the mail ballot ((special)) election as the single place where voters may obtain a replacement ballot. Any voter seeking a replacement ballot must, prior to 8:00 p.m. on election day, return the original ballot if it was spoiled and sign a sworn statement in substantially the following form:

REPLACEMENT BALLOT REQUEST

I,, do hereby request a replacement ballot for the mail ballot ((special)) election to be held on in county, Washington, for the following reason (check one):

- I did not receive the ballot mailed to me.
or
- The ballot mailed to me has been damaged, lost, or destroyed.

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand that attempting to vote more than once in any election is a violation of Washington election law.

.....
Signature of voter

.....
Address at which I
am registered to vote
.....

The above named individual appeared before me and has been issued a replacement ballot pursuant to the provisions of chapter 71, Laws of 1983 1st ex. sess.

.....
Signature of
issuing officer
.....
Date

The county auditor shall maintain a record of each replacement ballot so issued. Any absentee ballot request made wherein the voter lists an address different from that to which his or her mail ballot has been or is to be mailed shall be handled as provided by RCW 29.36.030.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-120 Unsigned affidavit. If the voter neglects to sign the affidavit on the return envelope, the auditor shall ((notify the voter, either by telephone or by first class mail, of that fact. He or she shall advise the voter that, in order for the ballot to be counted, the voter must appear in person at the auditor's office not later than 8:00 p.m. on election day. A record shall be kept on the return envelope of the date on which the voter was contacted or on which the notice was mailed. Any notice by mail shall be in substantially the following form:

Dear Voter:

Your ballot for the forthcoming mail ballot special election to be held on has been received by this office. Unfortunately, you neglected to sign the affidavit on the reverse side of the return envelope, as required by state law.

Please appear in person at the location listed on this card and sign this affidavit no later than 8:00 p.m. on Your ballot cannot be counted unless the return envelope is signed.

ADDRESS:))
follow the procedures prescribed for unsigned affidavits in chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-140 Verification of signatures— Process. ((If the auditor determines that the signature on the return envelope matches that on the voter registration card, he or she shall indicate on the envelope that a signature comparison has been made. No indication of a voter having cast a ballot shall be made on the voter registration file until a signature comparison has been made. In the event the auditor determines that the signatures do not match, or that the voter has voted more than once, he or she shall refer all such ballots and any other related materials to the county canvassing board. No ballot so referred shall be counted

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~~unless subsequent investigation reveals it to be a valid ballot and the canvassing board directs the auditor to accept it. The signature verification process shall be open to the public, subject to reasonable procedures promulgated by the county auditor to insure that order is maintained and to safeguard the integrity of the process.)~~ The county auditor shall verify signatures on the return envelopes in the same manner the canvassing board verifies signatures on absentee ballot return envelopes pursuant to chapter 434-240 WAC.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-170 Logic and accuracy test. At least three days before any mail ballot (~~special~~) election, if an electronic vote tallying system is to be used, the auditor shall conduct a logic and accuracy test of all programming. Wherever applicable, this test shall be conducted in accordance with RCW 29.34.163, except that the secretary of state need not be present. ~~((The test shall be repeated immediately prior to any tabulation of ballots on election day.))~~

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-180 Tallying of ballots. The county canvassing board, upon the request of the county auditor, may ~~((direct that,))~~ begin final processing of mail ballots on hand after ((12:00 noon)) 7:00 a.m. on election day((, mail ballots on hand be counted. Any such count made prior to 8:00 p.m. must be done in secret and the results not revealed until after 8:00 p.m. Whenever any ballot is to be counted, the county auditor shall ensure that at least three election officers are present. Such officers shall be appointed as provided by RCW 29.45.010)). The county auditor shall request in writing that each major political party appoint representatives to observe such counts. Anyone present shall subscribe to an oath of secrecy regarding divulging election returns prior to 8:00 p.m. election night. Any violation of the secrecy of the count shall be subject to the penalties provided in RCW 29.54.035. During ~~((either the early count of ballots or the regular))~~ tabulation of ballots on election night in counties using electronic voting devices, political party observers may select up to ~~((ten))~~ three precincts and count by hand either the total number of ballots or the total number of votes cast for any single office or issue. This hand count may take place at any time after the ballots have been officially tabulated by the electronic vote tallying system, but must take place prior to the official certification of the election results. Except as otherwise provided by law or administrative rule, mail ballots shall be processed and canvassed in the same manner as absentee ballots.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-200 Maintenance of records. Each county auditor conducting a mail ballot (~~special~~) election shall maintain and retain complete documentation of that election. The documentation maintained shall include, but not be limited to, the following:

- (1) A copy of the resolution calling for the mail ballot election, if applicable;
- (2) A copy of the legal notice identifying the election as a mail ballot election;

(3) The return envelopes which have been marked to indicate the signature had been verified, or a list containing the same data present on the return envelopes;

(4) The sworn statement of each voter issued a replacement ballot; and

(5) The master list indicating which voters cast ballots.

The retention period for this material and for the ballots themselves shall be the same as for absentee ballots, or until the resolution of any litigation arising out of the mail ballot election. Ballots and all related material shall be ~~((held in secure storage both before they are mailed and after they are returned))~~ stored in the same manner as materials used in other types of elections.

AMENDATORY SECTION (Amending Order 83-2, filed 11/1/83)

WAC 434-36-210 Report to the secretary of state. Not later than ~~((seven))~~ sixty calendar days following the official canvass of any mail ballot (~~special~~) election, the county auditor shall report the results of that election to the secretary of state. Included in that report shall be:

- (1) The total number of eligible voters in the district;
- (2) The total number of ballots mailed;
- (3) The total number of ballots returned ~~((listing those returned by mail and by deposit as separate subtotals))~~;
- (4) The total number of replacement ballots issued ~~((with separate subtotals for destroyed, lost, spoiled or not received original ballots))~~;
- (5) The total number of ballots accepted as valid and counted;
- (6) The total number of ballots rejected; ~~((included in the rejected ballot total shall be subtotals listing:~~
 - (a) The number of ballots received late;
 - (b) The number of ballots rejected because the return envelope bore no signature;
 - (c) The number of ballots rejected because the signature on the return envelope was not that of the registered voter to whom the ballot was issued; and
 - (d) The number of ballots rejected because the voter attempted to vote more than once;))
 - (7) The official results of the election; and
 - (8) An itemization of the cost of the mail ballot (~~special~~) election to the jurisdiction which requested it.

The auditor shall retain a copy of this report in his or her files, and shall provide a copy to the jurisdiction for which the mail ballot special election was conducted.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 434-36-130 Signature verification—Personnel.
- WAC 434-36-150 County canvassing board.
- WAC 434-36-190 Canvassing of ballots.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-010 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 23, Laws of 1991.

(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 (~~questioned~~) 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 (~~(434-40-210)~~) 434-240-210;

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(7) (~~"Blind voter" is a voter who has no vision or whose vision with corrective lenses is so defective as to prevent performance of ordinary activities for which eyesight is essential, or who has an eye condition of a progressive nature which may lead to blindness;~~

(8) ~~"Voter requiring assistance" is any voter who has a sensory or physical handicap that results in his or her inability to vote at a polling place without assistance; such assistance shall be provided in the manner set forth by RCW 29.51.200;~~

(9) ~~"Disabled voter" is any blind voter, voter requiring assistance, or any voter who has:~~

(a) ~~Lost both lower limbs;~~

(b) ~~Lost normal or full use of the lower limbs to sufficiently constitute severe disability;~~

(c) ~~No ability to move without crutches or a wheelchair;~~

(d) ~~Lost both hands;~~

(e) ~~A lung disease where forced expiratory respiratory volume when measured by spirometry is less than one liter per second;~~

(f) ~~Cardiovascular disease classified as Class III or IV under American Heart Association standards;~~

((10)) "Ongoing absentee ballot" is (~~that absentee ballot provided to disabled voters and voters over the age of sixty-five, pursuant to the provisions of RCW 29.36.013~~) 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 23, Laws of 1991;

((11)) (8) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a hospital no earlier than five days before a primary or election, pursuant to the provisions of RCW 29.36.010;

((12)) (9) "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;

((13)) (10) "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;

((14)) (11) "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 (~~(- it shall be locked during those periods of time when the auditor's office is closed, and when the office is open, access shall be permitted only to the county auditor and to those persons authorized in writing)~~). 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;

((15)) (12) "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;

((16) ~~Questioned~~) (13) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC (~~(434-40-250)~~) 434-240-250 or whenever any doubt exists as to the voter's qualifications to vote in an election and no challenge has been made by either a registered voter or the precinct election officer.

((17)) (14) "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) "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.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-030 Application form for a regular absentee ballot. Each county auditor shall provide an application form for a regular absentee ballot. ~~((The form shall be no smaller than five inches by eight inches and may be produced in any format deemed suitable to each county.))~~ The form shall include, but not be limited to, the following:

(1) A space for the voter to print his or her name and address at which he or she is registered to vote;

~~(2) ((A space for the out-of-state or service voter to indicate his or her last permanent residence within the state of Washington;~~

~~(3))) An address to which the ballot is to be mailed;~~

~~((4))) (3) A space for the voter to indicate for which election(s) the application is made;~~

~~((5))) (4) A space for the voter to sign his or her name and the date the application is made.~~

Only the address of the county auditor may appear on any regular absentee ballot application as the return address to which the application is to be mailed.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-050 Ongoing absentee ballot application. Each county auditor shall provide an application form for an ongoing absentee ballot. This form may be produced in any format deemed suitable to each county ~~((but must be produced in a manner that is readable by vision-impaired and elderly voters. The form should be printed in over-sized type and may be in distinctive colors)).~~ The form shall include, as a minimum, the following information:

~~(1) ((A place to indicate that the voter is eligible for an ongoing absentee ballot because he or she is either disabled or over the age of sixty-five or is a certified participant in the address confidentiality program authorized by chapter 23, Laws of 1991;~~

~~(2) A definition of disabled voter consistent with the definition appearing in WAC 434-40-010;~~

~~(3))) Space to provide the voter's printed name, the address at which the voter is registered to vote, including city and zip code;~~

~~((4))) (2) A space for the voter to sign his or her name((;)) and provide a telephone number((, and, if the voter is claiming status because of age, the date of birth));~~

~~((5))) (3) A summary of the reasons for termination of status as an ongoing absentee voter((;~~

~~Signatures on applications for ongoing absentee ballots shall be verified in the same manner as signatures on applications for regular absentee ballots. Ongoing absentee ballots shall be mailed to the address specified by the applicant on the application form)).~~

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-40-060 Termination of ongoing absentee voter status. Status as an ongoing absentee voter shall be terminated upon the occurrence of any of the following:

- (1) The cancellation of the voter's registration record;
- (2) The written request of the voter;
- (3) The death or disqualification of the voter;

(4) The return of an ongoing absentee ballot as undeliverable;

~~((5) January 1st of each odd-numbered year, provided at least one general election has been held since the voter acquired status as an ongoing absentee voter.))~~

A service voter, as defined in RCW 29.01.155, who is a certified participant in the address confidentiality program authorized by chapter 23, Laws of 1991, shall maintain ongoing absentee voter status throughout the term of their program participation((;

~~All persons terminated from the status of ongoing absentee voter who do not automatically renew their status pursuant to the provisions of WAC 434-40-080 shall have their original application form retained by the auditor for a period of one year after the date of termination)).~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-130 Incomplete application from elector. ~~((1) If an application for an absentee ballot from a registered voter or an elector does not contain the signature of the applicant, the auditor shall attempt to contact the applicant by whatever means deemed appropriate, including written notification pursuant to WAC 434-40-160, in order to obtain the signature.~~

~~(2))) If an application for an absentee ballot from an elector is received by the county auditor and it does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall, in his or her judgment enough time exists to make such action practical, request that the elector provide the additional information in order to enable the auditor to mail the correct absentee ballot. If, in the judgment of the auditor, insufficient time exists to permit this action, the auditor may issue the absentee ballot that would be issued if the applicant had listed the courthouse as his or her legal residence. Upon its return, the ballot shall be referred to the county canvassing board, and only that part of the ballot containing candidates and measures common to the entire county, and any other offices or issues on which it can be conclusively determined the voter is qualified to cast a ballot, shall be tabulated.~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-160 Notification to voter of incomplete application. In addition to notification provisions required by WAC ~~((434-40-130))~~ 434-240-130, the county auditor shall notify any person submitting an absentee ballot application ~~((which))~~ that is not accepted of the reason why the application is not accepted. ~~((The notification provided shall be in substantially the following form:~~

NOTICE TO ABSENTEE BALLOT APPLICANT

~~Your application for an absentee ballot has been received in our office but we are unable to process it or issue you an absentee ballot for the following reason(s):~~

- ~~(-) LACK OF SIGNATURE - We must have your signature on the request before we can honor it. Please sign the enclosed application as you are registered to vote and return it to this office;~~

- ~~(-) NOT REGISTERED - We are unable to find a voter registration record for you in our files. Please contact our office to resolve this matter as soon as possible;~~
- ~~(-) REQUEST RECEIVED TOO LATE - Your request for an absentee ballot was received after the last day prescribed by law for the issuance of absentee ballots;~~
- ~~(-) OTHER _____~~

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-190 Absentee ballot envelopes. Included with any absentee ballot provided to a voter shall be instructions for correctly voting the absentee ballot, a security envelope which shall bear no markings identifying the voter, and a return envelope which shall bear the return address of the issuing officer and shall have a space for the voter to sign his or her name. The return envelope shall also have ~~((#))~~ the following statement ((in substantially the following form)):

~~((AFFIDAVIT OF ABSENTEE BALLOT APPLICANT))~~

I do solemnly swear under penalty of law ~~((as set forth below;))~~ that I am a legal resident of the state of Washington ~~((and I further certify that I am legally qualified to vote at the election for which this ballot was requested, that))~~ entitled to vote in this election. I have not voted another ballot, and ~~((that I herein enclose my ballot for that election;))~~ I understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment.

.....
Date Ballot Voted Signature of Voter

~~((PENALTY PROVISION: Any person who violates any of the provisions of this chapter, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment (RCW 29.36.160).))~~

All absentee ballot envelopes and return envelopes shall conform to existing postal department regulations ~~((regarding size)).~~ The envelope in which the ballot is mailed to the voter shall be clearly marked with postal service endorsements to prevent forwarding of ballots and ensure undeliverable ballots are returned to the county auditor with address corrections. The return envelope shall bear the words "OFFICIAL BALLOT - DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POST-AGE REQUIRED" in the upper right-hand corner.

County auditors shall be permitted to use any existing stock of absentee ballot return envelopes, in the form specified by state law ~~((;))~~ or administrative rule prior to ((the 1987 amendment to RCW 29.36.030)) June 1, 1997. Upon exhaustion of that stock or not later than ~~((January 1, 1989))~~ December 31, 1998, county auditors shall comply with the

provisions of this regulation when ordering absentee ballot return envelopes.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-200 Absentee ballot—Instructions to voters. Included with each absentee ballot provided to applicants shall be instructions for properly voting the ballot and for returning it in a manner that will guarantee the voter secrecy of his or her ballot. The instructions shall include the following:

- (1) Detailed instructions for correctly marking the ballot;
- (2) Detailed instructions on how the voter may correct a spoiled ballot;
- (3) Instructions on how the voter is to complete and sign the affidavit on the return envelope;
- (4) Instructions on how the voter is to place his or her ballot in the security envelope and place the security envelope in the return envelope;
- (5) Instructions regarding postage, if required;
- (6) Notice to the voter that the ballot ~~((will be counted if it is))~~ must be postmarked not later than election day ((and if it is received by the county auditor not later than the tenth day following any special election or primary, or the fifteenth day following a general election)).

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-230 Processing of absentee ballots. (1) Prior to initial processing of absentee ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. ((In counties tabulating absentee ballots on an electronic vote tallying system, the ballots may be removed from the inner envelope not earlier than the tenth day prior to a primary or election and the ballots then prepared for processing;))

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots ~~((, whether removed from the inner security envelope or not;))~~ must be kept in sealed ~~((or locked))~~ containers and in secure storage until they are ready ~~((to be tabulated))~~ for final processing.

(4) Final processing may be performed only after 7:00 a.m. on the day of that general election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

PROPOSED

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-240 Verification of the signature and postmark on absentee ballots. ~~((The county canvassing board shall examine the signature on the return envelope of all absentee ballots to ensure that the applicant is qualified to cast the ballot. The provisions of WAC 434-40-140 shall be applicable in determining the validity of the signature as it appears on the return envelope.))~~ An absentee ballot shall be counted only if:

- (1) It is returned in the return envelope;
- (2) The affidavit is signed by the registered voter to whom it was issued;
- (3) The signature has been verified by the county canvassing board;
- (4) It is postmarked not later than the day of the election or deposited not later than 8:00 p.m. on election day; and
- (5) The absentee ballot is received by the certification of the election.

The canvassing board must compare the signature on the return envelope, or on a copy of the return envelope, with the signature as it appears on the voter's voter registration card. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries. For service voters, overseas voters, and out-of-state voters the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope which shows a date subsequent to the date of the primary or general election shall be referred to the county canvassing board for disposition. For all other absentee ballots, the date of mailing shall be the postmark, if present and legible. If the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All absentee ballots showing a postmark subsequent to the date of the primary or election, or a date indicated by the voter subsequent to the date of the primary or election if the postmark is missing or illegible, shall be referred to the county canvassing board for their disposition. The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-250 Absentee voter attempting to vote at the polls. In addition to maintaining a record of all persons requesting and being issued an absentee ballot, each county auditor will, to the extent time allows, make a notation on each poll list of the persons who have been issued an absentee ballot. Whenever any voter whose name has been so marked attempts to vote at the polling place, the precinct election officers shall issue that voter a ~~((questioned))~~ special ballot. The ~~((questioned))~~ special ballot shall be placed in an envelope, on the outside of which the words "

~~tioned))~~ special ballot" shall be printed. The envelope should then be sealed and care shall be taken to ensure that no marks appear on the outside of that envelope which might identify that voter. This envelope should then be placed in a larger envelope, on the outside of which shall be printed the words "~~((questioned))~~ special ballot." There shall also be space on this outer envelope for the precinct election officers to indicate the name and number of the precinct, the printed name, address, and telephone number of the questioned voter, and the reason why the special ballot is being ~~((questioned))~~ issued. The ballot should then be referred to the canvassing board for their disposition.

This regulation and WAC ~~((434-40-260))~~ 434-240-260 shall not apply to any county that does not tabulate absentee ballots until the poll books have been examined to ensure that no voter has voted twice.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-270 Maintenance of an audit trail on absentee ballots. Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots which shall include, but not be limited to, the following:

- (1) A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received;
- (2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;
- (3) A record of the disposition of each request for an absentee ballot not honored;
- (4) A record of the disposition of each returned absentee ballot not counted;
- (5) A record of the time and place of each time the county canvassing board met to process absentee ballots;
- (6) A documentation of the security procedures undertaken to protect the integrity of the ballots after receipt, including the seal numbers used to secure the ballots during all facets of the absentee ballot process;
- (7) A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received.

AMENDATORY SECTION (Amending Order 88-1, filed 1/12/88)

WAC 434-40-290 Security of absentee ballots. Following the tabulation of absentee ballots, they shall be kept in sealed ~~((or locked))~~ containers and in secure storage until the expiration of any time deadlines for a legal challenge to the results of the primary or election, and then should be retained by the county as long as required by state or federal law.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|--------------------------------------------------|
| WAC 434-40-070 | Notice of termination as ongoing absentee voter. |
| WAC 434-40-080 | Renewal of status as ongoing absentee voter. |
| WAC 434-40-140 | Signature discrepancies. |

WAC 434-40-170	Security of absentee ballot applications.
WAC 434-40-210	Canvassing board—Delegation of authority.
WAC 434-40-220	Canvassing board—Notice of open public meeting.
WAC 434-40-280	Challenge to the registration of absentee voters.
WAC 434-40-310	Absentee ballot—Credit for having voted.

NEW SECTION**WAC 434-240-205 Replacement absentee ballots.**

The county auditor may issue replacement absentee ballots to a voter who both:

- (1) Requested an absentee ballot prior to election day; and
- (2) Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the auditor prior to 8:00 p.m. on election day.

The county auditor shall maintain a record of each replacement ballot issued, including the date of the request. Replacement absentee ballots shall be counted in the final tabulation of ballots, and shall only be tabulated if the original ballot is not received by the county auditor and the replacement ballot meets all requirements for tabulation necessary for the tabulation of regular absentee ballots.

NEW SECTION

WAC 434-240-225 Definitions regarding absentee ballots. For purposes of the counting and canvassing of absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to: Removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

NEW SECTION

WAC 434-240-235 Unsigned affidavit. (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

- (a) Require the voter to appear in person and sign the return envelope not later than the day before the certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before the certification of the primary or election and complete the affidavit on the return envelope.

A record shall be kept on the return envelope of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the return envelope or a copy of the return envelope affidavit.

NEW SECTION

WAC 434-240-320 Mail ballot precincts. At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in chapter 29.07 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall not less than fifteen days prior to the date of the primary or election mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of the primary or election. For all subsequent mail ballot elections in that precinct, the application is valid so long as the voter remains active and qualified to vote. For each subsequent mail ballot election in the precinct, the county auditor shall mail a notice, mail ballot application form, and a postage prepaid preaddressed envelope to each active and inactive voter in the precinct without a mail ballot application form on file with the county auditor. Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-020 Election supplies—Polling place. Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Instruction signs for voters;

(8) Challenge/~~((questioned))~~ special ballot envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope (~~((purpose of audit trail))~~);

(15) Emergency plan of action.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-030 Securing the ballot box. After the ballot box is determined to be empty, it shall be locked or sealed with a numbered seal as directed by the county auditor. If a lock is used, the key shall be retained by the inspector (~~((or the numbered))~~). If a numbered seal is used the seal shall remain on the ballot box until it is opened following the closing of the polls, or to permit the early tabulation of paper ballots, or the early pickup and transfer of ballots to the counting center.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-040 Verification of voter's name. All voters must provide their names to the precinct election officers so that verification can be made that the voter's name appears (~~((in the poll book or))~~) on the precinct list of registered voters. Upon verifying that the voter's name is (~~((in))~~) on the ((poll book or)) precinct list ((of registered voters (hereafter referred to as list))) any precinct election officer may challenge that voter's right to vote, as provided by law. If no challenge is made, the voter shall be issued a ballot and the sequence number of the ballot issued recorded next to the voter's name.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-050 Voter unable to sign name— Authority to vote. Whenever a registered voter's name appears in the poll book or precinct list but the voter is unable to sign his/her name, the voter shall be provided a (~~((questioned))~~) ballot. The (~~((questioned))~~) ballot shall be processed in the same manner as other (~~((questioned))~~) ballots. The precinct election officer shall note on the poll book that the voter could not sign their name. The county auditor shall verify after election day that the voter's registration reflects the voter's inability to sign. The county auditor shall request an updated signature for those voters without current signatures on file.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-090 Designation of poll watchers. All persons designated as poll watchers (~~((by any political party or committee))~~) shall be (~~((so))~~) designated in writing by the

political party or committee that they represent. Such designation shall be signed by an (~~((appropriate))~~) officer of the party or committee. The auditor may require that a copy of this designation be filed with his or her office not later than the day prior to the primary or election and shall, whenever possible, ensure that a copy of the designation is provided to each affected polling place inspector. (~~((The inspector shall ensure that poll watchers have access to a record of who has voted but))~~) The inspector shall ((also)) ensure that absolutely no interference with voting takes place.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-100 Electronic voting devices—Identified for specific (~~((candidates))~~) offices or measures. In (~~((these))~~) counties using electronic voting devices (~~((and))~~) that employ a separate ballot, ((and)) where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing ((on the ballot)) in that precinct or polling place, the voter shall be directed to a voting device ((where the ballot)) that contains only the appropriate offices and measures. Unless otherwise provided by law or (~~((these))~~) administrative rule(s), if the ballots are segregated by the use of a prepunch or other machine-readable code, the voter may be directed to any voting device, provided(~~((r))~~) the prepunch or code is designed to permit the tabulation of only those responses for which the voter was entitled to vote. Instructions shall be provided to the voter (~~((by))~~) identifying (~~((it))~~) within each device which ballot pages, or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-110 Examination of voting devices. Precinct election officers (~~((charged with periodically examining the voting devices to ensure that they have not been tampered with shall do so))~~) shall examine the voting devices to ensure that they have not been tampered with at least once every hour while the polls are open.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-120 Spoiled ballot procedures. If the voter spoils his or her ballot by mismarking it or otherwise damaging the ballot in such a way that it cannot be accurately tabulated to reflect the voter's intent, the voter shall return the spoiled ballot to the precinct election officer. The precinct election officer shall then render the spoiled ballot unusable, make (~~((the))~~) an appropriate notation on the poll book or list, and issue the voter a new ballot or ballot card. Spoiled ballots shall be clearly identified as such, and returned to the county auditor in a manner which permits the segregation of such ballots from other ballots. Precinct election officers shall ensure that an adequate audit trail exists for all spoiled ballots.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-150 Closing the polls. At the prescribed closing time, the inspector shall announce aloud that the polls are closed, the doors to the polling place shall be shut, and no further persons shall be allowed to enter to vote. All persons within the polling place at the time ~~((the))~~ closing is announced shall be permitted to complete the process of voting. The doors to the polling place shall remain unlocked until the election officials depart at the completion of their work, so that the work of accounting for the ballots and other voting material may be observed by interested parties.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-160 Ballot accountability—Form for recording. Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each ~~((poll book or))~~ list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of ballots issued;
- (3) The number of used ballots which are ~~((questioned))~~ special or challenged;
- (4) The number of issued ballots that are spoiled.

At the closing of the polls, the ballots of each category enumerated in subsections (1) through (4) of this section shall be counted and recorded on the ballot accountability sheet ~~((as required by these rules))~~. The accountability sheet shall be maintained with the ~~((poll book or))~~ precinct list. The precinct election ~~((officials))~~ officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet ~~((, along with))~~ and the ~~((poll book or))~~ precinct list, shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

~~((In addition,))~~ Whenever anything occurs at a polling place that the precinct election officers feel may ~~((assist the auditor in explaining any discrepancies that may be discovered when the auditor's office reconciles the various election totals prior to certification))~~ create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-170 Audit trail for unused ballots. After the polls have closed, and before the container holding the voted ballots is opened, the ~~((unused))~~ unvoted ballots shall be rendered unusable. The unusable ballots shall then be placed in ~~((a special))~~ an envelope or container marked "unused ballots," the envelope or container shall be sealed, and placed into the ~~((pouch or))~~ container provided for the

return of voting materials to the counting center or auditor's office. The unused ballots must not be placed in the same container as the regular voted ballots.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-190 Disposition of irregularly voted ballots. All ~~((irregularly))~~ irregular voted ballots, including ~~((questioned))~~ special, challenged, and absentee ballots, if any, shall be ~~((sorted))~~ separated from the regular voted ballots. The ~~((questioned))~~ number of special and challenged ballots, if any, shall be ~~((counted and the number))~~ recorded on the ballot accountability sheet. The irregularly voted ballots, each in their own individual sealed and marked envelopes, shall then be placed in a transfer case or other secure container and the container sealed ~~((therein))~~. The number of irregularly voted ballots may also be recorded on the outside of the container. The sealed container shall then be returned to the counting center or auditor's office.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-200 Count of voted ballots. After the ~~((irregularly))~~ irregular voted ballots have been sorted, counted and secured, the ~~((other))~~ regular voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. County auditors may require additional procedures to permit the segregation of various types of voted ballots.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-210 Preparing voted ballots for transfer. After the ballot accountability sheet is signed, in those counties where ballots are not tabulated at the polling place, the voted ballots shall be placed in a transfer container for transfer to the counting center, either directly or via a ballot collection station. There shall be placed either inside the container or attached to the outside of the container, a transmittal sheet which ~~((as))~~ at a minimum shall identify the precinct or precincts represented by the ballots, the number of ballots in the container, and, if a seal is used, the seal number of the seal to be used on the container. The inspector and one judge from each political party shall sign the transmittal sheet attesting to the number of ballots and the serial number of the seal. The transfer container shall then be locked and the seal fastened.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-220 Transfer of ballots prior to closing of the polls. The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the voted ballot ~~((box or pouch))~~ container at ~~((the))~~ a time specified ~~((time))~~ by the auditor and count ~~((them))~~ the number of ballots. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner ~~((as))~~ used for the

closing of the polls. The transmittal sheet may be ~~((sealed))~~ placed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. ~~((A))~~ Ballot pickup ~~((team or))~~ teams, consisting of representatives of each major political party and appointed by the county auditor for that purpose, shall be assigned to pick up the transfer containers for return to the counting center.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-230 Sealing the ballot pages appearing in voting devices. In polling places where voting devices are used, the county auditor shall ensure that adequate procedures are in place to permit the ballot pages within the voting device to be sealed following the election. This shall be done in such a way so that the ballot pages cannot be altered or otherwise tampered with, and in a manner that will provide an audit trail from ballot to precinct. This may be accomplished by securing the entire device by means of an external seal, or by securing and sealing the ballot ~~((itself))~~ pages themselves.

If a unique numbered ~~((wire))~~ seal is used, a certificate shall be placed inside the device signed by the precinct election officials ~~((witnessing))~~ recording the serial number of the seal. If some other means of sealing is used, a certificate, signed by the election officials, shall be provided to identify the seal by some appropriate means. The certificate, if not secured inside, ~~((will))~~ shall be returned to and retained by the county auditor.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-270 Counting of ballots after polls close. The counting and tabulation of ballots after the polls close ~~((for voting))~~ shall be public and may be witnessed by any citizen.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-280 Paper ballots—Counting and tabulation—Procedure. The procedure for the counting and tabulation of paper ballots at polling places shall be as follows:

(1) The inspector shall carefully examine each ballot and shall read aloud the name of each person receiving a vote and the office for which the vote for that person is cast, and the vote for and against each proposition on the ballot;

(2) The judge, representing the opposite political party of the inspector, shall observe the reading of the votes;

(3) The second judge shall tally the votes, as read, in the vote tally books provided by ~~((and to))~~ the county auditor. These tally books shall be returned to the county auditor at the election center;

(4) The clerk, if one is assigned, representing the opposite political party of the second judge shall, at the same time, tally the votes, as read, in the tally book provided by the auditor but retained by the inspector;

(5) The inspector and the judge observing the reading of the votes may rotate their duties from time to time upon agreement.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure. In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;

(2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: *Provided*, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed, after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be as required by law.

AMENDATORY SECTION (Amending WSR 92-12-083, filed 6/2/92, effective 7/3/92)

WAC 434-53-300 Paper ballots—Count continuous—When duties completed. In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted except as provided in WAC ~~((434-xx-xxx))~~ 434-253-260. The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-010 Counting center location—Direction of proceedings. In counties using voting devices and vote tallying systems where the ballots are to be processed and/or tabulated at a location other than the precinct, the county auditor shall designate a location to serve as the counting center. If that location is other than the courthouse

or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto. ~~((A copy of any local administrative rules under this section shall be filed with the secretary of state.))~~

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-020 Counting center—Political party observers. Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29.33.340.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained as provided in subsection (2) of this section.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

AMENDATORY SECTION (Amending WSR 92-10-038, filed 5/4/92, effective 6/4/92)

WAC 434-61-040 Receipt of ballots at the counting center. Immediately upon the receipt of voted ballots in transfer containers from the polling places or collection stations, the seal or lock on each ballot container shall be examined to ensure that it is intact. The precinct name or number, time of receipt, and seal number of each container shall be recorded on a transfer case receipt log, and the log shall be initialed by the persons receiving them.

Upon the breaking of the seal and the opening of the container, ~~((a comparison))~~ the seal number shall be compared with the transmittal sheet accompanying the container

~~((shall be made)). ((If no lock or seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. If the container has no seal or the seal has already been broken, it shall be considered a discrepancy and handled in the same manner. If the auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be set aside and referred to the canvassing board for their consideration as provided by this rule.))~~ If no discrepancy exists, a notation shall be made on the ballot receipt log and the ballots shall be forwarded to the next station in the counting center process.

~~((Where a discrepancy does exist and the matter cannot be resolved, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be processed as provided for by law or administrative rule (see chapter 434-62 WAC).))~~ If no seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. If the county auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be set aside and referred to the canvassing board for their consideration as provided by law or administrative rule (see chapter 434-262 WAC).

NEW SECTION

WAC 434-61-010 through 434-61-060, as amended, are recodified as a new chapter, to be designated chapter 434-261 Washington Administrative Code, and internal references are updated accordingly.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-61-050 Handling of transfer container discrepancies.

NEW SECTION

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of copying valid votes from ballots that may not be properly counted by the electronic voting equipment to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks on a ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the

manner intended by the voter, or as directed by the canvassing board.

NEW SECTION

WAC 434-261-070 Manual inspection of ballots. Upon breaking the seals and opening the ballot containers from the precincts, all voted ballots shall be manually inspected for damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

If the manual inspection process detects any ballots which might not be correctly counted by the tabulating equipment, the county may either:

- (1) Refer the ballots to the county canvassing board;
- (2) Duplicate the ballots if the intent of the voters is clear; or
- (3) Enhance the ballots if the intent of the voters is clear and enhancement can be accomplished without permanently obscuring the original marks of the voters.

NEW SECTION

WAC 434-261-080 Ballot enhancement. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

- (1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;
- (2) A log shall be kept of the ballots enhanced and shall include at least the following information:
 - (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced;
- (3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

NEW SECTION

WAC 434-261-090 Ballot duplication. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots shall be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those duplicated ballots and the corresponding duplicate ballots:

- (1) Each ballot to be duplicated and the corresponding duplicate ballot must be assigned a unique control number, with such number being marked upon the face of each ballot, the purpose being to insure that each duplicate ballot may be tied back to the original ballot;

(2) A log shall be kept of the ballots duplicated and shall include at least the following information:

- (a) The control number of each ballot duplicated and the corresponding duplicate ballot;
 - (b) The initials of at least two people who participated in the duplication of each ballot; and
 - (c) The total number of ballots duplicated;
- (3) Duplicated ballots and the corresponding duplicate ballots, as well as ballots requiring duplication shall be sealed into secure storage at all times, except when said ballots are in the process of being duplicated, are being tabulated, or are being inspected by the canvassing board.

NEW SECTION

WAC 434-261-100 Written procedures. Written procedures shall be established detailing the situations in which ballots may be enhanced or duplicated. These procedures shall be included as a part of the county canvassing board manual.

AMENDATORY SECTION (Amending Order 80-3, filed 10/3/80)

WAC 434-62-030 Auditor's abstract of votes. No later than the tenth day following any primary or special election and the fifteenth day following any general election the county canvassing board shall meet and canvass all absentee ballots not previously processed under the provisions of chapter 29.36 RCW, together with all ~~((questioned))~~ special and challenged ballots. Upon completion of this canvass the board shall direct the county auditor to include all absentee ballot totals and all challenged and ~~((questioned))~~ special ballot totals, or legislative district subtotals if applicable, in the preliminary abstract of votes prepared pursuant to WAC ~~((434-62-020))~~ 434-262-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes.

AMENDATORY SECTION (Amending Order 80-3, filed 10/3/80)

WAC 434-62-040 Verification of auditor's abstract of votes. The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals. ~~((This verification shall be accomplished, in counties with fewer than 100,000 registered voters, by directing the county auditor or his or her representative to add these individual precinct and absentee ballot totals in the presence of the canvassing board manually or by using an adding machine. The canvassing board shall then compare the subtotals and totals produced in this manner against the subtotals and totals as they appear on the auditor's abstract of votes and verify that the figures are identical. In counties with more than 100,000 registered voters the adding machine tapes or manual totals may be produced prior to the meeting of the canvassing board, but in such counties the canvassing board shall carefully com-~~

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~~pare the reproduced subtotals and totals against the subtotals and totals as they appear on the official abstract of votes and verify that the two sets of figures are identical.)~~

NEW SECTION

WAC 434-262-015 Canvassing board—Delegation of authority. The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per RCW 29.62.015, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29.36 and 29.62 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of determining the validity of any special ballots referred to them by the county auditor, to anyone other than a person authorized by law to act on their behalf.

NEW SECTION

WAC 434-262-025 Canvassing board—Notice of open public meeting. All activities of the canvassing board shall be open to the public, although they may limit the number of persons observing any aspect of the process whenever, in their judgment, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29.62 RCW, will hold public meetings at (Time of Meetings) , (Dates) , at (Locations) , to (Purpose of Meetings) . These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are held has been completed.

A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots.

NEW SECTION

WAC 434-262-035 Canvassing board—Absentee ballot signature verification. The county canvassing board shall examine each absentee ballot and related material and shall determine whether or not the ballot is to be counted. The canvassing board may employ local law enforcement officials or any other persons they deem necessary to assist them in this effort. In the event the canvassing board

determines the absentee ballot is to be counted, they shall direct the county auditor to do so. In the event the canvassing board determines that the signature on the absentee ballot was not made by the voter to whom the ballot was issued or that the voter has attempted to vote more than once, they shall direct the auditor to refer all such ballots and related materials to the prosecuting attorney.

NEW SECTION

WAC 434-262-045 Canvassing mail ballots. Except as otherwise provided by law or administrative rule, mail ballots shall be canvassed in the same manner as absentee ballots issued at the request of the voter. To be counted, such mail ballots must be deposited at a designated place of return not later than 8:00 p.m. on election day or postmarked not later than the day of the election. In the event the postmark is missing or illegible, the county canvassing board may rely on the date of the oath signed by the voter on the outside of the return envelope. Any mail ballot may be challenged in the same manner as absentee ballots are challenged, and the county canvassing board must determine that the challenged ballot is valid before it may be counted.

AMENDATORY SECTION (Amending WSR 91-20-074, filed 9/26/91, effective 10/27/91)

WAC 434-840-350 Canvassing procedure for a ((questioned)) special ballot of a protected records voter. A ((questioned)) special ballot, as defined in WAC ((434-40-010)) 434-240-010, of a protected records voter shall be presented to the canvassing board, meeting in executive session. The canvassing board shall designate authorized personnel to verify the contents of the ballot. Authorized personnel shall remove the protected records voter envelope, prepare the ballot in the ballot security envelope, and verify the contents of the ballot for tabulation. The return envelope and the protected records voter envelope shall be placed in security with all other voting records for the program participant. The discardable envelopes may be destroyed under statutory provisions applicable to election materials.

NEW SECTION

The following sections of the Washington Administrative Code, as amended, are recodified as follows:

Old WAC Number	New WAC Number
434-09-010	434-209-010
434-09-020	434-209-020
434-09-030	434-209-030
434-09-040	434-209-040
434-09-050	434-209-050
434-09-060	434-209-060
434-09-070	434-209-070
434-09-080	434-209-080
434-09-090	434-209-090
434-24-010	434-324-010
434-24-015	434-324-015
434-24-020	434-324-020
434-24-025	434-324-025
434-24-030	434-324-030
434-24-035	434-324-035
434-24-050	434-324-050
434-24-060	434-324-060

434-24-085	434-324-085	434-36-160	434-236-160
434-24-095	434-324-095	434-36-170	434-236-170
434-24-105	434-324-105	434-36-180	434-236-180
434-24-110	434-324-110	434-36-200	434-236-200
434-24-115	434-324-115	434-36-210	434-236-210
434-24-120	434-324-120	434-40-005	434-240-005
434-24-130	434-324-130	434-40-010	434-240-010
434-24-140	434-324-140	434-40-020	434-240-020
434-24-160	434-324-160	434-40-025	434-240-025
434-28-012	434-228-012	434-40-030	434-240-030
434-28-020	434-228-020	434-40-040	434-240-040
434-28-050	434-228-050	434-40-050	434-240-050
434-28-060	434-228-060	434-40-060	434-240-060
434-30-010	434-230-010	434-40-090	434-240-090
434-30-020	434-230-020	434-40-100	434-240-100
434-30-030	434-230-030	434-40-110	434-240-110
434-30-040	434-230-040	434-40-120	434-240-120
434-30-050	434-230-050	434-40-130	434-240-130
434-30-060	434-230-060	434-40-150	434-240-150
434-30-070	434-230-070	434-40-160	434-240-160
434-30-080	434-230-080	434-40-180	434-240-180
434-30-090	434-230-090	434-40-190	434-240-190
434-30-160	434-230-160	434-40-200	434-240-200
434-30-170	434-230-170	434-40-230	434-240-230
434-30-180	434-230-180	434-40-240	434-240-240
434-30-190	434-230-190	434-40-250	434-240-250
434-30-200	434-230-200	434-40-260	434-240-260
434-30-210	434-230-210	434-40-270	434-240-270
434-34-010	434-334-010	434-40-290	434-240-290
434-34-015	434-334-015	434-40-300	434-240-300
434-34-020	434-334-020	434-53-010	434-253-010
434-34-025	434-334-025	434-53-020	434-253-020
434-34-030	434-334-030	434-53-030	434-253-030
434-34-035	434-334-035	434-53-040	434-253-040
434-34-040	434-334-040	434-53-050	434-253-050
434-34-045	434-334-045	434-53-060	434-253-060
434-34-050	434-334-050	434-53-070	434-253-070
434-34-055	434-334-055	434-53-080	434-253-080
434-34-060	434-334-060	434-53-090	434-253-090
434-34-065	434-334-065	434-53-100	434-253-100
434-34-070	434-334-070	434-53-110	434-253-110
434-34-075	434-334-075	434-53-120	434-253-120
434-34-080	434-334-080	434-53-130	434-253-130
434-34-085	434-334-085	434-53-140	434-253-140
434-34-090	434-334-090	434-53-150	434-253-150
434-34-095	434-334-095	434-53-160	434-253-160
434-34-100	434-334-100	434-53-170	434-253-170
434-34-105	434-334-105	434-53-180	434-253-180
434-34-110	434-334-110	434-53-190	434-253-190
434-34-115	434-334-115	434-53-200	434-253-200
434-36-010	434-236-010	434-53-210	434-253-210
434-36-020	434-236-020	434-53-220	434-253-220
434-36-030	434-236-030	434-53-230	434-253-230
434-36-040	434-236-040	443-53-240	434-253-240
434-36-050	434-236-050	434-53-250	434-253-250
434-36-060	434-236-060	434-53-260	434-253-260
434-36-070	434-236-070	434-53-270	434-253-270
434-36-080	434-236-080	434-53-280	434-253-280
434-36-090	434-236-090	434-53-290	434-253-290
434-36-100	434-236-100	434-53-300	434-253-300
434-36-110	434-236-110	434-53-310	434-253-310
434-36-120	434-236-120	434-53-320	434-253-320
434-36-140	434-236-140	434-61-010	434-261-010

434-61-020	434-261-020
434-61-030	434-261-030
434-61-040	434-261-040
434-61-060	434-261-060
434-62-005	434-262-005
434-62-010	434-262-010
434-62-020	434-262-020
434-62-030	434-262-030
434-62-040	434-262-040
434-62-050	434-262-050
434-62-060	434-262-060
434-62-070	434-262-070
434-62-080	434-262-080
434-62-090	434-262-090
434-62-100	434-262-100
434-62-110	434-262-110
434-62-120	434-262-120
434-62-130	434-262-130
434-62-140	434-262-140
434-62-150	434-262-150
434-62-160	434-262-160
434-62-170	434-262-170
434-62-180	434-262-180
434-62-190	434-262-190
434-62-200	434-262-200
434-79-010	434-379-010

**WSR 97-14-110
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed July 2, 1997, 11:35 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-22-012.

Title of Rule: Chapter 296-93 WAC, Material lifts.

Purpose: **Chapter 296-93 WAC, Material lifts**, state-initiated proposed revisions to chapter 296-93 WAC, Material lifts, are made to comply with RCW 34.05.220(5). Consequently, clear rule-writing techniques have been used to rewrite the entire chapter. Following the recommendation of the Office of Code Reviser, chapter 296-93 WAC has been repealed in its entirety and replaced with chapter 296-93A WAC. The following sections of chapter 296-93 WAC have been repealed: WAC 296-93-010 Scope, 296-93-020 Hoistway enclosures, 296-93-030 Hoistway enclosures gates and doors, 296-93-040 Hoistways that do not extend to the lowest area of a building or structure, 296-93-050 Driving machines and equipment, 296-93-070 Car enclosures, 296-93-080 Running clearance, 296-93-090 Car and counterweight guides, 296-93-100 Car loading, 296-93-120 Car operating and terminal stopping devices and electrical protective devices, 296-93-140 Car safeties, 296-93-150 Brakes, 296-93-160 Ropes and chains—Rope connections, data, and records, 296-93-170 Controls, 296-93-190 When material lift pit is provided, 296-93-200 Illumination of landings, 296-93-210 Capacity postings and no-rider sign, 296-93-220 Electrical wiring, 296-93-230 Guarding of exposed equipment, 296-93-240 Maintenance, 296-93-250 Installation permits, 296-93-260 New installation—Alteration or relocation, 296-93-270 Yearly inspections, 296-93-280 Operating permit, 296-93-290 Five-year tests, 296-93-300

Submission of plans for new installations, and 296-93-330 Annual operating permit fee.

Chapter 296-93A WAC, Material lifts, state-initiated proposed clear rule-writing amendments to chapter 296-93A WAC, Material lifts, are made to:

- Move existing chapter 296-93 WAC requirements into new sections in chapter 296-93A WAC.
- Rewrite the rules in a clear rule-writing style.
- Remove outdated and redundant language to make the rules easier to read.
- Use questions for section titles to better describe the information contained in each rule section and to better engage the reader.
- Use a less formal voice in the rules and eliminates the passive voice when possible.
- Reorganize some rule sections to make them easier to use.

The following sections of chapter 296-93A WAC, Material lifts, which comprise the entire chapter, have been rewritten in a clear rule-writing style **without any substantive change to their content:**

WAC 296-93A-010 What is the purpose of this chapter?

WAC 296-93A-020 How must a hoistway enclosure be built to ensure proper construction and fire safety?

WAC 296-93A-030 How must hoistway enclosure gates and doors be constructed?

WAC 296-93A-040 What requirements apply to lift hoistways that do not extend to the lowest levels of a building or structure?

WAC 296-93A-050 What requirements apply to lift hoist driving machines?

WAC 296-93A-070 What car enclosure requirements apply to lifts?

WAC 296-93A-080 How much running clearance is permitted between a car sill and a hoistway face?

WAC 296-93A-090 What requirements apply to car and counterweight guides?

WAC 296-93A-100 How much weight can be placed on a car frame and platform during loading and unloading?

WAC 296-93A-120 What requirements apply to car operating devices, terminal stopping devices and electrical protective devices?

WAC 296-93A-140 What requirements apply to car safeties?

WAC 296-93A-150 What requirements apply to lift brakes?

WAC 296-93A-160 What type of ropes, chains and rope connections must be used on a lift?

WAC 296-93A-170 What requirements apply to lift control stations?

WAC 296-93A-190 How must lift pits be constructed?

WAC 296-93A-200 Which lift landings must be illuminated?

WAC 296-93A-210 What signs must be posted on landings and lifts?

WAC 296-93A-220 What electrical wiring standards apply to the construction of lifts?

WAC 296-93A-230 What safety regulations apply to exposed equipment?

WAC 296-93A-240 What are the minimum maintenance requirements for lifts?

WAC 296-93A-250 Is an installation permit required?

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WAC 296-93A-260 When are inspections of new installations, alterations or relocations required?

WAC 296-93A-270 How frequently will lifts be inspected and tested?

WAC 296-93A-280 When is a material lift operating permit required?

WAC 296-93A-290 Under what conditions is a five-year test administered?

WAC 296-93A-300 When must plans for installations, alterations and relocations be submitted?

WAC 296-93A-330 Is an annual operating permit required for a material lift?

Statutory Authority for Adoption: RCW 70.87.030.

Statute Being Implemented: Chapter 70.87 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Jan Gould, 7273 Linderson Way, Tumwater, WA, (360) 902-6128; Implementation and Enforcement: Michael A. Silverstein, M.D., 7273 Linderson Way, Tumwater, WA, (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 Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Chapter 296-93 WAC is simply being rewritten in a clear rule-writing style. No substantive changes are being made to the rule, therefore, the proposed revisions will have no financial impact upon business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The revision of chapter 296-93 WAC is simply a rewrite of the existing rule in a clear rule-writing style. There is no substantive change being made in the chapter, therefore, this revision is not considered a "significant legislative rule" amendment.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on August 5, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman by July 25, 1997, (360) 902-6411.

Submit Written Comments to: Department of Labor and Industries, Attention: Jan Gould, Chief Elevator Specialist, P.O. Box 44480, Olympia, WA 98504-4480, by August 14, 1997, 5:00 p.m.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5292. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: November 4, 1997.

June 12, 1997

Gary Moore
Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-93-010 Scope.

WAC 296-93-020

WAC 296-93-030

WAC 296-93-040

WAC 296-93-050

WAC 296-93-070

WAC 296-93-080

WAC 296-93-090

WAC 296-93-100

WAC 296-93-120

WAC 296-93-140

WAC 296-93-150

WAC 296-93-160

WAC 296-93-170

WAC 296-93-190

WAC 296-93-200

WAC 296-93-210

WAC 296-93-220

WAC 296-93-230

WAC 296-93-240

WAC 296-93-250

WAC 296-93-260

WAC 296-93-270

WAC 296-93-280

WAC 296-93-290

WAC 296-93-300

WAC 296-93-320

WAC 296-93-330

Hoistway enclosures.

Hoistway enclosure gates and doors.

Hoistways that do not extend to the lowest area of a building or structure.

Driving machines and equipment.

Car enclosures.

Running clearance.

Car and counterweight guides.

Car loading.

Car operating and terminal stopping devices and electrical protective devices.

Car safeties.

Brakes.

Ropes and chains—Rope connections, data, and records.

Controls.

When material lift pit is provided.

Illumination of landings.

Capacity posting and no-riders sign.

Electrical wiring.

Guarding of exposed equipment.

Maintenance.

Installation permit.

New installation—Alteration or relocation.

Yearly inspections.

Operating permit.

Five-year tests.

Submission of plans for new installations.

Construction, alteration, and relocation fees.

Annual operating permit fee.

Chapter 296-93A WAC MATERIAL LIFTS

NEW SECTION

WAC 296-93A-010 What is the purpose of this chapter? (1) This chapter defines a "material lift" as a fixed stationary conveyance that:

- (a) Has a car or platform moving in guides;
- (b) Serves two or more floors of a building or structure;
- (c) Has a vertical rise of at least five feet and no more than sixty feet;
- (d) Has a maximum speed of fifty feet per minute;
- (e) Is not part of a conveying system but is an isolated self-contained lift;
- (f) Travels only in an inclined or vertical direction;
- (g) Is operated or supervised by an individual designated by the employer;
- (h) Is installed in a commercial or industrial area not accessible to the general public; and
- (i) Must comply with chapter 296-24 WAC (General safety and health standards).

(2) This chapter attempts to ensure that material lifts will not carry people and that people working near them will not be endangered by their operation or failure. It establishes requirements for the construction, installation, and operation of material lifts. It allows certain conveyances designed solely to transport material and equipment to be constructed to less stringent and costly standards than ASME/ANSI A17.1.

(3) This chapter **does not** apply to conveyances that lack a car (platform) and utilize rollers, belts, tracks, power conveyors, or similar carrying (loading) surfaces. (See ASME/ANSI B20.1.)

NEW SECTION

WAC 296-93A-020 How must a hoistway enclosure be built to ensure proper construction and fire safety? Generally, hoistway enclosure construction is governed by local codes and ordinances. When not in conflict with a local code requirement, the enclosure must:

- (1) Be built to a height of seven feet above each floor, landing and adjacent stairway tread.
- (2) Extend (adjacent to the counterweights) the full height of the floor and eight inches beyond the counterweight raceway.

(3) Be constructed of either solid material or material with openings that do not exceed two inches in diameter.

The enclosure must be supported and braced so that it does not deflect more than one inch when subjected to a force of one hundred pounds applied perpendicularly at any point.

NEW SECTION

WAC 296-93A-030 How must hoistway enclosure gates and doors be constructed? Enclosure gates (doors) must be constructed according to the following standards:

- (1) Guard the full width of each opening on every landing.
- (2) Be built in one of the following styles:
 - (a) Vertically sliding.
 - (b) Bi-parting.
 - (c) Counter-balanced.
 - (d) Horizontally swinging.
 - (e) Horizontally sliding.
- (3) Be constructed of either solid material or material with openings that do not exceed two inches in diameter.
- (4) Be constructed with a distance of not more than two and one-half inches between a hoistway gate or hoistway door face and a landing sill edge.
- (5) Be designed and guided to withstand (without being broken, permanently deformed, or displaced from their guides or tracks) a one hundred pound lateral pressure applied near their center.
- (6) Employ a combination mechanical lock and electrical contact which prevents the operation of the lift when the doors or gates are open.
- (7) Construct balanced type vertically sliding gates that extend no more than two inches from the landing threshold and no less than sixty-six inches above it.

NEW SECTION

WAC 296-93A-040 What requirements apply to lift hoistways that do not extend to the lowest levels of a building or structure? If the space directly below the hoistway is accessible, the following requirements must apply:

- (1) All lift counterweights must have safeties.
- (2) All cars and counterweights must have either spring or oil buffers.
- (3) Spring buffers must not fully compress when struck by a car carrying its rated load or by the counterweights when they are moving at the following speeds:
 - (a) For safeties operated by a governor, the tripping speed of the governor is the maximum striking speed.
 - (b) For safeties not operated by a governor, one hundred twenty-five percent of the rated speed is the maximum striking speed.
- (4) Car and counterweight-buffer supports must be able to withstand any impact upon the buffer (without permanent deformation) while occurring at the following speeds:
 - (a) For safeties operated by a governor, the tripping speed of the governor at the rated capacity is the maximum impact speed.
 - (b) For safeties not operated by a governor, one hundred twenty-five percent of the rated speed is the maximum impact speed.

NEW SECTION

WAC 296-93A-050 What requirements apply to lift hoist driving machines? (1) Lift hoist driving machines must be one of the following types:

- (a) Winding drum.
 - (b) Traction.
 - (c) Direct plunger.
 - (d) Hydraulic.
 - (e) Roped or chained hydraulic.
 - (f) Rack and pinion.
 - (g) Roller chain drive.
 - (h) Scissors.
 - (i) Screw.
- (2) Overhead mounted driving machines must either be secured to the top of overhead beams or supported by the floor above. Driving machines cannot be suspended by hooks, cables, chains or similar devices.
- (3) For traction machines, the diameter of drive sheaves cannot be less than thirty times the diameter of the hoisting cables. The diameters of all other sheaves cannot be less than twenty-one times this diameter.

NEW SECTION

WAC 296-93A-070 What car enclosure requirements apply to lifts? Lift cars must have their sides enclosed with solid panels or openwork that will reject a two-inch diameter ball. On the car sides where there is no door (gate), the enclosure must extend to a height of at least forty-eight inches from the floor. On the car side next to the counterweight runway, the enclosure must extend vertically to the car top or underside of the car crosshead and horizontally to at least six inches on each side of the runway.

NEW SECTION

WAC 296-93A-080 How much running clearance is permitted between a car sill and a hoistway face? Running clearance between a car sill and a hoistway face must not exceed two inches.

NEW SECTION

WAC 296-93A-090 What requirements apply to car and counterweight guides? Car and counterweight guide rails must be fastened so they will not deflect more than one-eighth inch. They must also be strong enough to withstand, without deformation, the application of a car safety when the car is carrying its rated load and traveling at its rated speed.

NEW SECTION

WAC 296-93A-100 How much weight can be placed on a car frame and platform during loading and unloading? Car frames and platforms must be designed and constructed to withstand the impact of the maximum weight encountered during loading and unloading.

NEW SECTION

WAC 296-93A-120 What requirements apply to car operating devices, terminal stopping devices and electrical protective devices? If electrically operated, such devices must be enclosed. On lifts driven by winding drum machines, there must be a slack rope device employing an enclosed electric switch (manually reset type) which halts power to the drum and brake when the hoisting rope becomes slack.

NEW SECTION

WAC 296-93A-140 What requirements apply to car safeties? (1) Car safeties must be used on all material lifts which are suspended by wire ropes or chains. They must be able to stop and sustain a car carrying one hundred twenty-five percent of its rated load.

(2) On lifts driven by rack and pinion machines:

(a) Car safeties will consist of a freely rotating safety pinion, an overspeed governor and a safety device which may be mounted on the car.

(b) The rotating pinion driving the overspeed governor will travel on a stationary rack which is vertically mounted in the hoistway.

(c) The governor will actuate the safety device when the downward speed of the car reaches the tripping speed and will bring the car to a gradual stop.

NEW SECTION

WAC 296-93A-150 What requirements apply to lift brakes? On electric lifts, brakes must engage by springs and must release electronically. All brakes must have the ability to stop a car and hold it at rest while the car is carrying one hundred twenty-five percent of its rated load. At least one brake must be mounted on the worm shaft of the driving machine. On indirectly-driven lifts, brakes must engage when the driving mechanism fails.

NEW SECTION

WAC 296-93A-160 What type of ropes, chains and rope connections must be used on a lift? (1) The following general requirements apply:

(a) Iron (low carbon steel) or steel wire ropes with fiber cores must be used to suspend cars and counterweights.

(b) The minimum safety factor for suspension ropes must be six times the manufacturer's rated breaking strength per rope.

(c) The car, the counterweight end of the car and the counterweight wire ropes (or the stationary hitch ends where multiple roping is used) must be fastened so that the looped ends of the turned back portion in the rope sockets are clearly visible. Fastenings must either be:

(i) Individual tapered, babbitted rope sockets; or

(ii) Other types of department approved rope fastenings.

(d) Rope sockets must develop at least eighty percent of the breaking strength of the strongest rope used in the sockets.

(e) U-bolt rope clips (clamps) cannot be used for load fastenings.

(f) A metal or plastic data tag must be securely attached to one of the wire rope fastenings each time the ropes are replaced or reshackled. The data tag must include:

(i) The diameter of the ropes in inches; and

(ii) The manufacturer's rated breaking strength.

(g) All replacements of wire rope or chain must be in accordance with the lift manufacturer's specifications.

(2) The following requirements apply to specific types of material lifts:

(a) Traction type lifts, must use at least three hoisting ropes.

(b) Lifts suspended by hoisting chains: The owner, operator and installer must comply with the chain manufacturer's specifications for maintenance, inspection, and application.

(c) Lifts using roller chain type lifting chains, must use chains with a six-to-one safety factor based on the ASME/ANSI minimum (not average) chain strength.

(d) Drum type lifts, must use either at least two hoisting ropes or a secondary, as well as, a primary load path to the hoist must be employed. Also, the cable secured to the drum must be at least one and one-half turns around the drum when the carrier is at its extreme limit of travel.

NEW SECTION

WAC 296-93A-170 What requirements apply to lift control stations? Lift control stations must be located out of reach of the lift car. They must have controls which are permanently and clearly labeled by function. The controls must have a stop switch which will halt electrical power to the driving machine and brake. This stop switch must:

(1) Be manually operated; and

(2) Have red operating handles or buttons; and

(3) Be conspicuously and permanently marked "STOP"; and

(4) Clearly indicate the stop and run position.

PROPOSED

NEW SECTION

WAC 296-93A-190 How must lift pits be constructed? Lift pits must:

- (1) Have noncombustible floors.
- (2) Be designed to prevent the entry of ground water into the pit.
- (3) Have floors that are approximately level.
- (4) Have drains that are not directly connected to sewers.
- (5) Provide safe and convenient access to the pit.
- (6) Provide an approved ladder for pits deeper than three feet.
- (7) Have nonperforated metal guards installed on the open sides of the counterweights where spring, solid or oil type buffers are attached. These guards must:
 - (a) Extend from a point not more than twelve inches above the pit floor to a point not less than seven feet or more than eight feet above the floor.
 - (b) Be fastened to a properly reinforced and braced metal frame which will be at least equal in strength and stiffness to No. 14 U.S. gauge sheet steel.
 - (c) Be omitted on the pit side where compensating chains or ropes are attached to the counterweight.

NEW SECTION

WAC 296-93A-200 Which lift landings must be illuminated? All landings must be illuminated.

NEW SECTION

WAC 296-93A-210 What signs must be posted on landings and lifts? Each lift must have the following two signs:

- (1) A "CAPACITY" sign permanently fastened in the lift car and on each landing. This sign must indicate the rated load of the lift in pounds and be made of metal with two-inch high black letters on a yellow background.
- (2) A "NO RIDERS" sign conspicuously and permanently fastened on the landing side of all hoistway gates (doors) and in the enclosure of each car. This sign must be made of metal with two-inch high black letters on a red background.

NEW SECTION

WAC 296-93A-220 What electrical wiring standards apply to the construction of lifts? All electrical wiring, installations, and equipment in hoistways and machine rooms must conform to the 1984 edition of the National Electrical Code.

NEW SECTION

WAC 296-93A-230 What safety regulations apply to exposed equipment? Washington Industrial Safety and Health Act standards (WAC 296-24-150) require that guards, to protect against accidental code, must cover all exposed gears, sprockets, sheaves, drums, ropes and chains.

NEW SECTION

WAC 296-93A-240 What are the minimum maintenance requirements for lifts? All owners of lifts described in this chapter, or their designated agent, are responsible for

the maintenance of their lifts and parts. Minimum maintenance requirements are:

- (1) All lifts described in this chapter, and their parts, must be maintained in a safe condition.
- (2) All devices and safeguards required by this chapter must be maintained in good working order.

NEW SECTION

WAC 296-93A-250 Is an installation permit required? Lift installers:

- (1) Before erecting, installing, relocating, or altering any material lift must obtain a department permit. (See WAC 296-86-090, Material lift installation, alteration and relocation fees, for the cost of the permit.)
 - (2) Before erecting, installing, relocating or altering any material lift must complete, in duplicate, a permit application form and receive department approval.
 - (3) Conspicuously post the permit at the installation site.
- Lift installers do not need a permit to perform normal maintenance, repairs and part replacements when the replacement parts are equivalent to the original parts in material, strength, and design.

NEW SECTION

WAC 296-93A-260 When are inspections of new installations, alterations or relocations required? Inspections are required for each lift installation, alteration or relocation. Inspections must be conducted after the job is completed but before the lift is placed into service. The purpose of the inspection is to determine if the completed job satisfies the requirements of this chapter. The inspection must include testing the lifts safety devices at one hundred twenty-five percent of load capacity.

NEW SECTION

WAC 296-93A-270 How frequently will lifts be inspected and tested? The department's inspectors must inspect and test all material lifts at least once a year. To conduct their inspections and tests, department inspectors have the right, during reasonable hours, to enter into and upon any building or premises. Department inspectors will conduct their inspections and tests according to the requirements of this chapter.

NEW SECTION

WAC 296-93A-280 When is a material lift operating permit required? An operating permit, conspicuously posted near the lift, is required for each material lift operated in Washington state. Lift installers are not required to purchase operating permits while a lift is being erected.

NEW SECTION

WAC 296-93A-290 Under what conditions is a five-year test administered? A five-year test of the lift car and counterweight safety devices must be conducted under the following conditions:

- (1) The test will be conducted by qualified people. A qualified person is either the representative of a firm that manufacturers, installs or services material lifts or a person approved by the department.

(2) The car and counterweight safety devices must be tested while the car is carrying a capacity load.

(3) A report of the test results must be submitted to the department for approval.

NEW SECTION

WAC 296-93A-300 When must plans for installations, alterations and relocations be submitted? All plans must be submitted, in duplicate, to the department for approval before the installation, alteration, or relocation begins. The department's fee for checking plans is shown in WAC 296-86-050.

NEW SECTION

WAC 296-93A-330 Is an annual operating permit required for a material lift? An annual operating permit is required for each material lift in operation. The annual fee is shown in WAC 296-86-060. No operating permit will be issued until this fee has been paid.

**WSR 97-14-111
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed July 2, 1997, 11:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 97-02-095.

Title of Rule: Chapter 296-46 WAC, Electrical standards and administrative rules and chapter 296-401 WAC, Certification of competency for journeyman electricians.

Purpose: **Chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules**, legislative-initiated proposed amendments to chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules, are made to implement 1996 amendments (ESSB 6521 and ESHB 2498) to chapter 19.28 RCW. These proposed WAC amendments:

1. Give the department the authority to deny an application for an electrical administrator's certificate if the applicant's previous certificate had been revoked for a serious violation;

2. Give the department the authority to revoke or suspend an electrical contractor license or administrator certificate;

3. Require electrical wiring or equipment subject to chapter 296-46 WAC to be sufficiently accessible at the time of inspection to allow the inspector to visually inspect the installation.

These legislative-initiated proposed amendments establish additional compliance requirements.

WAC 296-46-090 Foreword, proposed amendments are made to implement ESHB 2498 by requiring that electrical wiring or equipment subject to chapter 296-46 WAC be sufficiently accessible at the time of inspection to allow the inspector to visually inspect the installation.

WAC 296-46-950 Administrators certificate, proposed amendments are made to:

- Implement ESSB 6521 by allowing the department to deny an application for an administrator's certificate for

up to two years if the applicant's previous certificate was revoked for a serious violation and all appeals concerning that revocation have been exhausted.

- Define a "serious violation" as a violation of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC which creates a hazard of fire, a danger to life safety or presents an imminent danger to the public.
- Define the phrase "imminent danger to the public."

WAC 296-46-960 Revocation or suspension of a contractor license or administrator certificate, proposed amendments are made to:

- Implement ESSB 6521 by creating a new section giving the department the authority to revoke or suspend any electrical contractor license or electrical administrator certificate whose holder is found to be in serious noncompliance with the provisions of chapter 296-46 WAC.
- Define the term "serious noncompliance."

State-initiated proposed amendments to chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules, are made to comply with RCW 19.28.060 which requires the department, in conjunction with the Electrical Board, to adopt "reasonable rules to ensure safety to life and property." These proposed amendments establish additional compliance requirements.

WAC 296-46-21052 Receptacles in dwelling units, proposed amendments add the National Electrical Code requirement that tamper resistant receptacles must be used for 15 or 20 ampere, 125 volt receptacles in licensed day care facilities and pediatric or psychiatric patient care areas.

WAC 296-46-910 Inspection fees, proposed amendments are made to:

- Encourage energy conservation by creating a reduced permit fee for installing a water heater load control device when the device is installed on an existing circuit as part of a specified energy conservation program.
- Encourage the creation of a fund to be used to correct existing code violations on the altered circuit in which a water heater load control device is installed. The fund would be established and controlled by the conservation program managers and its source would be the difference between the regular permit fee (\$40) and the reduced permit fee (\$25).

WAC 296-46-915 Electrical contractor license, administrator certificate and examination, and copy fees, proposed amendments are made to implement reinstatement fees for those contractor licenses and administrator certificates that had previously been suspended. The fees cover the department's cost of reissuing the license or certificate.

WAC 296-46-930 Electrical contractor license and administrator certificate designation, proposed amendments are made to establish a specialty license for domestic well drillers.

Chapter 296-401 WAC, Certification of competency for journeyman electricians, legislative-initiated proposed amendments to chapter 296-401 WAC, Certification of competency for journeyman electricians, are made to implement 1996 amendments (ESSB 6521) to chapter 19.28 RCW. These legislative-initiated proposed amendments establish additional compliance requirements.

WAC 296-401-100 Computation of years of employment—Renewal of training certificates, proposed amendments are made to implement ESSB 6521 (1996) by:

- Defining the department's authority to audit an electrical contractor or employer's records in order to verify an electrical trainee's hours of experience.
- Defining the electrical contractor or employer's responsibilities to maintain adequate trainee work experience records in order to satisfy department audit requirements.

State-initiated proposed amendments to chapter 296-401 WAC, Certification of competency for journeyman electricians, are made to:

1. Create a certificate for domestic well specialty electrical technician.
2. Expand the use of trainee certificates to those individuals exempt under RCW 19.28.610 but seeking department credit for electrical work experience.
3. Clarify certain continuing education requirements for both certificate holders and approved sponsors of continuing education courses.
4. Establish new fees to cover the cost of reinstating journeyman and specialty certificates and the cost of approving and renewing continuing education courses.

These state-initiated proposed amendments establish additional compliance requirements.

WAC 296-401-060 Specialty certificates, proposed amendments are made to codify department policy and respond to an industry need by creating a domestic well specialty electrical technician certificate.

WAC 296-401-100 Computation of years of employment—Renewal of training certificates, proposed amendments are made to require:

- Verification of trainee work by an employer or owner and supervising journeyman or specialty electrician before the department grants credit for experience for electrical work which is legally exempt from certification requirements under RCW 19.28.610 Exemption, from RCW 19.28.510 through 19.28.620.
- All RCW 19.28.610 exempt individuals learning the electrical trade, beginning January 1, 1998, shall obtain an annual, renewable electrical training certificate from the department before the department grants credit for hours worked in the trade.

WAC 296-401-163 Continuing education classes, proposed amendments are made to:

- Require approved continuing education course sponsors to submit documentation to the department which will allow the department to better verify who successfully completes a course.
- Prohibit any certificate holder, who wishes to renew their certificate, from receiving additional department credit for taking the same continuing education course more than once in a three-year prior certification period.

WAC 296-401-170 Hearing or appeal procedure, proposed amendments are made to conform to chapter 19.28 RCW by increasing the time period a person may request a hearing before the Electrical Board from fifteen to twenty days.

WAC 296-401-175 Journeyman, specialty and trainee certificate, and examination fees, proposed amendments are made to:

- Clarify an existing journeyman or specialty electrician reciprocal certificate fee.

- Establish a journeyman or specialty electrician certificate reinstatement fee to cover the department's cost of reissuing certificates.
- Establish a continuing education course approval fee and a continuing education course renewal fee to cover the department's cost to approve and renew courses. Statutory Authority for Adoption: RCW 19.28.060 and 19.28.065.

Statute Being Implemented: Chapter 19.28 RCW.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Janet Lewis, 7273 Linderson Way, Tumwater, WA, (360) 902-5376; Implementation and Enforcement: Michael A. Silverstein, M.D., 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of ESSB 6521 and ESHB 2498 (1996).

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. The department does not consider the economic impact of the proposed rules to be a more than minor economic impact on business. Therefore, the preparation of a comprehensive small business economic impact statement is not required.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The proposed rules are "significant legislative rules" because they will (1) subject a violator to a sanction, the possibility of having a license revoked; (2) change the requirements for issuing/suspending/revoking a license; (3) result in the adoption of new policies; (4) amend significant existing policies; and (5) have a financial impact upon the public that they regulate.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on August 5, 1997, at 1:30 p.m.; and at Cavanaugh's, Lower Terrace, 607 East Yakima Avenue, Yakima, WA, on August 7, 1997, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact George Huffman by July 25, 1997, (360) 902-6411.

Submit Written Comments to: Department of Labor and Industries, Attention: Janet Lewis, Chief Electrical Inspector, P.O. Box 44460, Olympia, WA 98504-4460, no later than 5:00 p.m., August 14, 1997. In addition to written comments, the department will accept comments submitted to (360) 902-5292. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: October 30, 1997.

June 30, 1997

Gary Moore
Director

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-090 Foreword. The 1996 edition of the National Electrical Code (NFPA 70 - 1996) including Appendixes A, B, and C, the 1993 edition of Centrifugal Fire Pumps (NFPA 20 - 1993) and the 1993 edition of

PROPOSED

Emergency and Standby Power Systems (NFPA 110 - 1993) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours. Where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20) or Emergency and Standby Power Systems (NFPA 110), the requirements of this chapter shall be observed. Where there is any conflict between Centrifugal Fire Pumps (NFPA 20) or Emergency and Standby Power Systems (NFPA 110) and the National Electrical Code (NFPA 70), the National Electrical Code shall be followed.

Electrical inspectors will give information as to the meaning or application of the National Electrical Code, the standard on Centrifugal Fire Pumps and the standard on Emergency and Standby Power Systems and this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

The department is authorized to enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

At the time of inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the inspector to visually inspect the installation to verify conformance with the National Electrical Code and any other electrical requirements of chapter 296-46 WAC. Visual inspection of cables or raceways shall not be required where cables or raceways are fished according to the National Electrical Code. Wires pulled into raceway shall not be considered concealed.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-21052 Receptacles in dwelling units.

For floor receptacle outlets located out of traffic areas, formed or welded metal boxes that are mounted in a substantial manner such as directly to a framing member shall be permitted. An approved metal cover plate that provides protection from debris entering the device shall be used. Tamper resistant receptacles are required in licensed day care facilities and pediatric or psychiatric patient care areas for 15 or 20 ampere, 125 volt receptacles. Tamper resistant receptacles shall, by construction, limit improper access to energized contacts. (See section 517-18(C) of the National Electrical Code.)

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-910 Inspection fees. To calculate the inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating.

- (1) RESIDENTIAL
 - (a) Single and two family residential (new construction)
 - (i) First 1300 sq. ft. or less \$62
 - Each additional 500 sq. ft. or portion of \$20
 - (ii) Each outbuilding or detached garage inspected with the service \$26
 - (iii) Each outbuilding or detached garage inspected separately \$41

(b) Multifamily residential (new construction)

Each service and or feeder

Service Ampacity	Service	Feeder
0 to 200	67	\$ 20
201 to 400	83	41
401 to 600	114	57
601 to 800	146	78
801 and over	208	156

(c) Single family or multifamily altered services including circuits

(i) Service Ampacity	Service or Feeder
0 to 200	\$ 57
201 to 600	83
over 600	125

(ii) Maintenance or repair of meter or mast (no alterations to service or feeder) \$31

(d) Single or multi-family residential circuits only (no service inspection)

(i) 1 to 4 circuits (see note) \$41

Except: Water heater load control devices installed in residences as part of an energy conservation program funded through the Conservation Resource Acquisition Agreement Program 25

If a water heater load control device is installed on an existing circuit, as part of a specified energy conservation program, the permit fee shall be \$25 instead of \$40. The \$15 difference must be deposited into a fund, established and controlled by the conservation program manager, to be used to correct existing code violations on the altered circuit in which the water heater load control equipment is installed.

(ii) Each additional circuit 5

Note: Total fee per panel not to exceed (c)(i) of this subsection Service/Feeder

(e) Mobile homes; mobile home parks; and RV parks

- (i) Mobile home service or feeder only \$41
- (ii) Mobile home service and feeder 67
- (iii) Mobile home park sites and RV park sites
 - (A) First service or feeder 41
 - (B) Each additional service; or a feeder inspected at same time as service 26

Note: For master service installations, see subsection (2).

(2) COMMERCIAL/INDUSTRIAL

(a) Service/feeder; and feeders inspected at the same time as service (circuits included)

PROPOSED

(i) Service/ Feeder Ampacity	Service/ Feeder	Additional Feeder inspected at the same time
0 to 100	\$ 67	\$ 41
101 to 200	83	52
201 to 400	156	62
401 to 600	182	73
601 to 800	235	99
801 to 1000	287	120
Over 1000	313	167

Note: Thermostat is defined as:

- (A) A device that interrupts electrical current while performing its function of controlling building, zonal, or room environmental air temperature; or
- (B) In the case of environmental air temperature control by the use of sensors which do not interrupt current but rather transmit data to a zonal or central processing unit, "Thermostat" shall be considered to be the circuit extending from the central processing unit to the local controller. At times this local unit could control several zones or rooms individually or in concert.

(ii) Over 600 volts surcharge \$52

- (b) Low voltage fire alarm and burglar alarm
 - (i) First 2500 sq. ft. or less. Includes nurse call intercom, security systems and similar low energy circuits and equipment \$36
 - (ii) Each additional 500 sq. ft. or portion thereof 10

(b) Altered services or feeders (no circuits)

(i) Service Ampacity	Service/ Feeder
0 to 200	\$ 67
201 to 600	156
601 to 1000	235
Over 1000	261

Exception: Low voltage fire alarm and burglar alarm for commercial and industrial

Each control panel and up to four circuits or zones \$29

Each additional circuit or zone 7

(ii) Over 600 volts surcharge \$52

- (c) Signs and outline lighting
 - (i) First sign (no service) \$31
 - (ii) Each additional sign inspected at the same time on the same bldg. or structure 15

(iii) Maintenance or repair of meter or mast (no alteration of service equipment) 57

(d) Berth at a marina or dock \$41

Each additional berth inspected at the same time 26

(c) Circuits only

(i) First five circuits per branch circuit panel \$52

(ii) Each additional circuit per branch circuit panel 5

(e) Yard pole meter loops only \$41

Meters installed remote from service equipment: Inspected at same time as service, temporary service or other installations 10

Note: Total fee per panel not to exceed (a)(i) of this subsection service/feeder

(f) Emergency inspections requested outside normal work hours. Regular fee plus surcharge of \$78

(3) TEMPORARY SERVICES

(a) Residential \$36

(b) Commercial/industrial

Service or Feeder Ampacity	
0 to 100	\$41
101 to 200	52
201 to 400	62
401 to 600	83
Over 600	94

(g) Generators, refer to appropriate service/feeder section

(h) Annual permit fee for plant location employing regular electrical maintenance staff - Each inspection two hour maximum.

Each additional feeder inspected at the same time as service or first feeder add 50% of the fee above.

(4) IRRIGATION MACHINES, PUMPS AND EQUIPMENT

(a) Each tower when inspected at same time as service and feeder \$5

(b) When not inspected at same time as service and feeders - first 6 62

Each additional tower per (a) of this subsection 5

(5) MISCELLANEOUS - commercial/industrial and residential

- (a) Thermostats
 - (i) First thermostat \$31
 - (ii) Each additional thermostat inspected at the same time as first thermostat 10

	Fee	Inspections
1 to 3 plant electricians	\$1,493	12
4 to 6 plant electricians	2,987	24
7 to 12 plant electricians	4,480	36
13 to 25 plant electricians	5,974	52
more than 25 plant electricians	7,468	52

- (i) Carnival inspections
 - (i) First field inspection each year
 - (A) Each ride and generator truck \$15
 - (B) Each remote distribution equipment, concession or gaming show 5
 - (C) Minimum fee 78
- (ii) Subsequent inspections

tial

PROPOSED

- (A) First 10 rides, concessions, generators, remote distribution equipment or gaming show \$78
- (B) Each additional ride, concession, generator, remote distribution equipment or gaming show 5
- (j) Trip fees
- (i) Requests to inspect existing installations \$62
- (ii) Submitter notifies the department that work is ready for inspection when it is not 31
- (iii) Additional inspection required because submitter has provided wrong address 31
- (iv) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work 31
- (v) Each trip necessary to remove a noncompliance notice 31
- (vi) Corrections have not been made in the prescribed time, unless an exception has been requested and granted 31
- (vii) Installations that are covered or concealed before inspection. 31
- (k) Progress inspections
On partial or progress inspections, each one-half hour \$31
- (l) Plan review fee
- (i) Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-495, plus a plan submission fee of \$52
- (ii) Supplemental submissions of plans per hour or fraction of an hour \$62
- (m) Other inspections
Inspections not covered by above inspection fees shall be charged portal to portal per hour \$62

- (8) Reinstatement of a general or specialty contractor's license after a suspension \$200
- (9) Reinstatement of an administrator's certificate after a suspension \$150

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-46-930 Electrical contractor license and administrator certificate designation. See RCW 19.28.-120.

(1) General electrical license and/or administrator's certificate encompasses all phases and all types of electrical installations.

(2) Specialty (limited) electrical licenses and/or administrator's certificates are as follows:

(a) Residential (02): Limited to the wiring of one and two family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring to be in nonmetallic sheathed cable, except service and/or feeders. This specialty does not include wiring commercial occupancies such as motels, hotels, offices, or stores.

(b)(i) Pump and irrigation (03): Limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems and related pumps and pump houses. This specialty license includes circuits, feeders, controls, and services to supply said pumps.

(ii) Domestic well (03A): Limited to the extension of a branch circuit, which is supplied and installed by others, to pump controllers; pressure switches; alarm sensors; and water pumps which do not exceed 7 1/2 horsepower at 230 volts AC single phase. The installation of conductors cannot exceed fifty feet in length from the controller to the pump or from the controller to the well head.

(c) Signs (04): Limited to placement and connection of signs and outline lighting, the electrical supply, related controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only.

(d) Domestic appliances (05): Limited to the electrical connection of household appliances and the wiring thereto; such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. This specialty license includes circuits to the appliances; however, it does not include the installation of service and/or feeders or circuits to electric furnaces and heat pump equipment.

(e) Limited energy system (06): Limited to the installation of signaling and power limited circuits and related equipment. Such license includes the installation of fire protection signaling systems, intrusion alarms, nonutility owned communications systems, and such similar low energy circuits and equipment.

(f) Nonresidential maintenance (07): Limited to maintenance, repair and replacement of electrical equipment and conductors on industrial or commercial premises. This specialty certificate of license does not include maintenance activities in hotel, motel, or dwelling units.

(3) Combination specialty electrical contractor license. The department may issue a combination specialty electrical contractor license to a firm which qualifies for more than one specialty electrical contractor license. The license shall plainly indicate the specialty licenses which are included in the combination electrical contractor license.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-46-915 Electrical contractor license, administrator certificate and examination, and copy fees.

- (1) General or specialty contractor license (per twenty-four month period) \$208
- (2) Administrator certificate examination application (nonrefundable) \$ 26
- (3) Administrator original certificate (submitted with application) \$ 62
- (4) Administrator certificate renewal (per twenty-four month period) \$ 78
- (5) Late renewal of administrator certificate (per twenty-four month period) \$156
- (6) Transfer of administrator designation \$ 31
- (7) Certified copy of each document (maximum \$44 per file)
\$20 first document
\$2 each additional document

(4) Combination specialty electrical administrator certificate. The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate shall plainly indicate the specialty administrators' certificate the holder has qualified for.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-46-950 Administrators certificate. (1) The department shall issue an administrator certificate to a person who qualifies for a certificate in accordance with RCW 19.28.125. The first certificate issued shall expire on the person's birthdate at least one year and not more than three years from the date of issue. If a person was born in an even numbered year, the certificate shall expire on the holder's even numbered birthdate. If the person was born in an odd numbered year, the certificate shall expire on the holder's odd numbered birthdate. The department shall prorate the administrators certificate fee according to the number of months or major portions of months in a certificate period. All subsequent certificates shall be issued for a twenty-four month period. The signature of a person who desires to renew their certificate shall be notarized.

(2) Effective July 1, 1987, an administrator designated on the electrical contractor license shall be a member of the firm who shall fulfill the duties of a full-time supervisory employee, or be a full-time supervisory employee. In determining whether the person is a member of the firm, the department shall require that the person is named as the sole proprietor, a partner or an officer in a corporation as shown on the electrical contractor license application on file with the department. In determining whether a person is a full-time supervisory employee, the department shall consider whether the person is on the electrical contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical contractor and carries out the duties shown in RCW 19.28.125(2).

(3) The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked for a serious violation and all appeals concerning the revocation have been exhausted.

A serious violation is a violation of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey electric current have been installed in such a condition that a fire-hazard or a life-safety hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. A certified electrician is considered qualified, provided the electrician is working within his or her certification.

NEW SECTION

WAC 296-46-960 Revocation or suspension of a contractor license or administrator certificate. The department has the power, in the case of one or more acts of serious noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical administrator certificate issued under chapter 19.28 RCW.

Serious noncompliance: Serious noncompliance with the provisions of chapter 19.28 RCW, includes but is not limited to the following:

(1) Failure to correct a serious violation that presents imminent danger as defined in WAC 296-46-950(3); or
(2) Submitting a fraudulent document to the department;
or

(3) Continuous noncompliance with the provisions of chapter 19.28 RCW, chapter 296-46 or 296-401 WAC. For the purposes of this section, continuous noncompliance shall be defined as three or more citations demonstrating a reckless disregard of the electrical law, rules, or regulations within a period of six months; or where it can be otherwise demonstrated that the contractor or administrator has continuously failed to comply with the applicable electrical standards; or

(4) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-060 Specialty certificates. The department shall issue specialty electrician's certificates of competency in the following areas of electrical work:

(1) Residential (02). The holder of a residential certificate is limited to wiring one-family and two-family dwellings, or multifamily dwellings that do not exceed three floors above grade. All wiring shall be in nonmetallic sheathed cable, except service and feeder wiring. This specialty does not include wiring commercial occupancies such as motels, hotels, offices, or stores.

(2) Pump and irrigation (03). The holder is limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems, and related pumps and pump houses. The holder may also install the circuits, feeders, controls, and services necessary to supply electricity to the pumps.

(a) Domestic well specialty electrical technician (03A). The holder of this certificate is limited to the installation of materials, wires, and equipment providing electrical power, control, and operation of domestic water pumping systems and is further limited to:

The extension of a branch circuit, which is supplied and installed by others, to pump controllers; pressure switches; alarm sensors; and water pumps which do not exceed 7 and 1/2 horsepower at 230 volts AC single phase. The installation of conductors cannot exceed fifty feet in length from the controller to the pump or from the controller to the well head.

(b) Persons shall meet the eligibility requirements of WAC 296-401-085, Eligibility for specialty examination, to take this specialty examination if they:

(i) Provide notarized verification to the department of at least two years of experience under the supervision of a firm carrying on the business of installing domestic water systems; or

(ii) Provide notarized verification of experience of 1,000 hours and/or not less than two years under the direct supervision of a specialty electrical technician or a journeyman electrician under this chapter.

(c) Persons applying under (b)(i) of this subsection must do so prior to December 1, 1998. After December 1, 1998, all applicants must meet the requirements of (b)(ii) of this subsection.

(d) Certification of domestic well specialty electrical technicians shall be issued according to the provisions of WAC 296-401-165, Issuing and renewing an electrician certificate of competency.

(3) Signs (04). The holder is limited to; placing and connecting signs and outline lighting and their electrical supply, controls, and associated circuit extensions; and the installation of a maximum 60 ampere, 120/240 volt, single phase service to supply power to a remote sign only.

(4) Domestic appliances (05). The holder is limited to the electrical connection of domestic appliances and their wiring, such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. The holder may also install the circuits to domestic appliances but may not install service or feeder wires, or circuits to electric furnaces and heat pump equipment.

(5) Limited energy system (06). The holder is limited to installing signaling circuits, power limited circuits, and related equipment. Such equipment includes fire protection signaling systems, intrusion alarms, nonutility-owned communication systems, and similar low energy circuits and equipment.

(6) Nonresidential maintenance (07). The holder is limited to maintaining, repairing and replacing electrical equipment and conductors on industrial or commercial premises. This specialty certificate does not include maintenance activities in hotel, motel or dwelling units.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-401-100 Computation of years of employment—Renewal of training certificates. (1) For the purposes of RCW 19.28.530, 2000 hours of employment shall be considered one year of employment.

(2) At the time of renewal of an electrical training certificate, the holder shall provide the department with an accurate list of the holder's employers in the electrical industry for the previous year, the specialty the holder worked in and the number of hours worked for each employer in each specialty.

(3) The employer or apprenticeship program director shall upon request by the holder of the training certificate furnish an accurate list of the hours worked by the holder within twenty days of the request.

(4) A person who has completed a four year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 8000 hours (four years) of employment.

(5) Credit for experience for electrical work which is legally exempt from the certification requirements under

RCW 19.28.610, Exemptions from RCW 19.28.510 through 19.28.620, requires verification by the employer or owner for whom the electrical work was performed, and a sworn statement from a journeyman or specialty electrician holding a Washington state certificate who supervised the trainee. Beginning January 1, 1998, all exempt individuals learning the electrical trade shall obtain an electrical training certificate, renewed annually, from the department in order to be credited for hours worked in the trade from this date forward.

(6) AUDITS: An audit of an electrical contractor's or employer's records, who has verified the hours of experience for an electrical trainee, may be performed pursuant to the authority contained in RCW 19.28.515, Electrical trainee hours—Audit—Rules—Confidentiality, and may include but will not be limited to:

(a) An audit to determine whether the electrical trainee was employed by the contractor or employer during the period for which the hours were submitted, the actual number of hours worked, and the category of electrical work the trainee performed.

(b) An audit of the contractor's or employer's books and records for a specific period which may include an examination of the employer's reporting of a trainee's payroll hours required for industrial insurance, employment security, or prevailing wage purpose.

(c) An audit time period may be less than, but will not exceed five years from the date of submittal of each affidavit verifying the hours of experience for an electrical trainee.

(d) Every employer or contractor shall keep a record of employment of each trainee from which the information needed by the department may be obtained and such record shall be made available within seven business days for inspection of the department's auditors or agents upon request. The employer must maintain time cards or similar records to verify the number of hours worked by a supervised trainee and the type of work performed by the trainee. Information obtained from an electrical contractor or employer under the provisions of RCW 19.28.515 is confidential and is not open to public inspection under chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 94-01-005, filed 12/1/93, effective 1/1/94)

WAC 296-401-163 Continuing education classes. (1) Each continuing education class, course, or seminar for renewal of an electrician's certificate of competency must be approved by a subcommittee of the electrical board. The subcommittee will consist of three board members with the chief electrical inspector as an ex-officio member. The action of the subcommittee will be reported and ratified at the next regularly scheduled board meeting. Class, course, or seminar hours completed prior to approval of the class, course, or seminar by the subcommittee will not be accepted.

(2) Each continuing education class, course, or seminar application submitted for subcommittee approval must:

(a) Be submitted on forms furnished by the department.

(b) The forms furnished by the department will require the following:

(i) Name of class, course, or seminar and a general description and course outline of the program, and list of all text and related materials, including hours to be earned and hours of classroom instruction.

(ii) Name and address of program sponsor including a contact person.

(iii) Names of instructors and qualifications.

(iv) Copy of completion certificate or copy of the continuing education form developed by the department which lists:

(A) Attendee's name, address, and Social Security number.

(B) Class number, location, and date of class.

(C) Instructor's name and signature or notarized signature of sponsor.

(c) Consist of not less than four classroom hours of instruction; be open to monitoring by a representative of the department and/or the electrical board at no charge.

(d) Award a certificate or continuing education form, to those completing the class, course, or seminar for submittal to the department accompanying the electrician's renewal application.

(e) In order to be considered for approval, course offerings must be based upon:

(i) Currently adopted edition of the National Electrical Code; and/or

(ii) Currently adopted WAC rules, chapters 296-46 and 296-401 WAC; or

(iii) Materials and methods as they pertain to electrical construction, building management systems, and electrical maintenance.

(3) Application for approval of continuing education classes, courses, or seminars must be received by the department not less than forty-five days prior to the proposed first offering of the class, course, or seminar.

(4) Approval of classes, courses, or seminars will be for a period not to exceed three years and when code related must be resubmitted for approval upon adoption of a new National Electrical Code edition.

(5) All class, course, or seminar approval considered will be reviewed without testimony and will be considered on submitted information only. The applicant will be notified within five days of the review of acceptance or with specific written explanation as to why, the applicant's submittal has been rejected.

(6) Applicants wishing to appeal a decision by the subcommittee must do so not less than forty-five days prior to a regularly scheduled electrical board meeting and must furnish any additional information, for submittal to the electrical board not less than thirty days prior to the electrical board meeting scheduled to hear the appeal.

(7) Acceptable evidence of completion of a continuing education class, course, or seminar shall be a copy of the completion certificate required in subsection (2)(d) of this section. The department will not keep the submitted copies of the completion certificate on file after renewal of an applicant's certificate. The department will not accept, nor be responsible for, the original of any completion certificate issued under this section. Approved course sponsors must submit a copy of the original sign-in sheet containing the signatures of all class participants, following completion of each approved continuing education course offered. Sponsors offering approved correspondence courses, must submit a roster of all class participants who successfully complete the course.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-401-165 Issuing and renewing an electrician certificate of competency. (1) The department shall issue an electrician certificate of competency to journeyman or specialty electricians who meet the qualifications in RCW 19.28.530 and who have successfully passed a certification examination in accordance with RCW 19.28.540.

(2) The electrician certificate of competency shall expire on the holder's birthdate at least one year and not more than three years from the date of original issue. All subsequent certificates shall be issued for a three-year period. The department shall prorate the original electrician certification fee according to the number of months or major part of a month in a certificate period.

(3) Certificate renewal requirements.

(a) Beginning April 30, 1997, to renew an electrician certificate of competency the holder must, prior to the expiration date of the certificate, remit the appropriate fee identified in WAC 296-401-175 and provide to the department evidence of the completion of approved continuing education course(s) of at least eight classroom hours duration per year of the prior certification period. Any portion of a year is equal to one year for continuing education requirements. The holder of a certificate for renewal cannot receive credit for the same continuing education course taken more than once in a three-year prior certification period.

(b) An electrician certificate will be renewed within ninety days after the expiration date without reexamination, if the applicant furnishes to the department evidence of completion of approved continuing education course(s) of at least eight classroom hours duration per year of the prior certification, by payment of double the fee identified in WAC 296-401-175. All applications for renewal received more than ninety days after the expiration date of the certificate will require passage of the examination provided by RCW 19.28.540 for recertification.

(c) An electrician certificate will be renewed but will be placed in an inactive status if the renewal process concerning the remittance of application and proper fees complies with (a) or (b) of this subsection but the applicant has not completed the required hours of continuing education course(s). Persons holding a certificate placed in an inactive status will not be permitted to engage in the electrical construction trade. Certificates placed in an inactive status will be returned to active status upon presentation to the department of evidence that all classroom hours of continuing education that were required for renewal have been completed.

(d) Each application for renewal of a prior certification that covered a period of two years or more must include evidence of attendance at an approved continuing education class, of at least eight classroom hours duration, on the current National Electrical Code changes.

AMENDATORY SECTION (Amending Order 88-15, filed 7/21/88)

WAC 296-401-170 Hearing or appeal procedure. (1) An employer or employee to whom a citation or cease and desist order is directed; a person who is aggrieved by the department's suspension or revocation of a trainee, journeyman, or specialty certificate; or the denying an application to

PROPOSED

take an examination for a certificate; or a person who has had his or her hours reduced pursuant to WAC 296-401-150; may request a formal or informal hearing before the electrical board within (~~fifteen~~) twenty days from receipt of the citation, cease and desist order, the suspension or revocation of a certificate, denial of an application, or the reduction of hours.

(2) The formal appeal shall be made in writing to the department chief electrical inspector and shall state the action by the department that is being appealed and the relief that is desired and shall be accompanied by a certified check in the amount of two hundred dollars made payable to the department. The deposit shall be returned to the aggrieved party if the decision of the department is not sustained or upheld. If the decision of the department is sustained or upheld, the deposit shall be used to pay the expenses of holding the hearing and any balance remaining after payment of the hearing expenses shall be paid into the electrical license fund. The formal appeal shall be assigned to an administrative law judge and shall be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW. Findings of fact, conclusions of law, and a decision are given as a result of a formal appeal.

(3) The electrical board will hear informal appeals from persons who desire to contest a decision of the department. Informal appeals will be heard by the board at a regular or special board meeting. An informal appeal shall be made in writing to the department chief electrical inspector and shall state the action by the department that is being appealed and the relief that is desired. An informal decision is given as a result of an informal appeal.

(4) See chapter 296-13 WAC for additional information on appeals before the electrical board.

AMENDATORY SECTION (Amending WSR 97-12-016, filed 5/28/97, effective 6/30/97)

WAC 296-401-175 Journeyman, specialty and trainee certificate, and examination fees.

- (1) Journeyman or specialty electrician certificate renewal (per 36-month period) - \$ 62
- (2) Late renewal of journeyman or specialty electrician certificate (per 36-month period) - \$125
- (3) Journeyman or specialty electrician examination application (nonrefundable) - \$ 26
- (4) Journeyman or specialty electrician original certificate
(submitted with application) - \$ 41
- (5) Trainee certificate (expires one year after purchase) - \$ 20
- (6) Trainee certificate renewal or update of hours - \$ 20
- (7) Journeyman or specialty electrician test or retest fee - \$ 47
- (8) Reciprocal journeyman or specialty certificate - \$ 67
- (9) Reinstatement of journeyman or specialty certificate - \$ 20
- (10) Continuing education course approval - \$ 40
- (11) Continuing education course renewal - \$ 20

WSR 97-13-050
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(General Provisions)
 [Filed June 13, 1997, 4:47 p.m.]

Date of Adoption: June 12, 1997.

Purpose: Amend chapter 440-22 WAC sections and add new sections necessary to redefine the terms chemical dependency (CD) counselor and CD intern and add requirement to obtain "certification of qualification" and "letter of enrollment" respectively. Amend chapter 440-22 WAC sections necessary to add the requirement for certified CD programs to adopt the patient placement criteria published by the American Society of Addiction Medicine (ASAM) as the standard for patient admissions, continuing care, transfers, and discharges. Amend WAC 440-22-005, 440-22-225, 440-22-230, and 440-22-335 to correct language or further explain the current regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 440-22-005, 440-22-180, 440-22-200, 440-22-220, 440-22-225, 440-22-230, 440-22-240, 440-22-250, 440-22-260, 440-22-280, 440-22-300, 440-22-320, 440-22-325, and 440-22-335.

Statutory Authority for Adoption: RCW 70.96A.040 and [70.96A.1090.

Adopted under notice filed as WSR 97-08-073 on April 2, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) Written suggestions were received from staff of the maternal and infant health section of the Department of Health (DOH) suggesting updated language for two terms in WAC 440-22-005 definitions section ("first steps" and "medical practitioner"). The reason was to make these definitions consistent with the same terms used by DOH. We have accepted the suggestions and have included them in the final text.

(2) We have dropped our proposed revision to WAC 440-22-310 upon advice from the Department of Social and Health Services, rules and policy unit that additional amendments to this section may be necessary.

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 3, amended 10, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 4, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 12, 1997

Edith M. Rice, Chief
 Administrative Services Division

AMENDATORY SECTION (Amending WSR 97-03-062, filed 1/13/97, effective 2/13/97)

WAC 440-22-005 Definitions. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter:

((1)) **"Administrator"** means the person designated responsible for the operation of the certified treatment service;

((2)) **"Adult"** means a person eighteen years of age or older. **"Young adult"** means an adult who is not yet twenty-one years of age;

((3)) **"Alcoholic"** means a person who has the disease of alcoholism;

((4)) **"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;

((5)) **"Authenticated"** means written, permanent verification of an entry in a patient treatment record 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;

((6)) **"Authentication record"** means a document which is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

((a)) (1) Full printed name;

((b)) (2) Signature including the first initial and last name; and

((c)) (3) Initials and abbreviations indicating professional designation or job title.

((7)) **"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);

((8)) **"Branch service site"** means a physically separate certified unit where qualified staff provide a certified treatment service and are governed by a parent organization;

((9)) **"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 440-22 WAC;

((10)) **"Chemical dependency"** means a person's alcoholism or drug addiction or both;

((11)) **"Chemical dependency counseling"** means face-to-face individual or group contact using therapeutic techniques and:

((a)) (1) Led by a chemical dependency counselor (CDC), youth chemical dependency counselor (YCDC) or a CDC intern under direct CDC supervision;

((b)) (2) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and

~~((e))~~ (3) Directed toward a goal of abstinence for chemically dependent persons.

~~((12))~~ **"Chemical dependency counselor (CDC)"** means a ~~(person registered, certified, or exempted by the state department of health, and qualified as a CDC as)~~ person who has obtained a certificate of qualification from the department affirming the person has met the counselor qualification requirements described under WAC 440-22-240~~((Categories of chemical dependency counselors include:~~

~~(a) "Assessment officer" which means a person employed at a certified district or municipal court treatment program who meets WAC 440-22-225 requirements or is grandparented as meeting those requirements;~~

~~(b) "Youth chemical dependency counselor" which means a person who meets WAC 440-22-230 requirements.~~

~~(13));~~

"Chemical dependency counselor certification board (CCB)" means a chemical dependency counselor certification board working under an agreement with the department to verify the qualifications of counselors as authorized by RCW 70.96A.040(3);

"Chemical dependency counselor ~~((CDC))~~ intern (CI)" means a person who ~~((meets the standards for CDC interns))~~ has obtained a letter of enrollment from the department affirming the person has met the CI qualification requirements described under WAC 440-22-200 and ((440-22-220, and)) is ((supervised by a CDC)) working under supervision in a certified treatment agency((s)) toward internship completion as described under WAC 440-22-210 and 440-22-220;

~~((14))~~ **"Child"** means a person less than eighteen years of age, also known as adolescent, juvenile, or minor;

~~((15))~~ **"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;

~~((16))~~ **"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;

~~((17))~~ **"Danger to self or others,"** for purposes of WAC 440-22-406, means a youth residing in a chemical dependency treatment agency who 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:

~~((a))~~ (1) Suicide threat or attempt;

~~((b))~~ (2) Assault or threat of assault; or

~~((c))~~ (3) Attempt to run from treatment, potentially resulting in a dangerous or life-threatening situation.

~~((18))~~ **"Department"** means the Washington state department of social and health services;

~~((19))~~ **"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;

~~((20))~~ **"Disability, person with a"** means a person who:

~~((a))~~ (1) Has a physical or mental impairment that substantially limits one or more major life activities of the person;

~~((b))~~ (2) Has a record of such an impairment; or

~~((c))~~ (3) Is regarded as having such an impairment.

~~((21))~~ **"Discrete treatment service"** means a chemical dependency treatment service that:

~~((a))~~ (1) Provides distinct chemical dependency supervision and treatment separate from other services provided within the facility;

~~((b))~~ (2) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and

~~((c))~~ (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 services.

~~((22))~~ **"Domestic violence"** means:

~~((a))~~ (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; ~~((e))~~

~~((b))~~ (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.

~~((23))~~ **"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;

~~((24))~~ **"First Steps"** means a program available across the state for low-income pregnant women and their infants. First Steps provides ~~((maternal and child health care and support services))~~ maternity care for pregnant and postpartum women and health care for infants and young children;

~~((25))~~ **"Governing body"** means the legal entity responsible for the operation of the chemical dependency treatment service;

~~((26))~~ **"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;

~~((27))~~ **"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;

~~((28))~~ **"Medical practitioner"** means a physician, ~~((certified))~~ advanced registered nurse practitioner (ARNP), or certified physician's assistant. ((Nurse practitioners)) ARNPs and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services;

~~((29))~~ **"Misuse"** means use of alcohol or other drugs by a person in:

~~((a))~~ (1) Violation of any law; or

~~((b))~~ (2) Breach of agency policies relating to the drug-free work place.

~~((30))~~ **"Off-site treatment"** means provision of treatment by a certified provider at a location where treatment is not the primary purpose of the site;

~~((31))~~ **"Opiate dependency treatment agency"** means an organization that administers or dispenses an approved drug as specified in 212 CFR Part 291 for treatment or detoxification of opiate dependency. The agency is:

~~((a))~~ (1) Approved by the Federal Food and Drug Administration;

~~((b))~~ (2) Registered with the Federal Drug Enforcement Administration;

~~((c))~~ (3) Licensed by the county in which it operates; and

~~((d))~~ (4) Certified as an "opiate dependency treatment agency" by the department.

~~((32))~~ **"Patient"** is a person receiving chemical dependency treatment services from a certified program;

~~((33))~~ **"Patient contact"** means counselor time spent with a client or patient to do assessments, individual or group counseling, or education;

~~((34))~~ **"Patient placement criteria (PPC)"** means 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 who meets the PAO requirements of WAC 440-22-225 and 440-22-240;

"Probation assessment service" means a certified assessment service offered by a misdemeanor probation department or unit within a county or municipality;

~~((35))~~ **"Progress notes"** are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery;

~~((36))~~ **"Registered counselor"** means a person registered, or certified by the state department of health as required by chapter 18.19 RCW;

"Restraint," for purposes of WAC 440-22-406, means the use of methods, by a trained staff person, to prevent or limit free body movement in the event of out-of-control behavior. **"Restraint"** includes:

~~((a))~~ (1) Containment or seclusion in an unlocked quiet room;

~~((b))~~ (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

~~((c))~~ (3) Use of a safe and humane apparatus which the person cannot release by oneself.

~~((37))~~ **"Service provider"** or **"provider"** means a legally operated entity certified by the department to provide chemical dependency treatment services. The components of a service provider are:

~~((a))~~ (1) Legal entity/owner;

~~((b))~~ (2) Facility; and

~~((c))~~ (3) Staff and services.

~~((38))~~ **"Sexual abuse"** means sexual assault, incest, or sexual exploitation;

~~((39))~~ **"Sexual harassment"** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

~~((a))~~ (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment or treatment;

~~((b))~~ (2) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

~~((40))~~ **"Substance abuse"** means a recurring pattern of alcohol or other drug use which substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social;

~~((41))~~ **"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;

~~((42))~~ **"Supervision"** means:

~~((a))~~ (1) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, intern, student, volunteer, or employee on contract by a person with the authority to give directions and require change; and

~~((b))~~ (2) **"Direct supervision"** means the supervisor is on the premises and available for immediate consultation.

~~((43))~~ **"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;

~~((44))~~ **"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 which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other drugs, and intoxicated persons;

~~((45))~~ **"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;

~~((a))~~ (1) **"Negative urine"** is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

~~((b))~~ (2) **"Positive urine"** is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

~~((46))~~ **"Vulnerable adult"** means a person (~~sixty years of age or older~~) who (~~has~~) lacks the functional, mental, or physical (~~in~~)ability to care for oneself.

~~((47))~~ **"Youth"** means a person seventeen years of age or younger;

"Youth chemical dependency counselor (YCDC)" means a person who has obtained a certificate of qualification from the department affirming the person has met the YCDC qualification requirements described under WAC 440-22-230 and 440-22-240.

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 Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-180 Personnel files. (1) The administrator shall ensure there is a current personnel file for each employee, intern, student, volunteer, and contract staff person providing or supervising patient care which includes:

(a) Verification of qualifications for the assigned position;

(b) A copy of the current job description or agreement;

(c) A record of orientation;

(d) Documentation of training on bloodborne pathogens, including HIV/AIDS and hepatitis B, except for contract employees;

(e) Documentation of current cardiopulmonary resuscitation (CPR) and first aid training for at least one person on each shift in a residential facility;

(f) Written performance evaluations for each year of employment;

(g) 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;

(h) Documentation of health department training and approval for any staff administering or reading a TB test; and

(i) A signed and dated commitment to maintain confidentiality.

(2) Each ~~((qualified))~~ chemical dependency counselor (CDC), probation assessment officer, intern, and information school instructor shall provide sufficient evidence to determine whether each person has the training and education necessary to meet and maintain qualified status required under WAC 440-22-200 through 440-22-280. The personnel file shall include:

(a) For CDCs: A copy of a current certificate of qualification issued by the department affirming the CDC meets the qualifying standards of WAC 440-22-240;

(b) For CDC interns (CI): A copy of a letter of enrollment issued by the department or its designee affirming the CI meets the qualifying standards of WAC 440-22-200;

(c) For probation assessment officers and information school instructors: Sufficient evidence to determine whether each probation assessment officer or intern, and information school instructor has the training and education necessary to meet the qualifying standards of WAC 440-22-240(2) and 440-22-270 respectively;

(d) The date the person became a ~~((qualified counselor))~~ probation assessment officer, or information school instructor;

~~((b))~~ (e) A copy of a current license, certificate, or registration with the department of health for all ~~((counselors and counselor interns, and all))~~ CDCs, CIs and other persons requiring such documentation to practice; and

~~((e))~~ (f) If an employee is a ~~((counselor intern))~~ CI or probation assessment officer intern, the file shall also contain:

(i) The date training began;

(ii) The education and training plan;

(iii) A copy of the counselor intern's quarterly review;

(iv) Documentation of four hours tutoring per month; and

(v) The name of the supervising ~~((counselor))~~ CDC or probation assessment officer.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-200 Chemical dependency counselor ~~((CDC))~~ intern (CI) eligibility. To become a ~~((CDC intern))~~ CI in a certified chemical dependency treatment program, and before performing functions of a ~~((CDC intern))~~ CI, a person shall obtain a letter of enrollment from the department that affirms the person meets the following qualifications. The person:

(1) ~~((Not have a))~~ Has no history of alcohol or other drug misuse:

(a) For a period of two years immediately before the person ~~((is assigned as a CDC intern))~~ applies for CI enrollment; and

(b) Throughout the time of the internship.

(2) ~~((Have))~~ Has obtained nine quarter or six semester credits from an accredited college or university, with a minimum of three quarter or two semester credits in each of the following distinct course topic areas:

(a) Survey of chemical dependency;

(b) Physiological actions of alcohol and other drugs; and

(c) Chemical dependency counseling techniques.

(3) ~~((Be))~~ Is registered or certified as a counselor with the department of health ~~((or have a written statement of exemption from the department of health))~~ under chapter 18.19 RCW.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-220 Chemical dependency counselor intern ~~((ship))~~ (CI) completion. To complete ~~((chemical dependency counselor (CDC))~~ CI internship, a person shall:

(1) Obtain ~~((an additional))~~ a two-year degree, or its academic equivalent, from an accredited college or university. The course work shall include all WAC 440-20-200 academic requirements and the course work listed in subsection (2) through (4) of this section.

(2) Complete twenty-four quarter or sixteen semester credits from an accredited college or university which includes a minimum of three quarter or two semester credits in distinct courses in the following three topic areas:

(a) Group process in chemical dependency treatment;

(b) Chemical dependency in the family; and

(c) Case management and record keeping for chemically dependent patients.

~~((2))~~ (d) The remainder of the twenty-four quarter or sixteen semester credits noted in ~~((subsection (1))~~ (a) of this subsection shall include distinct courses in the following topic areas:

~~((a))~~ (i) Ethics in chemical dependency treatment;

~~((b))~~ (ii) Chemical dependency and the laws;

~~((c))~~ (iii) Human growth and development; and

~~((d))~~ (iv) Introductory or general psychology.

(3) Obtain ~~((an additional))~~ one hundred eighty hours of state-approved training or equivalent credit from an accredit-

ed college or university in workshops or courses that address the following topic areas:

- (a) Relapse prevention;
- (b) Youth chemical dependency assessment and counseling;
- (c) Cultural awareness;
- (d) HIV/AIDS brief risk intervention for CDCs, as approved by the department; and
- (e) Other workshops or courses that will enhance skills as a chemical dependency counselor.

(4) ~~((Have))~~ Complete((d)) two thousand clock hours of directly supervised experience as a ((CDC intern)) (CI) in a state-certified chemical dependency treatment agency. The internship shall include a minimum of one hundred sixty hours in each of the following clinical areas:

- (a) Conducting assessments;
- (b) Individual counseling; and
- (c) Group counseling.

~~((5) Have a two year degree, or its academic equivalent, from an accredited college or university effective February 1, 1997. The CDC's course work shall include all WAC 440-20-200 and 440-22-220 academic requirements.))~~

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-225 Probation assessment officer interns. A probation assessment officer intern shall:

(1) Be employed as a probation officer at a misdemeanor probation department or unit within a county or municipality;

(2) Meet the requirements for a chemical dependency counselor, as described under WAC 440-22-200 and 440-22-220;

(3) Be considered as meeting WAC 440-22-220 (1) and (2) requirements if the probation assessment officer intern has a bachelor's or graduate degree in a social or health sciences field;

(4) Be considered as meeting WAC 440-22-220(3) by obtaining the one hundred eighty additional hours in training or courses in areas that will enhance skills as a probation assessment officer;

(5) Be considered as meeting WAC 440-22-220(4) by applying all probation officer work experience toward the required two thousand hours, and four hundred eighty hours of assessment experience may be applied in lieu of one hundred sixty hours of individual and one hundred sixty hours of group counseling experience.

(6) Be directly supervised and tutored by a ~~((qualified))~~ probation assessment officer who shall:

(a) Develop and maintain an individualized education and training plan to bring the intern to ~~((qualified))~~ probation assessment officer status, including:

(i) Orientation to the various laws and regulations that apply to the delivery of chemical dependency assessment and treatment services;

(ii) Instruction in assessment methods;

(iii) Instruction on standards of professional conduct and ethics; and

(iv) Observation of the intern conducting assessments.

(b) Document an evaluation of the progress of each intern at least quarterly.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-230 Youth chemical dependency counselor (YCDC) interns. (1) ~~((Effective February 1, 1996, a youth))~~ A YCDC intern shall meet WAC 440-22-200 and 440-22-220 requirements; except, the ((youth)) YCDC intern shall obtain work experience as follows:

(a) If the person is not yet a CDC, one thousand of the two thousand hours of work experience shall be in a certified program where the majority of the experience is in providing youth chemical dependency treatment; or

(b) If the person is already a CDC and had two thousand hours of required CDC work experience, another one thousand hours in a counseling capacity in other youth settings may satisfy the youth experience requirement.

(2) In addition to the internship completion requirements of WAC 440-22-220, ~~((youth))~~ YCDC interns shall attain five quarter or three semester academic credits, or seventy-five department-approved clock hours of continuing education covering the following topic areas:

- (a) Adolescent assessment;
- (b) Adolescent and child development; and
- (c) Assessing and treating culturally diverse youth.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-240 ~~((Maintaining))~~ Chemical dependency counselor (CDC), probation assessment officer, and youth chemical dependency counselor (YCDC) qualification. (1) To be and remain a CDC or YCDC, a person shall obtain a certificate of qualification from the department that affirms that the person:

(a) ~~((Not have a))~~ Has no history of alcohol or other drug misuse for a period of three years before ((employment as a)) application for CDC or YCDC certificate of qualification;

(b) ~~((Not))~~ Displays no evidence of misuse of alcohol or other drugs while a CDC or YCDC;

(c) ~~((Be))~~ Is registered or certified as a counselor with the department of health under chapter 18.19 RCW((, or have a written statement of exemption from the department of health));

(d) ~~((Have))~~ Has completed all requirements for a CDC ((or probation assessment officer)) or YCDC intern; ((and))

(e) ~~((Have))~~ Has successfully passed a chemical dependency counselor knowledge exam and an oral interview approved by the department;

(f) Has provided the department or its designee one letter, completed by the person's most recent supervisor, endorsing the person's competency and competence evaluations prepared by three chemical dependency counselors able to attest to the person's current competency as a counselor. These documents must be from four different persons; and

(g) Has completed sixty clock hours of continuing education:

(i) During each two calendar-year period beginning ~~((in January of the year))~~ on the day following the initial qualification; and

(ii) In subject areas that increase knowledge and skills in counseling and aiding chemically dependent persons and

their families in recovery, and increase knowledge of special populations and their issues.

(2)(a) To be and remain a probation assessment officer, the person shall complete all requirements for a probation assessment officer (~~shall obtain continuing education~~) intern; and

(b) Have completed sixty clock hours of continuing education:

(i) During each two calendar year period beginning on the day following the probation assessment officer's birthdate; and

(ii) In subject areas intended to increase knowledge and skills in assessing, diagnosing, and referring a chemically dependent person and the person's family to appropriate treatment resources.

(3) A (~~youth~~) YCDC shall include youth specific or related training as twenty or more of the required sixty hours of continuing education.

(4) Effective date. CDCs, YCDCs, CIs and probation assessment officers must meet these standards by August 1, 1998 to remain qualified.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-250 Grandparenting. (1) For chemical dependency counselors. The department (~~shall deem a chemical dependency counselor (CDC), probation assessment officer, or youth CDC as having fulfilled respective~~) may issue a certificate of qualification to an applicant if the person fulfills the requirements (~~when a person was~~) for grandparented qualification in accordance with WAC 440-22-253. Grandparented certificates of qualification are available to persons:

~~((1))~~ (a) Qualified as a CDC (~~or probation assessment officer~~) by January 31, 1996, under WAC 275-19-145 requirements which were repealed with the adoption of chapter 440-22 WAC(~~(-~~

~~(2))~~;

(b) Qualified as a CDC (~~or probation assessment officer~~) by January 31, 1997, under WAC 440-22-200 and WAC 440-22-220(1) through 440-22-220(4) requirements; or

~~((3))~~ (c) Qualified as a (~~youth~~) YCDC by January 31, 1997, when a person was qualified as a CDC under subsection (1) or (2) of this section and had:

~~((a))~~ (i) One thousand hours of the two thousand required hours of work experience in a certified program where the majority of the experience was in providing youth chemical dependency treatment; or

~~((b))~~ (ii) In addition to the two thousand hours of required CDC work experience, one thousand hours in a counseling capacity in other youth settings.

(2) Grandparented certificates of qualification shall be available only to CIs, CDCs, and YCDCs who apply for such on applications postmarked prior to July 1, 1998.

(3) CIs that have fulfilled all requirements in WAC 440-22-200 and 440-22-220 in effect February 1, 1997 by July 1, 1998, are eligible for grandparented certificate of qualification without taking the knowledge exam or obtaining the supervisor/peer competency evaluations as specified in WAC 440-22-240 (1)(e) and (f).

(4) For probation assessment officers (PAO): The department may deem a PAO as having fulfilled respective qualification requirements when a person was:

(a) Qualified as a PAO by January 31, 1996, under WAC 275-19-145 requirements which were repealed with the adoption of chapter 440-22 WAC;

(b) Qualified as a PAO by January 31, 1997, under WAC 440-22-200 and 440-22-220 (1) through (4) requirements.

NEW SECTION

WAC 440-22-253 Application process for chemical dependency counselor intern (CI) enrollment, chemical dependency counselor (CDC), and youth chemical dependency counselor (YCDC) certificate of qualification and requalification. (1) Persons seeking CI enrollment or CDC and YCDC certificate of qualification shall apply to a chemical dependency counselor certification board (CCB) under agreement with the department to monitor verification of qualifications of counselors employed by certified chemical dependency treatment programs as authorized by chapter 70.96A.040(3) RCW.

(2) Applicants shall comply with instructions from the respective board by:

(a) Completing an application form and providing all information and documentation requested by the board to confirm the applicant has met the respective qualification standards described under WAC 440-22-200, 440-22-220, 440-22-230, 440-22-240 and 440-22-250;

(b) Paying processing fees;

(c) For initial CDC or YCDC qualification, taking the knowledge exam and participating in an oral interview as required under WAC 440-22-240 (1)(e).

(3) Persons making application through grandparenting under the provisions of WAC 440-22-250 are not required to complete the knowledge exam, oral interview, or submit the competence reviews required in WAC 440-22-240 (1)(e) and (f).

(4) All requests by applicants for exemptions to the requirements for CI enrollment or CDD or YCDC certificate or qualification shall be forwarded by the CCB to the department. The request shall include the CCB's recommendation for approval or denial. The CCB shall provide a copy of the exemption request to the applicant.

(5) Exemption requests shall be reviewed by the department with notice regarding the decision to approve or deny the request returned to the respective CCB.

(6) Upon completion of the review and assessment of the applicant's application package and the testing and interview process, the CCB shall:

(a) Forward a recommendation for CI enrollment or CDC or YCDC certificate of qualification to the department for applicants determined as meeting the respective standards. The CCB shall provide a copy of the recommendation to the applicant;

(b) Provide applicants determined as not meeting the respective standards with the specific deficiencies found in their application and describe what steps are necessary for the applicant to meet the standards.

(7) The department shall review recommendations for CI enrollment or CDC or YCDC letter of qualification

provided by the CCBs and if determined satisfactory may issue the appropriate credential to the applicant by mail.

(8) Certificates of qualification shall be valid for two years. It is the responsibility of the CDC or YCDC to renew the certificate of qualification in accordance with instructions and notification provided by the CCB.

(9) It is the responsibility of the CI, CDC, or YCDC to notify the department of any change of the address provided to the CCB. Such notification may be made by telephone, facsimile, or by mail.

(10) Practicing counseling with an expired certificate of qualification is a violation of requirements in WAC 440-22-175 (1) and (2), and 440-22-180(2).

(11) The applicant may appeal department decisions in accordance with chapter 34.05 RCW, the Washington Administrative Procedure Act.

NEW SECTION

WAC 440-22-255 Denial of chemical dependency intern (CI) enrollment, chemical dependency counselor (CDC) or youth chemical dependency (YCDC) certificate of qualification. (1) The department shall consider the ability of each person making application for CI enrollment or CDC or YCDC certificate of qualification to perform in accord with this chapter before the department enrolls a CI or grants or renews the certificate for a CDC or YCDC.

(2) The department may deny or place restrictions on an applicant's letter or certificate when any of the following conditions occur and are not satisfactorily resolved, or when any applicant:

(a) Had a license, certification or registration for practicing as a counselor or other health care professional denied, revoked, or suspended;

(b) Obtained or attempted to obtain a license, certification, or registration by fraudulent means or misrepresentation;

(c) Committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180;

(d) Demonstrated cruelty, abuse, negligence, misconduct, or indifference to the welfare of a patient;

(e) Misappropriated patient property or resources;

(f) Has a history of noncompliance with state or federal regulations in an agency with which the applicant has been affiliated;

(g) Knowingly, or with reason to know, made a false statement of fact or failed to submit necessary information in:

(i) The application or attached materials; or

(ii) Any matter under department investigation.

(h) Willfully interfered with the preservation of material information or attempted to impede the work of an authorized department representative.

(3) The department may deny CI enrollment or a CDC or YCDC certificate of qualification when an applicant:

(a) Fails to provide satisfactory application materials;

(b) Fails to pay required fees; or

(c) Advertises him or herself as being in possession of a state certificate of qualification when a certificate of qualification has not been granted, or has been denied, revoked, or has expired.

(4) The applicant may appeal department decisions in accordance with chapter 34.05 RCW, the Washington Administrative Procedure Act.

NEW SECTION

WAC 440-22-257 Chemical dependency counselor intern (CI), chemical dependency counselor (CDC), and youth chemical dependency counselor (YCDC) suspension or revocation of letter of enrollment or certificate of qualification. (1) The department may suspend or revoke a CI's letter of enrollment or a CDC's or YCDC's certificate of qualification when a disqualifying situation described under WAC 440-22-255 applies to a CI, CDC, or YCDC or when any of the following circumstances occur:

(a) Violation of a rule threatens or results in harm to a patient;

(b) A reasonably prudent person should have been aware of a condition resulting in violation of a law or rule;

(c) A person failed to investigate or take corrective or preventive action to deal with a suspected or identified patient care problem;

(d) The person fails to satisfactorily comply with a findings of fact and conclusion of law order issued by the department of health pursuant to chapter 18.19 RCW.

(2) Practicing counseling with a suspended or revoked certificate of qualification is in violation of requirements under WAC 440-22-175 (1) and (2), and 440-22-180(2).

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-260 Students. (1) The treatment provider shall have a written agreement with each education agency wanting to use the treatment agency as a setting for student practice.

(2) The treatment provider shall ensure the written agreement describes the nature and scope of student activity at the treatment setting and ensures supervision of student activities.

(3) Each student and academic supervisor shall sign a confidentiality statement which the provider shall retain.

(4) A student may serve as a chemical dependency counselor intern provided the student meets WAC 440-22-200 and 440-22-210 requirements.

(5) When a student is under supervision of a college, the department shall apply both the academic credits and supervised field experience toward the requirements of WAC 440-22-200 and 440-22-220.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-280 Volunteers. (1) Each volunteer offering assistance to a provider shall be oriented as required under WAC 440-22-175 (13), (14), and (15), of the personnel manual.

(2) A volunteer shall meet the qualifications of the position to which the person is assigned.

(3) A volunteer may provide counseling services when the person meets the requirements for a chemical dependency counselor intern or is a chemical dependency counselor.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-300 Clinical manual. Each chemical dependency service provider shall have and adhere to a clinical manual containing patient care policies and procedures, including:

(1) How the provider meets WAC 440-22-310 through 440-22-335 requirements;

(2) How the provider will meet applicable certified treatment service requirements of WAC 440-22-350 through 440-22-620, including a description of each service offered, detailing:

(a) The number of hours of treatment and education for each certified treatment 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 the clinical supervisor:

(a) Is a chemical dependency counselor (CDC);

(b) Reviews a sample of patient records of each CDC quarterly; and

(c) Implements treatment, continuing care, transfer and discharge plans in accord with WAC 440-22-325.

(5) Patient admission and discharge criteria in accord with patient placement criteria (PPC):

(a) The administrator shall not admit or retain a person unless the person's treatment needs can be met;

(b) A chemical dependency counselor (CDC) shall assess and refer each patient to the appropriate treatment service; and

(c) A person needing detoxification shall immediately be referred to a detoxification provider, unless the person needs acute care in a hospital.

(6) 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) HIV/AIDS information, brief risk intervention, and referral;

(8) Limitation of group counseling sessions to twelve patients or less;

(9) Counseling sessions with nine to twelve youths to include a second adult staff member;

(10) Provision of education to each patient on:

(a) Alcohol and alcoholism;

(b) Drugs and drug addiction;

(c) Relapse prevention; and

(d) HIV/AIDS, hepatitis, and TB.

(11) 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) 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) Assigning of work to a patient by a CDC when the assignment:

(a) Is part of the treatment program; and

(b) Has therapeutic value.

(14) Use of self-help groups;

(15) Patient rules and responsibilities, including disciplinary sanctions for noncomplying patients;

(16) If youth are admitted, a policy and procedure for assessing the need for referral to child welfare services;

(17) Implementation of the deferred prosecution program;

(18) Policy and procedures for reporting status of persons convicted under chapter 46.61 RCW to the department of licensing; and

(19) Nonresidential providers shall 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 dependent on 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 (~~women~~) woman who is not seen by a private physician shall 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 shall 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 Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-320 Chemical dependency assessments. A chemical dependency counselor (CDC), or a CDC intern under supervision of a CDC, shall conduct and document an assessment of each client's involvement with alcohol and other drugs. The counselor's assessment shall include:

(1) A face-to-face diagnostic interview with each client to obtain, review, evaluate, and document the following:

(a) A history of the client's involvement with alcohol and other drugs, including:

(i) The type of substances used;

(ii) The route of administration; and

(iii) Amount, frequency, and duration of use.

(b) History of alcohol or other drug treatment or education;

(c) The client's self-assessment of use of alcohol and other drugs; and

- (d) A relapse history.
- (2) If the client is in need of treatment, an assessment of the person's:
- (a) Motivation for recovery;
 - (b) Ability to attain and maintain abstinence;
 - (c) Risk of relapse; and
 - (d) Strengths and needs.
- (3) If the client is found to be in need of treatment, an assessment of other factors affecting treatment, including:
- (a) Current and historical psychosocial data;
 - (b) Issues relating to personal safety;
 - (c) Medical history, including:
 - (i) Physical status;
 - (ii) Mental status; and
 - (iii) Availability and use of medical care.
 - (d) For women, likelihood of a current pregnancy; and
 - (e) Legal history, including:
 - (i) Past charges; and
 - (ii) Current charges and courts of jurisdiction.
- (4) If an assessment is conducted on a youth and the client is in need of treatment, the counselor shall also assess the following elements:
- (a) Parental use of drugs;
 - (b) The developmental stage of the youth;
 - (c) Ability to understand written materials;
 - (d) Psychological and emotional stability;
 - (e) Child or adolescent developmental problems associated with the use of chemicals;
 - (f) Identification of school assessments and referrals;
 - (g) Historical and current parental or custodial status;
 - (h) History of learning disabilities and special education;
 - (i) Running away, out-of-home placements, and institutional care or custody;
 - (j) Support from significant adults and extended family; and
- (k) Attempts shall be made to obtain information from parents and legal guardians, and from prior medical records and psychological evaluations with proper consent.
- (5) Documentation of the information collected, including:
- (a) A written summary of the assessment;
 - (b) A diagnostic assessment statement including signs, symptoms, and progression of client involvement with alcohol and other drugs;
 - (c) A statement regarding provision of an HIV/AIDS brief risk intervention, and referrals made; and
 - (d) Evidence the client:
 - (i) Was notified of the assessment results; and
 - (ii) Signed a document showing treatment options provided, and indicating the client's choice; or
 - (iii) If the client was not notified of the results and advised of referral options, the reason shall be documented.
 - (6) Documentation of the type and length of treatment recommended, in accord with patient placement criteria (PPC);
 - (7) Completion and submission of all reports required by the courts, department of licensing, and department of social and health services in a timely manner; and
 - (8) Referral of an adult or minor who requires assessment for involuntary chemical dependency treatment to the county-designated chemical dependency specialist.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-325 Treatment, continuing care, transfer and discharge plans. (1) A chemical dependency counselor (CDC) shall be responsible for assessments and the overall treatment plan for each patient, including:

- (a) Patient participation;
 - (b) Completeness of patient records; and
 - (c) Documentation of progress toward patient attainment of goals.
- (2) A CDC or an intern under direct supervision of a CDC shall:
- (a) Develop the individualized treatment plan;
 - (b) Evaluate the patient and conduct ongoing assessments in accord with PPC. In cases where it is not possible to place or provide the patient with the clinically indicated treatment, the reason shall be documented as well as whether other treatment will be provided;
 - (c) Conduct individual and group counseling;
 - (d) Update the treatment plan as problems arise or are resolved, including domestic violence and abuse issues if applicable;
 - (e) Develop the continuing care plan using PPC; and
 - (f) Complete the discharge summary.
- (3) A CDC shall also include in the treatment plan for youth:
- (a) Structured drug free social and recreational activities;
 - (b) Developmental concerns, including education on sexuality and safer sex;
 - (c) Referral for identification and treatment of sexually transmitted diseases and other services as needed; and
 - (d) Referral to school and community support services.
- (4) A CDC shall follow up when a patient misses an appointment to:
- (a) Try to motivate the patient to stay in treatment; and
 - (b) Report a noncompliant patient to the committing authority as appropriate.
- (5) A CDC shall involve each patient's family or other support persons, when the patient gives written consent:
- (a) In the treatment program; and
 - (b) In self-help groups.
- (6) When transferring a patient from one certified treatment service to another within the same agency, at the same location, a CDC shall:
- (a) Update the patient assessment and treatment plan; and
 - (b) Provide a summary report of the patient's treatment and progress, in the patient's record. In detox, this may be done by a nurse or physician.
- (7) Except in detox and for a patient who leaves treatment without notice, staff shall meet with each patient at the time of discharge from any treatment agency, to:
- (a) Finalize a continuing care plan using PPC to assist in determining appropriate recommendation for care;
 - (b) Assist the patient in making contact with necessary agencies or services; and
 - (c) Provide the patient a copy of the plan.
- (8) When transferring a patient to another treatment provider, the current provider shall forward copies of the following information to the receiving provider when a release of confidential information is signed by the patient:

- (a) Patient demographic information;
 - (b) Diagnostic assessment statement and other assessment information, including:
 - (i) Documentation of the HIV/AIDS intervention;
 - (ii) TB test result;
 - (iii) A record of the patient's detox and treatment history;
 - (iv) The reason for the transfer; and
 - (v) Court-mandated or agency-recommended follow-up treatment.
 - (c) Discharge summary; and
 - (d) The plan for continuing care or treatment.
- (9) A CDC shall complete a discharge summary, within seven days of each patient's discharge from the agency, which includes:
- (a) The date of discharge or transfer;
 - (b) A summary of the patient's progress toward each treatment goal, except in detox; and
 - (c) In detox, a summary of the patient's physical condition.

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

WAC 440-22-335 Patient record content. The provider shall ensure patient record content includes:

- (1) Demographic information;
- (2) A chemical dependency assessment and history of involvement with alcohol and other drugs;
- (3) Documentation the patient was informed of the diagnostic assessment and options for referral or the reason not informed;
- (4) A report of a physical examination by a medical practitioner in accord with a nonresidential provider's policy on medical oversight, when a patient was dependent on barbiturates or benzodiazepines, or used intravenous drugs within thirty days of admission;
- (5) Documentation the patient was informed of federal ~~(confidentially)~~ confidentiality requirements and received a copy of the patient notice required under 42 CFR, Part 2;
- (6) Treatment service rules, translated when needed, signed and dated by the patient before beginning treatment;
- (7) Voluntary consent to treatment signed and dated by the patient, parent or legal guardian, except as authorized by law for protective custody and involuntary treatment;
- (8) Evidence of counselor disclosure information, acknowledged by the provider and patient by signature and date;
- (9) Evidence of a tuberculosis test and results;
- (10) Evidence of the HIV/AIDS brief risk intervention;
- (11) Initial and updated individual treatment plans, including results of the initial assessment and periodic reviews, addressing:
 - (a) Patient biopsychosocial problems;
 - (b) Short- and long-range treatment goals;
 - (c) Estimated dates for completion of each treatment goal;
 - (d) Approaches to resolve the problems;
 - (e) Identification of persons responsible for implementing the approaches;
 - (f) Medical orders, if appropriate; and
 - (g) Treatment plan reviews.

- (12) Documentation of referrals made for specialized care or services;
- (13) At least weekly individualized documentation of ongoing services in residential services, and as required in intensive outpatient and outpatient services, including:
 - (a) Date, duration, and content of counseling and other treatment sessions;
 - (b) Ongoing assessments of each patient's participation in and response to treatment and other activities;
 - (c) Progress notes as events occur, each shift in detox, and treatment plan reviews as specified under each treatment service of this WAC chapter; and
 - (d) Documentation of missed appointments.
- (14) Medication records, if applicable;
- (15) Laboratory reports, if applicable;
- (16) Properly completed authorizations for release of information;
- (17) Copies of all correspondence related to the patient, including reports of noncompliance;
- (18) A copy of the continuing care plan signed and dated by the chemical dependency counselor and the patient; and
- (19) The discharge summary.

WSR 97-14-004

PERMANENT RULES

UNIVERSITY OF WASHINGTON

[Filed June 19, 1997, 9:44 a.m.]

Date of Adoption: June 13, 1997.

Purpose: To amend the University of Washington's rules governing access to public records (chapter 478-276 WAC) in order to comply with recent changes in state statutes, and to update office addresses and name changes throughout Title 478 WAC.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-276-030 and 478-276-040; and amending WAC 478-04-020, 478-108-020, 478-160-035, 478-160-040, 478-160-050, 478-160-060, 478-160-065, 478-160-085, 478-160-105, 478-160-110, 478-160-120, 478-160-125, 478-160-130, 478-160-140, 478-160-160, 478-160-162, 478-160-175, 478-160-210, 478-160-230, 478-160-246, 478-160-290, 478-160-295, 478-160-310, 478-160-320, 478-250-050, 478-250-060, 478-276-060, 478-276-070, 478-276-080, 478-276-100, and 478-276-140.

Statutory Authority for Adoption: RCW 28B.20.130, 42.17.260, 42.17.290, 42.17.300, and chapter 34.05 RCW.

Adopted under notice filed as WSR 97-08-062 on April 1, 1997.

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 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 1, amended 31, repealed 2.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, amended 31, repealed 2.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 31, repealed 2.

Effective Date of Rule: Thirty-one days after filing.

June 17, 1997

Rebecca Goodwin Deardorff
Administrative Procedures Officer

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-04-020 Organization—Operation—Information. (1) Organization. The University of Washington is established in Title 28B RCW as a public institution of higher education. The institution is governed by a nine-member board of regents, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of the University of Washington is at the following address:

University of Washington
Office of the President
301 (~~(Administration, AH 30)~~) Gerberding Hall
(~~(University of Washington)~~)
Box 351230
Seattle, (~~(Washington)~~) WA 98195-1230

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

University of Washington
Office of the Registrar
209 Schmitz(~~(, PD 10)~~) Hall
(~~(University of Washington)~~)
Box 355850
Seattle, (~~(Washington)~~) WA 98195-5850

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-108-020 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be in writing. The application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved. Application forms are available at the following address:

University of Washington
Visitors Information Center
4014 University Way N.E.(~~(, HI 22~~
~~University of Washington)~~)
Seattle, (~~(Washington 98195)~~) WA 98105-6203

(for internal campus mail use: Box 355502). An application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless otherwise provided for by statute or rule.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-035 Application forms for undergraduate standing. To apply for freshman, transfer or post-baccalaureate status, either an "Application for admission to an undergraduate college or school" or an "Application for admission to four-year colleges and universities in the state of Washington" must be submitted to the (~~(Office of Admissions, PC 30, 320 Schmitz Hall, University of Washington, Seattle, Washington 98195-)~~) following address:

University of Washington
Office of Admissions
320 Schmitz Hall
Box 355840
Seattle, WA 98195-5840

An application form with complete instructions will be provided to prospective applicants upon request.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-040 Admission of undergraduate students through the educational opportunity program. In recognition of the numerous factors which may have interfered with the earlier education of students from certain ethnic minorities and/or poverty environments, the university offers an educational opportunity program.

Minority and disadvantaged students are encouraged, regardless of their previous academic records, to apply (~~(for admission to the university through this program)~~).

Prospective applicants may obtain undergraduate application forms and additional information by contacting the (~~(Office of Minority Affairs, PC 45, 375 Schmitz Hall, University of Washington, Seattle, WA 98195-)~~) following office:

University of Washington
Office of Admissions
380 Schmitz Hall
Box 355840
Seattle, WA 98195-5840

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-050 Application forms for international students. International students who have sufficient financial support, international students who intend to transfer to the university from another United States school, and international students who wish to attend summer quarter only must submit an "Undergraduate international admission application" to the (~~(Office of Admissions, PC 30, 320 Schmitz Hall, University of Washington, Seattle, WA 98195-)~~) following address:

University of Washington
Office of Admissions
320 Schmitz Hall
Box 355840
Seattle, WA 98195-5840

The application form with complete instructions will be provided to prospective applicants upon request.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-060 Requests for reconsideration of admission decision. Applicants who are denied admission may request further consideration by presenting a written petition and additional information in support of their application. Such requests should be addressed to the ~~((Committee on Admissions and Academic Standards, Office of Admissions, PC 30, 320 Schmitz Hall, University of Washington, Seattle, WA 98195-))~~ following address:

University of Washington
Committee on Admissions and Academic Standards
Office of Admissions
320 Schmitz Hall
Box 355840
Seattle, WA 98195-5840

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-065 Admission of former students. Former undergraduate students who wish to resume study in the degree or certificate program for which they were last registered and graduate students who are officially on leave and who wish to return to the university must submit a "Returning student reenrollment application" form to the registration office.

Applications may be obtained by contacting the ~~((Registration Office, PD 10, 225 Schmitz Hall, University of Washington, Seattle, WA 98195-))~~ following office:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

Returning former students are advised to file such an application *at least* four months in advance of the quarter they intend to return.

Former students who completed a degree or certificate program at the time they were last enrolled and former graduate students must apply as new students if they wish to return to the university.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-085 Application forms. Prospective applicants to the graduate school may obtain an "Application for admission to the graduate school" by writing to the graduate program adviser of the department in which the applicant expects to engage in a program of study or by writing to the ~~((Office of Graduate Admissions, AD 10, 98 Administration Building, University of Washington, Seattle, WA 98195-))~~ following address:

University of Washington
Office of Graduate Admissions
98 Gerberding Hall
Box 351280
Seattle, WA 98195-1280

An application form with instructions will be provided to prospective graduate or visiting graduate applicants upon request.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-105 Admission to the school of dentistry—Application forms. Application forms may be obtained by writing to the ~~((School of Dentistry, SC 62, D-322 Health Sciences Building, Seattle, WA 98195-))~~ following address:

University of Washington School of Dentistry
Office of the Dean
D-322 Health Sciences Building
Box 356365
Seattle, WA 98195-6365

The deadline for filing an application is determined by the University of Washington school of dentistry and can be obtained from the ~~((Office of the Dean, SC 62, D-322 Health Sciences Building, Seattle, Washington 98195-))~~ address above.

AMENDATORY SECTION (Amending Order 80-2, filed 10/21/80)

WAC 478-160-110 Admission to the school of law—Application forms. Applicants to the first-year class may obtain application forms by contacting the ~~((Director of Admissions, School of Law, Condon Hall, JB 20 Seattle, WA 98195-))~~ following office:

University of Washington School of Law
Director of Admissions
Condon Hall
1100 N.E. Campus Parkway
Seattle, WA 98105-6617

(for internal campus mail use: Box 354600). The deadline for filing an application is determined by the University of Washington school of law and can be obtained from the ~~((Director of Admissions, School of Law, Condon Hall, JB 20, Seattle, Washington 98195-))~~ address above.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-120 Admission to the school of law with advanced standing—Application forms. Application for admission with advanced standing may be obtained from the ~~((School of Law, Condon Hall, Seattle, WA 98195-))~~ following address:

University of Washington School of Law
Director of Admissions
Condon Hall
1100 N.E. Campus Parkway
Seattle, WA 98105-6617

(for internal campus mail use: Box 354600). The deadline for filing an application is determined by the University of Washington school of law and can be obtained from the ~~((Director of Admissions, School of Law, Condon Hall, JB 20, Seattle, Washington 98195-))~~ address above.

AMENDATORY SECTION (Amending Order 78-4, filed 6/15/78)

WAC 478-160-125 Admission to the school of medicine. The University of Washington school of medicine publishes complete information regarding its policies, procedures, and programs which may be obtained ~~((from the Committee on Admissions, Office of the Dean, SC 64, A-320 Health Sciences Building, University of Washington, Seattle, Washington 98195,))~~ by contacting the following office:

University of Washington School of Medicine
Committee on Admissions
Office of the Dean
A-320 Health Sciences Building
Box 356340
Seattle, WA 98195-6340

(or phone: (206) 543-7212).

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-130 First-year admission to the school of medicine—Application forms. The school of medicine is a participant in the american medical college application service program (AMCAS). Application forms may be obtained by writing to ~~((AMCAS, Suite 301, 1776 Massachusetts N.W., Washington, D.C. 20036.))~~ the following address:

American Medical College Application Service
Suite 301
1776 Massachusetts N.W.
Washington, D.C. 20036

The deadline for filing an application is determined by the University of Washington school of medicine and can be obtained ~~((from the Committee on Admissions, Office of the Dean SC 64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195,))~~ by contacting the following office:

University of Washington School of Medicine
Committee on Admissions
Office of the Dean
A-320 Health Sciences Building
Box 356340
Seattle, WA 98195-6340

(or phone: (206) 543-7212). Applicants are encouraged to file applications twelve months prior to desired date of entry.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-140 Application for transfer to the school of medicine. Application for transfer to the school of medicine may be obtained by writing to the ~~((Committee on Admissions, Office of the Dean SC 64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195.))~~ following address:

University of Washington School of Medicine
Committee on Admissions
Office of the Dean

A-320 Health Sciences Building
Box 356340
Seattle, Wa 98195-6340

The deadline for filing an application is determined by the University of Washington school of medicine and can be obtained from the ~~((Committee on Admissions, Office of the Dean SC 64, A-320 Health Sciences Building, University of Washington School of Medicine, Seattle, Washington 98195,))~~ address above, or phone: (206) 543-7212.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-160 Applications for housing and financial aid. An application for admission *does not* constitute an application for either housing accommodations or financial aid, *nor* does an application for housing or an award of financial aid constitute an application for admission. Information and applications for housing may be obtained from the ~~((Office of Housing and Food Services, PC 50, 301 Schmitz Hall, University of Washington, Seattle, WA 98195. Information and applications for financial aid may be obtained from the Office of Financial Aid, PE 20, 105 Schmitz Hall, University of Washington, Seattle, WA 98195.))~~ following address:

University of Washington
Office of Housing and Food Services
301 Schmitz Hall
Box 355842
Seattle, WA 98195-5842

Information and applications for financial aid may be obtained from the following address:

University of Washington
Office of Student Financial Aid
105 Schmitz Hall
Box 355880
Seattle, WA 98195-5880

AMENDATORY SECTION (Amending WSR 90-15-005, filed 7/6/90, effective 8/6/90)

WAC 478-160-162 Financial aid information. Federal, state, and private financial aid applications and information may be obtained at the following address:

University of Washington
Office of Student Financial Aid
105 Schmitz Hall~~((PE 20 University of Washington))~~
Box 355880
Seattle, WA 98195-5880

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

AMENDATORY SECTION (Amending WSR 91-16-001, filed 7/25/91, effective 8/25/91)

WAC 478-160-175 Credit definitions. Credit courses are offered either for resident credit or for extension credit.
(1) Most courses offered through University of Washington extension are offered for resident credit, and grades

earned in such courses are transcribed as resident credit and are included in the student's resident cumulative grade-point average.

(2) Courses offered through correspondence study, and some other courses, are offered for extension credit. These credits and grades are not included in the resident grade-point average, and students may apply only ninety such university credits toward an undergraduate degree. Extension credit courses are identified by an "X" prefix when listed in catalog material.

Additional information concerning credit courses may be obtained by contacting (~~University of Washington Extension at 5001 25th Ave. N.E., Seattle, WA 98195;~~) the following office:

University of Washington Extension
5001 25th Ave. N.E.
Seattle, WA 98105-4190

(for internal campus mail use: Box 354221, or phone: (206) 543-2300.)

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-210 Change of residence application forms. Nonresident students who desire to apply for a change in resident status must complete and submit a Washington institutions of higher education "Residency questionnaire" to the (~~Residence Classification Office, PD-10, 209 Schmitz Hall, University of Washington, Seattle, Washington 98195;~~) following address:

University of Washington
Residence Classification Office
264 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

A residency questionnaire (including a section in which the student may explain his or her view of the matter) and complete instructions will be mailed to students upon request. The residence classification office shall provide to the student a written statement of the reasons for any decision it makes within ten days of taking action on the "Residency questionnaire." This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, governing brief adjudicatory proceedings, the provisions of which are hereby adopted.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-230 Appeal of change of residence determination. Any student wishing to appeal an action of the residence classification office may request administrative review through the (~~Residence Classification Review Committee, PD-10, 209 Schmitz Hall, University of Washington, Seattle, Washington 98195;~~) following committee:

University of Washington
Residence Classification Review Committee
264 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

Appeals must be requested orally or in writing within twenty-one days from the date of student receipt of the written response required by WAC 478-160-210. Decisions of the residence classification review committee shall be rendered within twenty days of receipt of the request for review. The residence classification review committee shall issue the institution's final decision.

Forms appropriate for this purpose may be obtained from the (~~Residence Classification Office, PD-10, 209 Schmitz Hall, University of Washington, Seattle, Washington 98195;~~) following address:

University of Washington
Residence Classification Office
264 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-246 Enrollment confirmation deposit for new and returning students for autumn, winter and spring quarters. An enrollment confirmation deposit is required of new students and of returning students in autumn, winter and spring quarters. If space is not available when the payment is received, the payment will be returned. The fee is only refundable pursuant to WAC 478-160-256.

Further information about the enrollment confirmation deposit may be obtained from the (~~Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195;~~) following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-290 Withdrawal from the university. Withdrawal from the university is official when written notification has been filed with the (~~Registration Office, PD-10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195;~~) following office:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

Students who officially withdraw may be entitled by law to a refund of all or a portion of the tuition and fees for a given quarter depending on the time of the quarter the withdrawal is completed.

An official withdrawal during the first *fourteen* calendar days of autumn, or winter, or spring quarter shall result in the student's permanent record showing only the date of withdrawal.

During summer quarter official withdrawals shall be entered on the student's permanent record as follows:

PERMANENT

(1) For full-quarter courses, during the first *fourteen* calendar days of the quarter only the date of withdrawal shall be entered.

(2) For "a" term courses, during the first *seven* calendar days of the quarter only the date of withdrawal shall be entered.

(3) For "b" term courses, during the first *seven* calendar days of "b" term only the date of withdrawal shall be entered.

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-295 Military withdrawals. (1) If a student is conscripted into the armed forces or is called to active military duty, he or she may be entitled to a full refund or academic credit depending on the time of the quarter the student officially withdraws. Official withdrawals must be in writing, signed by the student, and accompanied by a copy of the military orders.

(2) A student who withdraws may receive credit for courses or a full refund, under the following schedule:

(a) Students who withdraw through the seventh week of the academic quarter receive a full refund of fees. No academic credit is awarded.

(b) Students who withdraw after the seventh week of the academic quarter may choose to receive academic credit or a full refund of fees.

(3) Complete information is available from the (~~Registration Office, PD 10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195~~) following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-310 Change of school or college. An undergraduate student desiring to transfer from one school or college within the university to another must obtain approval from the deans or the deans' designees of the two schools or colleges concerned. Change of college forms may be obtained from and must be submitted to the (~~Registration Office, PD 10, 225 Schmitz Hall, University of Washington, Seattle, Washington 98195~~) following address:

University of Washington
Registration Office
225 Schmitz Hall
Box 355850
Seattle, WA 98195-5850

AMENDATORY SECTION (Amending WSR 92-12-011, filed 5/22/92, effective 6/22/92)

WAC 478-160-320 Special instructional programs offered summer quarter. In recognition of the special needs of students who can attend the university only in the summer, a number of institutes, workshops, and special programs are offered each summer quarter. Because the

nature and content of the programs vary from year to year, interested persons are invited to contact the (~~Summer Quarter Office, 5001 25th Ave NE, GH 26, Seattle, WA 98195~~) following address:

University of Washington
Summer Quarter Office
5001 25th Ave. N.E.
Seattle, WA 98105-4190

(for internal campus mail use: Box 354226) to obtain a copy of the *Summer Quarter Bulletin and Time Schedule*.

AMENDATORY SECTION (Amending WSR 91-10-031, filed 4/24/91, effective 5/25/91)

WAC 478-250-050 University rules coordination (~~office~~). (1) (~~The~~) University rules coordination (~~office~~) shall be conducted by the administrative procedures office under the direction of the administrative procedures officer who reports to the office of the vice-president for university relations.

(2) The administrative procedures officer shall have knowledge of the subjects of rules being proposed or prepared within the university, maintain the records of any such action, and respond to public (~~inquires~~) inquiries about possible, proposed, or existing rules and the identity of university personnel developing, reviewing, or commenting on them.

AMENDATORY SECTION (Amending WSR 91-10-031, filed 4/24/91, effective 5/25/91)

WAC 478-250-060 Rule indexing. (1) Content. The university (~~rules coordination~~) administrative procedures office shall maintain an index of final orders, declaratory orders, interpretive statements, and policy statements, as defined by RCW 42.17.260(~~(4)~~) (5), issued after June 30, 1990, by the board of regents of the University of Washington, the president of the University of Washington, or their designees.

(2) Form. The index shall reference final orders, declaratory orders, interpretive statements, or policy statements by one or more of the following classifications: Date of implementation, organizational unit, or subject matter.

AMENDATORY SECTION (Amending WSR 91-10-031, filed 4/24/91, effective 5/25/91)

WAC 478-276-060 Public records officer. For purposes of compliance with chapter 42.17 RCW, (~~a public records officer shall be designated by the president of the university. The~~) duties of the public records officer shall (~~be as provided by the president of the university and may~~) include but not be limited to: The implementation of the university's rules and regulations regarding release of public records, coordinating the staff of the (~~visitors' information center~~) public records office in this regard, and generally coordinating compliance by the university with the public records disclosure requirements of chapter 42.17 RCW. The person so designated shall be (~~located in the Visitors' Information Center, 4014 University Way N.E., University of Washington, Seattle, Washington 98105~~) at the following location:

University of Washington
Public Records Office
Visitors Information Center
4014 University Way N.E.
Seattle, WA 98105-6203

(for internal campus mail use: Box 355502).

AMENDATORY SECTION (Amending Order 73-5, filed 5/29/73)

WAC 478-276-070 (~~((Office hours.))~~) Times for inspection and copying. (~~((For the purposes of this chapter, the office hours of the visitors' information center shall be the regular business hours of the University of Washington.))~~) Public records of the University of Washington shall be available for inspection and copying during the regular office hours of the public records office: Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays.

AMENDATORY SECTION (Amending WSR 91-10-031, filed 4/24/91, effective 5/25/91)

WAC 478-276-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records required to be disclosed by chapter 42.17 RCW, may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures: All requests shall be directed to the public records officer at the address set forth in WAC 478-276-140. The request shall include the following information:

- (1) The name of the person requesting the records (~~((or some other means of identifying that person));~~);
- (2) The time of day and calendar date on which the request was made; and
- (3) The public record(s) requested.

AMENDATORY SECTION (Amending WSR 91-10-031, filed 4/24/91, effective 5/25/91)

WAC 478-276-100 Inspection of public records—Copying—Costs. (1) Public records of the University of Washington required to be disclosed by chapter 42.17 RCW, shall be made available for inspection and copying at the (~~((visitors' information center))~~) public records office under the supervision of the public records officer. Arrangements for photocopying of documents in accordance with RCW 42.17.300 shall be made by the university in such a way as to protect the records from damage or disorganization and to prevent excessive interference with other essential functions of the agency.

(2) No fee shall be charged for the inspection of public records. The university (~~((may))~~) imposes a charge for providing copies of public records and for the costs of envelopes, postage, and other charges as allowed by statute. Such charges shall not exceed the amount necessary to reimburse the university for (~~((its))~~) actual costs ((incident to such copying)) as allowed by law.

(3) No person shall be provided a copy of a public record which has been copied by the university at the request

of such person until and unless such person has tendered payment for the charge for providing such copying.

NEW SECTION

WAC 478-276-105 Protection of public records. Access to any "writing," as defined in WAC 478-276-020(2), shall be restricted to the viewing area designated by the university. No document shall be physically removed by a member of the public from the viewing area for any reason whatsoever. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever.

AMENDATORY SECTION (Amending Order 81-2, filed 10/2/81)

WAC 478-276-140 (~~((Visitors' information center))~~) Public records office—Address. All requests for public records to the University of Washington shall be addressed as follows: (~~((University of Washington, c/o Public Records Officer, Visitors' Information Center, 4014 University Way N.E., HI 22, Seattle, Washington 98105))~~)

University of Washington
Public Records Officer
Public Records Office
4014 University Way N.E.
Seattle, WA 98105-6203

(for internal campus mail use: Box 355502. The telephone number of the (~~((visitors' information center is 543-9198))~~) public records office is 543-9180, FAX: 543-0786.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|--------------------------------------------------------------------------------|
| WAC 478-276-030 | Description of central and field organization of the University of Washington. |
| WAC 478-276-040 | General course and method of government. |

WSR 97-14-005 **PERMANENT RULES**

UNIVERSITY OF WASHINGTON

[Filed June 19, 1997, 9:55 a.m., effective September 15, 1997]

Date of Adoption: June 13, 1997.

Purpose: To amend the University of Washington rules governing vehicle parking and traffic (chapter 478-116 WAC).

Citation of Existing Rules Affected by this Order: Repealing WAC 478-116-050, 478-116-055, 478-116-060, 478-116-070, 478-116-080, 478-116-088, 478-116-090, 478-116-095, 478-116-100, 478-116-110, 478-116-120, 478-116-130, 478-116-140, 478-116-160, 478-116-170, 478-116-180, 478-116-190, 478-116-200, 478-116-210, 478-116-220, 478-

116-230, 478-116-240, 478-116-250, 478-116-260, 478-116-270, 478-116-280, 478-116-290, 478-116-300, 478-116-310, 478-116-320, 478-116-330, 478-116-340, 478-116-345, 478-116-350, 478-116-355, 478-116-360, 478-116-370, 478-116-380, 478-116-390, 478-116-400, 478-116-440, 478-116-450, 478-116-460, 478-116-540, 478-116-550, 478-116-570, 478-116-580, 478-116-582, 478-116-584, 478-116-586, 478-116-588, 478-116-589, 478-116-590, 478-116-601 and 478-116-610; and amending WAC 478-116-010, 478-116-020, 478-116-030, and 478-116-520.

Statutory Authority for Adoption: RCW 28B.10.560 and 28B.20.130.

Adopted under notice filed as WSR 97-09-071 on April 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: Minor clarifications include the following: WAC 478-116-051(19), second sentence: The person whose lawful right of possession of a vehicle has most recently been recorded with ~~((the))~~ any state department of licensing.

WAC 478-116-116(1), second sentence: The temporary permit shall not be used ~~((concurrently with))~~ on a vehicle while the regular permit is used on another vehicle.

WAC 478-116-227, first sentence: Parking permits, parking credit cards, and key cards are not transferable between unregistered individuals, but can be transferred between cars operated by ~~((a))~~ registered permit holder(s).

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 60, amended 4, repealed 55.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 60, amended 4, repealed 55.

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 60, amended 4, repealed 55.

Effective Date of Rule: September 15, 1997.

June 17, 1997

Rebecca Goodwin Dearnorff
Administrative Procedures Officer

PART I

PREAMBLE, GENERAL INFORMATION AND DEFINITIONS

AMENDATORY SECTION (Amending Order 84-3, filed 4/30/84)

WAC 478-116-010 Preamble. Pursuant to the authority granted by RCW 28B.10.560 and 28B.20.130, the board of regents of the University of Washington establishes the following ~~((regulations))~~ rules to govern ~~((pedestrian traffic and vehicular))~~ vehicle traffic and parking upon public lands and facilities of the University of Washington.

AMENDATORY SECTION (Amending WSR 91-11-029 and 91-12-047, filed 5/8/91 and 6/5/91, effective 6/8/91 and 10/1/91)

WAC 478-116-020 Objectives of parking and traffic ~~((regulations))~~ rules. (1) The objectives of these ~~((regulations))~~ rules are:

(a) To protect and control traffic and parking on campus.

(b) To assure access at all times for emergency vehicles and equipment.

(c) To minimize traffic disturbance during class hours.

(d) To facilitate the work of the university by assuring access to its vehicles and by assigning the limited parking space and hours of operation for the most efficient use.

(e) To encourage travel to the university by means other than single occupancy vehicle (SOV).

(2) Permission to park or operate a vehicle ~~((or bicycle upon state lands governed by these regulations))~~ at the University of Washington is a privilege granted by the board of regents of the University of Washington ~~((, and does not ensure regular availability of a parking space under the conditions stated in WAC 478-116-020 and 478-116-180 and elsewhere in these regulations)).~~

AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89, effective 8/13/89)

WAC 478-116-030 Applicable parking and traffic ~~((regulations—Areas affected))~~ rules. The following ~~((regulations))~~ rules apply upon state lands devoted mainly to the ~~((educational or research))~~ activities of the University of Washington ~~((, hereinafter called "campus")):~~

(1) ~~((The motor))~~ Vehicle and other traffic laws of the state of Washington ~~((shall be applicable upon all lands located within the state of Washington)).~~

(2) ~~((The traffic code of the city of Seattle applies upon all lands located within the city of Seattle.~~

(3) ~~The))~~ University of Washington parking and traffic ~~((regulations shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, housing, recreational, or parking activities of the University of Washington))~~ rules.

~~((4))~~ ~~In case of conflict among the provisions of the motor vehicle and other traffic laws of the state of Washington or the traffic code of the city of Seattle and these regulations, the provisions of these regulations shall govern.))~~

NEW SECTION

WAC 478-116-044 Authorized use of streets and parking facilities. Except with the express permission of the university police department, only motor vehicles and vehicles, such as bicycles and other modes of transportation, as defined herein, may be operated on campus streets. Only bicycles and motor vehicles may be operated within designated parking lots or structures.

NEW SECTION

WAC 478-116-046 Directions issued by university police officers. Operators of vehicles shall comply with directions issued by university police officers in the enforcement of these rules and in the general control and regulation of traffic.

NEW SECTION

WAC 478-116-051 Definitions. (1) Allowed meter time. The maximum time allowed on a pay meter at any one time.

(2) Assign/assignment. Areas designated for a person to park.

(3) Bicycle. Any device defined as a bicycle in chapter 46.04 RCW.

(4) Campus. The state lands located in Seattle, Washington devoted mainly to the activities of the University of Washington.

(5) Designate/designated. Parking area assignment for person to park per WAC 478-116-261.

(6) Fee. A charge for the use of the permit issued.

(7) Hours of operation. The hours of operation assigned to a particular parking area, parking lot, or parking space by parking services.

(8) Impoundment. The removal of the vehicle to a storage facility either by an officer or authorized agent of the University of Washington police department.

(9) Key card. A plastic card which actuates the automatic gate arms controlling certain parking areas, and is issued by parking services.

(10) Legal owner. Person(s) having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest.

(11) Motorcycles and scooters. A motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar. For the purposes of these rules, motorcycles, motorized bicycles, and scooters are considered to be motor vehicles and are subject to all traffic and parking rules controlling other motor vehicles.

(12) Motorhome. A motor vehicle or portable vehicle with facilities for human habitation which include lodging and cooking and garbage disposal.

(13) Nonmotor/nonmotorized vehicle. A device other than a motor vehicle used to transport persons. Nonmotor vehicles include, but are not limited to, bicycles, skateboards, and roller-skates.

(14) Operator or driver. Every person who drives or is in actual physical control of a motor vehicle or nonmotor vehicle.

(15) Parking space. A space designated for parking one motor vehicle by lines painted on either side of the space, at the rear of the space, a concrete block positioned in the front of the space, a sign or signs, or other markings.

(16) Pedestrian. Any person afoot, as defined in chapter 46.04 RCW.

(17) Permit. A document issued by parking services that authorizes a person to park.

(18) Register/registration. The listing of any motor vehicle with parking services, for the purposes of obtaining a parking permit for the university.

(19) Registered owner. The person whose lawful right of possession of a vehicle has most recently been recorded with any state department of licensing.

(20) Reissue. The replacement of a permit when the original has been stolen, lost, or following a change of parking lot designation, or vehicle(s).

(21) Renewal/renew. The replacement of an expired parking permit at the end of the permit's effective period.

(22) Reserved. Area for individuals who have been assigned a "reserved" designator.

(23) Roller-skate. A device used to attach a wheel or wheels to the foot or feet of a person.

(24) Skateboard. Any oblong board of whatever composition, with a pair of small wheels at each end, which device may be ridden by a person.

(25) Traffic. Vehicular and nonvehicular modes of transportation defined in chapter 46.04 RCW.

(26) University. The University of Washington.

(27) University vehicle. A state of Washington-owned, university-operated motor vehicle.

(28) Vehicle. Any motor vehicle or nonmotor vehicle.

NEW SECTION

WAC 478-116-061 Liability of university. The university assumes no liability for vehicles parked on university properties. No bailment but only a license is created by the purchase and/or issuance of a permit.

NEW SECTION

WAC 478-116-071 Severability, savings clause. If any provision of this chapter 478-116 WAC, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

**PART II
PARKING SERVICES**

NEW SECTION

WAC 478-116-101 Numbering of parking areas, parking allocation and issuance of permits. (1) Parking services shall designate and mark the various parking areas on the campus with numbers and/or letters and their hours of operation by the posting of signs in those areas.

(2) Parking services shall allocate parking spaces and hours of operation on campus in a manner that will best satisfy the objectives of these rules.

(3) Parking services is authorized to issue permits to park upon campus.

(4) Permits issued by parking services shall be accompanied by small area designators specifying the area or areas of parking for which the permit is valid. Parking services may change area assignments in a manner which will promote the objectives of these rules.

(5) All outstanding campus parking violation penalties associated with the permit or motor vehicle registered (or to

PERMANENT

be registered) under the permit must be satisfactorily settled before a parking permit may be issued, reissued, or renewed.

NEW SECTION

WAC 478-116-111 Valid permit. A valid permit is one of the following:

(1) An unexpired and unrecalled vehicle permit and area designator properly registered and displayed on a vehicle in accordance with WAC 478-116-223.

(2) A temporary permit authorized by parking services and displayed in accordance with instructions on the permit.

(3) A parking permit issued by a gate attendant, which shall be displayed on the vehicle in accordance with instructions on the permit.

NEW SECTION

WAC 478-116-114 Transferable permits. (1) Permit holders may transfer one permit between motor vehicles when used by the permit holder. Improper transfer of a permit shall include, but not be limited by, the wrongful sale, lending, or bad faith transfer of a parking permit.

(2) Permits displaying license plate numbers shall only be used in the vehicles whose license number is written on the permit. Only one vehicle may display and use the permit at any time while parked on campus.

NEW SECTION

WAC 478-116-116 Temporary and replacement permits. (1) Any permit holder may obtain without charge a temporary permit from parking services when necessary due to nonavailability of his or her permit. The temporary permit shall not be used on a vehicle while the regular permit is used on another vehicle.

(2) Any permit holder may obtain a replacement permit upon completion of a signed certificate as provided in the fee schedule when his or her assigned permit has been lost, stolen or destroyed.

NEW SECTION

WAC 478-116-121 Visitor parking. (1) No permit shall be required for the following motor vehicles:

(a) Public safety and emergency vehicles while performing services on campus;

(b) Marked taxis, tow trucks, commercial delivery and media vehicles which have agreed to comply with university guidelines and received prior written approval of parking services; and

(c) School buses and tour buses parking in designated locations.

(2) Permits shall be provided during parking service's hours of operation at no cost to the driver for the following:

(a) Commercial delivery motor vehicles under contract to the university, for limited time periods;

(b) Vehicles operated by members of the nonuniversity press presenting recognized credentials, while pursuing a story;

(c) Properly identified persons retired from the university but not reemployed by the university shall be provided complimentary parking. Their parking fee shall be recharged to the appropriate university department;

(d) Persons who drop off and pick up children enrolled in established university programs for limited time periods;

(e) Utility meter readers and other city, county or state agencies making inspections; and

(f) Contractors hired for a particular job parked inside approved fenced construction sites or peripheral contractor parking areas approved in advance by parking services.

(3) University departments may pay parking services directly for the parking fees of their guests. The rate charged will be that of the "departmental commuter ticket." Parking services may establish mechanisms to allow departments to pay for all or part of the parking fee of sponsor department's guests based on the established fee schedule.

(4) University departments may pay parking services directly for the parking fees of their department's employees not stationed on campus who are required to occasionally come to campus. The rate charged will be that of the "departmental commuter ticket."

NEW SECTION

WAC 478-116-125 Other types of permits. (1) Temporary employees, maintenance or service personnel, contractors, persons serving the university without pay, and other visitors who must frequently visit the campus on official business, may be issued parking permits at the established rate.

(2) Parking designators, such as "reserve," "U," "US," and "SS" may be issued by parking services upon payment of the prescribed fee.

(3) Motorhomes used by patients and their visitors shall be permitted in designated areas for not more than fifteen consecutive days, upon approval of parking services and payment of the established fee.

(4) Persons retired from the university who are reemployed may purchase individual commuter tickets at the established rate or annual permits at forty percent of the annual permit cost.

NEW SECTION

WAC 478-116-131 Parking for events and other university functions. (1) Parking for attendees to events that may displace regular parking customers or that may require added parking services staffing shall be accommodated only if parking services can find suitable alternatives for regular parking customers. Parking fees will be charged as follows:

(a) Freshman convocation and university commencement and related graduation functions. Parking for attendees will be complimentary. Parking services will charge the cost of staff and services used expressly for the event to the sponsoring department;

(b) An event rate will be charged to attendees of events that require staffing to collect fees; and

(c) Parking services shall negotiate the cost of pre-purchased parking and alternative transportation for Husky football with the department of intercollegiate athletics.

(2) Parking services may lease available parking facilities to sponsors of events, who shall pay in advance and be charged at a per stall fee for the particular leased facility.

(3) Parking services may extend its hours of operations to encompass the hours of an event. The following conditions shall trigger charging for events scheduled outside the normal hours of operation:

(a) Any activity which in the judgment of parking services is expected to attract over five hundred vehicles to campus; or

(b) Any event requiring a city of Seattle special event permit.

(4) University departments which sponsor functions such as athletic events, conferences, seminars and dinners may arrange for parking of their guests and this parking will be provided on a space available basis. Departments have the option of paying for guests' parking. Otherwise, their guests will be responsible for the parking fee. To facilitate prepaid parking and with parking services' prior approval, departments may act as its agent in the collection of parking fees.

(5) Parking services may displace permit holders from their regularly assigned areas during special events. Permit holders shall be provided an alternate area assignment during special events at no extra charge.

NEW SECTION

WAC 478-116-141 Annual and quarterly permit periods. The annual permit period begins July 1 of each year. Quarterly permit periods for staff and faculty parking begin July 1, October 1, January 1 and April 1 of each year. Quarterly permit periods for student parking begin each quarter at a date which predates the beginning of school, and is determined by parking services. Student quarterly permits are valid for ninety days.

NEW SECTION

WAC 478-116-145 Evening permits. (1) Evening, annual, or quarterly permits will allow parking during the period of time printed on the permit, as well as on Saturday mornings in assigned areas.

(2) Gate-issued or machine-issued evening permits are valid only until 7:30 a.m. of the following day.

NEW SECTION

WAC 478-116-147 Carpool permits. Parking services shall set aside carpool spaces in designated parking areas, establish guidelines for permit issuance, and develop appropriate procedures to encourage carpooling, and to insure against abuse of carpool privileges.

NEW SECTION

WAC 478-116-151 Parking of state of Washington-owned university-operated motor vehicles. (1) Parking services may exempt university vehicles from the permit requirement set forth in WAC 478-116-201 and the requirement that motor vehicles must be parked in designated parking areas as set forth in WAC 478-116-261.

(2) Unless express permission is given by parking services, university vehicles shall abide by the rules set forth in WAC 478-116-253 and 478-116-255.

(3) The operator of a university vehicle is personally liable for any citation issued to the motor vehicle under these rules.

NEW SECTION

WAC 478-116-161 Annual parking fee payment. Regardless of payment method used, payment for an annual parking permit is the sole responsibility of the permit holder and failure to pay the parking permit fee is grounds for recall under WAC 478-116-184 (1)(d). The permit holder remains responsible for payment of parking fees until the permit is returned or expires. Payment for an annual parking permit may only be made in one of the following ways:

(1) By cash, by check or money order payable to the "University of Washington" directly to parking services. Cash should not be sent by mail.

(2) Faculty and staff members on the regular monthly payroll may select the payroll deduction plan for payment of the annual permit only.

(a) Deductions will be made from each bimonthly paycheck for that month's parking installment period. Persons selecting this plan must complete a payroll deduction authorization form in addition to the appropriate parking permit application.

(b) Deductions will be terminated by completing a payroll termination form and returning any unexpired permit.

NEW SECTION

WAC 478-116-163 Fee schedule. Fees for parking and the effective date thereof shall be submitted to the board of regents for approval by motion. Prior to approval by the board of regents, the university shall, after notice, hold a hearing on the proposed schedule. The hearing shall be open to the public, and shall be presided over by a presiding officer who shall prepare a memorandum for consideration by the university, summarizing the contents of the presentations made at the hearing. Approved fee schedules shall be available in the public area of the parking services office and in the University of Washington *Operations Manual*, D 53.4, Attachment B.

NEW SECTION

WAC 478-116-165 Vehicle and driver's licenses required. Any applicant for a permit must possess a driver's license recognized as valid by the state of Washington and the vehicle for which the applicant seeks a permit must also be licensed and registered in a way recognized as valid by the state of Washington.

NEW SECTION

WAC 478-116-167 Right to refuse to issue a permit. The university reserves the right to refuse the issuance of a parking permit. The basis for refusing to issue a parking permit includes, but is not limited to, the following circumstances:

(1) When the issuance would compromise or conflict with the mission of the university;

(2) When the applicant has falsified a parking permit application or failed to pay parking fees and fines; or

(3) When the applicant has counterfeited or altered a permit, area designator, or key card.

NEW SECTION

WAC 478-116-171 Responsibility of person to whom permit is issued. The person to whom a permit is issued pursuant to these rules shall be responsible for all violations of these rules involving that permit. Such responsibility does not afford a defense to another person who jointly violates these rules.

NEW SECTION

WAC 478-116-181 Refund conditions for parking permits. (1) Refunds will be made for unused portions of permits which were paid for in full at the time of acquisition following the return of the permit to parking services. The refund schedule will be established by parking services.

(2) If the permit is being paid by the payroll deduction plan, then a payroll deduction termination form must be completed.

(3) Any unpaid fine for a violation of these rules will be deducted from any refund due, including refunds due to revocation of parking privileges.

NEW SECTION

WAC 478-116-184 Recall of permits. (1) Permits are the property of the university, and may be recalled by parking services for any of the following reasons:

- (a) When the purpose for which the permit was issued changes or no longer exists;
- (b) When a permit, area designator or gate key card is used by an unauthorized person;
- (c) Falsification on a parking permit application;
- (d) Nonpayment of parking fees;
- (e) Counterfeiting or altering of permits, area designators or gate key cards;
- (f) Failure to comply with a final decision of the citation hearing office; or
- (g) When the person to whom the permit is issued receives in excess of twelve citations under these rules within any twelve-consecutive month time period.

(2) Vehicles displaying recalled permits will be subject to impoundment on sight and confiscation of the permit for return to parking services.

NEW SECTION

WAC 478-116-186 Recall of carpool permits. Abuse of carpool privileges, such as but not limited to carpools formed within one-half mile of campus, and/or falsified application information may constitute grounds for the university to suspend or revoke parking privileges from the offender(s).

NEW SECTION

WAC 478-116-191 Regulatory signs, barricades, and markings. (1) Signs, barricades, markings and directions shall be so made and placed as will best meet the objectives stated in WAC 478-116-020 of these rules.

(2) No unauthorized person shall remove, move, deface, or in any way change a sign, barricade, marking, or direction so placed, or previously placed, for the purpose of regulating traffic or parking. Authority to make temporary changes of

this nature with respect to streets or roadways must be obtained from the university police department.

PART III PARKING VIOLATIONS

NEW SECTION

WAC 478-116-201 Permits required for motor vehicles parked on campus during hours of operation—Assigned parking areas. (1) Except as provided in WAC 478-116-121 and 478-116-151, no person shall park or leave any motor vehicle unattended by a licensed driver upon the campus during the hours of operation without a valid permit issued by parking services.

(2) Permission to park on campus shall be shown by display of a valid permit. Possession of a gate key card does not, in itself, constitute permission to park in a designated parking area.

NEW SECTION

WAC 478-116-211 Metered parking. (1) Except as provided in subsection (2) of this section, any vehicle, other than a university vehicle, which occupies a metered space is subject to payment of the meter fee in accordance with the hours posted, even though the vehicle may display a valid permit.

(2) Vehicles displaying a disability permit or disability license issued by a state department of licensing shall not be subject to payment of the meter fee during the allowed meter time limit.

(3) Motor vehicles parked after the maximum time shall be subject to citation for parking over the posted time limit.

NEW SECTION

WAC 478-116-221 Parking of motorcycles and scooters. Motorcycles, motorized bicycles, and scooters must only be parked in designated cycle areas. Motorcycles, motorized bicycles, and scooters are not permitted to drive or park on paths, on sidewalks, on planted areas, in buildings, or in pedestrian areas.

NEW SECTION

WAC 478-116-223 Display of permits. (1) Quarterly, annual, and short-term permits issued by parking services shall be displayed by hanging from the rear view mirror or affixed to the driver's side bottom of the windshield of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(2) All other permits shall be displayed face up on the dashboard of the motor vehicle and shall be fully visible from the exterior of the motor vehicle.

(3) 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.

(4) Motorcycle and scooter permits shall be prominently displayed on the front or left side of the vehicle.

(5) Permits not fully visible from the exterior of a motor vehicle are not valid and are subject to citation for no valid permit displayed.

(6) Expired permits must be removed from exterior view before displaying a current permit. A motor vehicle displaying an expired permit along with a valid permit is subject to citation for improper display of a permit.

NEW SECTION

WAC 478-116-225 Permits and vehicle license plates. Permit holders shall provide parking services with the license number of any vehicle they regularly use.

NEW SECTION

WAC 478-116-227 Permit transfer. Parking permits, parking credit cards, and key cards are not transferable between unregistered individuals, but can be transferred between cars operated by registered permit holder(s).

NEW SECTION

WAC 478-116-231 Use of revoked permits prohibited. (1) Use of a permit which was revoked or recalled under WAC 478-116-184 or 478-116-186 is prohibited.

(2) Purchase of a permit from someone other than parking services or a lawful designee shall not constitute an excuse or defense to a violation of this section.

NEW SECTION

WAC 478-116-241 Overtime parking violations—Repeated. Each subsequent period of time lapsing following affixation to a vehicle of a notice of overtime parking shall constitute a further violation of WAC 478-116-211 and/or 478-116-251.

NEW SECTION

WAC 478-116-245 Obstructing traffic prohibited. No person shall stop, stand or park any motor vehicle so as to obstruct traffic along or upon any street or sidewalk.

NEW SECTION

WAC 478-116-251 Regulatory signs and directions.

(1) Operators of vehicles shall obey regulatory signs which are posted by the university consistent with the parking and traffic rules of the University of Washington.

(2) Drivers of motor vehicles shall also comply with directions issued by members of parking services in the assignment and use of parking space and in the collection of parking fees.

NEW SECTION

WAC 478-116-253 Prohibited parking area(s). (1) No motor vehicle shall be parked at any place where official signs prohibit parking such as, but not limited to, "tow," "fire zone," "prohibited," or "no parking."

(2) No motor vehicle shall be parked within fifteen feet of a fire hydrant.

NEW SECTION

WAC 478-116-255 Prohibited parking—Space designated for a wheelchair. No motor vehicle shall be parked in a disability, wheelchair, or reserved parking space, area, or lot without an appropriate permit.

NEW SECTION

WAC 478-116-261 Designated parking areas. No motor vehicle shall be parked on the campus except in parking areas and parking spaces set aside and designated as such by parking services.

NEW SECTION

WAC 478-116-271 Parking within designated parking space. No motor vehicle shall be parked so as to occupy any portion of more than one parking space or stall within a parking area or so as to extend beyond any marked rear stripe. The fact that other motor vehicles may have been so parked as to require the motor vehicle to occupy a portion of more than one parking space or stall shall not constitute an excuse or defense for a violation of this section. This section shall not apply to stack parking for athletic events.

NEW SECTION

WAC 478-116-281 Parking—Safekeeping of unattended motor vehicles. No person driving or in charge of a motor vehicle shall permit it to stand unattended without:

(1) Stopping the engine, locking the ignition and removing the key; and

(2) Setting the brake and transmission to prevent movement of the vehicle.

NEW SECTION

WAC 478-116-291 Impoundment of motor vehicles. Any motor vehicle parked upon campus may be subject to impoundment for cause as specified under WAC 478-116-401, 478-116-411 and 478-116-421. The university and its officers, employees and agents shall not be liable for loss or damage of any kind resulting from such impoundment.

PART IV

MOTOR VEHICLE CITATION ISSUANCE

NEW SECTION

WAC 478-116-301 Citation for motor vehicle violations. (1) The university police department may issue a citation for a violation of these rules. The citation shall set forth the date, approximate time, locality, and nature of the violation. The citation shall be served upon the person charged with the violation by delivery, mail, or placement upon the vehicle involved.

(2) The following information shall be printed on the parking citation:

(a) The fine schedule and instructions for payment;

(b) Instruction for contesting the citation, including where to obtain petitions; and

(c) Notice that failure to pay fines or contest the citation within the time specified in these rules can result in the sanctions set forth in WAC 478-116-561.

NEW SECTION

WAC 478-116-311 Motor vehicle fines and penalties.

The following schedule of fines for violation of the rules listed below is hereby established:

OFFENSE	MAXIMUM FINE
01 Obstructing traffic	\$25.00
WAC 478-116-245	
02 Enter/exit without paying	20.00
WAC 478-116-251	
03 Failure to lock ignition and/or set brakes	5.00
WAC 478-116-281	
04 Improper display of vehicle permit	3.00
WAC 478-116-223	
05 Permit not registered to this vehicle	5.00
WAC 478-116-227	
06 Occupying more than one stall or space	10.00
WAC 478-116-271	
07 Parking in restricted parking area	25.00
WAC 478-116-251	
08 Parking in prohibited area	25.00
WAC 478-116-253	
09 Parking on planted areas	16.00
WAC 478-116-261	
10 Parking out of assigned area	5.00
WAC 478-116-261	
11 Parking over posted time limit	16.00
WAC 478-116-251	
12 Parking with no valid permit displayed	25.00
WAC 478-116-201	
13 Parking at expired meter	16.00
WAC 478-116-211	
14 Parking outside cycle area	5.00
WAC 478-116-221	
15 Parking in space/area not designated for parking	12.00
WAC 478-116-261	
16 Parking while privilege suspended	50.00
WAC 478-116-184	
17 Use of forged/stolen vehicle permit	100.00
WAC 478-116-184 and 478-116-227	
18 Use of revoked permit	50.00
WAC 478-116-231	
19 Unauthorized overnight parking of a motorhome	50.00
WAC 478-116-125	
20 Impound	At cost
WAC 478-116-291	
21 Other violations of the university parking and traffic rules	25.00
22 Failure to transfer a valid permit (upon application to the parking violations division the fine may be waived for the first offense in a twelve-month period).	3.00

WAC 478-116-223

23 Parking in space designated for
wheelchair 50.00

WAC 478-116-255

**PART V
IMPOUNDED MOTOR VEHICLES**

NEW SECTION

WAC 478-116-401 Impoundment for failure to pay fines. Any vehicle may be impounded for outstanding fines when, after ten consecutive days after service of a final decision of the citation hearing office imposing liability for fines, the owner has neither paid such fines nor appealed the decision to the district court. The final decision of the citation hearing office shall include notice that failure to pay outstanding fines within ten days after service will subject the vehicle to impoundment if it is found on university lands.

NEW SECTION

WAC 478-116-411 Impoundment without prior notice. A vehicle may be impounded without reasonable attempt having been made to notify the owner of the possibility of this action only in the following circumstances:

- (1) When in the judgment of a university police officer the vehicle is obstructing or may impede the flow of traffic, or is parked unattended in a posted fire lane; or
- (2) When in the judgment of a university police officer the vehicle poses an immediate threat to public safety; or
- (3) When a university police officer has probable cause to believe the vehicle is stolen; or
- (4) When a university police officer has probable cause to believe that the vehicle contains or constitutes evidence of a crime, and in the police officer's judgment impoundment is necessary to obtain or preserve such evidence; or
- (5) When a driver is arrested and/or deprived of the right to leave with the driver's vehicle, and the university police are responsible for the "safekeeping" of the vehicle.

NEW SECTION

WAC 478-116-421 Impoundment of abandoned vehicles. (1) A parking enforcement or law enforcement officer discovering an apparently abandoned motor vehicle shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

- (a) The date and time the sticker was attached;
- (b) The identity of the officer;
- (c) A statement that if the motor vehicle is not removed within seventy-two hours from the time the sticker is attached, the vehicle will be impounded;
- (d) The address and telephone number where additional information may be obtained.

(2) If the motor vehicle has an annual or quarterly permit displayed, the officer or the parking violations division shall check the records to learn the identity of the owner. The officer or the parking violations division shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

PERMANENT

(3) If the motor vehicle is not removed within the seventy-two hours from the time the notification sticker is attached, the officer may impound the vehicle.

NEW SECTION

WAC 478-116-431 Notice and redemption of impounded vehicles. (1) Not more than twenty-four hours after impoundment of any vehicle, the University of Washington police department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington police department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington state department of licensing or the corresponding agency of any other state or province. If a police officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to the owner. The notice shall contain the full particulars of the impoundment, redemption, and an opportunity to contest the propriety of the impoundment as provided in WAC 478-116-541.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Motor vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner who has a valid driver's license or person authorized by the registered owner who has a valid driver's license and who produces proof of authorization and signs a receipt therefor, may redeem an impounded motor vehicle.

(b) Any person so redeeming a motor vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as are outstanding against the vehicle if impoundment was made pursuant to WAC 478-116-401 prior to redemption, except as provided in (c) of this subsection.

(c) Any person seeking to redeem a motor vehicle impounded under WAC 478-116-401, 478-116-411 or 478-116-421 has a right to contest the validity of impoundment or the amount of towing and storage charges and shall have the motor vehicle released upon requesting a review as provided in WAC 478-116-541, paying any outstanding fines, and executing a promissory note, naming the University of Washington as payee, in an amount to include both the costs of towing and storage and a civil penalty of seventy-five dollars which promissory note shall immediately become due and owing in the event such person fails to pay within ten business days after service of a final decision of the citation hearing office on the petition contesting impoundment or the amount of any towing and storage charges for which such person may be found liable.

(3) In addition to any other penalty which may be imposed as a result of actions described in subsection (2)(c)

of this section, campus parking privileges shall be suspended until all such debts are paid.

(4) The promissory note shall be automatically canceled and discharged when a person either:

(a) Pays the towing and storage charges and cancels the request for a review; or

(b) Pays, within ten business days after service of a final decision of the citation hearing office on the petition contesting impoundment, towing and storage charges for which such person may be liable.

PART VI APPEALS AND PAYMENT OF MOTOR VEHICLE FINES

NEW SECTION

WAC 478-116-501 Registered owner responsible for illegal parking. In any traffic infraction or case involving a violation of this chapter relating to the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the citation was stopping, standing, or parking in violation of any such provision of this chapter together with proof of registered ownership of the vehicle at the time of the violation, shall constitute a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred. Such responsibility does not afford a defense to another person who violated these rules.

AMENDATORY SECTION (Amending WSR 93-14-130, filed 7/7/93, effective 8/7/93)

WAC 478-116-520 Motor vehicles—Payment of fines and penalties. (1) The fines that may be assessed for violations of these ~~((regulations))~~ rules are those detailed in WAC ~~((478-116-601))~~ 478-116-311. The applicable fine for a citation must be paid within twenty days of the date of the citation unless the person charged with the violation elects to contest the citation as provided in WAC ~~((478-116-450))~~ 478-116-531.

(2) Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these ~~((regulations))~~ rules to avoid additional penalties. An additional fine of ten dollars per offense shall be imposed for each citation which is not responded to within the time limits set forth in these ~~((regulations))~~ rules.

(3) The ~~((regulations))~~ rules contained in this chapter shall be ~~((~~

~~((a))~~ ~~Published at the direction of the manager of the parking division in the University of Washington Daily at least twice each calendar year; and~~

~~((b))~~ available in the citation hearing office, the university police department, and ~~((the))~~ parking ~~((division))~~ services.

~~((4))~~ The following information shall be printed on the parking citation:

~~((a))~~ The fine schedule and instructions for payment;

~~((b))~~ Instructions for contesting the citation, including where to obtain petitions; and

~~(e) Notice that failure to pay fines or contest the citation within the time specified in these regulations can result in the sanctions set forth in WAC 478-116-540.))~~

NEW SECTION

WAC 478-116-531 Motor vehicles—Election to pay fine or contest citation. (1) A person who receives a citation shall, within twenty days of the date thereof, either pay the applicable fine or contest the issuance of the citation in the manner prescribed in this section. Payment of the fine shall constitute a waiver of the right to contest the citation. Failure to either pay the fine or contest the citation within twenty days of the date of the citation shall automatically result in a final decision of the citation hearing office.

(2) A person wishing to contest a citation may do so by completing and submitting a parking and traffic citation petition (hereinafter "petition") to the citation hearing office within twenty days of the date of the citation. The petition shall include a statement explaining the reasons for contesting the citation. The presiding officer shall review the petition and provide written notification of his or her decision to the person submitting the petition within ten days of taking action on the petition. If the petition is denied, the notification shall include a brief statement of the reasons for the decision and information about the opportunity for further review. Any fine owed on a written decision on a petition not contested 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 on the petition may request a review by contacting the citation hearing office orally or in writing within twenty-one days after service of the decision. The request for review shall contain an explanation of the alleged violator's position and a statement of reasons why the decision on the petition was incorrect. The reviewing officer shall, within twenty days of the date of the request, conduct a review and render a final written decision, which shall include a brief statement of the reasons for the decision 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 (5) of this section shall be paid within ten days after service of the decision.

(4) If neither party has requested a review of the written decision on the petition, the citation hearing office may, within twenty days after service of the written decision, conduct a review and issue a final decision on its own motion and without notice to the parties, but it may not take any action on review less favorable to the alleged violator than the written decision on the petition without giving the alleged violator notice and opportunity to explain his or her view of the matter.

(5) 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 police department. 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.

(6) A person who files a petition under subsection (2) of this section may request the opportunity to provide an oral statement before the presiding officer. A request to make an oral statement must be included in the petition. If the request for an oral statement is made, the presiding officer shall provide reasonable notice of the time and place for receiving the oral statement. At the discretion of the reviewing officer, oral statements may also be considered in requests under subsection (3) of this section. A request to make an oral statement must be included in the request for review. If the request for an oral statement is granted by the reviewing officer, the reviewing officer shall provide reasonable notice of the time and place for receiving oral statements.

NEW SECTION

WAC 478-116-541 Motor vehicles—Election to contest impoundment. (1) A person wishing to contest impoundment of his or her motor vehicle may do so by completing and submitting a petition to the citation hearing office within twenty days of the date of the notice of impoundment. The petition shall include a statement explaining the reasons for contesting the impoundment. The presiding officer shall review the petition and provide written notification of his or her decision to the person submitting the petition within ten days of taking action on the petition. If the petition is denied, the notification shall include a brief statement of the reasons for the decision and information about the opportunity for further review.

(2) A person wishing to contest the decision of the presiding officer on a petition contesting impoundment may request a review by contacting the citation hearing office orally or in writing within twenty-one consecutive days after service of the decision. The request for review shall contain an explanation of the petitioner's position and a statement of reasons why the decision on the petition was incorrect. The reviewing officer shall, within twenty consecutive days of the date of the request, conduct a review and render a final written decision, which shall include a brief statement of the reasons for the decision and information about the opportunity to appeal the decision to the district court in accordance with WAC 478-116-531(5).

(3) The presiding or reviewing officer shall automatically grant a request by any party to make an oral statement with respect to a petition contesting impoundment. Such a request may be included in the petition, request for review or any response thereto. The presiding or reviewing officer shall provide reasonable notice of the time and place for receiving oral statements.

NEW SECTION

WAC 478-116-551 Motor vehicles—Presiding and reviewing officer. The presiding and reviewing officers shall be appointed in accordance with WAC 478-108-030 and shall have authority to hear and decide matters involving impoundment of vehicles and violations of these rules including, but not limited to, the ability to issue warnings, dismiss citations, and reduce, suspend, or impose the fines set forth in WAC 478-116-311. Insofar as possible, students from the University of Washington school of law shall be

given priority consideration for appointment as presiding officers.

NEW SECTION

WAC 478-116-561 Motor vehicles—Enforcement of decisions of citation hearing office. In addition to the actions authorized pursuant to WAC 478-116-101(5), 478-116-184 (1)(f), and 478-116-520(2):

(1) Any parking fine which remains unpaid after the due date set forth in these rules constitutes a delinquent and unpaid debt due and owing the University of Washington and may be processed for collection in accordance with applicable statutes and university procedures; and

(2) Any vehicle if found parked on university lands may be impounded for outstanding parking fines.

PART VII

BICYCLES AND NONMOTORIZED VEHICLES

NEW SECTION

WAC 478-116-605 Bicycle parking and traffic rules.

(1) The primary aim of the bicycle control program is safety. This aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. All bicycle owners are encouraged to register their bicycles at the university police department.

(2) Bicycles may be ridden any place where vehicles are permitted. They may be ridden on most sidewalks, though pedestrians always have the right of way. It shall be a violation of this section for any bicycle rider to fail to yield to pedestrians, or to ride a bicycle on paths, sidewalks or streets where signs indicate such is prohibited. An audible signal or warning must be given by the bicyclist whenever there is any appreciable risk of injury to a pedestrian not otherwise aware of the presence of the bicycle.

(3) Bicycles operated on campus paths, sidewalks and roadways shall be subject to all relevant state statutes regulating bicycle use. Violation of those statutes shall be considered a violation of this section.

(4) Bicycles shall be operated in a safe manner at all times on campus paths, sidewalks and roadways. Riding at speeds too fast for conditions, weaving in and out of vehicular or pedestrian traffic or similar unsafe actions shall be considered "negligent riding." Negligent riding shall be a violation of this section.

(5) Bicycles shall be parked only in bicycle racks. All bicycle owners are encouraged to secure their bicycles with a secure lock. At no time shall a bicycle be parked in a building, except where bicycle storage rooms are provided, near a building exit, on a path or sidewalk, in planted areas nor chained or otherwise secured to trees, lamp standards, railings, or sign posts.

(6) Moving a bicycle into any unauthorized area such as a building or construction zone is prohibited.

(7) Bicycle racks in campus areas are for parking and shall not be used for overnight storage, except for those racks adjacent to residence halls which may be used for storage when the owner/operator is a current resident of that hall.

(8) Impoundment for illegal parking.

(a) Bicycles parked in violation of subsections (5), (6) and (7) of this section will be subject to seizure and impoundment by the university.

(b) Except as provided by subsection (7) of this section, a bicycle abandoned or parked on university land for twenty-one consecutive days or longer is presumed abandoned and is subject to seizure and impoundment by the university. A bicycle will not be considered abandoned when the owner/operator is unable to remove it and so notifies the university police department. A bicycle that has been obviously stripped or vandalized may be immediately impounded.

(c) Impounded bicycles will be stored at the university police department. Bicycles will be released at specified times and upon presentation of proof of ownership and payment of a ten-dollar fine. Owners of impounded bicycles, if identifiable, will be notified as soon as reasonably possible after impoundment and must reclaim their bicycle within fifteen consecutive days. Bicycles unclaimed after sixty consecutive days will be subject to sale at a public auction conducted by the university surplus property department.

(d) The university and its officers, agents and employees shall not be liable for loss or damage of any kind resulting from impoundment, storage, or sale of any item under this section.

(e) Impoundment or sale of any bicycle under this section shall not substitute for, nor release any person from liability for damage to persons or property caused by use of a bicycle on campus.

NEW SECTION

WAC 478-116-611 Nonmotorized vehicles—Citation for violations. (1) The university police department may issue a citation for a violation of these rules.

(a) The citation shall set forth the date, approximate time, locality, and nature of the violation.

(b) The citation shall be served upon the person charged with the violation by delivery, mail, or placement upon the bicycle involved.

(2) The following information shall be printed on the citation:

(a) The fine schedule and instructions for payment;

(b) Instructions for contesting the citation, including where to obtain petitions; and

(c) Notice that failure to pay fines or contest the citation within the time specified within these rules can result in the sanctions set forth in WAC 478-116-561.

NEW SECTION

WAC 478-116-620 Nonmotorized vehicles—Fines and penalties. (1) The fines that may be assessed for violations of these rules are those detailed in WAC 478-116-630. The applicable fine for citation must be paid within twenty consecutive days of the date of the citation unless the person charged with the violation elects to contest the citation as provided in WAC 478-116-640.

(2) Fines must be delivered in person to the citation hearing office or postmarked on or before the due date specified in these rules to avoid additional penalties. An additional fine of twenty dollars per offense shall be imposed

for each citation which is not responded to within the time limits set forth in these rules.

NEW SECTION

WAC 478-116-630 Nonmotorized vehicles—Schedule of fines and penalties. The following schedule of fines for violations of these rules listed below is hereby established:

OFFENSE	MAXIMUM FINE
01 Failure to yield to pedestrians	\$10.00
WAC 478-116-605(2)	
02 Riding in restricted/prohibited areas	10.00
WAC 478-116-605(2)	
03 Violation of state bicycle codes	10.00
WAC 478-116-605(3)	
04 Negligent riding	25.00
WAC 478-116-605(4)	
05 Other violations of the university parking and traffic rules	10.00

NEW SECTION

WAC 478-116-640 Nonmotorized vehicles—Election to pay fine or contest citation. (1) A person who receives a citation shall, within twenty consecutive days of the date thereof, either pay the applicable fine or contest the citation in the manner prescribed in this section. Payment of the fine shall constitute a waiver of the right to contest the citation. Failure to either pay the fine or contest the citation within twenty consecutive days of the date of the citation shall automatically result in a final decision of the citation hearing office.

(2) A person wishing to contest a citation may do so by completing and submitting a citation petition (hereinafter "petition") to the citation hearing office within twenty consecutive days of the date of the citation. The petition shall include a statement explaining the reasons for contesting the citation. The presiding officer shall review the petition and provide written notification of his or her decision to the person submitting the petition. If the petition is denied, the notification shall include a brief statement of the reasons for the decision and information about the opportunity for further review. Any fine owed on a written decision on a petition not contested as provided in subsection (3) of this section shall be paid within twenty-one consecutive days after service of the decision.

(3) A person wishing to contest the written decision on the petition may request a review by contacting the citation hearing office orally or in writing within twenty-one consecutive days after service of the decision. The request for review shall contain an explanation of the alleged violator's position and a statement of the reasons why the decision on the petition was incorrect. The reviewing officer shall conduct a review and render a final written decision, which shall include a brief statement of the reasons for the decision and information about the opportunity to appeal the decision to the superior court of King County. Any final decision of the reviewing officer not appealed as provided in subsection (5) of this section shall be paid within ten consecutive days after service of the decision.

(4) If neither party has requested a review of the written decision on the petition, the citation hearing office may,

within twenty consecutive days after service of the written decision, conduct a review and issue a final decision on its own motion and without notice to the parties. It, however, may not take any action on review less favorable to the alleged violator than the written decision on the petition without giving the alleged violator notice and opportunity to explain his or her view of the matter.

(5) A person wishing to appeal a final decision of the citation hearing office to the superior court of King County may, within ten consecutive days of service of the final decision, file a written notice with the citation hearing office. Documents relating to the appeal shall immediately be forwarded to the superior court, which shall have jurisdiction to review the appeal. No appeal to the superior court may be taken unless the citation has been contested as provided in subsections (2) and (3) of this section.

(6) A person who files a petition under subsection (2) of this section may request the opportunity to provide an oral statement before the presiding officer. A request to make an oral statement must be included in the petition. If the request for an oral statement is made, the presiding officer shall provide reasonable notice of the time and place for receiving the oral statement. At the discretion of the reviewing officer, oral statements may also be considered in requests under subsection (3) of this section. A request to make an oral statement must be included in the request for review. If the request for an oral statement is granted by the reviewing officer, the reviewing officer shall provide reasonable notice of the time and place for receiving the oral statement.

NEW SECTION

WAC 478-116-650 Nonmotorized vehicles—Presiding and reviewing officer. The presiding and reviewing officers shall be appointed in accordance with WAC 478-108-030 and shall have authority to hear and decide matters involving violation of these rules including, but not limited to, the ability to issue warnings, dismiss citations, and reduce, suspend, or impose the fines set forth in WAC 478-116-605 (8)(c), 478-116-620(2) and 478-116-630. Insofar as possible, students from the University of Washington school of law shall be given priority consideration for appointment as presiding officers.

NEW SECTION

WAC 478-116-660 Nonmotorized vehicles—Enforcement of decisions of citation hearing office. In addition to the actions authorized pursuant to WAC 478-116-650, any fine which remains unpaid after the due date set forth in these rules constitutes a delinquent and unpaid debt due and owing the University of Washington and may be processed for collection in accordance with applicable statutes and university procedures.

NEW SECTION

WAC 478-116-670 Use of skateboards. (1) Skateboard use in pedestrian areas, including but not limited to walkways, ramps, concourses, and plazas (such as "Red Square"), and on internal university streets and loading areas on the campus is restricted solely to transporting an individ-

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ual from one campus destination to another. Any recreational, athletic, or other exhibitional use of skateboards unrelated to transportation is strictly prohibited, unless expressly approved in advance by the committee on the use of university facilities, pursuant to chapter 478-136 WAC.

(2) Skateboard use in violation of this section shall result in the following:

(a) For the first offense, the university police department will record the name of the individual and provide a written warning against further skateboard use in violation of this section. Individuals who cannot produce satisfactory identification will be given a receipt for their skateboard, which will be impounded at the university police station until they are able to return with the receipt and identification. There will be no impound fee.

(b) For a second offense, within twenty-four months of any previous offense or warning, the skateboard will be impounded for not less than forty-eight hours and the offender shall be subject to a fine of not less than ten dollars plus applicable impound fee.

(c) For a third or subsequent offense, within twenty-four months of any previous two offenses, warnings, or combination thereof, the skateboard will be impounded for not less than thirty days and the offender shall be subject to a fine of not less than thirty dollars plus applicable impound fee.

(d) Impounded skateboards will be held by the university police department and released only during regular business hours to individuals with satisfactory identification. Payment of a ten-dollar storage fee will also be required for release, except as provided in (a) of this subsection.

(3) Skateboards impounded under this section which are unclaimed sixty consecutive days after the applicable minimum impoundment time period has elapsed will be presumed abandoned and be subject to sale at a public auction conducted by the university surplus property department.

(4) The university and its officers, agents, and employees shall not be liable for loss or damage of any kind resulting from impounding, storage, or sale of any item under this section.

(5) Impoundment or sale of any skateboard under this section shall not substitute for, nor release any person from liability for damage to persons or property caused by use of a skateboard at the university.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-116-050	Revisions of these regulations.
WAC 478-116-055	Definitions.
WAC 478-116-060	Permits required for vehicles on campus.
WAC 478-116-070	Parking of motorcycles and scooters.
WAC 478-116-080	Bicycle parking and traffic regulations.
WAC 478-116-088	Use of skateboards.
WAC 478-116-090	Tourists and visitors— Exemption from permit requirements.

WAC 478-116-095	Authorized use of streets and parking facilities.
WAC 478-116-100	Speed.
WAC 478-116-110	Regulatory signs and directions.
WAC 478-116-120	Pedestrians—Right of way.
WAC 478-116-130	Designated and assigned parking areas.
WAC 478-116-140	Parking within designated spaces.
WAC 478-116-160	Exceptions to parking restrictions.
WAC 478-116-170	Special parking and traffic directions authorized.
WAC 478-116-180	Liability of university.
WAC 478-116-190	Obstructing traffic prohibited.
WAC 478-116-200	Parking—Operator's responsibility.
WAC 478-116-210	Authorization for issuance of permits.
WAC 478-116-220	Numbering of parking areas— Permit designation.
WAC 478-116-230	Parking allocation.
WAC 478-116-240	Visitor parking.
WAC 478-116-250	Other types of permits.
WAC 478-116-260	Athletic event parking.
WAC 478-116-270	Evening permits.
WAC 478-116-280	Transferable permits.
WAC 478-116-290	Temporary and replacement permits.
WAC 478-116-300	Vehicle and driver's licenses required.
WAC 478-116-310	Annual and quarterly permit periods.
WAC 478-116-320	Parking area, zone and reserved area designations, and area assignments.
WAC 478-116-330	Responsibility of person to whom permit issued.
WAC 478-116-340	Display of permits.
WAC 478-116-345	Permits and vehicle license plates.
WAC 478-116-350	Metered parking.
WAC 478-116-355	Overtime parking violations— Repeated.
WAC 478-116-360	Carpools.
WAC 478-116-370	Recall of permits.
WAC 478-116-380	Annual parking fee payment.
WAC 478-116-390	Schedule of fees.
WAC 478-116-400	Refund conditions.
WAC 478-116-440	Citation for violation.
WAC 478-116-450	Election to pay fine or contest citation.
WAC 478-116-460	Presiding and reviewing officer.
WAC 478-116-540	Enforcement of decisions of citation hearing office.
WAC 478-116-550	Registered owner responsible for illegal parking.
WAC 478-116-570	Regulatory signs, markings, barricades, etc.
WAC 478-116-580	Impoundment of vehicles.

- WAC 478-116-582 Impoundment for failure to pay fines.
- WAC 478-116-584 Impoundment without prior notice.
- WAC 478-116-586 Impoundment of abandoned vehicles.
- WAC 478-116-588 Notice and redemption of impounded vehicles.
- WAC 478-116-589 Election to contest impoundment.
- WAC 478-116-590 Delegation of authority.
- WAC 478-116-601 Fines and penalties.
- WAC 478-116-610 Effective date, severability, savings clause.

WSR 97-14-011
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)

[Filed June 19, 1997, 4:43 p.m., effective August 1, 1997]

Date of Adoption: June 19, 1997.

Purpose: Pass along the 2.9 percent federal cost-of-living adjustment (COLA) for the supplemental security income (SSI) program and move from the "total expenditure method" of computing the SSI state supplement payment to the "payment levels method."

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1700.

Statutory Authority for Adoption: RCW 74.08.090 and 74.04.630.

Other Authority: Social Security Act COLA Increases (Federal Register 61 pages 55346-51) 1997.

Adopted under notice filed as WSR 97-10-035 on April 30, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: August 1, 1997.

June 19, 1997
 Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3972, filed 4/26/96, effective 5/27/96)

WAC 388-250-1700 Standards of assistance—Supplemental security income. Effective January 1, (~~1996~~) 1997, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

	Standard	Federal SSI Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Individual	(\$495.42) \$512.00	\$470.00 \$484.00	\$ 25.42) \$ 28.00
Individual with one essential person	(724.98) 748.00	705.00 726.00	19.98) 22.00
Couple:			
Both eligible	(724.98) 748.00	705.00 726.00	19.98) 22.00
Includes one essential person	(724.98) 748.00	705.00 726.00	19.98) 22.00
Includes ineligible spouse	(622.73) 652.20	470.00 484.00	152.73) 168.20
Area II: All Counties Other Than the Above			
Individual	(\$476.86) \$491.55	470.00 484.00	6.86) 7.55
Individual with one essential person	(705.00) 726.00	705.00) 726.00	0
Couple:			
Both eligible	(705.00) 726.00	705.00) 726.00	0
Includes one essential person	(705.00) 726.00	705.00) 726.00	0
Includes ineligible spouse	(595.53) 622.25	470.00 484.00	125.53) 138.25

Areas I and II:
 Eligible individual with more than one essential person: ~~\$(470.00)~~ 484.00 for eligible individual plus ~~\$(235.00)~~ 242.00 for each essential person (no state supplement).
 Eligible couple with one or more essential persons: ~~\$(705.00)~~ 726.00 for eligible couple plus ~~\$(235.00)~~ 242.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual	(\$318.62) \$328.48	\$313.34 \$322.67	\$ 5.28) \$ 5.81
Individual with one essential person	(475.72) 490.30	470.00 484.00	(5.72) 6.30
Couple:			
Both eligible	(475.72) 490.30	470.00 484.00	(5.72) 6.30
Includes one essential person	(475.72) 490.30	470.00 484.00	(5.72) 6.30
Includes ineligible spouse	(407.55) 426.43	313.34 322.67	(94.21) 103.76

Area I and II:
 Eligible individual with more than one essential person: ~~\$(313.34)~~ 322.67 for eligible individual plus ~~\$(156.66)~~ 161.33 for each essential person (no state supplement).

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Eligible couple with one or more essential persons: ~~\$(470.00)~~ 484.00 for eligible couple plus ~~\$(156.66)~~ 161.33 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. Increased by ~~((two))~~ three dollars and ~~((nineteen))~~ seventy-eight cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

WSR 97-14-012
PERMANENT RULES
GAMBLING COMMISSION
[Filed June 20, 1997, 11:28 a.m.]

Date of Adoption: June 13, 1997.

Purpose: Pull tab rules, to clarify and eliminate ambiguity of existing pull tab rules. These amendments represent housekeeping and organizational changes with a few exceptions relating to pull tab operations, reimbursement for defective games, and fees for identification stamps. References to carry over jackpots/pull tabs are deleted; carry over jackpots will be addressed in a separate rule.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-202, 230-04-203, 230-08-017, 230-30-030, 230-30-040, 230-30-050, 230-30-055, 230-30-070, 230-30-072, 230-30-080, 230-30-102, 230-30-103, 230-30-104, 230-30-106, 230-30-210 and 230-30-300; and new sections WAC 230-08-270 and 230-12-315.

Statutory Authority for Adoption: RCW 9.46.070 (5), (6), (11), (14).

Adopted under notice filed as WSR 97-09-077 on April 22, 1997.

Changes Other than Editing from Proposed to Adopted Version: (1) WAC 230-08-017 deleted reference to carry over jackpot by eliminating subsection (3)(a)(iv); (2) WAC 230-30-040 deleted references to carry over jackpots for pull tabs; (3) WAC 230-30-070 for purpose of triggering requirements for marking off flares and recording winners, the prize limits are changed from fifty dollars to "over twenty dollars"; (4) WAC 230-30-080 deleted references to carry over jackpots; prize limits remain at \$500 instead of rising to \$1,000; and (5) WAC 230-30-106 substituted references to subsection (4) and (5) for (3) and (4) in subsection (6)(b)(i).

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 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: Thirty-one days after filing.

June 20, 1997

Soojin Kim

Rules and Policy Coordinator

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 97-15 issue of the Register.

WSR 97-14-013
PERMANENT RULES
GAMBLING COMMISSION
[Filed June 20, 1997, 11:34 a.m.]

Date of Adoption: June 13, 1997.

Purpose: Bingo net income variance procedures, these rules establish procedures for filing for variance and for obtaining license upgrades.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-190, 230-04-260, 230-20-060, 230-20-062, 230-50-010, 230-50-012, and 230-20-242.

Statutory Authority for Adoption: RCW 9.46.070 (1), (2).

Adopted under notice filed as WSR 97-09-076 on April 22, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 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: Thirty-one days after filing.

June 20, 1997

Soojin Kim

Rules and Policy Coordinator

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 97-15 issue of the Register.

WSR 97-14-015
PERMANENT RULES
GAMBLING COMMISSION
[Filed June 20, 1997, 11:40 a.m.]

Date of Adoption: June 13, 1997.

PERMANENT

Purpose: Pull tab rule repealers, the WAC sections listed below are repealed.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-30-015, 230-30-016, 230-30-018, 230-30-060, 230-30-065, 230-30-075, 230-30-100, 230-30-105, 230-30-110, 230-30-130, and 230-30-215.

Statutory Authority for Adoption: RCW 9.46.070 (14), (20).

Adopted under notice filed as WSR 97-09-075 on April 22, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 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: Thirty-one days after filing.

June 20, 1997

Soojin Kim

Rules and Policy Coordinator

REPEALER

The following sections of the Washington Administrative Code are repealed:

- t) WAC 230-30-015 Substitute flares.
- u) WAC 230-30-016 Replacement of commission identification stamps on pull tab dispensing devices.
- v) WAC 230-30-018 Transfer of any gambling devices requiring identification and inspection services stamps to be affixed—Requirement for documentation.
- w) WAC 230-30-060 Punchboard restrictions.
- x) WAC 230-30-065 Punchboard/pull tab price per play to be posted.
- y) WAC 230-30-075 Punchboard and pull tab prize restrictions—Minimum percentage of prizes available.
- z) WAC 230-30-100 Punchboard and pull tabs to display name of its licensed manufacturer.
- aa) WAC 230-30-105 Only one flare may be used with a punchboard or pull tab series.

- bb) WAC 230-30-110 Possession of duplicate numbered-color coded pull tab series—Prohibited.
- cc) WAC 230-30-130 Flare to display pull tab series number.
- dd) WAC 230-30-215 Trade-in of used pull tab dispensing devices permitted provided certain records are maintained.

**WSR 97-14-032
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed June 25, 1997, 10:33 a.m.]

Date of Adoption: June 12, 1997.

Purpose: To modify pilot license limitations in order to enable a pilot in the Grays Harbor pilotage district, during his/her first five years, to perform pilotage services on vessels having a higher gross tonnage.

Citation of Existing Rules Affected by this Order: Amending WAC 363-116-082.

Statutory Authority for Adoption: RCW 88.16.105.

Adopted under notice filed as WSR 97-10-084 on May 7, 1997.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 18, 1997

Peggy Larson

Administrator

AMENDATORY SECTION (Amending WSR 97-08-042, filed 3/28/97, effective 3/28/97)

WAC 363-116-082 Limitations on new pilots. (1) The following limitations shall apply to a newly licensed pilot during his/her first five years of active service. Except where otherwise noted, the pilotage assignment may include docking and undocking of vessels within the tonnage limitations. All tonnages referred to are international tonnages.

(2) Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily complete the familiarization/training trips listed under the supervision of a five-year pilot. This veteran pilot shall complete and submit an

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evaluation form for each trip a new pilot performs. All of these trips must, if practical, be completed during the last ninety days of the license year.

(3) Puget Sound pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded petroleum tankers.

(ii) Not authorized to pilot any vessels in excess of 25,000 gt or 660' in length or any passenger vessels in excess of 5,000 gt.

(b) Second year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 25,000 gt.

(ii) Not authorized to pilot any vessels in excess of 30,000 gt.

(c) Third year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 32,000 gt.

(ii) Not authorized to pilot any vessels in excess of 45,000 gt.

(d) Fourth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 32,000 gt.

(ii) Not authorized to pilot any vessels in excess of 60,000 gt.

(e) Fifth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 45,000 gt.

(ii) Not authorized to pilot any vessels in excess of 75,000 gt.

(4) Puget Sound pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the FIRST license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers of not more than 25,000 gt; and the third trip shall involve a bridge and waterway transit of a vessel between 25,000 and 35,000 gt.

(b) Prior to the expiration of the SECOND license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers between 25,000 and 32,000 gt; and the third trip shall involve the anchoring of a vessel between 30,000 and 45,000 gt.

(c) Prior to the expiration of the THIRD license year, a new pilot must make two familiarization/training trips which shall involve the docking of vessels between 45,000 and 55,000 gt other than loaded petroleum tankers.

(d) Prior to the expiration of the FOURTH license year, a new pilot must make three familiarization/training trips which shall involve docking loaded petroleum tankers of between 32,000 and 45,000 gt.

(e) Prior to the expiration of the FIFTH license year, a new pilot must make three familiarization/training trips which shall involve two trips docking and one trip anchoring loaded petroleum tankers of 55,000 gt or larger.

(5) Grays Harbor pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded tankers or barges carrying chemical or petroleum products.

(ii) Not authorized to pilot any vessels in excess of 17,500 gt.

(iii) Not authorized to pilot loaded or partially loaded vessels through the Chehalis River bridges.

(b) Second year:

(i) Not authorized to pilot loaded tankers or barges carrying chemical or petroleum products in excess of 10,000 gt.

(ii) Not authorized to pilot any vessels in excess of 20,000 gt.

(c) Third year: Not authorized to pilot any vessels in excess of 22,500 gt.

(d) Fourth Year: Not authorized to pilot any vessels in excess of 25,000 gt.

(e) Fifth year: Not authorized to pilot any vessels in excess of ((27,500)) 30,000 gt.

(6) Grays Harbor pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the FIRST license year, a new pilot must make ten familiarization/training trips. Eight of these trips shall be through the Chehalis River bridges on loaded or partially loaded vessels. The other trips may be elsewhere on the waterway but shall be on vessels in excess of 17,500 gt.

(b) Prior to the expiration of the SECOND license year, a new pilot must make three familiarization/training trips on vessels in excess of 20,000 gt. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(c) Prior to the expiration of the THIRD license year, a new pilot must make three familiarization/training trips on vessels in excess of 25,000 gt to or from the sea buoy. Two of these trips shall involve docking these vessels.

(d) Prior to the expiration of the FOURTH license year, a new pilot must make three familiarization/training trips on vessels in excess of 27,500 gt or on the nearest larger size vessels available. Two of these trips shall involve docking these vessels; and one of these trips shall involve turning the vessel in the waterway.

(e) Prior to the expiration of the FIFTH license year, a new pilot must make three familiarization/training trips on vessels in excess of ((30,000)) 32,500 gt or on the nearest larger size vessels available.

(7) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he shall notify the board and request a revised schedule of limitations.

(8) No pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(9) All limitations on a new pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required familiarization/training requirements and the vessel simulator courses required.

WSR 97-14-034
PERMANENT RULES
DEPARTMENT OF LICENSING

[Filed June 25, 1997, 1:50 p.m.]

Date of Adoption: June 25, 1997.

Purpose: Periodic maintenance of rules pertaining to odometer disclosure. The adoption of these rule amendments and repealer are needed to reflect the latest amendments to state statutes affecting odometer disclosure statements.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-56A-630; and amending WAC 308-56A-610, 308-56A-620, 308-56A-640, 308-56A-650, 308-56A-660, 308-56A-670, 308-56A-680, and 308-56A-690.

Statutory Authority for Adoption: RCW 46.01.110.

Other Authority: RCW 46.12.124.

Adopted under notice filed as WSR 97-09-038 on April 15, 1997.

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 8, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 8, 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 8, repealed 1.

Effective Date of Rule: Thirty-one days after filing.

June 23, 1997

Evelyn P. Yenson
 Director

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-610 Odometer disclosure statement—General procedures/requirements~~(, when transferring ownership of a vehicle)~~. (1) An odometer disclosure statement must be completed, pursuant to RCW 46.12.124, by the transferor of each vehicle and accompany the application for certificate of ((title)) ownership.

(2) A power of attorney designated pursuant to chapter 11.94 RCW may be used with an odometer disclosure statement with the following limitations:

(a) The transferor ((cannot authorize or)) may not give power of attorney to the ((purchaser or the dealer)) transferee of the same vehicle to complete ((the)) a separate odometer disclosure((—The odometer disclosure statement must contain the following information:

(1) The miles shown on the odometer at the time of transfer of ownership;

(2) Date disclosure statement is completed;

(3) One of the following statements:

(a) The mileage reflected is actual to the best of the transferor's knowledge; or

~~(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or~~

~~(c) The odometer reading is not the actual mileage. If the odometer reading is under 100,000 miles, the only options that can be certified are "actual to the best of the transferors knowledge" or "not the actual mileage." If the odometer reading exceeds 100,000 miles, the options "actual to the best of the transferors knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.~~

~~(4) A complete description of the vehicle is required on the odometer disclosure statement to include:~~

~~(a) Model year~~

~~(b) Make~~

~~(c) Series and body type~~

~~(d) Vehicle identification number~~

~~(e) License plate number and state (if available)~~

~~(5) The name and address of the transferor must be printed on the disclosure. The transferor must also sign his/her name on the disclosure.~~

~~(a) Only one registered owner is required to complete the odometer disclosure statement.~~

~~(b) When the registered owner is a business, both the business name and a company representative's name must be reflected on the odometer disclosure statement.~~

~~(6) The name and address of the transferee must be printed on the disclosure. The transferee must also sign his/her name on the odometer disclosure statement to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent name must be reflected on the odometer disclosure statement.~~

~~(7) Such notice is required by the Federal Truth in Mileage Act of 1986; and~~

~~(8) Failure to complete such odometer disclosure statement or providing false information may result in fines and/or imprisonment);~~

(b) The transferee of a vehicle may not give a power of attorney to the transferor of the same vehicle to complete a separate odometer disclosure;

(c) The transferee may give a power of attorney to a disinterested third party to complete the separate odometer disclosure; or

(d) The power of attorney may not be used to complete an odometer power of attorney.

(3) An odometer disclosure/title extension statement may be used with a secure certificate of ownership or when the secure certificate of ownership is lost or is being held by a lienholder.

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-620 Definitions. ~~((1) Transferee-))~~ 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) "Transferee" means ((any)) a person to whom a motor vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs ((and [an]) an odometer disclosure statement for the transferee.

(2) ~~((Transferor.))~~ "Transferor" means ~~((any))~~ a person who transfers ~~((his))~~ ownership in a motor 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.

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

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-640 Odometer disclosure statement—Vehicle dealer transactions. (1) Vehicle dealers ~~((are required to))~~ must obtain odometer disclosure statements from the ~~((selling owner))~~ transferor of the vehicle. A second odometer disclosure statement must be completed by the vehicle dealer as transferor at the time of wholesale or retail sale ~~((whether at wholesale or retail)).~~

(2) Vehicle dealers ~~((are required to))~~ must maintain records of ~~((and complete))~~ completed odometer disclosure statements on ~~((-))~~ dealer to dealer vehicle reassignments. ~~((However))~~

(3) If the certificate of ownership is unsecure, only the ~~((prior owner's))~~ transferor odometer disclosure statement must accompany the application for ~~((title))~~ certificate of ownership at the time of retail sale.

(4) Odometer disclosure statement records ~~((are to))~~ must be kept by the vehicle dealer for five years.

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-650 Odometer disclosure statement—Leased vehicles. ~~((Anytime a lessee is reflected on the certificate of ownership.))~~ (1) The lessor of a leased vehicle must notify the lessee in writing that the lessee is required to provide to the lessor a written odometer disclosure statement ~~((regarding the mileage to the lessor))~~ at the termination of the lease. The ~~((lessee))~~ notice may be given ~~((by the lessor at))~~ any time after execution of the lease contract and prior to the ~~((final))~~ termination of the lease or transfer of ownership.

(2) In addition to the requirements provided in RCW 46.12.124, the odometer disclosure statement must contain the following information:

~~((1))~~ (a) The printed name of the ~~((person making the disclosure;~~

~~(2) The current odometer reading;~~

~~(3) The date of the statement;~~

~~(4))~~ lessee completing the odometer disclosure statement. Only one lessee is required to complete and sign the disclosure statement;

(b) The lessee's name and current address;

~~((5))~~ (c) The lessor's name and current address; and

~~((6) A complete description of the vehicle is required on the odometer disclosure to include:~~

~~(a) Model year~~

~~(b) Make~~

~~(c) Series and body type~~

~~(d) Vehicle identification number~~

~~(e) License plate number and state (if available)~~

~~(7) The date that the lessor notified the lessee of disclosure requirements;~~

~~(8) The date that the completed disclosure statement was received by the lessor;~~

~~(9))~~ (d) The signature of the lessor~~((;~~

~~(10) The signature of the lessee;~~

~~(11) One of the following statements:~~

~~(a) The mileage reflected is actual to the best of the lessee's knowledge; or~~

~~(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the lessee's knowledge; or~~

~~(c) The odometer reading is not the actual mileage.~~

~~(12) The notice must include the following:~~

~~(a) Such notice is required by the Federal Truth in Mileage Act of 1986; and~~

~~(b) Failure to complete such notice or providing false information may result in fines and/or imprisonment).~~

(3) The lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-660 Odometer disclosure statement—Involuntary divestiture. ~~((Where involuntary divestiture occurs an odometer disclosure statement is required.))~~ (1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee must complete and sign an odometer disclosure statement pursuant to RCW 46.12.124 and this chapter as the transferor.

(2) When an abandoned vehicle is sold at an abandoned vehicle auction, only the transferee needs to complete an odometer disclosure statement.

(3) When an abandoned vehicle does not sell at an abandoned vehicle auction, an odometer disclosure is not required if the vehicle is subsequently sold by the tow truck operator to a hulk hauler, wrecker or scrap processor.

(4) When an abandoned vehicle does not sell at an abandoned vehicle auction, an odometer disclosure statement is required to be completed by the tow truck operator as transferee when the vehicle ownership is transferred to the tow truck operator.

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-670 Odometer disclosure statement—Dealer auction companies. (1) When ~~((the))~~ a vehicle is sold by a vehicle dealer, doing business as an auction company to a nondealer, the dealer auction company must complete the odometer disclosure statement as the transferor.

(2) Vehicle dealer auction companies must retain the following odometer records ~~((for)),~~ in addition to the records required in WAC 308-56A-640, for five years on each vehicle sold:

~~((1))~~ (a) Name of the most recent owner, other than the auction company;

~~((2))~~ (b) Name of the buyer;

~~((3))~~ (c) Vehicle identification number; and

~~((4))~~ (d) Odometer reading of the vehicle for the date on which the auction company took possession of the vehicle.

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-680 Odometer disclosure statement—Out-of-state vehicles. ~~((Any vehicle previously))~~ Vehicles last titled in another ~~((state))~~ vehicle licensing jurisdiction must include an odometer disclosure statement when application is made for a ~~((Washington))~~ certificate of ~~((title))~~ ownership or registration. A foreign jurisdiction odometer disclosure statement must satisfy the provisions of RCW 46.12.124 or the federal Truth in Mileage Act of 1986. Odometer disclosure statements on out-of-state titles are acceptable, provided the form is issued/approved by the foreign jurisdiction and has the appropriate odometer readings required by the Truth in Mileage Act of 1986.

AMENDATORY SECTION (Amending Order TL/RG 49, filed 7/31/89, effective 8/31/89)

WAC 308-56A-690 Odometer disclosure statement—Forms. All odometer disclosure statement forms submitted with applications for certificates of ownership must be approved by the department ((of licensing to ensure they are in)) for compliance with the Federal Truth in Mileage Act of 1986.

REPEALER

The following section of the Washington Administrative Code is repealed:

308-56A-630 Odometer disclosure statement—Exemptions.

WSR 97-14-037

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Filed June 26, 1997, 10:22 a.m.]

Date of Adoption: June 26, 1997.

Purpose: To adopt revisions to agency rule pertaining to public advisory elections for selected state transportation facilities.

Citation of Existing Rules Affected by this Order: Amending chapter 468-105 WAC.

Statutory Authority for Adoption: Chapter 47.46 RCW.

Adopted under notice filed as WSR 97-11-040 on May 16, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 6, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 6, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

June 26, 1997

E. R. Burch

Acting Deputy Secretary for Operations

AMENDATORY SECTION (Amending WSR 96-03-107, filed 1/23/96, effective 2/23/96)

WAC 468-105-020 Definitions. For the purpose of implementing RCW 47.46.030 (3) through (11) relative to the process for conducting public advisory elections on selected transportation facilities, the following definitions apply:

(1) "Affected project area" means a geographic area of the state impacted by the imposition of tolls or user fees that is defined and established by the department following a public comment period and a recommendation by the public private local involvement committee. The affected project area is a geographic portion of the state which is depicted in a map.

(2) "City" means any jurisdiction formed under Titles 35 and 35A RCW including any first class city (RCW 35.01.010), second class city (RCW 35.01.020), town (RCW 35.01.040) or code city (RCW 35A.01.035).

(3) "County auditor" shall have the same meaning as provided in RCW 29.01.043.

(4) "Department" means the Washington state department of transportation.

(5) "Initial affected project area" means a geographic area of the state that is defined by the department as a result of a comprehensive analysis of traffic patterns and economic impacts created by the imposition of tolls or user fees to finance a proposed project.

(6) "Local involvement committee (LIC)" means an advisory committee officially named the "public private local involvement committee" which will be established for each proposed project. The LIC will serve in an advisory capacity on all functions and responsibilities of the department in the conduct of the public advisory election.

(7) "Project description" means a written description of the proposed project that is prepared by the department in consultation with the LIC. The project description is a statement of the essential elements of the proposed project.

(8) "Project developer" means a private entity submitting a proposed project to improve transportation capital facilities under chapter 47.46 RCW.

(9) "Proposed project" means a conceptual project proposed by one or more project developers which is intended to build or improve transportation capital facilities. The proposed projects are those selected pursuant to chapter 47.46 RCW which have organized opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the proposed project by the deadlines set forth in RCW 47.46.030 (10) and (11).

(10) "Public advisory election" means an election conducted within an affected project area by the county auditor for the purpose of advising the department on the

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public support or opposition to the imposition of tolls to finance a proposed project.

(11) "Preferred alternative" means a proposed action identified in the draft environmental impact statement developed in chapter 43.21C RCW.

AMENDATORY SECTION (Amending WSR 96-03-107, filed 1/23/96, effective 2/23/96)

WAC 468-105-040 Local involvement committee.

(1) **Creation of the local involvement committee.** A public private local involvement committee shall be established for each proposed project. The committee will be known as the local involvement committee or "LIC." Within sixty days after defining the initial affected project area, all appointments to the LIC shall be made and submitted to the department.

(2) **LIC membership.** The LIC membership shall consist of:

(a) One elected official of each county and one elected official from each city lying wholly or in part within the affected project area. Such members shall be appointed by a majority of the members of the county or city legislative authority.

(b) Two persons from each county lying wholly or in part within the affected project area each of whom represents an organization formed in support of the proposed project, if any such organizations exist; and two persons from each county lying wholly or in part within the affected project area each of whom represents an organization formed to oppose the proposed project, if any such organizations exist. Such members shall be appointed by the county legislative authority. Prior to such appointment, the county legislative authority shall identify and validate organizations officially formed in support of or in opposition to the proposed project. The method of validation shall be devised by the county. Appointments shall be made from list(s) submitted by the chairs of the validated organizations. The county legislative authority shall submit a list of the appointed members in writing to the department.

(c) Four public members active in a state-wide transportation organization who shall be appointed by the governor.

(d) Vacancies in the membership of the LIC shall be filled by the appointing authority under (a) through (c) of this subsection.

(e) If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the proposed project is located.

(3) **Compensation and expenses.** Members of the LIC shall serve without compensation and may not receive reimbursement for subsistence, lodging expenses, or travel expenses from the department.

(4) **LIC duties.** Each LIC will serve in an advisory capacity to the department on all matters related to the administration of the public advisory elections including:

(a) Reviewing the methodology, criteria and recommendations developed in the traffic and economic studies and used by the department to establish the initial affected project area boundary.

~~(b) ((Advising the department on the maximum length of the public comment period for establishing the affected project area.~~

~~((e))~~ Reviewing the initial affected project area boundary and recommending adjustments, if any are deemed desirable, to the geographic boundaries and the LIC membership.

~~((d))~~ (c) Reviewing the project description ~~((prepared))~~ that is based upon the preferred alternative selected by the department and recommending changes, if any are deemed desirable, in order for the department to prepare the final project description.

~~((e))~~ (d) Recommending to the department the date for the public advisory elections that are within those dates established by RCW 29.13.020.

~~((f) Reviewing the public advisory election results and providing a recommendation to the department on whether the department should impose tolls or user fees to finance the proposed project.~~

~~((g))~~ (e) Providing advice on any other matters identified by the department related to the administration of the public advisory election in the affected project areas.

(5) LIC meeting and procedures.

(a) LIC meetings shall be open to the public and shall be subject to the requirements of the Open Public Meetings Act, RCW 42.30.030. The public shall have advance notice of LIC meetings as described in LIC procedures established in (b) of this subsection. Meetings shall be held in locations within the affected project areas and be accessible for persons with disabilities.

(b) Within thirty days of the first LIC meeting, each LIC shall develop meeting procedures to include but not be limited to the frequency and location of meetings, alternate members, methods of public notification and public participation at the meetings. Each LIC shall also develop its own method of providing recommendations to the department, provided that all decisions of the LIC shall be made by a simple majority of the LIC members. A simple majority shall be defined as fifty percent of the members plus one member of the LIC committee.

(c) All LIC meeting summaries, reports, correspondence and other materials are subject to public disclosure pursuant to chapter 42.17 RCW.

(6) **Administrative support to LIC's.** The department shall provide administrative support to the LIC's. Such support shall include notifying members of meetings, providing public notification of meetings, facilitating meetings, arranging for meetings and materials, and other necessary administrative support.

AMENDATORY SECTION (Amending WSR 96-03-107, filed 1/23/96, effective 2/23/96)

WAC 468-105-050 Establishing affected project area. (1) **Public comment on initial affected project area.** The department shall conduct a minimum thirty-day public comment period on the definition of each initial affected project area boundary. ~~((The department, in consultation with the LIC shall establish the maximum period of public comment.))~~

(2) **LIC recommendation on affected project area.** The LIC shall review the public comments. The LIC shall

recommend adjustments to the geographic boundary of the initial affected project area based upon the public comment. Adjustments to the geographic boundary shall be established by precinct. The LIC may also recommend adjustments to the membership of the LIC based upon any recommended boundary adjustments.

(3) **Final boundaries of affected project area.** Within fourteen calendar days after the close of the public comment period and a recommendation from the LIC, the department shall establish the final boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.

AMENDATORY SECTION (Amending WSR 96-03-107, filed 1/23/96, effective 2/23/96)

WAC 468-105-060 Project description. (1) **Proposed project description.** A draft project description shall be developed by the department based upon the ~~(information submitted by project developers for the proposed project as approved by the state transportation commission on August 18, 1994, or contained in a proposal approved after June 30, 1997)~~ preferred alternative.

(2) **LIC recommendation on project description.** The department shall provide the project description to the LIC. The LIC shall recommend changes to the content of the project description, if any, so that the department may prepare the final project description.

(3) **Publication of project description.** The department shall publish the project description in newspapers of general circulation in each county lying in whole or in part within the affected project area for a period of seven calendar days.

AMENDATORY SECTION (Amending WSR 96-03-107, filed 1/23/96, effective 2/23/96)

WAC 468-105-070 Public advisory elections. (1) **Transmittal to county auditor.** Within fourteen calendar days after the last day of the publication of the project description, the department shall transmit a letter requesting a public advisory election and a copy of the map depicting the affected project area and the project description to the county auditor of each county in which any portion of the affected project area is located.

(2) **Precinct verification.** Upon receipt of the affected project area map, and the project description, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area.

(3) **Ballot proposition.**

(a) The department shall request the office of the attorney general to prepare the ballot title and summary advising the department on the public support or opposition to the imposition of tolls or user fees to implement the ~~((proposed project))~~ preferred alternative within the affected project area in the same manner and type as those required under RCW 29.79.040 for the public advisory election.

(b) Any registered voter residing within the affected project area who is dissatisfied with the content of the ballot title or summary may appeal to the superior court of Thurston County in the same manner as provided for on state measures in RCW 29.79.060.

(c) Not later than sixty days before the election date, the department shall submit the complete text of the ballot title

and summary to the county auditor for the purpose of preparing the voters pamphlet and conducting the public advisory election.

(4) **Election date.** Unless a special election is requested by the department, the public advisory election shall be held at the next succeeding general election to be held in the state. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days, but not more than ninety days after the transmittal of the final map of the affected project area, project description, the ballot title and summary to the county auditor under subsection (1) of this section.

(5) **Voters pamphlet.**

(a) The county auditor shall prepare or contract with the secretary of state to prepare the voters pamphlet in the same manner required under chapter 29.81A RCW using the full text of the ballot title, summary, the project description and the geographic boundary of the affected project together with statements for and against the imposition of tolls or user fees to finance the proposed project. Committees to prepare the statements for and against the imposition of tolls to finance the proposed project for the voters pamphlet shall be appointed in the same manner as committees for state measures under RCW 29.81.050. The secretary of state shall transmit committee names and their statements to the county auditors.

(b) The county auditor may consolidate the voters pamphlet on the public advisory election with any other local voters pamphlet that is being produced by the county auditor for an election.

(6) **Reimbursement for election costs.** The department shall reimburse the costs of publication and distribution of information to the voters incurred by the county auditor in the same manner that local election costs are allocated under RCW 29.13.045. The department shall reimburse the county auditor for the cost of an election.

AMENDATORY SECTION (Amending WSR 96-03-107, filed 1/23/96, effective 2/23/96)

WAC 468-105-080 Public advisory election results.

(1) **Canvassing the votes cast on a public advisory election.** Immediately following the certification of the votes cast on the public advisory election by the county canvassing board, the county auditor shall transmit a certified copy of the returns of that special election to the secretary of state in the same manner as provided for state measures in RCW 29.62.090.

(2) **Certification of returns on a public advisory election to the department.** Within three days following the receipt of the certified returns from a special election on a public advisory election, the secretary of state shall accumulate the results from the respective counties and certify the results to the department.

~~((3) LIC recommendation on public advisory election results. Within thirty days after receipt of the certification of the election results from the secretary of state, the LIC shall review the election results and recommend to the department on whether to proceed with the imposition of tolls to finance the proposed project.))~~

WSR 97-14-050
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Filed June 27, 1997, 4:00 p.m.]

Date of Adoption: May 27, 1997.

Purpose: Amend the department's procedural rules for adjudicative proceedings to allow twenty-five days for a person to request a hearing for an adjudicative proceeding, update agency address, and modification to brief adjudicative proceedings section.

Citation of Existing Rules Affected by this Order: Amending WAC 16-08-031, 16-08-141, and 16-08-171.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Adopted under notice filed as WSR 97-08-086 on April 2, 1997.

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 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.

June 19, 1997

James M. Jesernig

Director

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-031 Application for adjudicative proceeding. An application for an adjudicative proceeding shall be made on a form provided by the department. Written application for an adjudicative proceeding shall be received at the address designated on the application form within twenty-five days of ~~((notice))~~ service of the proposed department action giving rise to the application unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 93-10-059, filed 4/30/93, effective 5/31/93)

WAC 16-08-141 Brief adjudicative proceedings. (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

(a) Actions taken by the agency based on the failure:

(i) To maintain, supply, or display records; and/or

(ii) To display evidence of a license; and/or
 (iii) To display or post information required by law; and/or
 (iv) To possess required insurance, bonding or other security.

(b) Actions taken with respect to late application renewal fees.

(c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.

(d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.

(e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.

(f) Penalty actions taken with respect to cattle breed name use.

(g) Penalty actions taken against milk producers pursuant to RCW 15.36.115 or 15.36.595.

(h) Dairy degrade or permit suspension actions taken pursuant to chapter 15.36 RCW.

(i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.

(j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036.

(k) Actions taken with respect to pesticide registration under RCW 15.58.110.

(l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.

(m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.

(n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.

(o) Actions taken with respect to destruction or treatment of quarantined animals pursuant to RCW 16.36.090.

(p) Actions taken with respect to licenses for garbage feeding to swine pursuant to RCW 16.36.108.

(q) Actions taken with respect to licenses related to custom farm slaughter pursuant to chapter 16.49 RCW.

(r) Actions taken with respect to licenses related to custom meat facilities pursuant to chapter 16.49 RCW.

(s) Actions taken with respect to approval of livestock pens within feedlots pursuant to RCW 16.58.080.

(t) Actions taken with respect to certified feed lot licenses pursuant to RCW 16.58.130.

(u) Actions taken with respect to seizure and destruction of incorrect weights and measures pursuant to RCW 19.24.250.

(v) Actions taken with respect to licenses of grain dealers or warehousemen pursuant to RCW 22.09.471.

(w) Revocation of compliance agreements for the completion of state phytosanitary, sanitation, or brown garden snail certificates pursuant to chapters 15.13 and 17.24 RCW.

(x) Revocation of compliance agreements for preprinting or use of rubber stamps for nursery stock inspection certificates pursuant to chapter 15.13 RCW.

(y) Revocation of compliance agreements for root sampling of nursery stock pursuant to chapter 15.13 RCW.

(aa) Agency refusal to certify seed stocks because of misleading or confusing labeling pursuant to chapter 15.60 RCW and WAC 16-316-345.

(bb) Rescinding of permit for seed conditioning pursuant to chapter 15.60 RCW and WAC 16-316-185(8).

(cc) Expulsion from or refusal to allow entry into a seed or plant certification program pursuant to chapters 15.60 and 15.13 RCW.

(2) A party to a brief adjudicative hearing has twenty days to file an application or request from the date of service of the department's notice of intent to take action. The application or request for a brief adjudicative hearing shall be filed at the address listed on the form provided by the department. The party filing the application or request for a brief adjudicative proceeding shall submit a written explanation of their view of the matter along with the application or request. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties. Oral statements may be submitted and considered as follows:

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, it should be requested in the application or request.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) ~~(If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ten days after entry.)~~
At the time any unfavorable action is taken, the presiding officer shall serve upon each party a brief statement of the reasons for the decision. Within ten days of the decision, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available.

(4) The presiding officer's written decision is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) The reviewing officer shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the director receives the request within twenty-one days from the service of the initial order. If no request is filed in a timely manner, the reviewing officer may review, on his or her own motion, an order resulting from a brief adjudicative proceeding and adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain his or her view of the matter.

(6) A request for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. The request for review shall be filed with the director and copies shall be served on all parties, and evidence of such service filed. Responses to a request for review of an initial order shall be filed with the director and served on all parties within ten days after service of the request for review.

(7) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(8) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding and/or by the reviewing officer for any review.

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-171 Documents—Filing. Any documents filed with the director under provisions of the Administrative Procedure Act, chapter 34.05 RCW, Model rules of procedure, chapter 10-08 WAC, and this chapter, shall be filed with the ~~((Deputy Director's Office, 406 General Administration Bldg., AX 41, Olympia, WA 98504))~~ Administrative Regulations Program, P.O. Box 42560, 1111 Washington St., S.E., Olympia, WA 98504-2560.

Unless otherwise required by law, filing of a document with the director shall be made personally, by first class mail, by certified or registered mail, by commercial parcel delivery company, or by electronic telefacsimile transmission and same-day mailing of original showing same-day postmark. Filing shall occur within the period of time specified for filing by statute, rule, or order.

WSR 97-14-068

PERMANENT RULES

DEPARTMENT OF REVENUE

[Filed June 30, 1997, 11:20 a.m., effective July 1, 1997]

Date of Adoption: June 30, 1997.

Purpose: WAC 458-40-660 contains the proposed stumpage values for the second half of 1997. Harvesters of timber use these values to calculate the timber excise tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 97-10-027 on April 30, 1997.

Changes Other than Editing from Proposed to Adopted Version: The values for Other Conifer Quality Code 3 in Tables 1, 4, and 8 were adjusted by \$1 to correct a rounding error. The values for Douglas-Fir, Engelmann Spruce, Lodgepole Pine, Ponderosa Pine, Western Redcedar, True Firs, and Western White Pine in Tables 6 and 7 were adjusted because of further information submitted by several harvesting sources. All these values were lowered, except for Ponderosa Pine, quality code two, which was adjusted up \$1.

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 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The stumpage value rule is required by statute (RCW 84.33.091) to be effective on July 1, 1997.

Effective Date of Rule: July 1, 1997.

June 27, 1997

Jim Thomas

Acting Assistant Director

AMENDATORY SECTION (Amending WSR 97-02-069, filed 12/31/96, effective 1/1/97)

WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments. (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January)) July 1 through ((June 30)) December 31, 1997:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance-Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$701	\$694	\$687	\$680	\$673
		2	660	653	646	639	632
		3	523	516	509	502	495
		4	267	260	253	246	239
Western Redcedar ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
Western Hemlock ³	WH	1	396	389	382	375	368
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	271	264	257	250	243
Other Conifer	OC	1	396	389	382	375	368
		2	379	372	365	358	351
		3	379	372	365	358	351
		4	271	264	257	250	243
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71

Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	959	952	945	938	931
		1	959	952	945	938	931
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-664 and 458-40-686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal foot or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance-Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$774	\$767	\$760	\$753	\$746
		2	619	612	605	598	591
		3	531	524	517	510	503
		4	379	372	365	358	351
Western Redcedar ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
Western Hemlock ³	WH	1	439	432	425	418	411
		2	439	432	425	418	411
		3	423	416	409	402	395
		4	347	340	333	326	319
Other Conifer	OC	1	439	432	425	418	411
		2	439	432	425	418	411
		3	423	416	409	402	395
		4	347	340	333	326	319
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	959	952	945	938	931

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Western Redcedar Poles and Piles	RCL	1	950	952	945	938	931
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal foot or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Distance Zone Number					
		1	2	3	4	5	
Douglas Fir	DF	1	\$652	\$645	\$638	\$631	\$624
		2	643	636	629	622	615
		3	506	499	492	485	478
		4	407	400	393	386	379
Western Redcedar ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
Western Hemlock ³	WH	1	507	500	493	486	479
		2	437	430	423	416	409
		3	430	423	416	409	402
		4	316	309	302	295	288
Other Conifer	OC	1	507	500	493	486	479
		2	437	430	423	416	409
		3	430	423	416	409	402
		4	316	309	302	295	288
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	950	952	945	938	931
Western Redcedar Poles and Piles	RCL	1	950	952	945	938	931
Chipwood ⁴	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Alaska Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁴ Stumpage value per ton.

⁵ Stumpage value per 8 lineal foot or portion thereof.

⁶ Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Distance Zone Number					
		1	2	3	4	5	
Douglas Fir ²	DF	1	\$682	\$675	\$668	\$661	\$654
		2	665	658	651	644	637
		3	578	571	564	557	550
		4	433	426	419	412	405
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
Western Hemlock ⁴	WH	1	507	500	493	486	479
		2	452	445	438	431	424
		3	410	403	396	389	382
		4	371	364	357	350	343
Other Conifer	OC	1	507	500	493	486	479
		2	452	445	438	431	424
		3	410	403	396	389	382
		4	371	364	357	350	343
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	950	952	945	938	931
Western Redcedar Poles and Piles	RCL	1	950	952	945	938	931
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458 40 684 and 458 40 686.

² Includes Western Larch.

³ Includes Alaska Cedar.

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**TABLE 6—Stumpage Value Table
Stumpage Value Area 6**

January 1 through June 30, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$281	\$274	\$267	\$260	\$253
Engelmann Spruce	ES	1	217	210	203	196	189
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar ²	RC	1	303	296	289	282	275
True Fir ⁴	WH	1	238	231	224	217	210
Western White Pine	WP	1	378	371	364	357	350
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs ⁵	SML	1	28	27	26	25	24
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁸ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7**

January 1 through June 30, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$281	\$274	\$267	\$260	\$253
Engelmann Spruce	ES	1	217	210	203	196	189
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar ²	RC	1	303	296	289	282	275
True Fir ⁴	WH	1	238	231	224	217	210
Western White Pine	WP	1	378	371	364	357	350

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5**

January 1 through June 30, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code	Hauling Distance—Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$682	\$675	\$668	\$661	\$654
		2	590	583	576	569	562
		3	545	538	531	524	517
		4	383	376	369	362	355
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar ²	RC	1	498	491	484	477	470
		2	495	488	481	474	467
		3	455	448	441	434	427
		4	449	442	435	428	421
Western Hemlock ⁴	WH	1	507	500	493	486	479
		2	497	490	483	476	469
		3	389	382	375	368	361
		4	371	364	357	350	343
Other Conifer	OC	1	507	500	493	486	479
		2	497	490	483	476	469
		3	389	382	375	368	361
		4	371	364	357	350	343
Red Alder	RA	1	211	204	197	190	183
		2	180	173	166	159	152
		3	99	92	85	78	71
Black Cottonwood	BC	1	64	57	50	43	36
		2	42	35	28	21	14
		3	32	25	18	11	4
Other Hardwood	OH	1	101	94	87	80	73
		2	95	88	81	74	67
		3	68	61	54	47	40
Douglas fir Poles and Piles	DFL	1	959	952	945	938	931
Western Redcedar Poles and Piles	RCL	1	959	952	945	938	931
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per ton.

⁶ Stumpage value per 8 lineal feet or portion thereof.

⁷ Stumpage value per lineal foot.

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Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs ⁵	SML	1	22	21	20	19	18
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁶	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁷	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	DFX	1	0.25	0.25	0.25	0.25	0.25

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per ton.
- ⁶ Stumpage value per 8 lineal feet or portion thereof.
- ⁷ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- ⁸ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir ²	DF	1	\$668	\$661	\$654	\$647	\$640
		2	651	644	637	630	623
		3	564	557	550	543	536
		4	419	412	405	398	391
Lodgepole Pine	LP	1	190	183	176	169	162
Ponderosa Pine	PP	1	489	482	475	468	461
		2	245	238	231	224	217
Western Redcedar ²	RC	1	484	477	470	463	456
		2	481	474	467	460	453
		3	441	434	427	420	413
		4	435	428	421	414	407
Western Hemlock ⁴	WH	1	493	486	479	472	465
		2	438	431	424	417	410
		3	396	389	382	375	368
		4	357	350	343	336	329
Other Conifer	OC	1	493	486	479	472	465
		2	438	431	424	417	410
		3	396	389	382	375	368
		4	357	350	343	336	329
Red Alder	RA	1	197	190	183	176	169
		2	166	159	152	145	138
		3	85	78	71	64	57
Black Cottonwood	BC	1	50	43	36	29	22
		2	28	21	14	7	1
		3	18	11	4	1	1
Other Hardwood	OH	1	87	80	73	66	59
		2	81	74	67	60	53
		3	54	47	40	33	26
Douglas-fir Poles and Piles	DFL	1	945	938	931	924	917

Western Redcedar Poles and Piles	RCL	1	945	938	931	924	917
Chipwood ⁵	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁶	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁸	TFX	1	0.50	0.50	0.50	0.50	0.50

- ¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- ² Includes Western Larch.
- ³ Includes Alaska Cedar.
- ⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- ⁵ Stumpage value per ton.
- ⁶ Stumpage value per 8 lineal feet or portion thereof.
- ⁷ Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$850	\$843	\$836	\$829	\$822
		2	668	661	654	647	640
		3	583	576	569	562	555
		4	268	261	254	247	240
Western Redcedar ²	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ³	WH	1	398	391	384	377	370
		2	378	371	364	357	350
		3	366	359	352	345	338
		4	271	264	257	250	243
Other Conifer	OC	1	398	391	384	377	370
		2	378	371	364	357	350
		3	366	359	352	345	338
		4	271	264	257	250	243
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45

DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$661	\$654	\$647	\$640	\$633
		2	661	654	647	640	633
		3	514	507	500	493	486
		4	495	488	481	474	467
Western Redcedar ³	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ⁴	WH	1	392	385	378	371	364
		2	390	383	376	369	362
		3	372	365	358	351	344
		4	288	281	274	267	260
Other Conifer	OC	1	392	385	378	371	364
		2	390	383	376	369	362
		3	372	365	358	351	344
		4	288	281	274	267	260
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$650	\$643	\$636	\$629	\$622
		2	634	627	620	613	606
		3	586	579	572	565	558
		4	290	283	276	269	262
Western Redcedar ²	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ³	WH	1	392	385	378	371	364
		2	389	382	375	368	361
		3	374	367	360	353	346
		4	307	300	293	286	279
Other Conifer	OC	1	392	385	378	371	364
		2	389	382	375	368	361
		3	374	367	360	353	346
		4	307	300	293	286	279
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Alaska-Cedar.
³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴ Stumpage value per 8 lineal feet or portion thereof.
⁵ Stumpage value per lineal foot.

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TABLE 4—Stumpage Value Table
Stumpage Value Area 4
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$685	\$678	\$671	\$664	\$657
		2	664	657	650	643	636
		3	620	613	606	599	592
		4	510	503	496	489	482
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ⁴	WH	1	395	388	381	374	367
		2	387	380	373	366	359
		3	369	362	355	348	341
		4	360	353	346	339	332
Other Conifer	OC	1	395	388	381	374	367
		2	387	380	373	366	359
		3	369	362	355	348	341
		4	360	353	346	339	332
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

TABLE 5—Stumpage Value Table
Stumpage Value Area 5
 July 1 through December 31, 1997

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$685	\$678	\$671	\$664	\$657
		2	637	630	623	616	609
		3	491	484	477	470	463
		4	315	308	301	294	287
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1	489	482	475	468	461
		2	313	306	299	292	285
Western Redcedar ³	RC	1	580	573	566	559	552
		2	580	573	566	559	552
		3	535	528	521	514	507
		4	501	494	487	480	473
Western Hemlock ⁴	WH	1	392	385	378	371	364
		2	390	383	376	369	362
		3	317	310	303	296	289
		4	226	219	212	205	198
Other Conifer	OC	1	392	385	378	371	364
		2	390	383	376	369	362
		3	317	310	303	296	289
		4	226	219	212	205	198
Red Alder	RA	1	200	193	186	179	172
		2	159	152	145	138	131
		3	36	29	22	15	8
Black Cottonwood	BC	1	46	39	32	25	18
		2	23	16	9	2	1
		3	10	3	1	1	1
Other Hardwood	OH	1	134	127	120	113	106
		2	99	92	85	78	71
		3	47	40	33	26	19
Douglas-fir Poles	DFL	1	943	936	929	922	915
Western Redcedar Poles	RCL	1	943	936	929	922	915
Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

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**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$360	\$353	\$346	\$339	\$332
Engelmann Spruce	ES	1	224	217	210	203	196
Lodgepole Pine	LP	1	234	227	220	213	206
Ponderosa Pine	PP	1 2	425 272	418 265	411 258	404 251	397 244
Western Redcedar ³	RC	1	357	350	343	336	329
True Firs ⁴	WH	1	234	227	220	213	206
Western White Pine	WP	1	432	425	418	411	404
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	28	27	26	25	24
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$297	\$290	\$283	\$276	\$269
Engelmann Spruce	ES	1	224	217	210	203	196
Lodgepole Pine	LP	1	234	227	220	213	206
Ponderosa Pine	PP	1 2	434 314	427 307	420 300	413 293	409 286
Western Redcedar ³	RC	1	357	350	343	336	329
True Firs ⁴	WH	1	239	232	225	218	211
Western White Pine	WP	1	432	425	418	411	404

Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles	RCL	1	516	509	502	495	488
Small Logs	SML	1	22	21	20	19	18
Chipwood	CHW	1	1	1	1	1	1
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
² Includes Western Larch.
³ Includes Alaska-Cedar.
⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁵ Stumpage value per 8 lineal feet or portion thereof.
⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁷ Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1997**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1 2 3 4	\$671 650 606 496	\$664 643 599 489	\$657 636 592 482	\$650 629 585 475	\$643 622 578 468
Lodgepole Pine	LP	1	244	237	230	223	216
Ponderosa Pine	PP	1 2	489 313	482 306	475 299	468 292	461 285
Western Redcedar ³	RC	1 2 3 4	566 566 521 487	559 559 514 480	552 552 507 473	545 545 500 466	538 538 493 459
Western Hemlock ⁴	WH	1 2 3 4	381 373 355 346	374 366 348 339	367 359 341 332	360 352 334 325	353 345 327 318
Other Conifer	OC	1 2 3 4	381 373 355 346	374 366 348 339	367 359 341 332	360 352 334 325	353 345 327 318
Red Alder	RA	1 2 3	186 145 22	179 138 15	172 131 8	165 124 1	158 117 1
Black Cottonwood	BC	1 2 3	32 9 1	25 2 1	18 1 1	11 1 1	4 1 1
Other Hardwood	OH	1 2 3	120 85 33	113 78 26	106 71 19	99 64 12	92 57 5
Douglas-fir Poles	DFL	1	929	922	915	908	901
Western Redcedar Poles	RCL	1	929	922	915	908	901

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Chipwood	CHW	1	1	1	1	1	1
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((January)) July 1 through ((June 30)) December 31, 1997:

**TABLE 9—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

((January)) July 1 through ((June 30)) December 31, 1997

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00
Note:	A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of	

this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(21))

Class 1 Average log volume of 50 board feet or more. - \$25.00

Class 2 Average log volume of less than 50 board feet. - \$125.00

**TABLE 10—Harvest Adjustment Table
Stumpage Value Areas 6 and 7**

((January)) July 1 through ((June 30)) December 31, 1997

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Most of the harvest unit has less than 40% slope. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Most of the harvest unit has slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$20.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$30.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00
Note:	A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.	

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

TABLE 11—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

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Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1:	SVA's 1 through 6, and 10	\$0.00 per MBF
Class 2:	SVA 7	\$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This order must become effective on July 1, 1997, otherwise it may result in a loss of benefits to some clients because the existing rule, which became effective eighteen months ago, only suspended the one hundred-hour rule for recipients for eighteen months. RCW 34.05.380 (3)(c) allows for an earlier effective date if the public safety, health or welfare are imperiled.

Effective Date of Rule: July 1, 1997.

June 30, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 96-23-021, filed 11/12/96, effective 12/13/96)

WAC 388-215-1375 Deprivation—Unemployment—Defined. The department shall consider the qualifying parent to be unemployed when the qualifying parent is:

- (1) A recipient; or
- (2) An applicant who is:
 - (a) Employed less than one hundred hours a month; or
 - ~~((2) Is)~~ (b) Employed one hundred hours or more for a particular month if
 - ~~(a))~~ the qualifying parent:
 - (i) Was employed less than one hundred hours for each of the two previous months; and
 - ~~((b))~~ (ii) Is expected to be employed less than one hundred hours during the next month~~((; or~~
 - ~~(3) Is a recipient who works one hundred hours or more a month for up to eighteen consecutive months; or~~
 - ~~(4) Participates in institutional and work experience training under the JOBS program and is not otherwise employed over one hundred hours).~~

PERMANENT

WSR 97-14-082
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 1, 1997, 12:02 p.m., effective July 1, 1997]

Date of Adoption: June 30, 1997.

Purpose: The 1994 legislature enacted RCW 74.12.036 requiring the department to eliminate the one hundred-hour work rule for recipients of aid to families with dependent children-employable (AFDC-E). Due to federal AFDC requirements, the department was only able to suspend the one hundred-hour rule for recipients for up to eighteen months. Public Law 104-193 replaced the AFDC program with temporary assistance for needy families (TANF), which allows states to establish their own eligibility rules. This rule change fulfills the statutory requirement of RCW 74.12.036.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1375 Deprivation—Unemployment—Defined.

Statutory Authority for Adoption: RCW 74.12.036.

Other Authority: RCW 74.08.090.

Adopted under notice filed as WSR 97-09-108 on April 23, 1997.

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 1, repealed 0.

WSR 97-14-113
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed July 2, 1997, 11:53 a.m.]

Date of Adoption: June 24, 1997.

Purpose: Amend chapter 246-338 WAC, Medical test site rules, to meet the requirements of federal laws that license sites that perform clinical laboratory testing. The amendments are at the request of the Health Care Financing Administration, following a review of the state rules for exemption from federal legislation (CLIA). The amendments will bring the state medical test site rules into compliance with federal legislation and will allow the state to continue its exemption from federal regulation.

Citation of Existing Rules Affected by this Order: Amending WAC 246-338-020, 246-338-030, 246-338-060, 246-338-070, 246-338-090, and 246-338-100.

Statutory Authority for Adoption: RCW 70.42.005.

Adopted under notice filed as WSR 97-11-039 on May 15, 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 6, 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 6, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

July 2, 1997

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending WSR 94-17-099, filed 8/17/94, effective 9/17/94)

WAC 246-338-020 Licensure of the medical test sites. (1) After July 1, 1990, no person shall advertise, operate, manage, own, conduct, open, or maintain a medical test site without first obtaining from the department, a license or a certificate of waiver as described under chapter 70.42 RCW and this chapter.

(2) Applicants requesting a medical test site license or renewal shall:

(a) Submit a completed application and fee for the appropriate category of license to the department on forms furnished by the department, including signature of the owner;

(b) Submit a completed application and fee for provider-performed microscopic procedures if the medical test site;

(i) Restricts its testing performance to waived tests as listed under WAC 246-338-030(11) and one or more of the tests listed in this section, unless specifically allowed or disallowed under federal law and regulation:

~~((i))~~ (A) Wet mounts, including, but not limited to, preparations of vaginal, cervical or skin specimens;

~~((ii))~~ (B) Potassium hydroxide (KOH) preparations;

~~((iii))~~ (C) Pinworm examinations;

~~((iv))~~ (D) Fern tests;

~~((v))~~ (E) Post-coital direct, qualitative examinations of vaginal or cervical mucous;

~~((vi))~~ (F) Urine sediment examinations;

~~((vii))~~ (G) Nasal smears for eosinophils;

~~((viii))~~ (H) Post vasectomy qualitative semen analysis;
and

~~((ix))~~ (I) Any other tests specifically categorized under federal law and regulation as provider-performed microscopic procedures; and

(ii) Meets the requirements of this chapter for personnel, recordkeeping, quality control, quality assurance and, if applicable, proficiency testing;

(c) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single license for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that engages in limited public health testing at different locations, the owner may file an application for a single license;

(d) Furnish full and complete information to the department in writing, as required for proper administration of rules implementing chapter 70.42 RCW including:

(i) Name, address, and phone number of the medical test site;

(ii) Name, address, and phone number of the owner of the medical test site;

(iii) Number and types of tests performed, planned, or projected;

(iv) Names and qualifications including educational background, training, and experience of the designated test site supervisor;

(v) Names and qualifications including educational background, training, and experience of technical personnel, if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Name of proficiency testing program or programs used by the medical test site and a copy of the enrollment form for initial application;

(vii) Other information as required to implement chapter 70.42 RCW; and

(viii) Methodologies for tests performed, when the department determines the information is necessary, consistent with federal law and regulation.

(e) Submit to inspections by the Health Care Financing Administration (HCFA) or HCFA agents as a condition of licensure or approval, for the purpose of validation or in response to a complaint against the medical test site; and

(f) Authorize the department to release to HCFA or HCFA agents all records and information requested by HCFA;

(3) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current license.

(4) The department shall:

(a) Issue or renew a license for the medical test site, valid for two years, when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection (7) of this section;

(b) Terminate a provisional license, at the time a two-year license for the medical test site is issued;

(c) Establish fees to be paid under WAC 246-338-990;

(d) Prohibit transfer or reassignment of a license without thirty days prior written notice to the department and the department's approval;

(e) Examine records of the medical test site, if the department believes a person is conducting tests without an appropriate license;

(f) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time, not to exceed sixty days, after department approval of a written plan of correction;

(g) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

(5) The department shall also issue a license for a medical test site if the medical test site:

(a) Is accredited, certified, or licensed by an accreditation body under WAC 246-338-040; and

(b) Submits to the department:

(i) Information defined under subsection (2)(a) and (d) of this section;

(ii) Proof of accreditation, certification or licensure by an accreditation body within eleven months of issuance of the medical test site license; and

(c) Authorizes the accrediting body to submit, upon request from the department:

(i) On-site inspection results;

(ii) Statement of deficiencies;

(iii) Plan of correction for the deficiencies cited;

(iv) Any disciplinary action and results of any disciplinary action taken by the accreditation body against the medical test site; and

(v) Any records or other information about the medical test site required for the department to determine whether or not standards are consistent with chapter 70.42 RCW and this chapter.

(6) The department shall require the owner of a medical test site to reapply for a medical test site license if:

(a) Proof of accreditation is not supplied to the department within eleven months of issuance of the medical test site license; or

(b) The medical test site has its accreditation denied or terminated by the accreditation body.

(7) The department may:

(a) Issue, to a medical test site applying for licensure for the first time a provisional license valid for a period of time not to exceed two years from date of issue;

(b) Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

(c) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

(8) The department may(~~+~~

~~+~~) extend a license for a period not to exceed six months beyond the expiration date of the license(~~(+or~~

~~b) Issue a license for a period of one year for applications for licensure or renewal submitted during September 1993 to August 1995).~~

(9) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in technical personnel and supervisors, if known; and

(d) The date of the proposed change of ownership.

(10) The prospective new owner shall submit the information required under subsection (2)(a) and (d) of this section, at least thirty days prior to the change of ownership.

(11) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

(b) Any changes in:

(i) Name;

(ii) Location; or

(iii) Designated test site supervisor.

(12) The owner shall inform the department within six months, in writing, of any changes in:

(a) Tests, specialties and subspecialties; and

(b) Test methodology.

AMENDATORY SECTION (Amending WSR 94-17-099, filed 8/17/94, effective 9/17/94)

WAC 246-338-030 Waiver from licensure of medical test sites. (1) The department shall grant a certificate of waiver to a medical test site performing only the tests listed under this section.

(2) Applicants requesting a certificate of waiver or renewal shall:

(a) Submit a completed application and fee for initial certificate of waiver or renewal to the department on forms furnished by the department, including signature of the owner; (~~and~~)

(b) File a separate application for each facility except under the following conditions:

(i) If the medical test site is not at a fixed location and moves from testing site to testing site, or uses a temporary testing location such as a health fair, the medical test site may apply for a single certificate of waiver for the home base location;

(ii) If the medical test site is a not-for-profit or state or local government laboratory that performs, at different locations, only those tests listed in subsection (11) of this section, the owner may file an application for a single certificate of waiver;

(c) Furnish full and complete information to the department in writing, as required for proper administration of rules to implement chapter 70.42 RCW including:

(i) Name, address, and phone number of the medical test site;

(ii) Name, address, and phone number of the owner of the medical test site;

(iii) Number and types of tests performed, planned or projected;

(iv) Names and qualifications including educational background, training and experience of the personnel directing and supervising the medical test site;

(v) Names and qualifications including educational background, training, and experience of personnel performing the test procedures, if requested by the department, in order to determine consistency with federal law and regulation;

(vi) Other information as required to implement chapter 70.42 RCW; and

(vii) Methodologies for tests performed, when the department determines the information is necessary consistent with federal law and regulation.

(3) The owner or applicant shall submit an application and fee to the department thirty days prior to the expiration date of the current certificate of waiver.

(4) The department shall:

(a) Grant a certificate of waiver or renewal of a certificate of waiver for the medical test site valid for two years when the applicant or owner meets the requirements of chapter 70.42 RCW and this chapter, subject to subsection (6) of this section;

(b) Establish fees to be paid under WAC 246-338-990; and

(c) Prohibit transfer or reassignment of a certificate of waiver without thirty days prior written notice to the department and the department's approval.

(5) The department may

~~((a))~~ extend a certificate of waiver for a period not to exceed six months beyond the expiration date of the certificate of waiver ~~((; or~~

~~((b))~~ Issue a certificate of waiver for a period of one year for initial or renewal applications submitted during September 1993 to August 1995).

(6) If the department has reason to believe a waived site is conducting tests requiring a license, the department shall:

(a) Conduct on-site reviews of the medical test site;

(b) Examine records of the medical test site;

(c) Give written notice of any violations to the medical test site, including a statement of deficiencies observed and requirements to:

(i) Present a written plan of correction to the department within fourteen days following the date of postmark; and

(ii) Comply within a specified time not to exceed sixty days after department approval of a written plan of correction;

(d) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency unless the deficiency is an immediate threat to life, health, or safety.

(7) The department may:

(a) Conduct on-site review of a medical test site at any time to determine compliance with chapter 70.42 RCW and this chapter; and

(b) Initiate disciplinary action, as described under chapter 70.42 RCW and this chapter, if the owner or applicant fails to comply with chapter 70.42 RCW and this chapter, consistent with chapter 34.05 RCW, Administrative Procedure Act.

(8) The owner shall notify the department, in writing, at least thirty days prior to the date of a proposed change of ownership and provide the following information:

(a) Full name, address, and location of the current owner and prospective new owner, if known;

(b) Name and address of the medical test site and the new name of the medical test site, if known;

(c) Changes in personnel directing the medical test site, if known; and

(d) The date of the proposed change of ownership.

(9) The prospective new owner shall submit the information required under subsection (2)(a) and (c) of this section, at least thirty days prior to the change of ownership.

(10) The owner shall inform the department within thirty days, in writing, of:

(a) The date of opening or closing the medical test site; and

(b) Any changes in:

(i) Name;

(ii) Location; or

(iii) Personnel directing the medical test site.

(11) The department shall grant a certificate of waiver if the medical test site performs only the tests listed in this section and no other tests unless specifically ~~((disallowed or~~ allowed or disallowed under federal law and regulation, and follows manufacturer's instructions for performing the tests:

(a) Dipstick or tablet reagent urinalysis;

(b) Fecal and gastric occult blood;

(c) Ovulation tests-visual color comparison tests for human luteinizing hormone;

(d) Urine pregnancy tests-visual color comparison tests;

(e) Erythrocyte sedimentation rate-nonautomated;

(f) Hemoglobin-copper sulfate-nonautomated;

(g) Hemoglobin by single instrument with self-contained or component features to perform specimen/reagent interaction, providing direct measurement and readout using the Hemocue test system;

(h) Blood glucose by glucose monitoring devices cleared by the FDA specifically for home use;

~~((h))~~ (i) Blood glucose using the Hemocue B-Glucose Photometer;

(j) Spun microhematocrit; (and

~~((i)) Hemoglobin by single analyte instruments with self-contained or component features to perform specimen/reagent interaction, providing direct measurement and readout.))~~

(k) Wampole STAT-CRIT hematocrit test;

(l) Accu-check InstantPlus cholesterol test system;

(m) Advanced Care cholesterol measuring system;

(n) Cholestech LDX test system for the measurement of total cholesterol, HDL cholesterol, triglyceride, and glucose;

(o) Chemtrak Accumeter cholesterol test system;

(p) Quidel QuickVue In-Line One-Step Strep A test;

(q) Binax NOW Strep A test;

(r) Quidel QuickVue One-Step H.pylori test for whole blood;

(s) Serim Pyloritek test for presumptive identification of H.pylori in gastric biopsy tissue; and

(t) Delta West CLOtest for presumptive identification of H.pylori in gastric biopsy tissue.

(12) The department will make additions or deletions to the list of waived tests under subsection (11) of this section, by rule, consistent with federal law and regulation.

(13) If the medical test site adds tests not included under subsection (11) of this section, the owner shall apply for licensure as defined under chapter 70.42 RCW and WAC 246-338-020.

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-060 Personnel. (1) Owners shall ensure medical test sites:

(a) Have a designated test site supervisor responsible for:

- (i) The overall technical supervision and management of the test site personnel; and
- (ii) Performing and reporting of testing procedures;
- (b) Have technical personnel, competent to perform tests and report test results; and
- (c) Meet the standards for personnel qualifications and responsibilities in compliance with federal regulation, as listed in 42 CFR Part 493 Subpart M-Personnel for Moderate and High Complexity Testing, with the following exception((s)):

((+)) A person that achieved a satisfactory grade through an examination conducted by or under the sponsorship of the United States Public Health Service for director, on or before July 1, 1970, would qualify as a director, technical supervisor, technical consultant, general supervisor and testing personnel for the specialties in which a satisfactory grade was achieved for moderate and high complexity testing(, and

~~((ii) A person that has completed 60 semester hours of academic credit including chemistry and biology as well as a structured curriculum in medical laboratory techniques at an accredited institution would qualify as testing personnel for high complexity testing)).~~

(2) The department, upon request, shall furnish 42 CFR Part 493 Subpart M.

(3) Owners of medical test sites shall establish, post and observe safety precautions to ensure protection from physical, chemical, biochemical and electrical hazards and biohazardous materials.

(4) Designated test site supervisors shall:

- (a) Establish and approve policies for:
 - (i) Performing, recording, and reporting of tests;
 - (ii) Maintaining an ongoing quality assurance program;
 - (iii) Supervision of testing; and
 - (iv) Compliance with chapter 70.42 RCW and this chapter;

(b) Evaluate, verify, and document the following related to technical personnel:

- (i) Education, experience, and training in test performance and reporting tests results;
- (ii) Sufficient numbers to cover the scope and complexity of the services provided;
- (iii) Access to training appropriate for the type and complexity of the test site services offered; and
- (iv) Maintenance of competency to perform test procedures and report test results;

(c) Be present, on call, or delegate the duties of the designated test site supervisor to an on-site technical person during testing.

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-070 Recordkeeping. The medical test site shall:

- (1) Unless specified otherwise in subsection (2)(a), (b), and (c) of this section, maintain for two years:
 - (a) Test requisitions or equivalent;
 - (b) Test records;
 - (c) Test reports;
 - ~~((e))~~ (d) Quality control records;
 - ~~((d))~~ (e) Quality assurance records; and

~~((e))~~ (f) Discontinued procedures.

(2) Maintain:

- (a) The items listed in subsection (1)(a), (b), (c), (d), and (e) of this section for transfusion services for five years;
- (b) Abnormal cytology and all histology reports for ten years; and

(c) Normal cytology reports for ~~((five))~~ ten years.

(3) Request the following written information to accompany a test requisition:

(a) Patient's name or other method of specimen identification;

(b) Name or other suitable identifier of the authorized person ordering the test;

(c) Date of specimen collection, and time if appropriate;

(d) Source of specimen, if appropriate;

(e) Type of test ordered;

(f) Sex and age of the patient, if appropriate; and

(g) For cytology and histology specimens:

(i) Pertinent clinical information; and

(ii) For pap smears:

(A) The last menstrual period; and

(B) Indication whether the patient has history of cervical cancer or its precursors.

(4) Assure specimen records include:

(a) A medical test site identification;

(b) The patient's name or other method of specimen identification;

(c) The date the specimen was received at the medical test site, and time if appropriate;

(d) The reason for specimen rejection or limitation;

(e) The date of specimen testing; and

(f) The identification of the personnel who performed the test.

(5) Assure that test reports:

(a) Are maintained in a manner permitting identification and reasonable accessibility;

(b) Are released only to authorized persons or designees;

(c) Include the name of the medical test site, or where applicable, the name and address of each medical test site performing each test;

(d) Include the date reported;

(e) Include the time reported, if appropriate;

(f) Include any information regarding specimen rejection or limitation; ~~((and))~~

(g) Include the test performed, test result, and units of measurement, if applicable; and

(h) Include the exact language of the report from the testing facility, if the specimen was referred to another medical test site for testing.

(6) Assure cytology reports:

(a) Distinguish between unsatisfactory specimen and negative results; and

(b) Contain narrative descriptions for any abnormal results, such as the Bethesda system of terminology as published in the Journal of the American Medical Association, 1989, Volume 262, pages 931-934, for any abnormal results.

(7) Establish and make available for use by authorized persons ordering or utilizing the test results:

(a) Reference ranges; and

(b) A list of test methods, including performance specifications.

(8) Issue corrected reports when indicated.

(9) Establish criteria for and maintain appropriate documentation of:

(a) Temperature-controlled spaces and equipment;

(b) Preventive maintenance activities;

(c) Equipment function checks;

(d) Procedure calibrations;

(e) Validation, precision, and accuracy checks;

(f) Expiration date, lot numbers, and other pertinent

information for:

(i) Reagents;

(ii) Solutions;

(iii) Culture media;

(iv) Controls, as defined in WAC 246-338-090;

(v) Calibrators, as defined in WAC 246-338-090;

(vi) Standards, as defined in WAC 246-338-090;

(vii) Reference materials, as defined in WAC 246-338-090; and

(viii) Other testing materials;

(g) Testing of quality control samples; and

(h) Any remedial action taken in response to quality control, quality assurance, personnel, and proficiency testing.

(10) Refer specimens for testing only to a medical test site with a valid license, or to an interstate laboratory with a valid CLIA certificate.

(11) Maintain, or be able to reproduce, a copy of the report for all specimens that are referred for testing.

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-090 Quality control. (1) For the purpose of this section, the following words and phrases have the following meanings, unless the context clearly indicates another meaning:

(a) "ABO, A, A₁, B, O, anti-A, anti-B, anti-D, anti Rh₀, Rh₀ (D), HLA, HLA-A, B, and DR" means taxonomy classifications for blood groups, types, cells, sera, or antisera;

(b) "Calibrator" means a material, solution, or lyophilized preparation designed to be used in calibration. The values or concentrations of the analytes of interest in the calibration material are known within limits ascertained during its preparation or before use;

(c) "Control" means a material, solution, lyophilized preparation, or pool of collected serum designed to be used in the process of quality control. The concentrations of the analytes of interest in the control material are known within limits ascertained during its preparation or before routine use;

(d) "Control slide" means a preparation fixed on a glass slide used in the process of quality control;

(e) "Reference material" means a material or substance, calibrator, control or standard where one or more properties are sufficiently well established for use in calibrating a process or for use in quality control;

(f) "Standard" means a reference material of fixed and known chemical composition capable of being prepared in essentially pure form, or any certified reference material generally accepted or officially recognized as the unique

standard for the assay regardless of level or purity of the analyte content.

(2) The medical test site shall use quality control procedures providing and assuring accurate and reliable test results and reports, meeting the requirements of this chapter.

(3) The medical test site shall have written procedures and policies available in the work area including:

(a) Analytical methods used by the technical personnel;

(b) Specimen collection and processing procedures;

(c) Preparation of solutions, reagents, and stains;

(d) Calibration procedures;

(e) Proper maintenance of equipment;

(f) Quality assurance policies;

(g) Quality control procedures;

(h) Corrective actions when quality control results deviate from expected values or patterns;

(i) Procedures for reporting test results;

(j) Limitations of methodologies; and

(k) Alternative or backup methods for performing tests including the use of a reference facility if applicable.

(4) The medical test site shall perform quality control complying with the requirements of this section for each specialty and subspecialty as follows:

(a) At least as frequently as specified in this section;

(b) More frequently if recommended by the manufacturer of the instrument or test procedure; or

(c) More frequently if specified by the medical test site

(5) The medical test site shall:

(a) Perform procedural calibration or recalibration, in accordance with manufacturer's instructions(~~(-when)~~):

(i) When recommended by the manufacturer(~~(+)~~) or (~~(+)~~) specified by the medical test site's established schedule, with at least the frequency recommended by the manufacturer; and

(ii) When calibration fails to meet the medical test site's acceptable limits;

(b) Perform calibration verification using materials appropriate for verifying the minimal, mid-point and maximum points of the reportable range, unless the medical test site can demonstrate an alternative method of assuring the accuracy of the procedure throughout the reportable range for patient test results:

(i) When a complete change of reagents for a procedure is introduced;

(ii) When there is major preventive maintenance or replacement of critical parts of equipment or instrumentation;

(iii) When controls begin to reflect an unusual trend or are outside acceptable range limits; or

(iv) At least every six months;

(c) If patient values are above the maximum or below the minimum calibration point or the linear range:

(i) Report the patient results as greater than the upper limit or less than the lower limit or an equivalent designation; or

(ii) Use an appropriate procedure to rerun the sample allowing results to fall within the established linear range;

(d) Perform quality control:

(i) For quantitative tests:

((+)) (A) To include two reference materials of different concentrations each day of testing unknown samples, if these reference materials are available; or

~~((#))~~ **(B)** Have an equivalent mechanism to assure the quality, accuracy, and precision of the test, if reference materials are not available; and

~~((#))~~ **(ii)** For qualitative tests, to include positive and negative reference material each day of testing unknown samples;

(e) Check each batch or shipment of reagents, discs, stains, antisera and identification systems for positive and negative reactivity:

(i) When prepared or opened;

(ii) For stains, each day of use, unless otherwise specified; and

(iii) For fluorescent stains, each time of use, unless otherwise specified;

(f) Determine the statistical limits for each lot number of unassayed reference materials through repeated testing;

(g) Use the manufacturer's reference material limits for assayed material, provided they are:

(i) Verified by the medical test site; and

(ii) Appropriate for the methods and instrument used by the medical test site;

(h) Make reference material limits readily available;

(i) Report patient results only when reference materials are within acceptable limits;

(j) Use materials within their documented expiration date and not interchange components of kits with different lot numbers, unless specified by manufacturer;

(k) For microbiology:

(i) Check each batch or shipment of reagents, discs, stains, antisera, and identification system for reactivity with positive and negative reference organisms including:

(A) Each time of use for fluorescent stains;

(B) Each day of use for:

(I) Stains, unless specifically stated otherwise in this section; DNA probes; reagents used in mycobacteriology; catalase, coagulase, beta-lactamase, and oxidase reagents; and

(II) Direct antigen detection systems, using positive and negative controls that evaluate both the extraction and reaction phase;

(C) Each week of use for Gram and acid-fast stains, bacitracin, optochin, ONPG, X, and V discs or strips; and

(D) Each month of use for antisera;

(ii) When testing antimicrobial susceptibility, check each new batch of media and each new lot of antimicrobial discs or other testing systems using approved reference organisms:

(A) Before initial use; and

(B) Each day of testing, or weekly, if the medical test site can meet the quality control requirements for antimicrobial disc susceptibility testing as outlined by the National Committee for Clinical Laboratory Standards (NCCLS), available upon request from the department;

(iii) Document zone sizes or minimum inhibitory concentration for reference organisms are within established limits;

(iv) Have available and use appropriate stock organisms for quality control purposes;

(v) Have available a collection of slides, photographs, gross specimens, or text books for reference sources to aid in identification of microorganisms;

(vi) Document appropriate steps in the identification of microorganisms on patient specimens;

(vii) Check each batch or shipment of noncommercial media for sterility, ability to support growth, and if appropriate, selectivity, inhibition, or biochemical response;

(viii) If commercially manufactured media quality control results are used:

(A) Verify that the product insert specifies that the quality control checks meet the requirements, as outlined by NCCLS, for media quality control;

(B) Keep records of the manufacturer's quality control results;

(C) Document visual inspection of the media before use; and

(D) Follow the manufacturer's specifications for using the media;

(ix) When performing ~~((susceptibility testing for))~~ mycology:

(A) For susceptibility testing:

(I) Test each drug each day of use with at least one control strain that is susceptible to the drug; and

~~((#))~~ **(II)** Document that controls are within established limits before reporting patient results;

(B) Test reagents, used with biochemical tests and other test procedures used for identification, each week of use with an organism that produces a positive reaction;

(x) When performing parasitology:

(A) Use a calibrated ocular micrometer for determining the size of ova and parasites, if size is a critical parameter; and

(B) Check permanent stains using reference materials, each month of use;

(xi) When performing virus identification, simultaneously culture uninoculated cells or cell substrate controls as a negative control;

(I) For syphilis serology:

(i) Use equipment, glassware, reagents, reference materials, and techniques conforming to manufacturers' specifications;

(ii) Perform serologic tests on unknown specimens concurrently with a positive serum reference material with known titer or graded reactivity and a negative reference material; and

(iii) Employ reference materials for all test components to ensure reactivity;

(m) For general immunology:

(i) Perform serologic tests on unknown specimens with a positive and a negative reference material;

(ii) Employ reference materials for all test components to ensure reactivity; and

(iii) Report test results only when the predetermined reactivity pattern of the reference material is observed;

(n) For chemistry, when performing blood gas analysis, include:

(i) A two-point calibration and a reference material each eight hours of testing; and

(ii) A one-point calibration or reference material each time patient samples are tested, unless automated instrumentation internally verifies calibration at least every thirty minutes; or

(iii) Another calibration and reference material schedule, approved by the department as equivalent to this subsection;

(o) For hematology and coagulation:

- (i) Use one level of reference material each eight hours of testing patient samples for manual blood counts;
- (ii) Use two levels of reference materials;
- ~~(A)~~ Each eight hours of testing for:
 - ~~((A))~~ (I) Instrumentation methods; and
 - ~~((B))~~ (II) Manual tilt tube method for coagulation; and
 - (B) Each reagent change for coagulation;
- (iii) Run manual coagulation tests and cell counts in duplicate;
- (p) For immunohematology, for the services offered:
 - (i) Perform ABO grouping by testing unknown red cells with Federal Food and Drug Administration approved anti-A and anti-B grouping sera;
 - (ii) Confirm ABO grouping of unknown serum with known A₁ and B red cells;
 - (iii) Determine the Rh₀(D) group by testing unknown red cells with anti-D (anti Rh₀) blood grouping serum;
 - (iv) Employ a control system capable of detecting false positive Rh test results, when required by the manufacturer; and
- (v) Perform quality control checks of cells and antisera each day of use;
- (q) For transfusion services:
 - (i) Perform ABO grouping, Rh₀ (D) typing, antibody detection, and identification and compatibility testing as described by the Food and Drug Administration under 21 CFR Part 606, with the exception of 21 CFR Part 606.20a, Personnel, and 21 CFR Part 640;
 - (ii) Collect, store, process, distribute and date blood and blood products as described by the Food and Drug Administration under 21 CFR Parts 606, 610.53 and 640;
 - (iii) When provided by an outside entity, have an agreement approved by the director for procurement, transfer and availability of blood and blood products; and
 - (iv) Promptly investigate all transfusion reactions according to the medical test site's procedures;
- (r) For histopathology:
 - (i) Use positive control slides for each special stain to check for intended level of reactivity;
 - (ii) Retain stained slides at least ten years and specimen blocks at least two years from the date of examination;
 - (iii) Retain remnants of tissue specimens in an appropriate preserved state until the portions submitted for microscopic examination have been examined and diagnosed; and
 - (iv) Include on all reports the signature or initials of the technical supervisor, as defined under 42 CFR Part 493 Subpart M;
- (s) For cytology:
 - (i) Develop criteria for submission of material and the assessment of the adequacy of the sample submitted, including notifying the physician;
 - (ii) Retain all negative slides for five years from the date of examination of the slide;
 - (iii) Retain all abnormal slides for ten years from the date of examination;
 - (iv) Include in quality control the rescreening and documentation of benign gynecological slides as follows:
 - (A) One hundred percent of slides from patient with a known history of cervical cancer or its precursors; and
 - (B) Selection of benign slides for a total rescreening of a minimum of ten percent of all benign slides including patients identified in (s)(iv)(A) of this subsection; ~~(or~~

~~(C) Another method demonstrating equivalent effectiveness in discovering errors;))~~

(v) Assure that quality control is performed by a person meeting the personnel requirements for technical supervisor or general supervisor in cytology, as defined under 42 CFR Part 493 Subpart M;

(vi) Evaluate the results of the quality control rescreen prior to reporting results for the cases selected;

(vii) Review cytologic specimens or records of previous reviews, for the prior five years, if available, for each abnormal cytology result;

(viii) Correlate abnormal cytology reports with prior cytology reports and with histopathology reports, if available, and determine the cause of any discrepancies;

(ix) Document reviews of negative slides from cases known to have a history of abnormal slides;

(x) Evaluate and document technical personnel slide examination performance, comparing against the medical test site's overall statistics;

(xi) Evaluate and document significant discrepancies in examination of cytology slides;

(xii) Establish an annual statistical evaluation of the number of cytology cases examined, number of specimens processed by specimen type, volume of patient cases reported by diagnosis, number of cases where cytology and histology are discrepant, number of cases where histology results were unavailable for comparison and number of cases where rescreen of negative slides resulted in reclassification as abnormal;

(xiii) Stain all gynecologic smears with a Papanicolaou or modified Papanicolaou staining method;

(xiv) Take effective measures when staining to prevent cross-contamination between gynecologic and nongynecologic specimens;

~~((xiv))~~ (xv) The technical supervisor shall:

(A) Confirm all gynecological smears interpreted to be outside normal limits;

(B) Review all nongynecological cytological preparations;

(C) Sign or initial all reports from (s)(xiv)(A) or (B) of this subsection; and

(D) Establish, document and reassess, at least every six months, the workload limits for each cytotechnologist;

~~((xv))~~ (xvi) Technical personnel shall examine, unless federal law and regulation specify otherwise, no more than one hundred cytological slides in a twenty-four hour period and in no less than a eight-hour period; and

~~((xvi))~~ (xvii) All slide preparations must be evaluated on the premises;

(t) For histocompatibility:

(i) Use applicable quality control standards for immunohematology, transfusion services, and diagnostic immunology as described in this chapter; and

(ii) ~~(For renal allotransplantation:~~

~~(A) Have available and follow criteria for:~~

~~(I) Selecting appropriate patient serum samples for crossmatching;~~

~~(II) The technique used in crossmatching;~~

~~(III) Preparation of donor lymphocytes for crossmatching;~~

~~(IV) Reporting crossmatch results;~~

(V) The preparation of lymphocytes for Human Leukocyte Antigen HLA A, B and DR typing;

(VI) Selecting typing reagents; and

(VII) The assignment of HLA antigens;

(B) Have available:

(I) Serum specimens for all potential transplant recipients at initial typing, for periodic screening, for pretransplantation crossmatch, and following sensitizing events;

(II) Results of final crossmatches before an organ or tissue is transplanted; and

(III) A list of individuals for fresh panel bleeding if frozen panels are not used;

(C) Have appropriate storage and maintenance of both recipient sera and reagents;

(D) Indicate, when applicable:

(I) Source;

(II) Bleeding date;

(III) Identification number; and

(IV) Volume remaining for reagent typing sera inventory;

(E) Properly label and store:

(I) Cells;

(II) Complement;

(III) Buffers;

(IV) Dyes; and

(V) Reagents;

(F) Type all potential transplant recipient cells and cells from organ donors referred to the medical test site;

(G) Have adequate reagent trays for typing recipient and donor cells to define all HLA A, B, and DR specificities as required to determine splits and cross-reactivity;

(H) Have a written policy establishing when antigen redefinition and retyping are required;

(I) Screen recipient sera for preformed antibodies with a suitable lymphocyte panel;

(J) Use a suitable cell panel for screening patient sera containing all the major HLA specificities and common splits;

(K) Use the mixed lymphocyte culture, or equivalent, to determine cellularly defined antigens;

(L) On each tray:

(I) Include positive and negative reference materials; and

(II) Use positive controls for specific cell types when applicable;

(M) Use controls to monitor the test components and each phase of the test system for:

(I) Each compatibility test; and

(II) Typing for disease associated antigens;

(N) Use quality control procedures to monitor the efficacy of the method if immunologic reagents are used to remove contaminating cells during the isolation of lymphocytes or lymphocyte subsets;

(O) Have each individual performing tests evaluate a previously tested specimen as an unknown on a monthly basis; and

(P) Participate in at least one national or regional cell exchange program, if available, or develop an exchange system with another medical test site;

(iii) When performing only transfusions, and nonrenal transplantation, excluding bone marrow and living transplants, meet all the requirements specified in this section

except for the requirements for the performance of mixed lymphocyte cultures;

(iv) When performing bone marrow transplantation, meet all the requirements specified in this section including the performance of mixed lymphocyte cultures, or equivalent, to evaluate class II compatibility;

(v) When performing disease associated studies, meet all the requirements specified in this section except for the performance of mixed lymphocyte cultures, antibody screening and crossmatching; and

(vi) Test donor for HIV reactivity)) Meet the standards for histocompatibility as listed in 42 CFR Part 493.1265, Condition: Histocompatibility, available from the department upon request;

(u) For cytogenetics:

(i) Document the:

(A) Number of metaphase chromosome spreads and cells counted and karyotyped;

(B) Number of chromosomes counted for each metaphase spread;

(C) Media used;

(D) Quality of banding; and

(E) Sufficient resolution to support the reported results;

(ii) Assure an adequate number of karyotypes are prepared for each patient, according to the indication given for performing cytogenetics study;

(iii) Use an adequate patient identification system for:

(A) Patient specimens;

(B) Photographs, photographic negatives, or computer stored images of metaphase spreads and karyotypes;

(C) Slides; and

(D) Records;

(iv) Include in the final report:

(A) The number of cells counted and karyotyped; and

(B) An interpretation of the karyotypes findings;

(v) Use appropriate nomenclature on final reports; and

(vi) When performing determination of sex by X and Y chromatin counts, perform confirmatory testing on all atypical results;

(v) For radiobioassay and radioimmunoassay:

(i) Check the counting equipment for stability each day of use with radioactive standards or reference sources; and

(ii) Meet Washington state radiation standards described under chapter 70.98 RCW, and chapter 402-10 through 402-24, 402-32 through 402-34, 402-62, and 402-70 WAC.

AMENDATORY SECTION (Amending Order 390, filed 9/1/93, effective 10/2/93)

WAC 246-338-100 Disciplinary action. (1) The department may take disciplinary action against the license of a medical test site or an application for a license as a medical test site upon a determination that the licensee or applicant has engaged in or committed any of the following:

(a) Failure or refusal to comply with the requirements of chapter 70.42 RCW or the rules adopted under chapter 70.42 RCW;

(b) Knowingly, or with reason to know, made a false statement of a material fact in the application for a license or in any data attached thereto or in any record required by the department;

(c) Refused to allow representatives of the department to examine any book, record, or file required under this chapter;

(d) Willfully prevented, interfered with, or attempted to impede in any way, the work of a representative of the department; or

(e) Misrepresented or was fraudulent in any aspect of the owner's or applicant's business.

(2) Except as provided in subsection (3) of this section, the following actions may be taken against the applicant or licensee, individually or in any combination, as a disciplinary action:

(a) Denial of the license or renewal thereof;

(b) Conditions on the license which limit or cancel the test site's authority to conduct any tests or group of tests;

(c) Suspension of the license;

(d) Revocation of the license;

(e) Monetary penalties, not exceeding ten thousand dollars per violation.

(3) Upon a determination that the licensee or applicant has engaged in or committed any of the following described conduct, the sanction shall be as specified for that conduct. If more than one sanction is listed, the sanction may be ordered individually or in any combination:

(a) If the applicant was the holder of a license under chapter 70.42 RCW which was revoked for cause and never reissued by the department, then the license application may be denied;

(b) If the licensee willfully prevents or interferes with preservation of evidence of a known violation of chapter 70.42 RCW or the rules adopted under this chapter, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be:

(i) Conditioned in a manner limiting or canceling the authority to conduct tests or groups of tests;

(ii) Suspended;

(iii) Revoked;

(c) If the licensee used false or fraudulent advertising, a monetary penalty not exceeding ten thousand dollars per violation may be assessed or the license may be suspended or revoked;

(d) If the licensee failed to pay any civil monetary penalty assessed by the department under chapter 70.42 RCW within twenty-eight days after the assessment becomes final, the license may be suspended or revoked;

(e) If the licensee intentionally referred its proficiency testing samples to another medical test site or laboratory for analysis, the license will be revoked for a period of at least one year and a monetary penalty not exceeding ten thousand dollars per violation may be assessed (~~or the license may be:~~

~~(i) Conditioned in a manner limiting or canceling the authority to conduct tests or groups of tests;~~

~~(ii) Suspended;~~

~~(iii) Revoked)).~~

(4) The department may summarily suspend or revoke a license when the department finds continued licensure of a test site immediately jeopardizes the public health, safety, or welfare.

(5) The department shall give written notice of any disciplinary action taken by the department to the owner or

applicant for licensure, including notice of the opportunity for a hearing.

(6) A medical test site, convicted of fraud and abuse, false billing or kickbacks under state law must report this information to the department within thirty days.



WSR 97-14-008
EMERGENCY RULES
STATE BOARD OF HEALTH

[Filed June 19, 1997, 11:33 a.m.]

Date of Adoption: June 12, 1997.

Purpose: The emergency rule allows shower requirements to be met by showers located within a reasonable distance of camps, for temporary worker housing provided to workers within cherry picking camps. The board is responding to a situation described by county health officials.

Citation of Existing Rules Affected by this Order: Amending WAC 246-358-095.

Statutory Authority for Adoption: RCW 70.54.110.

Other Authority: RCW 34.05.350.

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

Reasons for this Finding: Based on the testimony of Max Benitz, Jr., Chair of the Board of Benton County Commissioners, Undersheriff Money of the Benton County Sheriff's Office and Bruce Perkins, Director of Environmental Health of the Benton-Franklin Health District, the State Board of Health finds that the following reasons necessitate an emergency rule amendment:

Migrant workers are now beginning to arrive in Washington state to harvest the cherry crop. Historically, migrant workers have lived in cherry camps established by growers for whom they pick. For various reasons including ongoing litigation and the threat of litigation, growers who might otherwise have sought licensure of their camps have opted not to seek licensure. This situation presents the potential of having far more migrant workers in cherry growing communities than there are places in licensed camps.

There is currently little alternative housing available for migrant workers in cherry growing communities outside of the cherry camps. Without camps available, workers often live "on the river bank," that is, in isolated rural areas without safe sources of drinking water or any sanitation facilities. The health risks both to workers and to the larger community associated with such conditions include the spread of infectious disease. Workers camping in isolated areas may also be the targets of violence, vandalism and theft. The state health officer concurred in the assessment of health risks.

A certain percentage of unlicensed cherry growers have camps that are equipped for licensure except with respect to shower requirements. Local authorities believe some of the growers would seek licensure if shower requirements could be met by off-site showers. If licensed, these camps would provide additional housing for migrant workers.

The above-described conditions constitute good cause to find threat to the public health, safety, or welfare. The amendment is narrowly tailored to alleviate these conditions on a temporary basis. Because the cherry harvest is imminent, observing requirements for notice and the opportunity for public comment would be contrary to the public interest.

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: Immediately.

June 18, 1997

Sylvia Beck

Executive Director

AMENDATORY SECTION (Amending WSR 96-02-014, filed 12/21/95, effective 1/1/96)

WAC 246-358-095 Bathing and handwashing facilities. (1) An operator shall:

(a) Provide hot and cold running water under pressure for bathing and handwashing adequate to meet the needs of occupants as determined by the department or contracted health officer;

(b) Provide at least one electrical ceiling or wall-type convenience fixture; and

(c) Provide thirty footcandles of light measured thirty inches from the floor.

(2) An operator providing centralized bathing or handwashing facilities shall meet the requirements of subsection (1) of this section, and:

(a) Provide the number of handwashing sinks and shower heads specified in Table I;

(b) Provide a means to maintain a temperature of 70°F during cold weather;

(c) Ensure bathing and handwashing facilities are maintained in a clean and sanitary condition;

(d) Provide one slop sink per building used for handwashing and bathing; and

(e) Provide shower rooms with:

(i) Sloped, coved floors of nonslip impervious materials;

(ii) Floor drains; and

(iii) Smooth, water impervious walls and partitions to the height of splash.

(f) Provide cleanable, nonabsorbent waste containers.

TABLE I:

Required number of centralized handwashing sinks and shower heads.

HANDWASHING SINKS One per each 6 persons* or fraction thereof.

SHOWER HEADS One per each 10 persons* or fraction thereof.

*The number of persons shall be calculated by subtracting the number of occupants sheltered in dwelling units that contain individual facilities from the maximum occupancies approved for both operator-supplied and worker-supplied housing.

(3) An operator providing bathing or handwashing facilities in dwelling units shall meet the requirements in subsection (1) of this section, and request occupants to

maintain bathing, handwashing, and toilet facilities in a clean and sanitary condition.

(4) With respect to temporary worker housing provided to workers within cherry camps only, shower requirements may be met by showers within a reasonable distance of the camp.

WSR 97-14-017
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order 97-25—Filed June 20, 1997, 1:50 p.m.]

Date of Adoption: June 20, 1997.

Purpose: To rescind an emergency rule (chapter 173-152 WAC (WSR 97-10-091)) and to establish criteria under which the department may prioritize processing of certain applications for water rights or applications to change or transfer a water right and to permit investigating water right applications by geographic area or water source.

Statutory Authority for Adoption: RCW 43.21A.064(8) and 43.27A.090(11).

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

Reasons for this Finding: The Superior Court of the state of Washington for Kittitas County ordered the Department of Ecology not to engage in any investigation or processing of pending ground water applications until appropriate rule making is completed. To prevent a state agency from conducting normal business will cause confusion and a situation which is not in the public interest. This rule will allow the Department of Ecology to issue decisions on certain pending applications while permanent rule making is completed.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 5, amended 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: Immediately.

June 20, 1997
 Thomas Fitzsimmons
 Director

NEW SECTION

WAC 173-152-010 Purpose. This rule establishes the framework under which the department can provide for the orderly organization of its work, prioritize investigations of water right applications by geographic areas, and establish criteria for priority processing of applications for new water rights or applications for change or transfer of existing water rights.

NEW SECTION

WAC 173-152-020 Definitions. For the purposes of this chapter the following definitions apply:

(1) "Department" means the department of ecology.

(2) "Public water system" means a water supply system as defined in RCW 70.119A.020.

(3) "Applications to change or transfer" means applications made under RCW 90.03.380 or 90.44.100.

(4) "Competing applications" means all existing applications for water right from the same water source, whether for a new water right or for a change or transfer of an existing water right.

(5) "Same water source" or "source of water" means a surface water body, including a stream, stream system, lake, or reservoir and any spring water or underground water that is part of or tributary to the surface water body, that the department determines to be an independent water body for the purposes of water right administration.

NEW SECTION

WAC 173-152-025 Organization and management of workload. (1) The department may establish regions and maintain regional offices or field offices for the purposes of maximizing the efficiency of its work. Regional offices and their geographic jurisdictions are as follows:

(a) Northwest regional office serving Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties;

(b) Southwest regional office serving Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties;

(c) Central regional office serving Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties; and

(d) Eastern regional office serving Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties.

(2) The department will make decisions on new water right applications or applications for change or transfer of an existing water right within a region or within a regional or field office's geographic area by the date the application was received except as provided for in subsection (3) of this section and WAC 173-152-040.

(3) The department may, based on the criteria identified in subsection (4) of this section, conduct an investigation and make decisions on one or more water right applications for the use of water from the same water source. When numerous applications for water from the same water source are being investigated, the final decisions will be made in the order in which the applications were received. Each

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application will be considered individually under the requirements of RCW 90.03.290.

(4) The department may select a water source for investigation of water right applications based on one or more of the following conditions related to the water source:

- (a) The number and age of pending applications, and the quantity of water requested;
- (b) The ability to efficiently investigate applications because of the availability of data related to water supply and future needs, streamflow needs for instream values, and hydrogeology of the basin;
- (c) Risk of multiple applications impairing senior rights including both diversionary and instream flow rights;
- (d) Implementation of water resource plans; and/or
- (e) The projected population and economic growth in the area.

NEW SECTION

WAC 173-152-040 Criteria for priority processing of competing applications. (1) An application may be processed prior to competing applications if the application resolves or alleviates a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users. The inability of any public water system to accommodate future population growth or other future uses does not constitute a public health or safety emergency. The application must be filed specifically to correct the actual or anticipated cause(s) of the public water system failure. To be considered a failing public water system, the system must meet one or more of the following conditions:

(a) The department, upon notification by and in consultation with the department of health or local health authority, determines a public water system has failed, or is in danger of failing within one year, to meet state board of health standards for the delivery of potable water to existing users in adequate quantity or quality to meet basic human drinking, cooking and sanitation needs.

(b) The current water source has failed or will fail so the public water system is or will become incapable of exercising its existing water right to meet existing needs for drinking, cooking and sanitation purposes after all reasonable conservation efforts have been implemented; or

(c) A change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs, or the state department of health determines that the existing source of supply is unacceptable for human use.

(2) The department may investigate and make decisions on applications for change or transfer to existing water rights prior to competing applications provided one or more of the following criteria are satisfied:

(a) The change or transfer if approved would enhance the quality of the natural environment;

(b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas; or

(c) The change or transfer was filed by water right holders participating in the Yakima River adjudication, and a decision is needed expeditiously to ensure that conditional final orders of the Yakima County superior court will be representative of the current water use situation.

(3) An application may be processed prior to competing applications if the department determines:

(a) Immediate action is necessary for preservation of public health or safety; or

(b) The proposed water use is nonconsumptive and if approved would enhance or protect the quality of the natural environment.

NEW SECTION

WAC 173-152-050 Exceptions. Nothing in this chapter precludes the department from processing applications or requests filed for emergent or emergency circumstances under RCW 43.83B.410, 90.03.383(7), or 90.03.390 and/or where the law provides a specific process for evaluation of an application and issuance of a decision.

WSR 97-14-019

EMERGENCY RULES

WASHINGTON STATE PATROL

[Filed June 20, 1997, 4:50 p.m.]

Date of Adoption: June 19, 1997.

Purpose: To prescribe uniform state-wide standards for retail fireworks stands under chapter 212-17 WAC, Fireworks. NOTE: This emergency rule rescinds WSR 97-11-041, filed on May 16, 1997.

Citation of Existing Rules Affected by this Order: Repealing WAC 212-17-190, 212-17-195, 212-17-200, 212-17-203, 212-17-205, 212-17-210, and 212-17-215; and amending WAC 212-17-185.

Statutory Authority for Adoption: RCW 70.77.270.

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; and 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 1995 legislature amended chapter 70.77 RCW, requiring the agency to promulgate state-wide standards for fireworks retail stands. A committee composed of fire service officials and a representative of the fireworks industry worked during 1995 and 1996 to develop comprehensive state-wide standards for fireworks retail stands. On May 10, 1996, the agency promulgated the rules developed by this committee as an emergency WAC to be effective during the 1996 Fourth of July fireworks selling period. The emergency rules expired by operation of law September 10, 1996. Subsequently, the agency convened a new committee with expanded representation of the fire service agencies and of the fireworks industry to review the adequacy of the 1996 emergency rules and to develop permanent rules for fireworks retail stands. The legislature during the 1997 session again amended chapter 70.77 RCW; chapter 182, Laws of 1997.

Because it was not possible to adopt permanent rules before the 1997 July 4th fireworks season, it is necessary to adopt emergency rules. The process of adopting permanent

rules has begun with the filing of a new CR-101 on June 18, 1997, with the Code Reviser. The agency is filing a notice of its intent to adopt these emergency rules as a permanent rule, and is actively undertaking the appropriate procedures to adopt these emergency rules as a permanent rule.

The emergency rules are required to protect the public health and safety. Without these rules there would be insufficient state-wide rules in place to regulate the safe operation of fireworks stands as the legislature intended. These regulations are necessary to ensure that people who work in retail fireworks stands and the public who visit these stands are provided reasonable protection against injury and death if an accident were to occur.

The emergency rules which are being filed with this notice are essentially the same as those developed by the committee which, during the fall and early winter of 1996, met to review the adequacy of the 1996 emergency rules and to develop permanent rules for fireworks retail stands.

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 7, amended 1, repealed 9.

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 7, amended 1, repealed 9.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 7, amended 1, 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 7, amended 1, repealed 9.

Effective Date of Rule: Immediately.

June 19, 1997
R. M. Leichner
for Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending Order FPS 88-01, filed 3/31/88)

WAC 212-17-185 (~~(Retailers of fireworks—General)~~)

License and permit. (1) Persons desiring to engage in the business of selling fireworks at retail shall secure a license from the director of the Washington state patrol fire protection bureau.

(2) In addition to the state license, a permit must be obtained from the local governmental officials having jurisdiction.

(a) The application shall be made on forms provided by the director of fire protection and shall be accompanied by the license fee of ~~((ten))~~ forty dollars.

(b) License applications shall be made on or before ~~((June 10))~~ May 1 of the year for which the license is desired.

(c) The director of fire protection shall grant or deny the license within fifteen days of receipt of the application.

(d) Applicants are cautioned to first determine whether a local retail sales permit for fireworks can be obtained.

(3) A retailer's license to sell fireworks shall not authorize the licensee to engage in any other fireworks activity. Retailers are limited to selling only those fireworks which have been approved for sale to the public and appear on the list of approved fireworks published annually by the director of fire protection. A copy of the list shall be prominently posted at each retail outlet.

NEW SECTION

WAC 212-17-21503 Definitions. (1) "Common fireworks" means those fireworks defined as common fireworks in RCW 70.77.136.

(2) "Following year" means the year immediately following the year in which a license or permit is issued.

(3) "License" means a license as defined in RCW 70.77.170.

(4) "Magazine" means a structure as defined in Section 214 of the Uniform Building Code.

(5) "Membrane material" means a thin, flexible, impervious material capable of being supported by an air pressure of 1.5 inches of water column (373 Pa).

(6) "Permanent retail or wholesale structure" means an enclosure or shelter erected for a period of thirty days or more used for the sales, at retail or wholesale, of fireworks of any kind.

(7) "Permanent storage structure" means a building or other structure used to store any fireworks not authorized within the scope of a retail fireworks stand permit.

(8) "Permit" means a permit as defined in RCW 70.77.180.

(9) "Private way" means any privately owned driveway, lane, access way or similar parcel of land having a clear width of not less than eight feet essentially unobstructed from the ground to the sky which serves as access from private property to a public road.

(10) "Public road" means any street or alley essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width of not less than ten feet.

(11) "Recognized testing laboratory" means a nationally, recognized testing laboratory approved by the state fire marshal.

(12) "Temperature overheat protection" means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit exceeds its designed operating temperature.

(13) "Temporary power drop" means an electrical service connection to a temporary stand.

(14) "Temporary retail fireworks stand" means a temporary structure used for the retail sales of common fireworks.

(15) "Temporary storage structure" means a building or other structure used for storage of common fireworks directly related to a retail fireworks stand and authorized within the scope of a retail fireworks stand permit.

(16) "Temporary structure" means an enclosure or shelter erected for a period of less than thirty days and not otherwise defined in the Uniform Fire Code as a tent or canopy.

(17) "Tip-over protection" means a device which immediately interrupts the power to the heating element of a portable heating unit when the portable heating unit is tipped or tilted more than forty-five degrees from its designed operating position.

(18) "Uniform Building Code" means the edition currently adopted by the state of Washington.

(19) "Uniform Fire Code" means the edition currently adopted by the state of Washington.

NEW SECTION

WAC 212-17-21505 General provisions. (1) The state of Washington hereby fully occupies the entire field of regulation relating to the construction and use of temporary structures for the retail sale and storage of fireworks including: The location of and areas surrounding, the operation of and the cleanup after the use of said structures, pursuant to RCW 70.77.270.

(2) The state of Washington hereby preempts the authority of local jurisdictions with respect to the retail sale and associated storage of common fireworks from temporary structures. This rule constitutes the entire and exclusive authority for regulation of all such matters. Subject to the limitations imposed by chapter 70.77 RCW, a city or county may ban fireworks; or a city or county may restrict the dates of sale, purchase, possession and use of fireworks; or a city or county may restrict the types of fireworks that may be sold and purchased within its boundaries. If a city or county allows the sale of fireworks classified as common fireworks from temporary structures these rules preempt that city's or that county's authority to enact or enforce any other regulations.

(3) Except as prescribed by this rule, the use of permanent structures or temporary structures over four hundred square feet for fireworks sales and storage shall be subject to the provisions of the Uniform Fire Code and the Uniform Building Code, and local ordinances.

(4) The use of temporary structures for the temporary sale or storage of common fireworks are exempt from the Uniform Building Code, Uniform Fire Code and local ordinances except that where a city or county ordinance regulates the sale or use of fireworks as a part of that city's or that county's building code or fire code, those provisions of that county's or that city's building or fire code which are not in conflict with this rule are not hereby preempted or affected.

(5) Each license and permit shall be issued and shall remain valid and effective for the thirteen-month period beginning on January 1 of the year in which application is made and ending January 31 of the following year.

(6) Only Class C common fireworks, obtained from state-licensed wholesalers, not otherwise prohibited by chapter 70.77 RCW or local ordinance, and holiday related products incidental but related to these products, may be sold in retail fireworks stands.

(7) Except as limited by local ordinance, fireworks may be sold from 12:00 noon on June 28 through 12:00 noon on July 6. Fireworks may not be sold between the hours of 11:00 p.m. and 9:00 a.m. from June 28 through July 3. Fireworks may not be sold from 12:00 midnight on July 4

through 9:00 a.m. on July 5. Fireworks may not be sold from 11:00 p.m. on July 5 through 9:00 a.m. on July 6.

(8) Except as limited by local ordinance, fireworks may be sold from 6:00 p.m. on December 31 through 1:00 a.m. on January 1 of the following year.

(9) Licensees shall familiarize all persons working in a retail fireworks stand with the provisions of these rules.

(10) The state fire marshal and the local authority having jurisdiction shall comply with the provisions of RCW 43.05.005 in the application of this rule. Failure to comply at any time with the provisions of this rule or any other applicable regulation shall constitute a violation of chapter 70.77 RCW and may result in the immediate revocation of the license or permit, closure of the fireworks sales or storage structure, the seizure of some or all of the fireworks, and other criminal penalties as specified by law.

NEW SECTION

WAC 212-17-21507 Transportation. When transporting fireworks, licensees shall comply with all federal, state and local transportation requirements, provided that, upon request of the licensee, the local authority having jurisdiction may waive or modify the local transportation requirements. Nothing in these rules shall restrict the right of any person to transport, in a private vehicle, fireworks which have been legally purchased from a retail fireworks licensee.

NEW SECTION

WAC 212-17-21509 Location. (1) Activities or uses subject to this rule shall not be limited in location except where such activities or uses are prohibited or controlled by local development regulation, traffic safety or road construction standards.

(2) Temporary retail fireworks stands shall not be located more than one hundred fifty feet from a private access way, fire department access road, public road, street or highway as measured by an approved route around the exterior of the stand. The minimum requirements for a private access way shall be determined by the local authority having jurisdiction, but shall not exceed the requirements of locally adopted street, road and access standards.

(3) Any two retail fireworks stands shall be at least one hundred feet apart or shall be separated by a road, street or highway not less than thirty feet in width.

(4) Retail fireworks stands shall be located as required by Table 1 in this section. The minimum required area surrounding the stand shall be marked or flagged, except that flagging and marking shall not block a sidewalk or pedestrian pathway.

Table 212-17-21509

Retail Fireworks Stands - Minimum Clearances						
	Buildings	Combustibles	Property Line	Parking	Motor Vehicle Traffic PUBLIC WAY*	Motor Vehicle Traffic PRIVATE WAY
BACK OF STAND	20 FT.	20 FT.	5 FT.	20 FT.	20 FT.	5 FT.
SIDE OF STAND	20 FT.	20 FT.	5 FT.	20 FT.	20 FT.	5 FT.
FRONT OF STAND	20 FT.	20 FT.	20 FT.	20 FT.	20 FT.	20 FT.

* Measured from the outer edge of the nearest traffic lane.

(5) Retail fireworks stands shall not be located closer than one hundred feet from any flammable or combustible liquid or gas dispensing device, nor less than three hundred feet from any flammable or combustible liquid or gas bulk storage or dispensing facility, such as a tank farm.

(6) Upon request by a licensee, the state fire marshal, with the concurrence of the local authority having jurisdiction, may modify any portion of this section provided that any modification shall not be more restrictive than the requirements herein.

NEW SECTION

WAC 212-17-21511 Area around the retail fireworks stand. (1) The minimum areas around the retail fireworks stand specified in WAC 212-17-21509 shall be kept free of accumulation of dry grass, dry brush and combustible debris. No parking shall be permitted within this minimum area.

(2) No motor vehicle or trailer may be parked within twenty feet of a retail fireworks stand except when delivering, loading or unloading fireworks.

(3) Fireworks shall not be discharged within one hundred feet of a retail fireworks stand. Signs reading "NO FIREWORKS DISCHARGE WITHIN 100 FEET" in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, shall be conspicuously posted on all four sides of the stand.

(4) No smoking shall be allowed within the retail fireworks stand or within the minimum flagged off area. Signs reading "NO SMOKING WITHIN 20 FEET" in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, shall be conspicuously posted on all four sides of the stand.

(5) Upon request by a licensee, the state fire marshal, with the concurrence of the local authority having jurisdiction, may modify any portion of this section provided that

any modification shall not be more restrictive than the requirements herein.

NEW SECTION

WAC 212-17-21513 Stand use and construction. (1) Fireworks may be sold from:

(a) A permanent structure which meets provisions of WAC 212-17-21505(3).

(b) Temporary, stable structures made from wood, metal, fiberglass or other material. Any temporary fireworks retail stand greater than four hundred square feet shall meet the requirements of a permanent structure, except tents or canopies as defined in the Uniform Fire Code.

(c) Tents, canopies, or structures utilizing temporary membrane material. All tents, canopies or temporary membrane materials structures shall be made from fire retardant material or treated with a fire retardant as identified in the Uniform Fire Code. Any tent, canopy or temporary membrane material structure falling within the scope of the Uniform Fire Code shall comply with those requirements. When those requirements are in conflict with other provisions of these rules, the more restrictive provisions shall apply.

(2) Battery powered equipment, electrical equipment and electrical cords which are used in conjunction with a retail fireworks stand or a temporary storage structure or location must be listed by a recognized laboratory and used in accordance with that listing. If electrical power is supplied by an extension cord, the size of the cord, the length of the cord and the amperage and the voltage supplied shall be in compliance with the requirements of the National Electrical Code, current edition. The cord shall be protected as necessary from "drive-over" and other physical damage. No additional permits from a city or county or state official having jurisdiction shall be required for these temporary uses except as specified in subsection (5) of this section.

EMERGENCY

(3) All heating units shall be listed by a recognized testing laboratory and shall be used in accordance with the listing. Heating sources shall have "tip-over" and temperature overheat protection. All heating devices shall have sealed type elements (i.e., oil filled or water filled radiator type). Open flame heating devices are prohibited.

(4) Generators which use combustible fuel and which are at least twenty feet from the retail fireworks stand or the temporary fireworks storage structure shall be allowed. Generator fuel shall be limited to not more than five gallons and stored at least twenty feet from all stands.

(5) Compliance with the National Electrical Code, current edition, shall be required for all new, permanent electrical installations, including temporary power drops, subject to possible permit fees.

(6) Retail sales of fireworks and other products which are holiday related shall be from structures used for no other purpose.

(7) Upon request by a licensee, the state fire marshal, with the concurrence of the local authority having jurisdiction, may modify any portion of this section provided that any modification shall not be more restrictive than the requirements herein.

NEW SECTION

WAC 212-17-21515 Operation of retail fireworks stands. (1) A clear aisle or walkway not less than twenty-four inches wide shall be maintained inside the full length of the structure. Customers shall only be permitted inside a temporary retail fireworks stand that is greater than three hundred square feet and which meets minimum exit requirements of the Uniform Building Code and Uniform Fire Code, as now or amended hereafter.

(2) Each temporary retail fireworks stand must have at least two exits, at least twenty-eight inches in width, located at opposite ends of the structure. Exits must remain unlocked and unobstructed during the hours of operation or when the stand is occupied.

(3) Sleeping inside a retail fireworks stand or an associated temporary fireworks storage facility is prohibited.

(4) The location of the nearest permanently mounted telephone must be posted inside the retail fireworks stand and persons working in the stand shall be informed of that location.

(5) The local emergency telephone number shall be conspicuously posted inside the retail fireworks stand.

(6) Each retail fireworks stand shall be equipped with two approved, pressurized two-and-one-half gallon water-type fire extinguishers.

(7) No open flames nor any type of open flame equipment shall be allowed in any retail fireworks stand.

(8) Retail fireworks stands shall be locked when unoccupied and not open for business if fireworks are kept in the structure during these times. Retail fireworks stands shall never be locked when occupied. The fireworks may be removed and transferred to a temporary storage structure or location approved as a part of the license and permit.

(9) At least one adult person, eighteen years of age or older shall be present at all times in every retail fireworks stand during the hours of sale to the public and shall be responsible for supervision of the retail fireworks stand and

its operation. No person, other than customers, under the age of sixteen shall be allowed within a retail fireworks stand when it is open to the public.

(10) Retail fireworks stands may be inspected by the state fire marshal and/or the local jurisdiction issuing the permit prior to opening for business and other inspections may occur on other days as warranted but there shall be no additional charge for all such inspections.

(11) In order to obtain return of a clean-up bond if required by the local authority having jurisdiction as a condition of permit, the cleanup of debris associated with the retail fireworks activity and the removal of all structures authorized by the license and permit shall occur on or before the last day of the storage period specified in these rules.

(12) Upon request by a licensee, the state fire marshal, with the concurrence of the local authority having jurisdiction, may modify any portion of this section provided that any modification shall not be more restrictive than the requirements herein.

NEW SECTION

WAC 212-17-21517 Temporary fireworks storage associated with the retail fireworks stand operation. (1) Temporary fireworks storage is not permanent fireworks storage. Temporary fireworks storage is defined as storage associated with retail fireworks sales and may only be from June 13 through July 31 and from December 12 through January 10 of the following year. Permanent fireworks storage is associated with retail or wholesale fireworks activities when the period of time of storage is other than, or longer than that specified for temporary storage. Temporary fireworks storage shall be in accordance with this section. Permanent fireworks storage is subject to the Uniform Fire Code and the Uniform Building Code and local ordinances.

(2) Delivery of fireworks to a location, or storage of fireworks in a facility, not authorized by the license and permit is prohibited.

(3) A temporary fireworks storage facility or a temporary fireworks storage location shall be authorized as a part of a license and permit if it meets the requirements specified herein.

(4) No open flames nor any type of open flame equipment shall be allowed in any temporary fireworks storage structure.

(5) Storage of fireworks authorized by a retail license and permit is legal only during the periods specified in this section.

(6) Fireworks may be stored:

(a) In a locked or secured retail fireworks stand; or

(b) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from the retail fireworks stand during hours of retail sales; or

(c) In a locked or secured truck, container, trailer, other vehicle or anything similar which is not less than twenty feet from an inhabited building where the term "inhabited building" is defined as in the Uniform Building Code; or

(d) In a magazine which meets the minimum standards of Type 4 as prescribed by the Uniform Fire Code, and which is not less than ten feet from an inhabited building

where the term "inhabited building" is defined as in the Uniform Building Code; or

(e) In a locked or secured metal or wooden garage, shed, barn or other accessory building, or anything similar which is not less than twenty feet from an inhabited building where the term "inhabited building" is defined as in the Uniform Building Code.

(7) The local authority having jurisdiction may reduce the minimum separation requirements of this section provided that safety of life and property is not diminished.

(8) No cooking is permitted in a retail fireworks stand or in a temporary fireworks storage structure.

(9) Temporary fireworks storage structures may be inspected prior to use and other inspections may occur on other days as warranted. There shall be no additional charge for all such inspections.

(10) Upon request by a licensee, the state fire marshal, with the concurrence of the local authority having jurisdiction, may modify any portion of this section provided that any modification shall not be more restrictive than the requirements herein.

NEW SECTION

WAC 212-17-21519 Cleanup. (1) At the end of the legal selling period, all fireworks must remain in the retail fireworks stand, temporary storage location authorized by the retail permit or another location approved by the local authority having jurisdiction or his or her designee until returned to the suppliers from which they were obtained, or until transferred to an approved location.

(2) Cities and counties may require a clean-up bond, not to exceed five hundred dollars, as a condition of the permit, to ensure the removal of all structures and debris from the site.

(3) In order to obtain return of a clean-up bond, cleanup of debris associated with the retail fireworks activity and the removal of all temporary structures authorized by the license and permit shall be completed no later than 11:59 p.m., July 15 for the Fourth of July selling period or no later than 11:59 p.m., January 10 for the New Year's Eve selling season.

(4) Failure of the licensee to comply with subsection (3) of this section shall constitute forfeiture of the clean-up bond and the licensee shall be liable for any clean-up costs incurred by the city or county which exceed the amount of the bond.

**WSR 97-14-020
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-107—Filed June 23, 1997, 10:55 a.m., effective June 23, 1997, noon]

Date of Adoption: June 20, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05700W.

Statutory Authority for Adoption: RCW 75.08.080.

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 sturgeon guideline is expected to be achieved. This rule is consistent with actions of the June 20, 1997, Columbia River compact hearing.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: June 23, 1997, noon.

June 20, 1997
Larry Peck
for Bern Shanks
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective noon June 23, 1997:

WAC 220-32-05700W Columbia River sturgeon seasons above Bonneville. (97-105)

**WSR 97-14-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-108—Filed June 24, 1997, 3:28 p.m., effective June 30, 1997, 12:01 a.m.]

Date of Adoption: June 24, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071 and 220-69-240.

Statutory Authority for Adoption: RCW 75.08.080.

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 for harvest in all district and areas listed. Titlow Beach Marine Preserve and Sund Rock

EMERGENCY

Marine Preserve are closed to preserve the character of the marine preserves. Tatoosh Island closure is consistent with tribal agreements. Daily reports of landings are needed to prevent overharvest of allocations in each management region; fish receiving tickets are not received and processed in a manner that permits timely closure of regions.

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: June 30, 1997, 12:01 a.m.

June 24, 1997

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-52-07100A Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m. June 30, 1997, until further notice, it is unlawful for non-treaty sea cucumber harvesters to take or possess sea cucumbers taken for commercial purposes except as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 (Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B), Sea Cucumber District 2 (Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, 29 and those waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters, Grays Harbor, Willapa Bay, and the waters at the mouth of the Columbia River west of the Buoy 10 Line), and Marine Fish-shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D and all Washington waters of the Pacific Ocean 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 section.

(2) The following waters are closed to the harvest of sea cucumbers at all times:

(a) Those waters closed under WAC 220-52-071.

(b) Titlow Beach Marine Preserve - All waters due west from the southern end of the the Tacoma Outboard Association building near the boat launch ramp to the outer harbor line, then south following the outer harbor line to a line due west from the old ferry landing dock at the 6th Ave. extension then following the line to the high water line then to the point of origin.

(c) Tatoosh Island - Those waters within one-quarter mile of Tatoosh Island.

(d) Sund Rock Marine Preserve - Waters within 100 yards of the salmon net pens near Sund Rock in Hood Canal.

(e) Edmonds Underwater Park - Those tidelands and waters bounded by the mean high tide line then along the projected line of Main St. west to the outer harbor line, then 250 feet north following the outer harbor line, then back to shore, then to the point of origin.

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

NEW SECTION

WAC 220-69-24000F Duties of commercial purchasers and receivers. Notwithstanding the provisions of WAC 220-69-240, effective 12:01 a.m. June 30, 1997, until further notice:

(1) It is unlawful for any wholesale dealer purchasing sea cucumbers from non-treaty sea cucumber fishers to fail to report to the Department each day's purchase by 10:00 a.m. the following day. The report must specify the number of pounds taken by Marine Fish-Shellfish Management and Catch Reporting Area. Either of the following two methods of reporting is acceptable.

(a) By facsimile (FAX) transmission to (360) 796-4997, or

(b) By telephone call to (360) 796-4601, extension 500.

(2) All fish receiving ticket reporting requirements of WAC 220-69-240 remain in effect.

WSR 97-14-029

EMERGENCY RULES

HEALTH CARE AUTHORITY

(Basic Health Plan)

[Filed June 25, 1997, 8:30 a.m.]

Date of Adoption: June 25, 1997.

Purpose: Revisions of current Basic Health Plan rules to implement a reservation list for reduced premium enrollees.

Citation of Existing Rules Affected by this Order: Amending WAC 182-25-030, 182-25-040, and 182-25-090.

Statutory Authority for Adoption: RCW 70.47.050.

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: Because Basic Health Plan has reached maximum enrollment for the funding allocated, rules must be modified to ensure the orderly implementation of a reservation list.

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 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 24, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

WAC 182-25-030 Eligibility. (1) To be eligible for enrollment in BHP, an individual must:

- (a) Not be eligible for Medicare; and
- (b) Reside within the state of Washington.

Persons not meeting these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by BHP, will not be enrolled. An enrollee who subsequently fails to meet these criteria, or who is later determined to have failed to meet the criteria at the time of enrollment, will be disenrolled from the plan as provided in WAC 182-25-090.

(2) To be eligible for subsidized enrollment in BHP, an individual must have a gross family income that does not exceed two hundred percent of federal poverty level as adjusted for family size and determined annually by the U.S. Department of Health and Human Services, and must pay, or have paid on their behalf, the monthly BHP premium.

(3) To be eligible for nonsubsidized enrollment in BHP, an individual may have any income level and must pay, or have paid on their behalf, the full costs for participation in BHP, including the cost of administration, without subsidy from the HCA.

(4) An individual otherwise eligible for enrollment in BHP may be denied enrollment if the administrator has determined that acceptance of additional enrollment would exceed limits established by the legislature, would jeopardize the orderly development of BHP or would result in an overexpenditure of BHP funds. In the event that the administrator closes or limits enrollment and to the extent funding is available, BHP will continue to accept and process applications for enrollment (~~(, but will not process these applications for determination of eligibility. BHP will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants))~~ from:

- (a) Applicants who will pay the full premium;
- (b) Children eligible for BHP Plus;
- (c) Pregnant women who, prior to April 1, 1997, apply to BHP, are referred and qualify for maternity benefits through DSHS;
- (d) Children eligible for subsidized BHP, who were referred to DSHS for BHP Plus coverage, but were found ineligible for BHP Plus;

(e) Employees of a home care agency group enrolled or applying for coverage under WAC 182-25-060;

(f) Eligible individual home care providers;

(g) Licensed foster care workers; and

(h) Limited enrollment of new employer groups.

Subject to availability of funding, additional space for enrollment may be reserved for other applicants as determined by the administrator, in order to ensure continuous coverage and service for individual and group accounts currently or previously enrolled in BHP. (For example: Transferring enrollees enrolled prior to the implementation of the reservation list from nonsubsidized to subsidized BHP; adding new family members to an existing account; transferring enrollees between group and individual accounts; reinstating enrollees who are otherwise eligible under WAC 182-25-090 to return to BHP after a limited break in coverage due to late payment or other coverage; adding newly hired employees to an existing employer group; or adding new or returning members of federally recognized native American tribes to that tribe's currently approved financial sponsor group.) Applicants for subsidized BHP who are not in any of these categories may reserve space on a reservation list to be processed according to the date the reservation or application is received by BHP. In the event that enrollment is reopened by the administrator, applicants whose names appear on the ((waiting)) reservation list will be notified by BHP of the opportunity to enroll. BHP may require new application forms and documentation from applicants on the ((waiting)) reservation list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

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. Acceptable 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. An average of documented income received over a period of several months may be used for

purposes of eligibility determination. Income documentation shall be required for the subscriber and dependents, with the exceptions listed under WAC 182-25-010 (17)(b).

(b) Documentation of Washington state residency shall also be required, displaying the applicant's name and address. Other documentation may be accepted if the applicant does not have a physical residence.

(c) BHP may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection.

(d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in BHP. Intentional submission of false information may result in disenrollment of the subscriber and all enrolled dependents.

(3) Each family applying for enrollment must designate a managed health care system from which the applicant and all enrolled dependents will receive covered services. All applicants from the same family must receive covered services from the same managed health care system (with the exception of cases in which a subscriber who is paying child support for his/her dependents lives in a different service area). No applicant will be enrolled for whom designation of a managed health care system 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 change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Managed health care systems may assist BHP applicants in the enrollment process, but must provide them with the toll-free number for BHP, information on all MHCS available within the applicant's county of residence and an estimate of the premium the applicant would pay for each available MHCS.

(5) 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 never been a BHP member in the past.

(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 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(4), 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) 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 the applicant also remits full payment of the first premium bill to BHP by the due date specified by BHP. In the event a reservation list is implemented, eligible applicants will be enrolled in accordance with WAC 182-25-030(4).

(8) 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:

(a) The loss of other continuous health care coverage, for family members who have previously waived coverage, upon proof of continuous medical coverage from the date the subscriber enrolled;

(b) Marriage; or

(c) Birth, adoption or change in dependency or custody of a child or adult dependent. Eligible newborn or newly adopted children may be enrolled effective from the date of birth or physical placement for adoption provided that application for enrollment is submitted to BHP within sixty days of the date of birth or such placement for adoption.

(9) Any enrollee who voluntarily disenrolls from BHP for reasons other than ineligibility or enrollment in other health care coverage may not reenroll for a period of twelve months from the effective date of disenrollment. After the twelve-month period, or if the enrollee disenrolled for reasons of ineligibility or enrollment in other health care coverage, he/she may reenroll in BHP, subject to enrollment limits and portability and preexisting condition policies as referenced in WAC 182-25-020(1) and 182-25-030(4) and specified in the member handbook, provided he/she is determined by BHP to be otherwise eligible for enrollment as of the date of application. With the exception of enrollees under group coverage, enrollees who are disenrolled from BHP for nonpayment, in accordance with WAC 182-25-090(2), more than twice in a twelve-month period, and who have a lapse in coverage of one month or more, may not reenroll for a period of twelve months from the effective date of the third disenrollment. If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until

funding is available to enroll him or her from the reservation list.

(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 if the enrollee has had a change in income that would result in a different subsidy level. For good cause, BHP may require recertification on a more widespread or more frequent basis. Enrollees who fail to comply with a recertification request will be disenrolled from BHP. Each enrollee is responsible for notifying BHP within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility. If, as a result of recertification, BHP determines that a subsidized enrollee's income exceeds twice the poverty level according to the federal income guidelines, and that the enrollee knowingly failed to inform BHP of such increase in income, BHP may bill the enrollee for the subsidy paid on the enrollee's behalf during the period of time that the enrollee's income exceeded twice the poverty level.

AMENDATORY SECTION (Amending WSR 96-15-024, filed 7/9/96, effective 8/9/96)

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. Reenrollment in BHP shall be subject to the provisions of WAC 182-25-040(9). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from BHP.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which shall include:

(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;

(c) Repeated failure to pay co-payments in full on a timely basis;

(d) Fraud or knowingly providing false information;

(e) Abuse or intentional misconduct; and

(f) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the managed health care system, and the enrollee has been so advised by the managed health care system.

In the event that an employer group, a home care agency group or a financial sponsor group is disenrolled under these provisions, the employer or sponsor and all members of that group will be notified of the disenrollment and the enrollees will be offered coverage under individual accounts. BHP will make every effort to transfer the enrollees to individual accounts without a break in coverage; however, the enrollee will be responsible for ensuring that payment is received by BHP prior to the final disenrollment date for that month.

Enrollees who are disenrolled from BHP in accordance with (c), (d), (e) or (f) of this subsection may not reenroll for a period of twelve months from the effective date of disenrollment. With the exception of enrollees under group coverage, enrollees who are disenrolled from BHP for nonpayment, in accordance with (b) of this subsection, more than twice in a twelve-month period, and who have a lapse in coverage of one month or more, may not reenroll for a period of twelve months from the effective date of the third disenrollment. If a reservation list has been implemented, an enrollee who was disenrolled in accordance with WAC 182-25-090(2) and is eligible to enroll from the reservation list prior to the end of the required twelve-month wait for reenrollment, will not be reenrolled until the end of the twelve-month period. If an enrollee who was disenrolled in accordance with WAC 182-25-090(2) satisfies the required twelve-month wait for reenrollment while on the reservation list, enrollment will not be completed until funding is available to enroll him or her from the reservation list.

BHP shall provide the enrollee or the parent, legal guardian or sponsor of an enrolled dependent with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105. Prior to the effective date specified, if the enrollee submits an appeal to BHP contesting the disenrollment decision, as provided in WAC 182-25-105, disenrollment shall not become effective until the date, if any, established as a result of BHP's appeal procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due; and further provided that the enrollee does not create a risk of violent, aggressive or harassing behavior, assault or battery or purposeful damage to or theft of managed health care system property, or the property of staff or providers, patients or visitors while on the property of the managed health care system or one of its participating providers.

(3) Any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be disenrolled by BHP and may be held financially responsible for any covered services fraudulently obtained through BHP.

WSR 97-14-030
EMERGENCY RULES
HEALTH CARE AUTHORITY

[Filed June 25, 1997, 8:32 a.m.]

Date of Adoption: June 25, 1997.

Purpose: Amend eligibility rule to include TRS 3 language.

Citation of Existing Rules Affected by this Order:
Amending WAC 182-12-117.

Statutory Authority for Adoption: Chapter 41.05 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: TRS 3 retirement system was created and needs to be included in chapter 182-12 WAC.

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.

June 24, 1997

Elin Meyer
Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-043, filed 3/29/96, effective 4/29/96)

WAC 182-12-117 Eligible retirees. (1) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Elects Medicare Parts A and B if the retiree, or covered dependents of a retiree, retired after July 1, 1991 and is eligible for Medicare; and

(b) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(c) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(d) Is an elected official as defined under 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system; or

(e) Must have taken a lump sum retirement benefit payment because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their PEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any PEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. With the exception of the Washington State Patrol, retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington

state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

(2) Retired and disabled school district and educational service district employees. The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance or have taken a lump-sum payment because their benefit would be less than fifty dollars under chapter 41.32 or 41.40 RCW. Individuals in teachers' retirement system, TRS III, not receiving a monthly retirement allowance (defined benefit) must be at least age fifty-five with at least ten years of service at the time of separation. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

WSR 97-14-031

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed June 25, 1997, 8:35 a.m.]

Date of Adoption: June 25, 1997.

Purpose: Amend WAC 182-08-160 and 182-08-175 to correct a typo and include language that was left off of the original filing.

Citation of Existing Rules Affected by this Order: Amending WAC 182-08-160 and 182-08-175.

Statutory Authority for Adoption: Chapter 41.05 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: Correct a typo and include language that was left off of the original filing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal

Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 24, 1997

Elin Meyer

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-08-042, filed 3/29/96, effective 4/29/96)

WAC 182-08-160 Group coverage when not in pay status. Employees covered by a PEBB health plan have options for providing continued coverage for themselves and their dependents during temporary or permanent loss of eligibility. With the exception of approved family and medical leave, employees not in pay status for at least 8 hours per month are ineligible to receive the employer premium contribution:

(1) When an employee loses eligibility as an active employee, PEBB group coverage, except long-term disability, may be continued at the group premium rate by self-paying premiums for medical coverage only, or for medical and dental combined, or for dental only, and on life insurance for a maximum of 29 months. With respect to medical and dental coverage, the maximum time shall be reduced by the number of months of self-pay allowed under COBRA and the number of employer-paid months allowed under family and medical leave. Part-time faculty may self-pay for group coverage between periods of active employee eligibility for a maximum of 18 months. If an employee is temporarily not in pay status for any of the following reasons, he or she may continue PEBB group coverage by self-paying the premium:

(a) The employee is on authorized leave without pay,

(b) The employee is laid off because of a reduction in force (RIF)

(c) The employee is receiving time-loss benefits under workers' compensation

(d) The employee is awaiting hearing for a dismissal action

(e) The employee is applying for disability retirement

(2) The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) gives enrollees the right to continue group coverage for a period of 18 to 36 months.

(3) The Family and Medical Leave Act of 1993 gives the enrollee the opportunity to extend eligibility with employer contribution toward premium for up to 12 weeks, see WAC ((182-08-080)) 182-08-175.

(4) Enrollees have the right to convert to individual medical coverage when continuation of group medical coverage is no longer possible.

(5) The dependents of employees also have options for continuing coverage for themselves following loss of eligibility.

(6) Employees who revert to a previously held position and do not regain pay status during the last month in which their employer contribution is made may continue their PEBB-sponsored health and life coverage, by self-paying premium for up to 18 months (and in some cases up to 29 months).

(7) If a dependent(s) loses eligibility 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 employee's spouse may continue coverage indefinitely; other dependents may continue coverage until they lose eligibility under PEBB rules. Application for surviving dependent coverage must be made within 60 days from the death of the employee. If a dependent is not eligible for a monthly retirement income benefit, or a lump-sum payment because the monthly pension payment would be less than \$50, the dependent may be eligible for continued coverage under COBRA.

(8) An employee may retain long-term disability coverage by self-payment of premium up to twenty-four months during an authorized leave without pay, but only if such leave is an approved educational leave.

AMENDATORY SECTION (Amending WSR 93-23-065, filed 11/16/93, effective 12/17/93)

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, shall continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may self-pay their optional life and long-term disability. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

**WSR 97-14-035
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-109—Filed June 25, 1997, 3:55 p.m.]

Date of Adoption: June 25, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05500G; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

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 spring chinook salmon are available for a subsistence fishery. This conforms state rules with Yakama Nation regulations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 25, 1997

Larry Peck
for Bern Shanks
Director

NEW SECTION

WAC 220-32-05500H Columbia River tributaries—subsistence. Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, Wind River, Icicle River, Drano Lake and Ringold in the Columbia River except under the following provisions:

(1) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6:00 p.m. Saturday from June 11, 1997 until further notice.

(2) The Wind River from 200 feet above the Shipperd Falls upstream to a marker 30 feet below the outlet stream for Carson National Fish Hatchery is open from: 6:00 a.m. Mondays to 6:00 p.m. Saturdays weekly until July 19, 1997.

(3) The Icicle River where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open from 9:00 p.m. Wednesday to noon Saturday of each week from June 25 to July 12, 1997.

(4) The Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet, is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week from May 5 to July 26, 1997. Fishing may be conducted from the riverbank on the

hatchery side of the Columbia River only; fishing is not allowed from boats.

(5) ALLOWABLE GEAR: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500G Columbia River tributaries—Subsistence.

**WSR 97-14-044
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 641—Filed June 27, 1997, 2:35 p.m.]

Date of Adoption: June 27, 1997.

Purpose: Establish regions of extra fire hazard which are closed to entry due to the condition of the forest slash.

Statutory Authority for Adoption: RCW 76.04.305.

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: Certain areas of the state are particularly exposed to fire danger due to the continuous acres of slash. In order to prevent a fire from starting whereby lives and property would be at risk, it is necessary to post these lands as closed to entry.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 27, 1997

Kaleen Cottingham
Department Supervisor

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Jennifer M. Belcher, Commissioner

NOTICE OF DECLARATION OF AREAS OF
EXTREME FIRE HAZARD

NEW SECTION

WAC 332-26-040 Central region closures Lewis County: Township 14 North, Range 3 East: all Section 23; all Section 25; all Section 26; all Section 27; all Section 33; all Section 35.

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above-described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Sunday, June 29, 1997, to midnight Saturday, October 15, 1997.

JENNIFER M. BELCHER
Commissioner of Public Lands

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

Jennifer Belcher, Commissioner

NOTICE OF DECLARATION OF AREAS OF
EXTREME FIRE HAZARD

NEW SECTION

WAC 332-26-050 Northwest region closures WHATCOM COUNTY: Township 40 North, Range 6 East: Section 17 NE1/4; Section 35 S1/2 NE1/4, N1/2 SE1/4; Section 36 S1/2 except NE1/4 SE1/4. Township 39 North, Range 7 East: Section 17 W1/2, SE1/4; Section 18 NW1/4, N1/2 SW1/4, SE1/4; Section 20 E1/2 NE1/4, E1/2 SW1/4 NE1/4. Township 39 North, Range 6 East: Section 1 N1/2 NW1/4, SE1/4 NE1/4; Section 13 S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4 NW1/4. Township 37 North, Range 3 East: Section 25 SE1/4.

SKAGIT COUNTY: Township 36 North, Range 9 East: Section 17 NW1/4 NW1/4; Section 18 E1/2, SE1/4 NW1/4,

N1/2 SW1/2; Section 19 N1/2 NE1/4, SE1/4 NE1/4; Section 30 ALL except NE1/4 and E1/2 E1/2 NW1/4; Section 31 NW1/4, NW1/4 NE1/4, N1/2 SW1/4. Township 36 North, Range 8 East: Section 22 NW1/4, N1/2 SE1/4, NE1/4; Section 31 ALL except Baker Lake Hwy; Section 33 SE1/4 SW1/4; Section 34 S1/2 NW1/4, N1/2 SW1/4; Section 35 NW1/4 NW1/4. Township 35 North, Range 11 East: Section 11 SW1/4 North of Cascade River Rd; Section 14 ALL; Section 15 N1/2 North of Cascade River Rd, S1/2 South of Cascade River Park; Section 17 S1/2; Section 18 S1/2 SE1/4, W1/2 SW1/4; Section 19 ALL; Section 20 NE1/4, N1/2 SW1/4, SE1/4; Section 21 N1/2, N1/2 S1/2; Section 22 N1/2 NE1/4, NW1/4, N1/2 SW1/4; Section 29 E1/2 NW1/4, SE1/4. Township 35 North, Range 10 East: Section 13 E1/2 SE1/4; Section 23 SE1/4 SE1/4 SE1/4; Section 24 W1/2 NW1/4, NE1/4, SE1/4, SW1/4 except the NW1/4; Section 25 NW1/4; Section 26 NE1/4 South of Rockport-Cascade Rd, SE1/4, SW1/4 South of Rockport-Cascade Rd; Section 27 SE1/4 South of Rockport-Cascade Rd; Section 33 NE1/4 NE1/4, S1/2 NE1/4, S1/2 South of Rockport-Cascade Rd; Section 34 SW1/4 SW1/4 South of 635 Rd, NE1/4 except SW1/4; Section 35 N1/2 NE1/4, NW1/4 except SE1/4, N1/2 SW1/4. Township 35 North, Range 9 East: Section 15 S1/2 NW1/4, S1/2 N1/2 NW1/4; Section 16 NE1/4, E1/2 NW1/4, NE1/4 NW1/4 NW1/4, NE1/4 SW1/4; Section 17 N1/2, SE1/4 SW1/4, SW1/4 SW1/4; Section 18 N1/2 NE1/4, SW1/4 NE1/4, SE1/4 SE1/4, W1/2 SE1/4, NE1/4 SW1/4, E1/2 NW1/4, SW1/4 NW1/4; Section 20 SW1/4; Section 29 ALL; Section 30 ALL; Section 31 ALL; Section 32 ALL; Section 33 SW1/4. Township 35 North, Range 8 East: Section 3 NW1/4; Section 4 NW1/4; Section 5 ALL except S1/2 SW1/4; Section 6 N1/2 except SW1/4 NW1/4; Section 27 S1/2 S1/2; Section 28 SE1/4 SE1/4; Section 32 SE1/4 NW1/4, S1/2 except NW1/4 SE1/4; Section 34 ALL; Section 35 ALL. Township 35 North, Range 7 East: Section 19 NE1/4, S1/2 NW1/4, NE1/4 NW1/4; Section 20 SW1/4, SW1/4 NE1/4. Township 35 North, Range 5 East: Section 3 NW1/4 NE1/4, N1/2 NW1/4; Section 4 N1/2, N3/4 SE1/4, NE1/4 SW1/4, N1/2 SE1/4 SW1/4, NW1/4 SW1/4; Section 5 E1/2 NE1/4, NE1/4 NE1/4 SE1/4. Township 34 North, Range 10 East: Section 2 SW1/4; Section 3 ALL except SW1/4; Section 4 NE1/4 South of powerline, W1/2 NW1/4, N1/2 SW1/4 South of powerline, N1/2 SE1/4; Section 5 ALL except SE1/4; Section 6 S1/2 NE1/4, SE1/4 NW1/4 except NW1/4 SE1/4 NW1/4; Section 7 ALL except NE1/4 NE1/4 and NW1/4 SW1/4; Section 8 E1/2 NE1/4 East of powerline, N1/2 SE1/4; Section 9 E1/2 SW1/4; Section 17 West of powerline; Section 18 NE1/4, E1/2 SE1/4; Section 19 NE1/4 West of powerline; Section 30 W1/2 SE1/4 West of Sauk Valley Rd; Section 31 E1/2 West of Sauk Valley Rd.

SKAGIT COUNTY CONTINUED: Township 34 North, Range 9 East: Section 3 S1/2 NE1/4, NW1/4 NE1/4, N1/2 SE1/4, SE1/4 SE1/4, NW1/4 SW1/4; Section 4 ALL except NE1/4 NE1/4; Section 5 N1/2; Section 9 N1/2; Section 11 W1/2 West of Sauk Valley Rd; Section 13 SW1/4, S1/2 NW1/4; Section 14 ALL; Section 23 ALL; Section 26 ALL; Section 35 NE1/4. Township 33 North, Range 5 East: Section 19 NW1/4, SW1/4 NE1/4. Township 33 North, Range 4 East: Section 10 ALL except N1/2 N1/2, SW1/4 NW1/4, W1/2 SW1/4; Section 11 ALL except NW1/4 and portions around Devil's Lake; Section 12 W1/2 except

portions around Devil's Lake; Section 13 ALL except portions around Devil's Lake; Section 14 ALL except S1/2 NW1/4, W1/2 SE1/4, NE1/4 SW1/4; Section 15 N1/2 N1/2, SE1/4; Section 23 ALL less S1/2 SW1/4, S1/2 SW1/4 SE1/4; Section 24 N1/2, SW1/4 less SE1/4.

SNOHOMISH COUNTY: Township 32 North, Range 7 East: Section 27 ALL; Section 28 ALL.

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he/she may suspend this Notice by issuing a news release to the newspapers of general circulation in the Region and to radio and television stations serving the Region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he/she will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective tentatively midnight Sunday, June 29, 1997 to midnight Saturday, October 15, 1997.

JENNIFER M. BELCHER
Commissioner of Public Lands

WSR 97-14-052
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)
(Wildlife)

[Order 97-110—Filed June 30, 1997, 8:06 a.m.]

Date of Adoption: June 26, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19100V, 220-56-19500B, 220-57-14000R, 220-57-15500B, 220-57-27000C, 220-57-37700A, 220-57-38500Z, 220-57-46000D, 232-28-61900I, 220-57-25000A, 220-57-31900N, 220-57-48000A and 232-28-61900K; repealing effective 11:59 p.m. September 30, 1997, WAC 232-12-00100A, 220-16-47000A, 220-56-19000I, 220-56-19100W, 220-56-19500C, 220-56-20500B, 220-57-13000V, 220-57-13500T, 220-57-13700D, 220-57-14000S, 220-57-15500D, 220-57-16000I, 220-57-16500A, 220-57-17500G, 220-57-18700A, 220-57-19000A, 220-57-20000L, 220-57-23000H, 220-57-23500I, 220-57-25000C, 220-57-25500B, 220-57-27000D, 220-57-28000L, 220-57-28500Q, 220-57-30000A, 220-57-31000U, 220-57-31900P, 220-57-37000G, 220-57-38500A, 220-57-41500A, 220-57-42500C,

220-57-43000H, 220-57-43500K, 220-57-46500H, 220-57-49300A, 220-57-49500C, 220-57-52500L, 232-28-61900L, 220-57-48000B, and 220-57-46000E; and amending WAC 220-56-190, 220-56-191, 220-56-195, 220-56-205, 220-57-130, 220-57-135, 220-57-137, 220-57-140, 220-57-155, 220-57-160, 220-57-165, 220-57-175, 220-57-187, 220-57-190, 220-57-200, 220-57-230, 220-57-235, 220-57-250, 220-57-270, 220-57-280, 220-57-285, 220-57-300, 220-57-319, 220-57-370, 220-57-385, 220-57-415, 220-57-425, 220-57-430, 220-57-435, 220-57-465, 220-57-493, 220-57-495, 220-57-525, 232-28-619, 232-12-001, 220-57-460, and 220-57-480.

Statutory Authority for Adoption: RCW 75.08.080 and 77.12.040.

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

Reasons for this Finding: These rules implement federal recommendations from the North of Falcon process of the Pacific Fisheries Management Council. They are interim until permanent rules can be filed or take effect. They provide for harvest of salmon while protecting weak and mixed stocks. They have been agreed upon by all parties in *United States v. Washington*.

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 37, amended 0, repealed 49.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 26, 1997

Evan Jacoby
for Bern Shanks
Director

NEW SECTION

WAC 220-16-47000A Wild. "Wild" when used to describe the difference between a hatchery fish and a non-hatchery fish means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish.

NEW SECTION

WAC 220-56-19000I Coastal salmon—Seasons and limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch

EMERGENCY

Record Card Areas 1 through 4 except as provided for in this section:

(1) Area 1 - Special daily limit of 2 salmon, special cumulative limit of 4 salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore and closed in the Columbia River Mouth Control Zone 1.

(2) Area 2 - Special daily limit of 2 salmon, special cumulative limit of 4 salmon in any seven consecutive days - Sundays through Thursdays only, July 21 through September 25, except closed 0-3 miles offshore.

(3) Area 2.1 - Special daily limit of 6 salmon, not more than 3 of which may be adult salmon as defined in WAC 220-56-190 - August 16 until further notice.

(4) Area 2.2 - The Westport Boat Basin fishery as provided for in WAC 220-56-190 is unchanged. Waters east of the Channel Marker 13 line - Daily limit A except release coho salmon - September 1 through September 30.

(5) Area 3 - Special daily limit of 2 salmon - July 21 through September 25.

(6) Area 4 - Special daily limit of 2 salmon except release coho salmon - July 21 through September 25.

NEW SECTION

WAC 220-56-19100W Puget Sound salmon—Seasons and daily limits. Notwithstanding the provisions of WAC 220-56-190, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5 through 13 except as provided for in this section:

(1) Areas 5 and 6:

(a) June 16 through June 30 - Special daily limit of 2 salmon except release coho.

(b) July 1 through July 31 - Closed.

(c) August 1 through August 10 - Special daily limit of 2 salmon except release chinook and coho.

(d) August 11 through September 15 - Special daily limit of 2 salmon except release chinook.

(2) Area 7:

(a) Immediately through July 31 - Special daily limit of 2 salmon.

(b) August 1 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be chinook or coho.

(3) Area 8.1:

(a) Immediately through August 15 - Closed.

(b) August 16 through September 15 - Special daily limit of 4 salmon not more than 2 of which may be coho and release chinook.

(c) September 16 through September 30 - Special daily limit of 2 salmon except release chinook.

(4) Area 8.2:

(a) immediately through July 31 - Closed.

(b) August 1 through September 30 - Special daily limit of 2 salmon except release chinook taken outside the Tulalip Bay Zone, defined as waters west of a line from Mission Point to Hermosa Point and within 2,000 feet from shore between the pilings at Old Bowers Resort northerly to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point.

(5) Area 9:

(a) Immediately through July 31 - Closed.

(b) August 1 through September 1 - Special daily limit of 2 salmon except release chinook.

(c) September 2 through September 30 - Closed.

(d) Notwithstanding the provision of this subsection, salmon fishing is permitted year-around from the Edmonds Public Fishing Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(6) Area 10:

(a) Immediately through June 30 - Special daily limit of 2 salmon.

(b) July 1 until further notice - Special daily limit of 2 salmon, except:

(i) During the period July 1 through September 15, Elliott Bay east of a line from Pier 91 to Duwamish Head is closed.

(ii) During the period July 1 until further notice, Shilshole Bay east of a line from Meadow Point to West Point is closed.

(iii) During the period July 1 through August 31, release chinook in waters north of a line from West Point to Skiff Point and in waters northeast of the Agate Pass Bridge.

(c) Notwithstanding the provision of this subsection, salmon fishing is permitted year-around from the Elliott Bay Public Fishing Pier and Seacrest Pier - Special daily limit of 2 salmon and all salmon species may be retained.

(7) Area 11 - Immediately until further notice - Special daily limit of 2 salmon.

(8) Area 12:

(a) Immediately through July 15 - Special daily limit of 2 salmon.

(b) July 16 through September 30 - Special daily limit of 4 salmon, not more than 2 of which may be pink salmon and release all chinook and chum.

(9) Area 13 - Immediately until further notice - Special daily limit of 2 salmon.

NEW SECTION

WAC 220-56-19500C Closed areas—Saltwater salmon angling. Notwithstanding the provisions of WAC 220-56-195, effective immediately until further notice the seasonal closure in Carr Inlet and Hale Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge, and the seasonal closure in Port Susan north of a line from Camano Point to Hermosa Point are each rescinded.

NEW SECTION

WAC 220-56-20500B Hook rules—Nonbuoyant lures. Notwithstanding the provisions of WAC 220-56-205 and WAC 232-12-619, effective immediately until further notice:

(1) The nonbuoyant lure restriction required by the above cited rules applies to the following waters during the periods indicated:

(a) Naselle River - Highway 101 Bridge to Highway 4 Bridge - July 1 until further notice.

(b) Nemah River Middle Fork - September 1 until further notice.

(c) Toutle River North Fork - September 1 until further notice.

(d) Green River (Cowlitz County) - mouth to 1,500 feet below hatchery rack - September 1 until further notice.

(2) The nonbuoyant lure restriction required by the above cited rules is rescinded for the following waters during the periods indicated:

(a) Naselle River - Above Highway 4 Bridge - September 1 until further notice.

(b) Willapa River - September 1 until further notice.

(c) Nemah River North Fork - September 1 until further notice.

(d) Cowlitz River - Mill Creek to Barrier Dam - Immediately through July 31.

(e) Kalama River - 200 feet above Modrow Trap to Modrow Trap - September 1 until further notice.

NEW SECTION

WAC 220-57-13000V Bogachiel River. Notwithstanding the provisions of WAC 220-57-130, effective July 1 until further notice release adult coho and single point barbless hooks are required.

NEW SECTION

WAC 220-57-13500T Calawah River. Notwithstanding the provisions of WAC 220-57-135, effective July 1 until further notice release adult coho and single point barbless hooks are required.

NEW SECTION

WAC 220-57-13700D Carbon River. Notwithstanding the provisions of WAC 220-57-137, effective September 1 until further notice retain no more than 2 adult chinook and release all pink salmon.

NEW SECTION

WAC 220-57-14000S Chehalis River. Notwithstanding the provisions of WAC 220-57-140:

(1) Effective immediately through July 15 - Daily limit A - Downstream from the high bridge on the Weyerhaeuser 1000 line approximately 400 yards downstream of Roger Creek.

(2) July 16 through August 30 - Closed.

(3) September 1 through September 30 - Daily limit A except release adult coho salmon - Downstream from the Porter Bridge. Single point barbless hooks required.

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 220-57-15500D Clearwater River (Jefferson County). Notwithstanding the provisions of WAC 220-57-155, effective immediately until further notice release adult coho salmon.

NEW SECTION

WAC 220-57-16000J Columbia River. Notwithstanding the provisions of WAC 220-57-160, effective August 1 through September 30 - Megler-Astoria Bridge to the Buoy 10 line - Daily limit F.

NEW SECTION

WAC 220-57-16500A Copalis River. Notwithstanding the provisions of WAC 220-57-165, effective July 1 until further notice - Closed.

NEW SECTION

WAC 220-57-17500H Cowlitz River. Notwithstanding the provisions of WAC 220-57-175, effective August 1 until further notice it is lawful to retain chinook over 24 inches in length.

NEW SECTION

WAC 220-57-18700A Deep River (Wahkiakum County). Effective August 1 until further notice, Daily limit A upstream from mouth to town bridge.

NEW SECTION

WAC 220-57-19000A Deschutes River. Notwithstanding the provisions of WAC 220-57-190, effective July 1 until further notice release coho.

NEW SECTION

WAC 220-57-20000L Dickey River. Notwithstanding the provisions of WAC 220-57-200, effective July 1 until further notice release adult coho and single point barbless hooks are required.

NEW SECTION

WAC 220-57-23000H Elk River. Notwithstanding the provisions of WAC 220-57-230, effective July 1 until further notice - Closed.

NEW SECTION

WAC 220-57-23500I Elochoman River. Notwithstanding the provisions of WAC 220-57-235, effective September 1 through September 30 it is lawful to retain salmon over 24 inches in length.

NEW SECTION

WAC 220-57-25000C Grays River. Notwithstanding the provisions of WAC 220-57-250, effective September 1 until further notice release chum.

NEW SECTION

WAC 220-57-25500B Green River (Cowlitz County). Notwithstanding the provisions of WAC 220-57-255, effective September 1 until further notice - Daily limit A - mouth to 1,000 Road Bridge. Closed from 1,500 feet below salmon hatchery rack to water intake at the upper end of the hatchery grounds.

EMERGENCY

NEW SECTION

WAC 220-57-27000D Hoh River. Notwithstanding the provisions of WAC 220-57-270, effective immediately until further notice - Daily limit A except release adult coho - Downstream from the Highway 101 Bridge. Single point barbless hooks required.

NEW SECTION

WAC 220-57-28000L Hoquiam River—All forks. Notwithstanding the provisions of WAC 220-57-280, effective July 1 until further notice - Closed.

NEW SECTION

WAC 220-57-28500Q Humptulips River. Notwithstanding the provisions of WAC 220-57-285:
(1) Effective July 1 through August 31 - Closed.
(2) Effective September 1 until further notice - Daily limit A - Downstream from the Highway 101 Bridge.

NEW SECTION

WAC 220-57-30000A Johns River. Notwithstanding the provisions of WAC 220-57-300, effective July 1 until further notice - Closed.

NEW SECTION

WAC 220-57-31000V Kalama River. Notwithstanding the provisions of WAC 220-57-310:
(1) Effective immediately through July 31 - Downstream from the Modrow Bridge - Closed.
(2) Effective August 1 until further notice - Daily limit A downstream from the Modrow Bridge to a point 200 feet above the department's temporary rack and downstream from a point 1,500 below the temporary rack.

NEW SECTION

WAC 220-57-31900P Lewis River. Notwithstanding the provisions of WAC 220-57-319:
(1) Effective August 1 until further notice release all chinook in the Lewis River mainstem and Lewis River North Fork.
(2) Effective August 16 until further notice, Lewis River North Fork - bank fishing only downstream from the mouth of Colvin Creek to Johnson Creek.

NEW SECTION

WAC 220-57-37000G Puyallup River. Notwithstanding the provisions of WAC 220-57-370, effective July 16 through July 31 - Closed.

NEW SECTION

WAC 220-57-38500A Quillayute River. Notwithstanding the provisions of WAC 220-57-385, effective immediately until further notice release adult coho and single point barbless hooks are required.

NEW SECTION

WAC 220-57-41500A Satsop River. Notwithstanding the provisions of WAC 220-57-415, effective July 1 until further notice - Closed.

NEW SECTION

WAC 220-57-42500C Skagit River. Notwithstanding the provisions of WAC 220-57-425:
(1) Effective immediately through August 15 - Closed.
(2) Effective August 16 until further notice - Special daily limit of 4 salmon, not more than 2 of which may be coho and release all chinook - Mouth to the Cascade River. Terminal gear is limited to one single barbless hook and bait is prohibited upstream from the mouth of the Sauk River.

NEW SECTION

WAC 220-57-43000H Skokomish River. Notwithstanding the provisions of WAC 220-57-430:
(1) Effective immediately through September 19 - Closed.
(2) Effective September 20 until further notice - Special daily limit of 6 salmon, not more than 4 of which may be adult salmon and release all adult chinook salmon - Downstream from the Highway 101 Bridge.

NEW SECTION

WAC 220-57-43500K Skykomish River. Notwithstanding the provisions of WAC 220-57-435, effective September 1 until further notice release pink salmon.

NEW SECTION

WAC 220-57-46000E Sol Duc River. Notwithstanding the provisions of WAC 220-57-460, effective immediately until further notice release adult coho and single point barbless hooks are required.

NEW SECTION

WAC 220-57-46500H Stillaguamish River. Notwithstanding the provisions of WAC 220-57-465, effective August 16 through September 30 - Special daily limit of 4 pink salmon - Downstream from the confluence of the North and South Forks, except waters of Cook Slough are closed at all times from the water flow control structure to a point 400 feet downstream.

NEW SECTION

WAC 220-57-48000B Toutle River. Notwithstanding the provisions of WAC 220-57-480, effective September 1 until further notice - Daily limit A - Toutle River North Fork, except closed upstream from the posted deadline downstream of the fish collection facility and downstream from the Highway 504 Bridge near Kidd Valley.

EMERGENCY

NEW SECTION

WAC 220-57-49300A Wallace River. Effective September 1 until further notice - Special daily limit of 2 coho - Downstream from the Highway 2 Bridge.

NEW SECTION

WAC 220-57-49500C Washougal River. Notwithstanding the provisions of WAC 220-57-495, effective August 1 until further notice - Daily limit A - Upstream from mouth to bridge at Salmon Falls.

NEW SECTION

WAC 220-57-52500L Wynooche River. Notwithstanding the provisions of WAC 220-57-525:

- (1) Effective immediately through August 31 - Closed.
- (2) Effective September 1 until further notice - Release adult coho salmon and single point barbless hooks are required.

NEW SECTION

WAC 232-12-00100A Definition of terms Notwithstanding the provisions of WAC 232-12-001, effective immediately until further notice, "wild" when used to describe the difference between a hatchery fish and a non-hatchery fish means a fish with all fins intact. A fish missing an adipose or ventral fin with a healed scar at the site is not a wild fish.

NEW SECTION

WAC 232-28-61900L Exceptions to gamefish state-wide rules. Notwithstanding the provisions of WAC 232-28-619:

- (1) Dungeness River - Effective immediately until further notice - Closed waters from junction of Gray Wolf River upstream to Gold Creek.
- (2) Gray Wolf River - Effective immediately until further notice - Closed waters from junction with Dungeness River to bridge at river mile 1.0.
- (3) Green River (Cowlitz County) - Effective September 1 until further notice - Closed waters from a point 1500 feet below the salmon hatchery rack upstream to the water intake at the upper end of the hatchery grounds.
- (4) Lewis River, North Fork -
 - (a) Mouth to Johnson Creek - Open immediately until further notice. Trout: minimum length 12 inches. Release wild cutthroat and wild steelhead.
 - (b) Johnson Creek to Colvin Creek - Open immediately until further notice except closed waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery. Fishing from any floating device prohibited August 16 until further notice. Trout: minimum length 12 inches. Release wild cutthroat and wild steelhead.
 - (c) Colvin Creek to overhead power lines at Mervin Dam - Release wild cutthroat and wild steelhead.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-19100V	Puget Sound salmon—Saltwater seasons and daily limits. (97-66)
WAC 220-56-19500B	Closed areas—Saltwater salmon angling. (97-66)
WAC 220-57-14000R	Chehalis River (97-66)
WAC 220-57-15500B	Clearwater River. (Jefferson County). (97-66)
WAC 220-57-25000A	Green River (Cowlitz County) (97-85)
WAC 220-57-27000C	Hoh River. (97-66)
WAC 220-57-31900N	Lewis River (97-85)
WAC 220-57-37700A	Queets River. (97-66)
WAC 220-57-38500Z	Quillayute River. (97-66)
WAC 220-57-46000D	Sol Duc River. (97-66)
WAC 220-57-48000A	Toutle River (North Fork) (97-85)
WAC 232-28-61900I	Washington game fish—Exceptions to state-wide rules. (97-66)
WAC 232-28-61900K	Regional exception to permanent game fish rules. (97-85)

The following sections of the Washington Administrative Code are repealed effective 11:59 p.m. September 30, 1997:

WAC 220-16-47000A	Wild.
WAC 220-56-19000I	Coastal salmon—Seasons and limits.
WAC 220-56-19100W	Puget Sound salmon—Seasons and daily limits.
WAC 220-56-19500C	Closed areas—Saltwater salmon angling.
WAC 220-56-20500B	Hook rules—Nonbuoyant lures.
WAC 220-57-13000V	Bogachiel River.
WAC 220-57-13500T	Calawah River.
WAC 220-57-13700D	Carbon River.
WAC 220-57-14000S	Chehalis River.
WAC 220-57-15500D	Clearwater River (Jefferson County).
WAC 220-57-16000J	Columbia River.
WAC 220-57-16500A	Copalis River.
WAC 220-57-17500H	Cowlitz River.
WAC 220-57-18700A	Deep River (Wahkiakum County).
WAC 220-57-19000A	Deschutes River.
WAC 220-57-20000L	Dickey River.
WAC 220-57-23000H	Elk River.
WAC 220-57-23500I	Elochoman River.
WAC 220-57-25000C	Grays River.
WAC 220-57-25500B	Green River (Cowlitz County).
WAC 220-57-27000D	Hoh River.
WAC 220-57-28000L	Hoquiam River—All forks.
WAC 220-57-28500Q	Humtulsips River.
WAC 220-57-30000A	Johns River.

June 27, 1997
Evan Jacoby
for Bern Shanks
Director

- WAC 220-57-31000V Kalama River.
- WAC 220-57-31900P Lewis River.
- WAC 220-57-37000G Puyallup River.
- WAC 220-57-38500A Quillayute River.
- WAC 220-57-41500A Satsop River.
- WAC 220-57-42500C Skagit River.
- WAC 220-57-43000H Skokomish River.
- WAC 220-57-43500K Skykomish River.
- WAC 220-57-46000E Sol Duc River.
- WAC 220-57-46500H Stillaguamish River.
- WAC 220-57-48000B Toutle River.
- WAC 220-57-49300A Wallace River.
- WAC 220-57-49500C Washougal River.
- WAC 220-57-52500L Wynooche River.
- WAC 232-12-00100A Definition of terms.
- WAC 232-28-61900L Exceptions to gamefish state-wide rules.

WSR 97-14-053
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)

[Order 97-111—Filed June 30, 1997, 8:07 a.m., effective July 1, 1997, 12:01 a.m.]

Date of Adoption: June 27, 1997.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-56-285.

Statutory Authority for Adoption: RCW 75.08.080.

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 necessary to extend the sport fishery in John Day Pool. Harvestable numbers of sturgeon are available and this regulation is consistent with *United States v. Oregon*.

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 1, 1997, 12:01 a.m.

NEW SECTION

WAC 220-56-28500L Sturgeon—Areas and seasons.
Notwithstanding the provisions of WAC 220-56-285, effective 12:01 a.m. July 1, 1997 until further notice it is lawful to fish for and possess sturgeon from those waters of the Columbia River and its tributaries from McNary Dam to John Day Dam.

WSR 97-14-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

(Fisheries)

[Order 97-112—Filed June 30, 1997, 8:08 a.m., effective July 1, 1997, 12:01 a.m.]

Date of Adoption: June 27, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-44-05000F.

Statutory Authority for Adoption: RCW 75.08.080.

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 necessary to achieve conservation goals and to maintain consistency between state and federal regulations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1997, 12:01 a.m.

June 27, 1997
Evan Jacoby
for Bern Shanks
Director

EMERGENCY

NEW SECTION

WAC 220-44-05000G Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. July 1, 1997 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December, except for vessels that have elected to be endorsed in the "B-platoon" on their trawl federal limited entry permit. Two-month cumulative limits for B-platoon vessels begin on the 16th of the calendar month. These periods are: May 16-July 15, July 16-September 15, September 16-November 15, November 16-December 31. It is unlawful for vessels in the B-platoon to land groundfish during 1997 prior to January 16, 1997. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period, except for vessels in the B-platoon during the final period of the calendar year. The cumulative 2-month limit for this shortened period (November 16-December 31) may be taken in any number of trips during the period with no sixty percent per month restriction. The first calendar month for purposes of the 60 percent restriction for B-platoon vessels in other periods shall be defined as the period beginning on the 16th of the month in which the trip limit begins through the 15th of the following month. The second calendar month period shall be defined as beginning on the 16th of the second month in the period through the end of the cumulative period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. **Vessel trip limit** - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. **Dressed length** - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. **Groundfish limited entry fishery limits.** The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 60,000 pounds.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) Two-month cumulative limit of 30,000 pounds, of which no more than 6,000 pounds may be yellowtail rockfish and no more than 14,000 pounds may be canary rockfish.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Two-month cumulative limit of 57,000 pounds, of which not more than 30,000 pounds may be Dover sole; not more than 12,000 pounds may be sablefish and not more than 15,000 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 3,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed 600 pounds in any calendar month. No minimum size.

h. **Pacific Whiting** - 10,000 pound vessel trip limit. No minimum size. Effective 12:01 a.m., May 15, 1997, no maximum poundage.

i. **Lingcod** - Two-month cumulative limit of 30,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 600 pounds in any calendar month. No minimum size.

(b) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 40,000 pounds.

(c) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(d) **Lingcod** - cumulative limit of 15,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(e) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(f) Setline gear in Area 29.

It is lawful to use setline gear in Area 29, except that it is unlawful to retain rockfish and lingcod with a cumulative weight greater than thirty percent of all fish aboard not to exceed 100 pounds. Maximum one vessel trip per day.

4. It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

5. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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.

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. July 1, 1997:

WAC 220-44-05000F Coastal bottomfish catch limits. (97-67)

WSR 97-14-070

EMERGENCY RULES

STATE BOARD FOR

COMMUNITY AND TECHNICAL COLLEGES

[Filed June 30, 1997, 11:27 a.m., effective July 27, 1997]

Date of Adoption: May 22, 1997.

Purpose: The 1997 legislature enacted SHB 2090 to allow authorized college boards (and the state board for its own employees) to provide tax-free medical expense plans. Funding for each eligible employee's medical expense account is from sick leave buyout due the employee.

Citation of Existing Rules Affected by this Order: Amending chapter 131-16 WAC (adding two new sections).

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: Emergency clause on SHB 2090.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; **Federal Rules or Standards:** New 0, amended 0, repealed 0; or **Recently Enacted State Statutes:** New 2, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 2, 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 27, 1997, or SHB 2090 effective date.

June 30, 1997

Claire C. Krueger

Executive Assistant and
Agency Rules Coordinator

NEW SECTION**WAC 131-16-067 Medical expense plans—**

Definitions. For purposes of establishing medical expense plans authorized under WAC 131-16-069, the following terms are defined:

(1) "Eligible employees" means any of the following groups of community and technical college system employees:

(a) Academic employees as defined in RCW 28B.52.-020;

(b) Classified employees of technical colleges whose employment is governed under chapter 41.56 RCW;

(c) Professional, paraprofessional, and administrative employees exempt from chapter 41.06 RCW; and

(d) Employees of the state board for community and technical colleges who are exempt from chapter 41.06 RCW.

(2) "Covered eligible employee" means an eligible employee who is in a group for which a college board or the state board for community and technical colleges has established a medical expense plan.

NEW SECTION**WAC 131-16-068 Medical expense plans authorized.**

(1) In lieu of remuneration for unused sick leave at retirement, a college board (or the state board for community and technical colleges for employees under its jurisdiction) may provide with equivalent funds a medical expense plan for eligible employees.

(2) A medical expense plan provided under this section shall require, as a condition of participation, that each covered eligible employee sign an agreement to hold the employer harmless if the employee or employer is later found to be indebted to the United States as a result of:

(a) The employee not paying income taxes on amounts contributed to the plan; or

(b) The employer not withholding or deducting a tax, assessment, or other payment on funds contributed to the plan as required by federal law.

Such agreement shall also include a provision requiring each covered eligible employee to forfeit remuneration for accrued sick leave at retirement if he/she is covered by a medical expense plan and the employee refuses to sign the required agreement.

(3) In providing a medical expense plan authorized under this section, a college board or the state board may only provide such plan covering all employees in one or more of the groups defined in WAC 131-16-067.

(4) In providing a medical expense plan for a group of eligible employees whose conditions of employment are governed by chapter 28B.52 or 41.56 RCW, a college board may only provide such plan by agreement applicable to all of the members of a bargaining unit.

(5) A medical expense plan established under this section shall be applicable to all retirements of covered eligible employees within a calendar year. Such a medical expense plan may be discontinued in any future year, but once discontinued it may not be reinstated for the same group of eligible employees within the same calendar year as it was discontinued.

**WSR 97-14-086
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 97-113—Filed July 1, 1997, 4:25 p.m.]

Date of Adoption: July 1, 1997.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-49-02000J; and amending WAC 220-49-020.

Statutory Authority for Adoption: RCW 75.08.080.

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 closure is necessary for the conservation of herring. The action is in accordance with the state-treaty management plan for herring in 1997.

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 1, 1997
Ron Swatfigure
for Bern Shanks
Director

NEW SECTION

WAC 220-49-02000J Herring—Areas and seasons. Notwithstanding the provisions of WAC 220-49-020, effective immediately until 11:59 p.m. August 31, 1997 it is unlawful to fish for or possess herring for commercial purposes in Marine Fish/Shellfish Management and Catch Reporting Areas 20A, 20B, 21A and 21B.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 31, 1997:

WAC 220-49-02000J Herring—Areas and seasons.

WSR 97-14-107
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 2, 1997, 11:25 a.m., effective August 1, 1997]

Date of Adoption: June 30, 1997.

Purpose: This change updates the rules for the general assistance for pregnant women (GA-S) program to include the correct references to the temporary assistance for needy families (TANF) and to include the TANF teen parent residence requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-230-0010, 388-230-0040, 388-230-0060, 388-230-0090, 388-230-0110, 388-230-0120, and 388-230-0140.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.08.280.

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; and 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 TANF program officially replaces AFDC on August 1, 1997, for most of its program rules. The state legislature also specified in legislation that GA-S would not be provided to pregnant/parenting teens unless they met the same provisions as those required by TANF.

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 7, 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 7, repealed 0.

Effective Date of Rule: August 1, 1997.

June 30, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0010 Purpose of program. (1) General assistance for pregnant women (GA-S) is a state-funded grant assistance program providing for the needs of:

(a) A pregnant woman; or

(b) A woman who has relinquished her newborn for adoption.

(2) GA-S is used only when federally-funded or block grant assistance programs are not available to the state to use for needy people.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0040 Summary of eligibility conditions. (1) The department shall grant GA-S to a person who meets the eligibility conditions stated in this chapter and is:

(a) A pregnant woman not eligible for (~~AFDC~~) temporary assistance to needy families (TANF) or CEAP for reasons other than refusal or failure to cooperate without good cause in obtaining such assistance; or

(b) A woman who relinquished a newborn for adoption if the woman was receiving:

(i) GA-S at the time of the birth of the child; or

(ii) (~~AFDC~~) TANF at the time of the birth of the child and subsequently loses (~~AFDC~~) TANF eligibility because an eligible child does not reside in the household.

(2) Assistance granted under subsection (1)(b) of this section shall be limited to the end of the month containing the last day of the six week period following the day the child is born.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0060 Eligibility conditions—Program criteria. For GA-S, the department shall apply the (~~general assistance unemployable (GAU)~~) temporary assistance to needy families (TANF) program criteria applicable to:

(1) Citizenship or alien status;

(2) Social Security number; (~~and~~)

(3) Residency; and

(4) Minor teen living arrangements, as defined by the TANF program.

AMENDATORY SECTION (Amending Order 3759, filed 7/27/94, effective 9/1/94)

WAC 388-230-0090 Eligibility conditions—Financial criteria. In determining financial eligibility and grant amounts, the department shall follow (~~aid to families with dependent children~~) temporary assistance to needy families (TANF) program income, resource, transfer of property, and payment rules.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0110 Need and payment standards. (1) In determining a persons's need and payment amounts, the department shall use the need and grant payment standards applicable to the (~~aid to families with dependent children~~) temporary assistance to needy families (TANF) program.

(2) In the case of a married couple when the husband is eligible for general assistance unemployable and the wife is eligible for general assistance for pregnant women:

(a) Eligibility and payment will be based on the two-person need and payment standard; and

(b) ~~((The wife is the only person who can receive))~~
Grant assistance under the GA-S program will only be paid for the woman. The husband and the unborn or adopted out child are not included in the GA-S grant.

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 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0120 Protective payees. For a recipient of general assistance for pregnant women (GA-S) determined to be unable to manage assistance funds by an evaluation conducted by department staff, the department shall follow ~~((aid to families with dependent children))~~ temporary assistance to needy families (TANF) program protective payee rules.

AMENDATORY SECTION (Amending Order 3556, filed 7/29/93, effective 8/29/93)

WAC 388-230-0140 Ineligibility based on benefits from other programs. The department shall deny requests for or terminate GA-S to a person:

- (1) Eligible for or receiving CEAP or ~~((AFDC))~~ temporary assistance to needy families (TANF);
- (2) Eligible for or whose needs are being met by supplemental security income (SSI);
- (3) Currently under sanction for failure to comply with ~~((AFDC))~~ TANF or SSI requirements; or
- (4) Who fails or refuses to cooperate without good cause in obtaining ~~((AFDC))~~ TANF, CEAP, or SSI.

**WSR 97-14-108
 EMERGENCY RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)
 (Public Assistance)**

[Filed July 2, 1997, 11:28 a.m., effective August 1, 1997]

Date of Adoption: June 30, 1997.

Purpose: This changes the provision of protective payee services to comply with temporary assistance to needy families (TANF) teen parent provisions as included in ESB 3901, section 502 (1997) and changes references from AFDC to TANF.

Citation of Existing Rules Affected by this Order: Amending WAC 388-265-1010 and 388-265-1275.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.04.0052.

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: Block grant funding is based on adoption of rules for temporary assistance to needy families (TANF).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal

Rules or Standards: New 0, amended 1, 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 6, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 7, 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: August 1, 1997.

June 30, 1997

Merry A. Kogut, Manager
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-265-1010 Grant payment—General provisions. (1) The department shall require that:

(a) Each grant shall encompass only one assistance unit, even though there may be two or more assistance units in the same family group or household; and

(b) When members of a group or household are eligible for any combination of state-funded grant assistance programs ~~((which include))~~ they shall encompass one assistance unit. State-funded grant assistance programs are general assistance - unemployable (GA-U), general assistance for pregnant women (GA-~~((X))S~~), and Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) (GA-W) ~~((or any combination thereof, shall encompass one assistance unit, but)).~~ The grant may be paid in separate, prorated amounts to each person in the assistance unit.

(2) The department shall:

(a) Determine the payment amount of continuing grants using the monthly standards of assistance; and

(b) Make continuing grant payments in compliance with advance notification requirements, except as provided under WAC 388-245-1710.

(3) A client may request payment of less than the amount for which the client qualifies. The department shall limit the grant to the amount of the client's written stipulation.

(4) The department shall round down a grant to the next whole dollar amount except for a client:

(a) Receiving a clothing and personal incidental allowance; or

(b) Subject to a mandatory deduction for recoupment of an overpayment.

(5) The department shall not pay a grant of less than ten dollars, except for a:

(a) Grant which is subject to a mandatory deduction for recoupment of an overpayment;

(b) Clothing and personal incidental allowance with budgeted income; or

(c) Reimbursement grant authorized under a supplemental Social Security interim assistance agreement.

AMENDATORY SECTION (Amending Order 3785, filed 9/28/94, effective 10/29/94)

WAC 388-265-1275 Protective payment—((AFDC)) TANF or GA parenting or pregnant minor. (1) The department ~~((may))~~ shall use protective payment for cases in which the client is:

- (a) Seventeen years of age or younger; and
- (b) Unmarried; and
- (c) Either pregnant or has a dependent child.

(2) The department shall establish a protective ~~((payment))~~ payee plan based on a determination ~~((made by the department that the client is not living in an))~~ that a pregnant or parenting teen is residing in the most appropriate living situation ~~((Appropriate living situations include:))~~ as defined by TANF, before benefits can be issued.

(a) ~~((Place of residence maintained by the client's parent, legal guardian, or other adult relative as their own home; or))~~ The protective payee plan will be developed based on the TANF teen living assessment.

(b) ~~((As))~~ If it is determined ~~((by the department, other))~~ that a parenting teen is not living in the most appropriate ~~((supportive))~~ living ~~((arrangement supervised by an adult which is maintained as a family setting))~~ situation, benefits will be issued for the child only.

(3) ~~((Notwithstanding subsection (2) of this section, if the client is not living in an appropriate living situation, as determined by the department,))~~ The department may waive the establishment of a protective ~~((payment))~~ payee plan if the ~~((client))~~ teen adequately demonstrates the ability to manage funds ~~((adequately))~~ to the social worker conducting the teen living assessment. Protective payment will not be waived for teens not living in the most appropriate living situation.

(4) The department shall select a protective payee following the criteria under WAC 388-265-1150.

(5) The department shall provide the client with written notice of protective payment as described under WAC 388-265-1550.

WSR 97-14-109
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
(Public Assistance)

[Filed July 2, 1997, 11:30 a.m., effective August 1, 1997]

Date of Adoption: June 30, 1997.

Purpose: To reduce workload in Community Services Offices by increasing the minimally acceptable time frame for reviewing client eligibility from six months to twelve months.

Citation of Existing Rules Affected by this Order: Amending WAC 388-245-1150.

Statutory Authority for Adoption: RCW 74.04.050.

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 client beneficial. It will ensure that clients do not make unnecessary visits to the Community Services Offices.

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: August 1, 1997.

June 30, 1997

Merry A. Kogut, Manager
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

WAC 388-245-1150 Periodic and special review of eligibility. (1) The department shall redetermine the eligibility of financial assistance recipients at least once in every ~~((six))~~ twelve months of continuous receipt of assistance. The redetermination shall include:

(a) A review of each eligibility factor and an evaluation of any change occurring since eligibility was previously established or reviewed; and

(b) For ~~((AFDC))~~ TANF recipients, a face-to-face interview at least once every twelve months.

(2) At each periodic review of eligibility the department shall provide the recipient information regarding:

(a) Significant changes in public assistance laws or department rules not previously discussed which may affect the recipient; and

(b) The recipient's legal rights and responsibilities in connection with public assistance.

(3) The department shall complete a full review if a sufficient number of factors have changed to require a redetermination of eligibility.

OFFICE OF THE CODE REVISER
Quarterly Rule Making Report
Covering Registers 97-07 through 97-12

AGRICULTURE, DEPARTMENT OF

Type of Activity	New Amended		Repealed
Number of Permanent Rules Adopted	31	10	29
Number of Rules Proposed for Permanent Adoption	35	19	29
Number of Sections Adopted at Request of a Nongovernmental Entity	21	4	27
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	13	4	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	10	6	2
Number of Sections Adopted using Negotiated Rule Making	6	0	0
Number of Sections Adopted using Other Alternative Rule Making	25	8	27
Number of Sections Adopted using Pilot Rule Making	0	0	0

BATES TECHNICAL COLLEGE

Type of Activity	New Amended		Repealed
Number of Permanent Rules Adopted	26	0	0
Number of Rules Proposed for Permanent Adoption	29	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	26	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

BELLINGHAM TECHNICAL COLLEGE

Type of Activity	New Amended		Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

BUILDING CODE COUNCIL

Type of Activity	New Amended		Repealed
Number of Rules Withdrawn	1	0	0

CLARK COLLEGE

Type of Activity	New Amended		Repealed
Number of Rules Proposed for Permanent Adoption	19	0	9

MISCELLANEOUS

CODE REVISER'S OFFICE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	5	0

COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	5	0
Number of Rules Adopted as Emergency Rules	0	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	10	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	10	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	10	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

COUNCIL ON ENVIRONMENTAL POLICY

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	8	28	0

ECOLOGY, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	10	0	0
Number of Rules Proposed for Permanent Adoption	0	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	0
Number of Sections Adopted on the Agency's own Initiative	5	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EDUCATION, STATE BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

ENVIRONMENTAL HEARINGS OFFICE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

MISCELLANEOUS

Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

EVERETT COMMUNITY COLLEGE

Type of Activity	New Amended	Repealed	
Number of Rules Proposed for Permanent Adoption	0	2	0

EVERGREEN STATE COLLEGE, THE

Type of Activity	New Amended	Repealed	
Number of Rules Proposed for Permanent Adoption	3	8	13

EXECUTIVE ETHICS BOARD

Type of Activity	New Amended	Repealed	
Number of Permanent Rules Adopted	4	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Type of Activity	New Amended	Repealed	
Number of Permanent Rules Adopted	3	1	0
Number of Rules Proposed for Permanent Adoption	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	3	1	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	0	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

FINANCIAL MANAGEMENT, OFFICE OF

Type of Activity	New Amended	Repealed	
Number of Rules Proposed for Permanent Adoption	0	1	0

FISH AND WILDLIFE, DEPARTMENT OF

Type of Activity	New Amended	Repealed	
Number of Permanent Rules Adopted	8	51	23
Number of Rules Adopted as Emergency Rules	63	0	38
Number of Rules Proposed for Permanent Adoption	12	17	0
Number of Rules Withdrawn	1	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	9	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0

Number of Sections Adopted on the Agency's own Initiative	62	23	47
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FOREST PRACTICES BOARD

Type of Activity	New Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	4
Number of Rules Withdrawn	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0
Number of Sections Adopted using Pilot Rule Making	0	0

GAMBLING COMMISSION

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	0	10
Number of Rules Proposed for Permanent Adoption	6	26
Number of Rules Withdrawn	0	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	5
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2
Number of Sections Adopted on the Agency's own Initiative	0	5
Number of Sections Adopted using Negotiated Rule Making	0	3
Number of Sections Adopted using Other Alternative Rule Making	0	0
Number of Sections Adopted using Pilot Rule Making	0	0

HEALTH CARE AUTHORITY

Type of Activity	New Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	5

HEALTH, DEPARTMENT OF

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	0	33
Number of Rules Proposed for Permanent Adoption	58	60
Number of Rules Withdrawn	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	28
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	2
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3
Number of Sections Adopted using Negotiated Rule Making	0	14
Number of Sections Adopted using Other Alternative Rule Making	0	18
Number of Sections Adopted using Pilot Rule Making	0	0

HIGHER EDUCATION, JOINT CENTER FOR

Type of Activity	New Amended	Repealed
Number of Rules Withdrawn	31	0

MISCELLANEOUS

HOUSING FINANCE COMMISSION

Type of Activity	New Amended	Repealed
Number of Rules Proposed for Permanent Adoption	9	6
Number of Rules Withdrawn	0	3

INSURANCE COMMISSIONER'S OFFICE

Type of Activity	New Amended	Repealed
Number of Rules Withdrawn	30	0

JUDICIAL CONDUCT, COMMISSION ON

Type of Activity	New Amended	Repealed
Number of Rules Withdrawn	1	0

LABOR AND INDUSTRIES, DEPARTMENT OF

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	37	59
Number of Rules Adopted as Emergency Rules	9	4
Number of Rules Proposed for Permanent Adoption	63	62
Number of Rules Withdrawn	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	18	7
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	7	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	5
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	3
Number of Sections Adopted on the Agency's own Initiative	28	51
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	39	55
Number of Sections Adopted using Pilot Rule Making	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	33	45
Number of Rules Adopted as Emergency Rules	0	2
Number of Rules Proposed for Permanent Adoption	32	54
Number of Rules Withdrawn	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	32	41
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	5	10
Number of Sections Adopted on the Agency's own Initiative	29	46
Number of Sections Adopted using Negotiated Rule Making	1	20
Number of Sections Adopted using Other Alternative Rule Making	1	26
Number of Sections Adopted using Pilot Rule Making	0	0

LOTTERY COMMISSION

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	9	4
Number of Rules Proposed for Permanent Adoption	12	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	9	4

Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MARINE SAFETY, OFFICE OF

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	9	3
Number of Rules Proposed for Permanent Adoption	9	3
Number of Sections Adopted at Request of a Nongovernmental Entity	8	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	8	3
Number of Sections Adopted using Pilot Rule Making	0	0

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

Type of Activity	New Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1

NATURAL RESOURCES, DEPARTMENT OF

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	0	1
Number of Rules Proposed for Permanent Adoption	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0
Number of Sections Adopted using Pilot Rule Making	0	0

OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	0	7
Number of Rules Proposed for Permanent Adoption	0	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	7
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	7
Number of Sections Adopted using Pilot Rule Making	0	0

PARKS AND RECREATION COMMISSION

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	0	1
Number of Rules Proposed for Permanent Adoption	0	2
Number of Rules Withdrawn	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0

MISCELLANEOUS

Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PERSONNEL RESOURCES BOARD/PERSONNEL, DEPARTMENT OF

Type of Activity	New Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	2
Number of Rules Proposed for Permanent Adoption	2	23
Number of Rules Withdrawn	0	11
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2
Number of Sections Adopted using Pilot Rule Making	0	0

PIERCE COLLEGE

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	0	9
Number of Rules Proposed for Permanent Adoption	0	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0
Number of Sections Adopted on the Agency's own Initiative	0	8
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0
Number of Sections Adopted using Pilot Rule Making	0	0

PILOTAGE COMMISSIONERS, BOARD OF

Type of Activity	New Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	1
Number of Rules Proposed for Permanent Adoption	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1
Number of Sections Adopted on the Agency's own Initiative	0	2
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3
Number of Sections Adopted using Pilot Rule Making	0	0

POLLUTION LIABILITY INSURANCE AGENCY

Type of Activity	New Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0

MISCELLANEOUS

Number of Sections Adopted on the Agency's own Initiative	0	9	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC DISCLOSURE COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PUBLIC WORKS BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	3	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

RETIREMENT SYSTEMS, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Adopted as Emergency Rules	2	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

REVENUE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	5	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	1	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	4	0
Number of Sections Adopted on the Agency's own Initiative	7	5	0
Number of Sections Adopted using Negotiated Rule Making	8	4	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0

MISCELLANEOUS

Number of Sections Adopted using Pilot Rule Making	0	0	0
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SECRETARY OF STATE, OFFICE OF THE

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	2	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	16	2
Number of Rules Adopted as Emergency Rules	1	15	1
Number of Rules Proposed for Permanent Adoption	90	50	5
Number of Rules Withdrawn	2	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	5	16	2
Number of Sections Adopted in Order to Comply with Federal Statute	8	11	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	5	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	16	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

TACOMA COMMUNITY COLLEGE

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	0	124
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	124
Number of Sections Adopted using Pilot Rule Making	0	0	0

TOLL BRIDGE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0	32

TRANSPORTATION, COMMISSION AND DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	11	0
Number of Rules Proposed for Permanent Adoption	1	6	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	16	11	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	16	0	0

MISCELLANEOUS

Number of Sections Adopted on the Agency's own Initiative	0	9	0
Number of Sections Adopted using Negotiated Rule Making	16	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

UNIVERSITY OF WASHINGTON

Type of Activity	New Amended	Repealed
Number of Rules Proposed for Permanent Adoption	61	57

UTILITIES AND TRANSPORTATION COMMISSION

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	17	0
Number of Rules Proposed for Permanent Adoption	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	3	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	14	0
Number of Sections Adopted on the Agency's own Initiative	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0
Number of Sections Adopted using Pilot Rule Making	0	0

WASHINGTON STATE PATROL

Type of Activity	New Amended	Repealed
Number of Permanent Rules Adopted	2	0
Number of Rules Adopted as Emergency Rules	24	21
Number of Rules Proposed for Permanent Adoption	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	9
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	18	16
Number of Sections Adopted on the Agency's own Initiative	9	9
Number of Sections Adopted using Negotiated Rule Making	16	16
Number of Sections Adopted using Other Alternative Rule Making	2	0
Number of Sections Adopted using Pilot Rule Making	0	0

WASHINGTON STATE UNIVERSITY

Type of Activity	New Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0

WESTERN WASHINGTON UNIVERSITY

Type of Activity	New Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	0

TOTALS FOR THE QUARTER:

Number of Permanent Rules Adopted	218	280	219
Number of Rules Adopted as Emergency Rules	113	48	64
Number of Rules Proposed for Permanent Adoption	455	454	284
Number of Rules Withdrawn	71	29	12
Number of Sections Adopted at Request of a Nongovernmental Entity	50	29	34
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	79	128	31
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	5	24	2
Number of Sections Adopted in Order to Comply with Federal Statute	11	21	0

MISCELLANEOUS

Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	61	34	17
Number of Sections Adopted on the Agency's own Initiative	187	207	98
Number of Sections Adopted using Negotiated Rule Making	47	47	20
Number of Sections Adopted using Other Alternative Rule Making	79	155	185
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 97-14-001
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed June 18, 1997, 3:55 p.m.]

ADOPTION OF INTERPRETIVE STATEMENT
Excise Tax Bulletin 566—

Low-density light and power utility deduction

This announcement of the revision and readoption of this advisory interpretive statement is being published in the Washington State Register pursuant to the requirements of RCW 34.05.230(4).

The Department of Revenue has revised Excise Tax Bulletin 566 (Low-density light and power utility deduction). This bulletin explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires that the department determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by the power and light business to compute the amount of the deduction. This revision has been made to provide this rate information.

Requests for copies of this bulletin may be directed to Roseanna Hodson, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-4281, FAX (360) 664-0693.

Claire Hesselholt
 Policy Counsel

WSR 97-14-002
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
 [Filed June 18, 1997, 3:58 p.m.]

ADOPTION AND/OR REPEAL OF INTERPRETIVE STATEMENTS

Property Tax Bulletin 97-1—Procedure for assessment of state timber sales

Property Tax Bulletin 97-2—"True leases" or installment contracts

Property Tax Bulletin 90-2—Procedure for assessment of state timber sales

Property Tax Bulletin 91-14—Procedure for assessment of state timber sales

This announcement of the Department of Revenue's actions with respect to these advisory 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 adopted Property Tax Bulletins 97-1 (Procedure for assessment of state timber sales) and 97-2 ("True leases" or installment contracts).

The purpose of Property Tax Bulletin (PTB) 97-2 is to provide information that will assist counties to distinguish a "true lease" from a financing agreement. This information is necessary to determine the ownership of personal property when the lessee is a government entity or a nonprofit organization that may be entitled to an exemption. It will be used by the Department of Revenue in ratio audits and in determining the exemption status of personal property of nonprofit organizations.

PTB 97-1 provides uniform procedures for determining the taxable value of timber sold by agencies of state and local government. This bulletin is designed for use by assessors and Department of Revenue staff. PTBs 90-2 and 91-14, which address the same subject matter, have been repealed.

Requests for copies of these bulletins may be directed to Peri Maxey, Property Tax Division, P.O. Box 47471, Olympia, WA 98504-7471, phone (360) 586-2902, FAX (360) 586-7602.

Claire Hesselholt
 Policy Counsel

WSR 97-14-003
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed June 18, 1997, 4:26 p.m.]

NOTICE TO THE PUBLIC
REQUEST FOR NOMINATIONS
WISHA ADVISORY COMMITTEE

SHB 1887, which was signed into law this year, formally authorized the establishment of a Department of Labor and Industries' WISHA Advisory Committee. Creation of this committee will provide a permanent forum for WISHA program and policy discussions with labor and employer representatives which will provide great potential and opportunity for advancement of worker protection in Washington state. The Department of Labor and Industries, therefore, requests nominations for committee membership selection.

The statute states the director will appoint a WISHA Advisory Committee composed of ten members: Four members representing labor, four members representing employers, and two ex officio members (without a vote). The bill identifies the later two members as the chairperson of the Board of Industrial Insurance Appeals and a Department of Labor and Industries' representative. The depart-

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ment representative member would act as the committee chairperson.

SELECTION CRITERIA: The statute defines the four labor representative members and four employer representative members as statewide representatives.

Labor Nomination/Selection Criteria: The statute requires:

- A minimum of three labor representative nominees be considered for appointment for each labor committee member position.
- Labor committee member nominations be submitted by recognized state-wide organizations which represent the majority of employees.

Employer Nomination/Selection Criteria: The statute requires:

- A minimum of three employer representative nominees be considered for appointment for each employer committee member position.
- Employer committee member nominations be submitted by recognized state-wide organizations which represent the majority of employers.

All nominations should include a biographical sketch, brief work history, and a description of the individual's qualifications for appointment to the committee. In addition, the nominating organization should include a statement which briefly described why the organization qualifies to submit nominations under the provisions of SHB 1887.

Nominations must be received no later than 5:00 p.m. on August 15, 1997. Please submit nominations to Michael A. Silverstein, MD, Assistant Director, Consultation and Compliance Services Division, Department of Labor and Industries, P.O. Box 44000, Olympia, WA 98504-4000.

If you have any questions about the committee or the submittal process, please call Michael Silverstein at (360) 902-5495. The department appreciates your assistance and hopes to announce the membership of the new advisory committee by mid-September.

WSR 97-14-006

NOTICE OF PUBLIC MEETINGS WALLA WALLA COMMUNITY COLLEGE

[Memorandum—June 17, 1997]

A special meeting of Walla Walla Community College's board of trustees is scheduled on Tuesday, June 25, at 10:30 a.m. on the college campus.

WSR 97-14-007

NOTICE OF PUBLIC MEETINGS EASTERN WASHINGTON UNIVERSITY

[Memorandum—June 19, 1997]

BOARD OF TRUSTEES
June 24, 1997, 9:00 a.m.
Spokane Center
Second Floor Mall

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. at the Board Room R 222, Second Floor.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling president's office, 359-2371.

WSR 97-14-009

ATTORNEY GENERAL'S OFFICE

[Filed June 19, 1997, 3:37 p.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by July 23, 1997. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by July 23, 1997, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

97-06-01 Request by Senator Mary Margaret Haugen

1. RCW 35A.12.020 provides that a mayor-council, code city may make provision for obtaining legal counsel for the city by any reasonable contractual arrangement.
 - A. Does the city council in such a city have the sole authority to select a private law firm to provide legal services by contract for the city as city attorney?
 - B. If the city council has sole authority to select a law firm to serve as city attorney, may the contract for professional services provide that the city attorney 1) will serve at the pleasure of the city council rather than the mayor and 2) provide legal services under the direction of the city council rather than the mayor?

WSR 97-14-018
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—June 18, 1997]

The Seattle Community College District board of trustees have scheduled a special meeting to be held Friday, June 20, 1997, beginning at 1:30 p.m.

The meeting will be held at the Puget Sound Regional Office of the Employment Security Department, 400 East Pine Street, Suite 325, Seattle, WA 98122.

WSR 97-14-021
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—June 20, 1997]

The Washington State Convention and Trade Center's Design Committee will meet on Wednesday, June 25, 1997, from 9:30 - 11:30 a.m. at LMN, the Norton Building, 801 Second Avenue, Third Floor Conference Room in Seattle.

If you have any questions regarding this meeting, please call **694-5000 — OUR NEW PHONE NUMBER.**

WSR 97-14-022
NOTICE OF PUBLIC MEETINGS
WALLA WALLA COMMUNITY COLLEGE
 [Memorandum—June 19, 1997]

Earlier this week a letter was sent advising that a special meeting of Walla Walla Community College's board of trustees is scheduled on Tuesday, June 24, on the college campus. This is [to] notify you that the meeting time has changed from 10:30 a.m. to 10:00 a.m.

WSR 97-14-026
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—June 20, 1997]

The Seattle Community College District board of trustees will begin their regularly scheduled meeting with a work session at 5:00 p.m. on July 1, 1997.

The work session will be held in Room B106, at 5:00 p.m., and the regular meeting will be held in Room B113, at 6:00 p.m.

The meetings are at the Duwamish Education Center, 6770 East Marginal Way South, Seattle, WA 98108-3405.

WSR 97-14-027
AFFORDABLE HOUSING ADVISORY BOARD
 [Filed June 24, 1997, 2:25 p.m.]

The Affordable Housing Advisory Board (AHAB) will be holding a public hearing to receive testimony from representatives of local governments in Southeastern Washington regarding affordable housing needs in this area.

The hearing is scheduled for 10:00 a.m. on July 8, 1997, at the Trade, Recreation, and Agricultural Center (TRAC) located at 6600 Burden Boulevard (Room #2), Pasco, WA.

Comments may also be made in writing to Larry Kowbel, Chair, Affordable Housing Advisory Board, P.O. Box 48300, Olympia, WA 98504-8300; or by FAX to (360) 586-5880. All written comments to be included at the hearing must be received by 5 p.m., July 3, 1997.

If you have any questions regarding this hearing or would like more information, please contact Liz Taylor, AHAB Coordinator, at (360) 753-1881.

WSR 97-14-036
AGENDA
PUBLIC DISCLOSURE COMMISSION
 [Filed June 26, 1997, 8:32 a.m.]

Agenda for Rules Under Development,
 July - December, 1997

Currently, the Public Disclosure Commission only has one rule under development:

Topic: Adjusting for inflation the reporting thresholds and code values used when completing the personal financial affairs statement (PDC Forms F-1, F-1 Supplement and F-1A).

Status: In July, the commission will file a preproposal notice that it is considering adjusting the F-1 reporting thresholds and code values in order to reflect inflationary changes since these values were last adjusted in 1985.

If the commission decides to move forward with these adjustments, it will likely hold a public hearing (with possible permanent adoption) in late October 1997. The amended financial affairs reporting forms would then be used by filers beginning in 1998 (covering 1997 activity).

Statutory Authority for Rule Making: RCW 42.17.370 (1) and (11).

Statute Being Implemented: RCW 42.17.241(2).

WAC Cite: A new rule adjusting the thresholds would be adopted rather than simply adopting amended forms (WAC 390-24-010 and 390-24-020) as has been done in the past.

Agency Contact: Vicki Rippie, Assistant Director, P.O. Box 40908, Olympia, WA 98504, phone (360) 586-4838, FAX (360) 753-1112.

June 25, 1997
 Vicki L. Rippie
 Assistant Director

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WSR 97-14-039
ATTORNEY GENERAL'S OFFICE

[Filed June 26, 1997, 11:38 a.m.]

NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
 WASHINGTON ATTORNEY GENERAL

The Washington Attorney General issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the Attorney General's Office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the Attorney General's Office of your interest by July 23, 1997. This is not the due date by which comments must be received. However, if you do not notify the Attorney General's Office of your interest in commenting on an opinion request by July 23, 1997, the opinion may be issued before your comments have been received. You may notify the Attorney General's Office of your intention to comment by calling (360) 753-4114, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

97-06-07 Request by Secretary of State Ralph Munro

1. Under what circumstances does a major political party cease to be a major political party under RCW 29.01.090? Does your answer vary if the party originally qualifies based on the performance of a candidate for an office other than the United States senator, but in the next even-year general election United States senator is the only office listed in RCW 29.01.090 that appears on the ballot?
2. For any newly qualified major political party, at what time and by what mechanism are precinct committee officers selected?
3. If the party does not organize pursuant to chapter 29.42 RCW, may the newly qualified major political party perform any of the functions provided by law to be performed by the county or state committee prior to doing so?
4. Do the provisions of RCW 29.45.010(4) restrict membership on a three-person election board to members of the two parties whose candidates for president polled the greatest and the next greatest number of votes in that county?
5. If a county auditor decides to appoint additional clerks to the election board, pursuant to RCW 29.45.020, what must be the partisan affiliation of the inspector, two

judges, and any clerks if there are more than two major political parties? Does your answer with regard to the political affiliation of board members depend upon whether the county chair has provided a list of names to the auditor?

6. What must be the partisan affiliation of ballot pick up and delivery teams, pursuant to RCW 29.54.037, if there are more than two major political parties?

WSR 97-14-083
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Memorandum—June 30, 1997]

The following is a schedule of the regular meetings of the Public Employment Relations Commission for fiscal year 1998:

July 15
 August 19
 September 16
 October 21
 November 18
 December 16
 January 20
 February 17
 March 17
 April 21
 May 19
 June 16

All meetings begin at 10:00 a.m. Meetings are held in the Evergreen Plaza Building, 711 Capitol Way, Olympia, WA. Attendees should check at Room 603 for the specific room number.

Following due notice, some meetings may be rescheduled or relocated.

Meeting sites are barrier free to the greatest extent possible. Braille or taped agenda items for visually impaired persons, and interpreters for individuals with hearing impairment will be provided if requested with adequate notice. Such requests should be made at least ten working days in advance of the scheduled meeting date, and should be addressed to the Public Employment Relations Commission, P.O. Box 40919, Olympia, WA 98504-0919.

WSR 97-14-085
DEPARTMENT OF ECOLOGY

[Filed July 1, 1997, 4:22 p.m.]

On June 10, 1997, the Washington Department of Ecology received a petition to designate Grant and Franklin counties as a ground water management area under provisions of WAC 173-100-070. This petition is currently under review by the Department of Ecology to determine the merits of the request. Pending a finding that the petition has merits, the Department of Ecology must modify the general schedule.

WAC 173-100-060 requires a public hearing be held prior to final modification of the general schedule. In order to allow for sufficient time to complete a comprehensive review of the Grant-Franklin County petition and its relation to existing petitions, it is the intent of the Department of Ecology to delay a public hearing on modification of the general schedule from June 1997 to November 1997. Two weeks prior to the hearing(s), the Department of Ecology will publish specific details as to time, date, and location.



WSR 97-13-026
EXPEDITED REPEAL
DEPARTMENT OF LICENSING

[Filed June 10, 1997, 1:52 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapters 308-76 and 308-95 WAC, WAC 308-20-160, 308-20-500, 308-72-506, 308-72-510, 308-72-543, 308-77-030, and 308-77-090.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Walt Fahrer, Rules Coordinator, Department of Licensing, 1125 Washington Street S.E., P.O. Box 9020, Olympia, WA 98507-9020.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 308-76 WAC, statute on which rule was based has been repealed; WAC 308-72-506, information is contained in chapter 82.36 RCW and other WAC sections; WAC 308-72-510, statutory authority to post property in lieu of bond has been repealed; WAC 308-72-543, statute on which rule was based has been repealed; WAC 308-77-030, department no longer issues special fuel supplier license; WAC 308-77-090, language setting computation of tax is contained in statute; chapter 308-95 WAC, statute on which rule was based has been repealed; WAC 308-20-160, no longer necessary, circumstances changed; and WAC 308-20-500, other agency rules cause redundancy.

June 10, 1997

Walt Fahrer
 Rules Coordinator

WSR 97-13-027
EXPEDITED REPEAL
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed June 11, 1997, 9:08 a.m.]

The Following Sections are Proposed for Expedited Repeal: SWAPCA 401 "Operating Permits Regulation" (entire rule).

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Paul Mairose, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA 98685-2747.

Reason the Expedited Repeal of the Rule is Appropriate: On November 3, 1993, SWAPCA published a final rule making (WSR 93-22-111) to adopt chapter 173-401 WAC by reference as approved by the board of directors. Washington

Department of Ecology (WDOE) has since revised chapter 173-401 WAC to include a fee schedule and additional sections regarding insignificant emission units. As a result of these changes by WDOE the SWAPCA rule is no longer consistent with the current revision of chapter 173-401 WAC. These inconsistencies and the fact that SWAPCA has adopted the WAC by reference results in additional rule citations in Title V permits that is of no benefit. Therefore, SWAPCA proposes to repeal SWAPCA 401 and just implement chapter 173-401 WAC for implementation of the Title V Air Operating Permit program. This action will make SWAPCA consistent with the other local air authorities.

June 10, 1997

Robert D. Elliott
 Executive Director

WSR 97-13-034
EXPEDITED REPEAL
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 13, 1997, 9:15 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 296-10 WAC, sections 010-220 and 370-590; chapter 296-129 WAC, sections 020-040; and chapter 296-126 WAC, section 140.

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

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

Address Your Objection to: Greg Mowat, Program Manager, Employment Standards, P.O. Box 44510, Tumwater, WA 98504-4510, phone (360) 902-5310.

Reason the Expedited Repeal of the Rule is Appropriate: The Department of Labor and Industries is submitting rules for expedited repeal because their statutory authority RCW 43.22.280 was repealed by RCW 43.22.282 in 1982 making these rules obsolete. The practice and procedure issues are covered in chapter 296-08 WAC. The powers, duties, and the industrial welfare committee functions were transferred to the director of labor and industries. Therefore, the department is proposing repeal of chapter 296-10 WAC, Practice and procedure industrial welfare committee; chapter 296-129 WAC, Industrial welfare committee appeals; and chapter 296-126 WAC, Appeal procedures. Repealing these rules eliminates forty-nine sections and eight pages from Title 296 WAC.

June 12, 1997

Gary Moore
 Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-10-010 Appearance and practice before agency—Who may appear.

WAC 296-10-020	Appearance and practice before agency—Appearance in certain proceedings may be limited to attorneys.	WAC 296-10-440	Prehearing conference rule—Record of conference action.
WAC 296-10-030	Appearance and practice before agency—Solicitation of business unethical.	WAC 296-10-450	Submission of documentary evidence in advance.
WAC 296-10-040	Appearance and practice before agency—Standards of ethical conduct.	WAC 296-10-460	Excerpts from documentary evidence.
WAC 296-10-050	Appearance and practice before agency—Appearance of former employee of board or former member of attorney general's staff.	WAC 296-10-470	Expert or opinion testimony and testimony based on economic or statistical data—Number and qualifications of witnesses.
WAC 296-10-060	Appearance and practice before agency—Former employee as expert witness.	WAC 296-10-480	Expert or opinion testimony and testimony based on economic or statistical data—Written sworn statements.
WAC 296-10-070	Computation of time.	WAC 296-10-490	Expert or opinion testimony and testimony based on economic or statistical data—Supporting data.
WAC 296-10-080	Notice and opportunity for hearing in contested cases.	WAC 296-10-500	Expert or opinion testimony and testimony based on economic or statistical data—Effect of noncompliance with WAC 296-10-470 or 296-10-480.
WAC 296-10-090	Notice and opportunity for hearing in contested cases—By whom served.	WAC 296-10-510	Continuances.
WAC 296-10-100	Notice and opportunity for hearing in contested cases—Upon whom served.	WAC 296-10-520	Rules of evidence—Admissibility criteria.
WAC 296-10-110	Notice and opportunity for hearing in contested cases—Service upon parties.	WAC 296-10-530	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
WAC 296-10-120	Notice and opportunity for hearing in contested cases—Method of service.	WAC 296-10-540	Petitions for rule making, amendment or repeal—Who may petition.
WAC 296-10-130	Notice and opportunity for hearing in contested cases—When service complete.	WAC 296-10-550	Petitions for rule making, amendment or repeal—Requisites.
WAC 296-10-140	Notice and opportunity for hearing in contested cases—Filing with agency.	WAC 296-10-560	Petitions for rule making, amendment or repeal—Agency must consider.
WAC 296-10-150	Subpoenas—Where provided by law—Form.	WAC 296-10-570	Petitions for rule making, amendment or repeal—Notice of disposition.
WAC 296-10-160	Subpoenas—Issuance to parties.	WAC 296-10-580	Declaratory rulings.
WAC 296-10-170	Subpoenas—Service.	WAC 296-10-590	Forms.
WAC 296-10-180	Subpoenas—Fees.		
WAC 296-10-190	Subpoenas—Proof of service.		
WAC 296-10-200	Subpoenas—Quashing.		
WAC 296-10-210	Subpoenas—Enforcement.		
WAC 296-10-220	Subpoenas—Geographical scope.		
WAC 296-10-370	Official notice—Matters of law.		
WAC 296-10-380	Official notice—Material facts.		
WAC 296-10-390	Presumptions.		
WAC 296-10-400	Stipulations and admissions of record.		
WAC 296-10-410	Form and content of decisions in contested cases.		
WAC 296-10-420	Definition of issues before hearing.		
WAC 296-10-430	Prehearing conference rule—Authorized.		

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-126-140 Appeal procedures.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 296-129-020 Appeal briefs.
WAC 296-129-030 Appeal briefs—Contents.
WAC 296-129-040 Record on appeal.

WSR 97-13-037**EXPEDITED REPEAL****DEPARTMENT OF ECOLOGY**

[Order 97-23—Filed June 13, 1997, 10:50 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-319 WAC, Comprehensive waste reduction/recycling grants program.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: The rule provided financial assistance to local governments for yard waste composting studies and waste reduction and recycling public information and education campaigns. Other rules in the agency provide funding opportunities for local governments to receive grant funds.

June 2, 1997

James T. Pendowski
Program Manager**WSR 97-13-038****EXPEDITED REPEAL****DEPARTMENT OF ECOLOGY**

[Order 97-22—Filed June 13, 1997, 10:52 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-318 WAC, Phase one—Waste reduction and recycling grants.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: The rule was enacted to help implement ESHB 1671 in 1989. The rule was adopted in 1989 and was intended to be the first phase of an overall grant program. The rule is no longer applicable. Other rules now govern the same activity.

June 2, 1997

James T. Pendowski
Program Manager**WSR 97-13-039****EXPEDITED REPEAL****DEPARTMENT OF ECOLOGY**

[Order 97-20—Filed June 13, 1997, 10:54 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-315 WAC, Model Toxics Account

Act—Local toxics control account—Interim—Financial assistance program.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: Other rules within ecology address the activities identified in this rule making this rule duplicative and unnecessary.

June 2, 1997

James T. Pendowski
Program Manager**WSR 97-13-040****EXPEDITED REPEAL****DEPARTMENT OF ECOLOGY**

[Order 97-19—Filed June 13, 1997, 10:55 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-311 WAC, Moderate risk waste grants.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: The opportunity for grants for moderate risk waste activities has been incorporated into other agency grant rules, thereby making this rule unnecessary.

June 2, 1997

James T. Pendowski
Program Manager**WSR 97-13-041****EXPEDITED REPEAL****DEPARTMENT OF ECOLOGY**

[Order 97-18—Filed June 13, 1997, 11:00 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-309 WAC, Hazardous Waste Cleanup Act—Local toxics control account—Interim financial assistance program.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: The rule was interim, other rules of the agency address local toxic control account funding.

June 2, 1997
James T. Pendowski
Program Manager

WSR 97-13-042
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY

[Order 97-17—Filed June 13, 1997, 11:02 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-32 WAC, Allocation of financial aid to counties and cities to assist in comprehensive planning for solid waste management.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jerry Thielen, Rules Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: The rule, originally filed on April 30, 1971, is [no] longer necessary. Other rules govern the same activity. Additionally, all sections of the rules were designated "reserved." No language was ever included in the rule.

June 2, 1997
James T. Pendowski
Program Manager

WSR 97-13-043
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY

[Order 97-16—Filed June 13, 1997, 11:04 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-90 WAC, Standards and limitations on the use of clean water funds for pollution abatement.

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

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

Address Your Objection to: Jerry Thielen, Agency Rules Coordinator, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 173-90 WAC was adopted by ecology on September 12, 1986, to implement chapter 3, Laws of 1986 (ESSB 4519) that provided for an appropriation of \$20 million from the state general fund and the state and local improvements

revolving fund account. These funds were provided in chapter 3 for (1) planning assistance for ground water management area projects (2) nonpoint source pollution control activities (3) assistance to aquifer protection areas (4) assistance for the design of water pollution control facilities and (5) acquisition of organic laboratory capability by ecology and the Department of Social and Health Services to test and analyze waters including public drinking water supplies. All funds appropriated have been obligated by ecology according to the intended purpose of chapter 3, Laws of 1986.

June 10, 1997
Richard K. Wallace
Acting Water Quality Program Manager

WSR 97-13-046
EXPEDITED REPEAL
BOARD FOR
VOLUNTEER FIREFIGHTERS

[Filed June 13, 1997, 2:06 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 491-10-010 Emergency medical service districts—Fees.

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

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

Address Your Objection to: Board for Volunteer Firefighters, P.O. Box 114, Olympia, WA 98507, (360) 753-7318.

Reason the Expedited Repeal of the Rule is Appropriate: Our assistant attorney general advises that this rule is no longer necessary to set fees for emergency medical service districts.

June 10, 1997
Joseph H. Faubion
Executive Secretary

WSR 97-14-010
EXPEDITED REPEAL
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT

[Filed June 19, 1997, 3:48 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 25-30-010 to 25-30-050.

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

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

Address Your Objection to: David M. Hansen, Acting State Historic Preservation Officer, P.O. Box 48343, Olympia, WA 98504-8343, FAX (360) 586-0250, e-mail DavidH@CTED.Wa.Gov, phone (360) 753-4117.

Reason the Expedited Repeal of the Rule is Appropriate: The rule was established in support of the activities of the Washington State Heritage Council. The council completed the task assigned to it, and the law establishing the council (RCW 27.34.030 to [27.35.]050) was repealed by the legislature in 1994.

June 18, 1997
Erika Lim, Director
Government Relations

WSR 97-14-016
EXPEDITED REPEAL
LOTTERY COMMISSION
[Filed June 20, 1997, 12:45 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 315-11-600 Definitions for Instant Game Number 60 ("Double Feature"), 315-11-601 Criteria for Instant Game Number 60, 315-11-602 Ticket validation requirements for Instant Game Number 60, 315-11-610 Definitions for Instant Game Number 61 ("Triple Play"), 315-11-611 Criteria for Instant Game Number 61, 315-11-612 Ticket validation requirements for Instant Game Number 61, 315-11-620 Definitions for Instant Game Number 62 ("Roulette"), 315-11-621 Criteria for Instant Game Number 62, 315-11-622 Ticket validation requirements for Instant Game Number 62, 315-11-630 Definitions for Instant Game Number 63 ("Lucky 7's"), 315-11-631 Criteria for Instant Game Number 63, 315-11-632 Ticket validation requirements for Instant Game Number 63, 315-11-640 Definitions for Instant Game Number 64 ("Play Days"), 315-11-641 Criteria for Instant Game Number 64, 315-11-642 Ticket validation requirements for Instant Game Number 64, 315-11-650 Definitions for Instant Game Number 65 ("Touch-down"), 315-11-651 Criteria for Instant Game Number 65, 315-11-652 Ticket validation requirements for Instant Game Number 65, 315-11-660 Definitions for Instant Game Number 66 ("Tumbling Dice"), 315-11-661 Criteria for Instant Game Number 66, 315-11-662 Ticket validation requirements for Instant Game Number 66, 315-11-670 Definitions for Instant Game Number 67 ("21"), 315-11-671 Criteria for Instant Game Number 67, 315-11-672 Ticket validation requirements for Instant Game Number 67, 315-11-680 Definitions for Instant Game Number 68 ("Mistledough"), 315-11-681 Criteria for Instant Game Number 68, 315-11-682 Ticket validation requirements for Instant Game Number 68, 315-11-690 Definitions for Instant Game Number 69 ("Gold Rush"), 315-11-691 Criteria for Instant Game Number 69, 315-11-692 Ticket validation requirements for Instant Game Number 69, 315-11-703 Definitions for Instant Game Number 70 ("Winning Spirit"), 315-11-704 Criteria for Instant Game Number 70, 315-11-705 Ticket validation requirements for Instant Game Number 70, 315-11-710 Definitions for Instant Game Number 71 ("Lucky 7's II"), 315-11-711 Criteria for Instant Game Number 71, 315-11-712 Ticket validation requirements for Instant Game Number 71, 315-11-720 Definitions for Instant Game Number 72 ("Moolah Moolah"), 315-11-721 Criteria for Instant Game Number 72, 315-11-722 Ticket validation requirements for Instant Game Number 72, 315-11-730 Definitions for Instant Game Number 73 ("Whirlwin"), 315-

11-731 Criteria for Instant Game Number 73, 315-11-732 Ticket validation requirements for Instant Game Number 73, 315-11-740 Definitions for Instant Game Number 74 ("Grand Slam II"), 315-11-741 Criteria for Instant Game Number 74, 315-11-742 Ticket validation requirements for Instant Game Number 74, 315-11-753 Definitions for Instant Game Number 75 ("Wildcard"), 315-11-754 Criteria for Instant Game Number 75, 315-11-755 Ticket validation requirements for Instant Game Number 75, 315-11-760 Definitions for Instant Game Number 76 ("Gold & Glory"), 315-11-761 Criteria for Instant Game Number 76, 315-11-762 Ticket validation requirements for Instant Game Number 76, 315-11-770 Definitions for Instant Game Number 77 ("Three Cards Up"), 315-11-771 Criteria for Instant Game Number 77, 315-11-772 Ticket validation requirements for Instant Game Number 77, 315-11-780 Definitions for Instant Game Number 78 ("Applebucks"), 315-11-781 Criteria for Instant Game Number 78, 315-11-782 Ticket validation requirements for Instant Game Number 78, 315-11-790 Definitions for Instant Game Number 79 ("Movie Money"), 315-11-791 Criteria for Instant Game Number 79, 315-11-792 Ticket validation requirements for Instant Game Number 79, 315-11-800 Definitions for Instant Game Number 80 ("Bowling for Bucks"), 315-11-801 Criteria for Instant Game Number 80, 315-11-802 Ticket validation requirements for Instant Game Number 80, 315-11-810 Definitions for Instant Game Number 81 ("Joker Poker"), 315-11-811 Criteria for Instant Game Number 81, 315-11-812 Ticket validation requirements for Instant Game Number 81, 315-11-820 Definitions for Instant Game Number 82 ("10th Anniversary Game"), 315-11-821 Criteria for Instant Game Number 82, 315-11-822 Ticket validation requirements for Instant Game Number 82, 315-11-830 Definitions for Instant Game Number 83 ("Surprise Package"), 315-11-831 Criteria for Instant Game Number 83, 315-11-832 Ticket validation requirements for Instant Game Number 83, 315-11-840 Definitions for Instant Game Number 84 ("Fat Cat"), 315-11-841 Criteria for Instant Game Number 84, 315-11-842 Ticket validation requirements for Instant Game Number 84, 315-11-850 Definitions for Instant Game Number 85 ("7-11-21"), 315-11-851 Criteria for Instant Game Number 85, 315-11-852 Ticket validation requirements for Instant Game Number 85, 315-11-860 Definitions for Instant Game Number 86 ("Black Jack"), 315-11-861 Criteria for Instant Game Number 86, 315-11-862 Ticket validation requirements for Instant Game Number 86, 315-11-870 Definitions for Instant Game Number 87 ("Double Dribble"), 315-11-871 Criteria for Instant Game Number 87, 315-11-872 Ticket validation requirements for Instant Game Number 87, 315-11-880 Definitions for Instant Game Number 88 ("Money Tree"), 315-11-881 Criteria for Instant Game Number 88, 315-11-882 Ticket validation requirements for Instant Game Number 88, 315-11-890 Definitions for Instant Game Number 89 ("Lucky 8's"), 315-11-891 Criteria for Instant Game Number 89, 315-11-892 Ticket validation requirements for Instant Game Number 89, 315-11-900 Definitions for Instant Game Number 90 ("Jackpot"), 315-11-901 Criteria for Instant Game Number 90, 315-11-902 Ticket validation requirements for Instant Game Number 90, 315-11-910 Definitions for Instant Game Number 91 ("Walla Walla Walla"), 315-11-911 Criteria for Instant Game Number 91, 315-11-912 Ticket validation requirements for Instant Game

Number 91, 315-11-920 Definitions for Instant Game Number 92 ("Triple Play"), 315-11-921 Criteria for Instant Game Number 92, 315-11-922 Ticket validation requirements for Instant Game Number 92, 315-11-930 Definitions for Instant Game Number 93 ("Hog Mania"), 315-11-931 Criteria for Instant Game Number 93, 315-11-932, Ticket validation requirements for Instant Game Number 93, 315-11-940 Definitions for Instant Game Number 94 ("Applebucks II"), 315-11-941 Criteria for Instant Game Number 94, 315-11-942 Ticket validation requirements for Instant Game Number 94, 315-11-950 Definitions for Instant Game Number 95 ("High Roller"), 315-11-951 Criteria for Instant Game Number 95, 315-11-952 Ticket validation requirements for Instant Game Number 95, 315-11-960 Definitions for Instant Game Number 96 ("Tic-Tac-Dough"), 315-11-961 Criteria for Instant Game Number 96, 315-11-962 Ticket validation requirements for Instant Game Number 96, 315-11-970 Definitions for Instant Game Number 97 ("Lucky Charm"), 315-11-971 Criteria for Instant Game Number 97, 315-11-972 Ticket validation requirements for Instant Game Number 97, 315-11-980 Definitions for Instant Game Number 98 ("Ace in the Hole"), 315-11-981 Criteria for Instant Game Number 98, 315-11-982 Ticket validation requirements for Instant Game Number 98, 315-11-990 Definitions for Instant Game Number 99 ("Megamoney"), 315-11-991 Criteria for Instant Game Number 99, 315-11-992 Ticket validation requirements for Instant Game Number 99, 315-11A-100 Instant Game Number 100 ("Top Banana"), 315-11A-101 Instant Game Number 101 ("Top Banana"), 315-11A-102 Instant Game Number 102 ("Mistledough"), 315-11A-103 Instant Game Number 103 ("Lucky Duck"), 315-11A-104 Instant Game Number 104 ("Money Match"), 315-11A-105 Instant Game Number 105 ("Cash Cards"), 315-11A-106 Instant Game Number 106 ("Cash Explosion"), 315-11A-107 Instant Game Number 107 ("Break the Bank"), 315-11A-108 Instant Game Number 108 ("Money Bags"), 315-11A-109 Instant Game Number 109 ("Black Jacks"), 315-11A-110 Instant Game Number 110 ("Instant Cash"), 315-11A-111 Instant Game Number 111 ("Monopoly"), 315-11A-112 Instant Game Number 112 ("Cash Cow"), 315-11A-113 Instant Game Number 113 ("Tumbling Dice"), 315-11A-114 Instant Game Number 114 ("Wildcard"), 315-11A-115 Instant Game Number 115 ("Cash Roulette"), 315-11A-116 Instant Game Number 116 ("Fortune"), 315-11A-117 Instant Game Number 117 ("Cash Crop"), 315-11A-118 Instant Game Number 118 ("Aces Wild"), 315-11A-119 Instant Game Number 119 ("Lots of Bucks"), 315-11A-120 Instant Game Number 120 ("Lucky Deal"), 315-11A-121 Instant Game Number 121 ("Hog Mania"), 315-11A-122 Instant Game Number 122 ("High Card"), 315-11A-123 Instant Game Number 123 ("Holiday Cash"), 315-11A-124 Instant Game Number 124 ("Queen of Hearts"), 315-11A-125 Instant Game Number 125 ("Windfall"), 315-11A-126 Instant Game Number 126 ("Megamoney II"), 315-11A-127 Instant Game Number 127 ("7-11-21"), 315-11A-128 Instant Game Number 128 ("\$2 Big Kahuna"), 315-11A-129 Instant Game Number 129 ("Beat the Dealer"), 315-11A-130 Instant Game Number 130 ("Moolah Moolah"), 315-11A-131 Instant Game Number 131 ("Spin 'n Win"), 315-11A-132 Instant Game Number 132 ("Treasure Chest"), 315-11A-133 Instant Game Number 133 ("Pocket Cash"), 315-11A-134 Instant Game Number 134

("7 Cards Up"), 315-11A-135 Instant Game Number 135 ("Bingo"), 315-11A-136 Instant Game Number 136 ("Ace In The Hole"), chapter 315-32 WAC, Lotto rules, chapter 315-33 WAC, Quinto rules, chapter 315-33B WAC, "Beat the State" rules, chapter 315-40 WAC, Paper scratch game general rules, and chapter 315-41 WAC, Paper scratch game—Specific rules.

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

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

Address Your Objection to: Michael Aoki-Kramer, Rules Coordinator, Washington State Lottery, P.O. Box 43025, Olympia, WA 98504-3025.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 315-11-600, 315-11-601, 315-11-602, 315-11-610, 315-11-611, 315-11-612, 315-11-620, 315-11-621, 315-11-622, 315-11-630, 315-11-631, 315-11-632, 315-11-640, 315-11-641, 315-11-642, 315-11-650, 315-11-651, 315-11-652, 315-11-660, 315-11-661, 315-11-662, 315-11-670, 315-11-671, 315-11-672, 315-11-680, 315-11-681, 315-11-682, 315-11-690, 315-11-691, 315-11-692, 315-11-703, 315-11-704, 315-11-705, 315-11-710, 315-11-711, 315-11-712, 315-11-720, 315-11-721, 315-11-722, 315-11-730, 315-11-731, 315-11-732, 315-11-740, 315-11-741, 315-11-742, 315-11-753, 315-11-754, 315-11-755, 315-11-760, 315-11-761, 315-11-762, 315-11-770, 315-11-771, 315-11-772, 315-11-780, 315-11-781, 315-11-782, 315-11-790, 315-11-791, 315-11-792, 315-11-800, 315-11-801, 315-11-802, 315-11-810, 315-11-811, 315-11-812, 315-11-820, 315-11-821, 315-11-822, 315-11-830, 315-11-831, 315-11-832, 315-11-840, 315-11-841, 315-11-842, 315-11-850, 315-11-851, 315-11-852, 315-11-860, 315-11-861, 315-11-862, 315-11-870, 315-11-871, 315-11-872, 315-11-880, 315-11-881, 315-11-882, 315-11-890, 315-11-891, 315-11-892, 315-11-900, 315-11-901, 315-11-902, 315-11-910, 315-11-911, 315-11-912, 315-11-920, 315-11-921, 315-11-922, 315-11-930, 315-11-931, 315-11-932, 315-11-940, 315-11-941, 315-11-942, 315-11-950, 315-11-951, 315-11-952, 315-11-960, 315-11-961, 315-11-962, 315-11-970, 315-11-971, 315-11-972, 315-11-980, 315-11-981, 315-11-982, 315-11-990, 315-11-991 and 315-11-992, the games governed by these sections have been closed and the time period for redeeming prizes has expired.

WAC 315-11A-100, 315-11A-101, 315-11A-102, 315-11A-103, 315-11A-104, 315-11A-105, 315-11A-106, 315-11A-107, 315-11A-108, 315-11A-109, 315-11A-110, 315-11A-111, 315-11A-112, 315-11A-113, 315-11A-114, 315-11A-115, 315-11A-116, 315-11A-117, 315-11A-118, 315-11A-119, 315-11A-120, 315-11A-121, 315-11A-122, 315-11A-123, 315-11A-124, 315-11A-125, 315-11A-126, 315-11A-127, 315-11A-128, 315-11A-129, 315-11A-130, 315-11A-131, 315-11A-132, 315-11A-133, 315-11A-134, 315-11A-135 and 315-11A-136, the games governed by these sections have been closed and the time period for redeeming prizes has expired.

Chapter 315-32 WAC, Lotto rules, per WAC 315-32-060(5), the final drawing under this section took place on October 20, 1990. This chapter has been replaced by chapter 315-34 WAC, Lotto 6 of 49 rules.

Chapter 315-33 WAC, Quinto rules, per WAC 315-33-060(5), the final drawing under this section took place on October 26, 1991. This chapter has been replaced by chapter 315-33A WAC, Quinto rules.

Chapter 315-33B WAC, "Beat the State" rules, per WAC 315-33B-060(1), the final drawing under this section took place November 13, 1993. The lottery does not anticipate offering this game in the future.

Chapter 315-40 WAC, Paper scratch game general rules, the lottery does not anticipate any future games with these specifications.

Chapter 315-41 WAC, Paper scratch game rules—Specific rules, the games listed in this chapter have all been closed, and the time period for claiming prizes has expired.

May 27, 1997
Merritt D. Long
Director

WSR 97-14-038

EXPEDITED REPEAL

WASHINGTON STATE UNIVERSITY

[Filed June 26, 1997, 10:31 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 504-12 WAC.

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

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

Address Your Objection to: Mr. Richard L. Hutchinson, Assistant to the Vice-President for Business Affairs, Washington State University, 432 French Administration Building, P.O. Box 641045, Pullman, WA 99164-1045.

Reason the Expedited Repeal of the Rule is Appropriate: These rules, which have not been revised since their adoption in 1960, have been rendered irrelevant by the growth since then of statutory law governing the solicitation and award of public works contracts.

June 16, 1997
Richard L. Hutchinson
Assistant to the Vice-President
for Business Affairs

WSR 97-14-040

EXPEDITED REPEAL

WASHINGTON STATE PATROL

[Filed June 27, 1997, 1:09 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 204-64 WAC, Quartz halogen headlamps.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Ms. Carol Morton, Washington State Patrol, 4242 Martin Way, Olympia, WA 98504-2627, (360) 412-8934.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 204-64 WAC is completely covered in WAC 204-10-020 (2)(a) which adopts the Federal Motor Vehicle Safety Standard 108 or the Canadian Standard D106.2 for quartz halogen headlamps.

June 26, 1997
Annette M. Sandberg
Chief

WSR 97-14-041

EXPEDITED REPEAL

WASHINGTON STATE PATROL

[Filed June 27, 1997, 1:10 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 204-48 WAC, Tires.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Ms. Carol Morton, Washington State Patrol, 4242 Martin Way, Olympia, WA 98504-2627, (360) 412-8934.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 204-48-WAC is completely covered in RCW 46.37.420, [46.37.]423, [46.37.]424, and [46.37.]425 making the WAC redundant.

June 26, 1997
Annette M. Sandberg
Chief

WSR 97-14-042

EXPEDITED REPEAL

DEPARTMENT OF REVENUE

[Filed June 27, 1997, 2:09 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-20-184 Tax on conveyances, repealed.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

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

Address Your Objection to: Alan R. Lynn, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693.

Reason the Expedited Repeal of the Rule is Appropriate: This rule simply explains that the conveyance tax program was repealed effective May 18, 1987. It provides no important tax reporting information or instructions.

June 26, 1997
Claire Hesselholt
Policy Counsel

WSR 97-14-043
EXPEDITED REPEAL
DEPARTMENT OF REVENUE
[Filed June 27, 1997, 2:10 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-12-130 Situs of personalty—Migratory stock, 458-12-185 Listing of property—Public lands—Airports, bridges. . . , 458-12-340 Assessment and evaluation—Property assessed as of January 1, 458-12-341 100% assessment ratio, 458-12-345 Assessment and evaluation—Reforestation lands, 458-12-355 Assessment and evaluation—Assessment of classes of property to be uniform within the taxing district, 458-12-365 Levy, 458-12-370 Levy—Duty of assessor, 458-12-375 Levy—Prorating 40 mill law, and 458-12-385 State levy.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: James A. Winterstein, Counsel, Legislation and Policy, Box 47467, Olympia, WA 98504-7467.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 458-12-130, the statute on which this rule is based, RCW 84.44.070, was repealed in 1991 (section 43, chapter 245, Laws of 1991); WAC 458-12-185, this rule merely repeats the statutes (RCW 84.36.130, 84.36.230, 84.36.010); WAC 458-12-340, this rule merely repeats the statute (RCW 84.40.030); WAC 458-12-341, this rule merely repeats the statute (RCW 84.40.030); WAC 458-12-345, this statute on which this rule was based, RCW 84.28.070, was repealed in 1994 (section 1, chapter 122, Laws of 1994); WAC 458-12-355, this rule merely repeats statutes and the state constitution; WAC 458-12-365, 458-12-370, 458-12-375 and 458-12-385, these are covered in the levy rules, chapter 458-19 WAC.

June 26, 1997
Claire Hesselholt
Policy Counsel

WSR 97-14-048
EXPEDITED REPEAL
DEPARTMENT OF AGRICULTURE
[Filed June 27, 1997, 4:55 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-34-001, 16-34-010, 16-34-020, 16-34-030, 16-34-040 (Dead animals, packing house offal, meat market scraps—Transportation and disposal); WAC 16-46-001, 16-46-005, 16-46-020, 16-46-030, 16-46-035, 16-46-040, 16-46-

045, 16-46-070 (Domestic and imported animal semen); and WAC 16-50-001, 16-50-010, 16-50-020 (Importation of mink).

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

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

Address Your Objection to: Dannie McQueen, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1809.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 16-34 WAC, Dead animals, packing house offal, meat market scraps—Transportation and disposal is being repealed, as the statute that it is promulgated under chapter 16.68 RCW, is sufficient; chapter 16-46 WAC, Domestic and imported animal semen, is currently managed under industry quality control standards, making this chapter redundant; and chapter 16-50 WAC, Importation of mink, is being repealed because it is duplicative. Provisions covering the importation of mink are covered by chapter 16-54 WAC, Animal importation.

June 19, 1997
Michael L. Donovan
Acting Assistant Director

WSR 97-14-049
EXPEDITED REPEAL
DEPARTMENT OF AGRICULTURE
[Filed June 27, 1997, 4:56 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-650-001, 16-654-030, 16-654-040, 16-654-050, 16-654-060, 16-660-001, 16-660-010, 16-666-002, 16-666-003, 16-666-030, 16-666-040, 16-666-050, 16-666-060, 16-666-070, 16-666-080, 16-666-090, 16-666-100, 16-666-110, 16-666-120, 16-666-130, 16-670-001, and 16-670-010.

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

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

Address Your Objection to: Dannie McQueen, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The Department of Agriculture, weights and measures program, adopted uniform procedures and requirements contained in National Institute of Standards and Technology Handbooks, as such, eliminating additional requirements for rule promulgation/modification. Weights and measures requirement pertaining to the five areas can be cross referenced and located as indicated in the outline below. WAC 16-670-001 and 16-670-010 (Weights and measures—Prepackage checking procedure) is referenced to Handbook 133, "Checking the Net Contents of Packaged Goods." WAC 16-666-002 through 16-666-130 (Weights and mea-

tures—Packaging and labeling requirements) is referenced to Handbook 130, "Uniform Package and Labeling Regulation." WAC 16-650-001 (Weights and measures—Absorbent tissues) is referenced to Handbook 130, "Uniform packaging and labeling Regulation." WAC 16-654-030 through 16-654-060 (Weights and measures—Fluid dairy products) and WAC 16-660-001 through 16-660-010 (Weights and measures—Solid wood fuel) are referenced to Handbook 130, "Uniform Regulation for the Method of Sale of Commodities."

June 19, 1997
Julie C. Sandberg
Assistant Director

WSR 97-14-056
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
[Filed June 30, 1997, 11:00 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 246-171 WAC, Tuberculosis financial responsibility, 246-220-130 Radiation protection—General provisions: Appendix C—The international system of units (SI), 246-224-040 Radiation protection—Machine assembly and registration: Expiration of registration, 246-224-080 Radiation protection—Machine assembly and registration: Approval not implied, 246-225-99910 Radiation protection—X-rays in the healing arts: Appendix I—Good practice, 246-227-010 Radiation protection—Industrial x-ray— Scope, 246-227-170 Radiation protection—Industrial x-ray— Appendix A—Minimum subjects to be covered in training radiographers, 246-229-010 Radiation protection—Particle accelerators—Registration requirements, 246-229-040 Radiation protection—Particle accelerators—General provisions, 246-293-310 Water System Coordination Act— Severability, 246-310-040 through 246-310-042 and 246-310-060, exemptions from requirements for a certificate of need for health maintenance organizations; continuing care retirement communities' nursing home projects; rural hospital and health care facilities; and sanctions for violations, 246-310-135 Ethnic minority nursing home bed pool— Procedures, 246-310-630 Public access to records, 246-316-001 Boarding homes—Purpose and scope, 246-318-018 Hospitals—Hospital license to cover attached nursing home building—When permissible, 246-318-050 through 246-318-140, 246-318-340, 246-318-360 and 246-318-410, acute care hospitals, 246-318-430 and 246-318-435 Hospitals—Intravenous preparation and intravenous administration, 246-318-501 Hospitals—Legal authority of the department, 246-322-001 Private psych hospitals—Purpose and scope, 246-324-001 Private alcohol and chemical dependency hospitals—Purpose and scope, 246-325-001 Adult residential rehab centers and private adult treatment homes—Purpose and scope, 246-326-001 Alcoholism treatment facilities— Purpose, 246-327-001 Home health agencies—Scope and purpose, 246-328-150 Responsibility for maintaining mailing address on file with department, 246-329-001 Childbirth centers—Purpose, 246-331-001 Hospice agencies—Scope and purpose, 246-336-001 Home care agencies—Scope and purpose, chapter 246-510 WAC, Standards for community health clinics, 246-560-015 through 246-560-030 and 246-

560-080 through 246-560-120, Rural health system project— Guidelines for grant applications, 246-822-100 Cooperation with investigation, 246-822-140 Certification renewal, 246-830-220 to 246-830-280 Massage—Examination, 246-830-690 Cooperation with investigation, 246-834-350 Cooperation with investigation, 246-836-070, 246-836-080, and 246-836-090, license renewal, reinstatement, 246-836-190 Post graduate hours in study of mechanotherapy, 246-836-400 Cooperation with investigation, 246-843-158 Responsibility for maintaining mailing address on file with department, 246-933-170 and 246-933-980 Veterinarian—Cooperation with investigation, Veterinarians—License renewal, 246-935-125 Veterinarian—Animal technicians—License renewal, 246-937-100 Veterinarian—Medical clerks—License renewal, 246-976-090 and 246-976-115 EMS personnel—Continuing medical education—Units of learning; EMS training—Course coordinator—Responsibilities.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Nicolas Garcia, Acting Rules Manager, Washington State Department of Health, 1112 Southeast Quince Street, Mailstop 7890, Olympia, WA 98504-7890.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 246-171 WAC, WAC 246-220-130, 246-224-040 and 246-224-080, these rules are no longer necessary due to changed circumstances.

WAC 246-225-99910, there is no statutory authority for this rule.

WAC 246-227-010, this section is duplicative of WAC 246-228-001.

WAC 246-227-170, this section is duplicative of WAC 246-243-230.

WAC 246-229-010 and 246-229-040, these sections are duplicative of chapter 246-244 WAC.

WAC 246-293-310, this section is redundant to WAC 246-293-690.

WAC 246-310-040 through 246-310-042, 246-310-060, 246-310-135 and 246-310-630, these rules are duplicative of chapter 70.38 RCW, and are no longer necessary due to changed circumstances.

WAC 246-316-001, this section is duplicative of chapter 18.20 RCW.

WAC 246-318-018, this rule is no longer necessary due to changed circumstances.

WAC 246-318-050 through 246-318-140, 246-318-340, 246-318-360 and 246-318-410, these sections are duplicative with hospital construction standards within chapter 246-318 WAC.

WAC 246-318-430 and 246-318-435, these sections are duplicative of other sections within chapter 246-318 WAC.

WAC 246-318-501, this rule is duplicative of RCW 70.41.030.

WAC 246-322-001, 246-324-001, 246-325-001, 246-326-001 and 246-327-001, these sections are no longer necessary because they are duplicative of RCW, and circumstances have changed.

WAC 246-328-150, rule is duplicative of WAC 246-01-100.

WAC 246-329-001, 246-331-001 and 246-336-001, these sections are no longer necessary because they are duplicative of RCW, and circumstances have changed.

Chapter 246-510 WAC, this chapter is no longer necessary because it duplicates chapter 182-20 WAC.

WAC 246-560-015 through 246-560-030, 246-560-080 through 246-560-120, 246-802-020, 246-802-025, 246-802-240, 246-822-100, 246-822-140, 246-830-220 to 246-830-280 and 246-830-690, circumstances have changed due to passage of chapter 191, Laws of 1996.

WAC 246-834-350, rule is duplicative with RCW 18.130.180(8) and policy D06.04.

WAC 246-836-070, 246-836-080 and 246-836-090, circumstances have changed due to passage of chapter 191, Laws of 1996.

WAC 246-836-190, the rule is no longer necessary because statute on which the rule was based has been repealed.

WAC 246-836-400, circumstances have changed due to passage of chapter 191, Laws of 1996.

WAC 246-843-158, the rule is duplicative of WAC 246-01-100.

WAC 246-933-170, 246-933-980, 246-935-125 and 246-937-100, circumstances have changed due to passage of chapter 191, Laws of 1996; and WAC 246-976-090 and 246-976-115, the RCW on which this rule was based has been amended, and circumstances have changed, therefore this rule is no longer necessary.

June 30, 1997
Bruce Miyahara
Secretary

WSR 97-14-057
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
[Filed June 30, 1997, 11:01 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 246-203 WAC, General sanitation, this chapter addresses a wide range of sanitation issues, necessary to control the spread of communicable diseases. The sections selected for expedited repeal are WAC 246-203-080 Pollution of ground water prohibited, 246-203-090 Stream pollution, 246-203-100 Disposal of human excreta, 246-203-110 Kitchen and laundry water, 246-203-140 Stagnant water, 246-203-150 Highway sanitation, 246-203-160 Sanitation of public buildings, 246-203-170 Objectionable establishments and industrial wastes, and 246-203-180 Piggeries.

Chapter 246-271 WAC, Public sewage, provides the department the authority to regulate the planning, layout and operation of municipal wastewater systems. Provides the Department of Health with investigative powers to determine if a public water supply of public health may be impacted from a wastewater system and the authority to issue orders to correct the situation. The sections selected for expedited

repeal are WAC 246-271-070 Operation of sewage treatment plants—Efficiency, 246-271-080 Operation of sewage treatment plants—Freedom from sand and silt, and 246-271-110 Use of sewage sludge for fertilizer.

Chapter 246-280 WAC, Recreational shellfish beaches, this chapter establishes procedures for evaluating the sanitary quality of recreational shellfish beaches. The sections selected for expedited repeal are WAC 246-280-040 Marine water quality testing, 246-280-050 Shellfish meat quality standards and testing, and 246-280-080 Public information and notification.

Chapter 246-290 WAC, Public water supplies, establishes fundamental requirements for public water systems, defined in accordance with the federal Safe Drinking Water Act, for facilities construction, system operation source and distribution monitoring, and record keeping; establishes water quality criteria for public health protection; delineates basic planning requirements for continued water system operation and reliability. The sections selected for expedited repeal are WAC 246-290-500 Severability and 246-290-680 Operating criteria for new water treatment facilities.

Chapter 246-291 WAC, Group B public water systems, the purpose of this chapter is to provide regulatory oversight of 10,000 + very small public water systems which have less than 14 services and therefore are not subject to SDWA requirements. The section selected for expedited repeal is WAC 246-291-370 Severability.

Chapter 246-374 WAC, Outdoor music festivals, sets minimum sanitation standards for outdoor music festivals. The provisions for regulating food safety, sewage, and drinking water are covered under other existing rules. Local jurisdictions may enact ordinances to address specific music festival issues, including the administrative provision in this rule. The sections selected for expedited repeal are WAC 246-374-050 Water supply, 246-374-060 Sewage disposal, 246-374-080 Solid waste, 246-374-100 Food service, and 246-374-130 Water recreation standards.

Chapter 246-376 WAC, Camps, this rule sets minimum sanitation requirements for recreation, vacation and religious camps. It was developed before there were local zoning, subdivision or land use codes to cover the creation and operation of camps, parks and recreational vehicle sites. Sections of this rule are no longer needed because all counties must have a process in place to deal with subdivisions and land use, which include camps and parks. The sanitation elements of these activities are addressed in existing rules. Local jurisdictions may enact ordinances to address specific recreational camp issues. The sections selected for expedited repeal are WAC 246-376-050 Water supply, 246-376-080 Sewage and liquid waste disposal, 246-376-100 Food handling, and 246-376-110 Swimming pools, wading pools and bathing beaches.

Chapter 246-360 WAC, Transient accommodations, this chapter regulates facilities offering three or more lodging units to guests for periods of less than one month; sets licensure and sanitation standards. The sections selected for expedited repeal are WAC 246-360-060 Swimming pools, spas, hot tubs, wading pools, bathing beaches, 246-360-170 Travel trailers and mobile homes, and 246-360-210 Separability.

Chapter 246-710 WAC, Coordinated children's services, this chapter establishes the State Board of Health role in

implementing regulations to carry out the crippled childrens services program administered by the Department of Social and Health Services. The section selected for expedited repeal is WAC 246-710-040 Funding ceilings for neuromuscular program and neuromuscular centers.

Chapter 246-762 WAC, Scoliosis screening—School districts, this chapter creates the examination process and requirements for the screening of scoliosis in school-age children. The sections selected for expedited repeal are WAC 246-762-060 Distribution of rules and procedures and 246-762-070 Exemptions from examinations—Screening waivers.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Nicolas Garcia, Acting Regulatory Affairs Manager, Washington State Department of Health, 1112 Southeast Quince Street, Mailstop 7890, Olympia, WA 98504-7890.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 246-203-080, this section is duplicative of Department of Ecology rules and authority, chapter 173-200 WAC.

WAC 246-203-090, this section is duplicative of Department of Ecology rules and authority, chapters 173-201A and 173-226 WAC.

WAC 246-203-100, this section is duplicative with the sewage rules chapter 246-272 WAC.

WAC 246-203-110, this section is duplicative with the sewage code chapter 246-272 WAC.

WAC 246-203-140, conflicts or redundant with Department of Ecology/state wetlands policy, chapter 183-22 [173-22] WAC.

WAC 246-203-150, duplicative with chapter 246-215 WAC, Food safety; chapter 246-290 WAC, Drinking water; chapter 246-282 WAC, Sewage; and chapter 173-304 WAC, Solid waste.

WAC 246-203-160, other housing and building codes cover these topics: The Uniform Building Code for lighting/ventilation; and chapter 246-290 WAC, Drinking water, and chapter 246-272 WAC, Sewage.

WAC 246-203-170, these rules are redundant with rules that already address zoning, air quality, wastewater, and other Department of Labor and Industries/Department of Ecology regulations.

WAC 246-203-180, these rules are redundant with Department of Ecology/Department of Agriculture rules, including chapter 16-12 WAC, Diseased animals; chapter 173-201A WAC, Water pollution; chapter 173-304 WAC, Solid waste; and chapter 173-400 WAC, Air pollution and odors.

WAC 246-271-070 and 246-271-080, these sections are duplicative with chapter 90.48 RCW regarding water quality.

WAC 246-271-110, this section conflicts with Department of Ecology solid waste rules, chapter 173-304 WAC.

WAC 246-280-040, this concept is covered adequately in WAC 246-280-030(1) Water quality criteria and standards.

WAC 246-280-050, meat sampling is not being done. Low priority parameter for assessing risk. Concept of chemical toxicity is covered adequately in WAC 246-280-020(2) Recreational shellfish beach classification.

WAC 246-280-080, this type of information is no longer needed because of changed circumstances. This type of information is more appropriate for placement in guidelines, not regulation.

WAC 246-290-500, separability clauses restate RCW, making the section redundant.

WAC 246-290-680, contains requirements that are redundant to other parts of WAC 246-290-676.

WAC 246-291-370, separability clauses restate RCW 43.70.920, making the section redundant.

WAC 246-374-050, this regulation is duplicative of provisions in chapter 246-290 WAC, Public water supplies.

WAC 246-374-060, this regulation is duplicative of chapter 246-272 WAC.

WAC 246-374-080, this rule is duplicative of chapter 173-304 WAC.

WAC 246-374-100, this rule is duplicative of chapter 246-215 WAC, Food service and chapter 246-217 WAC, Food worker permits.

WAC 246-374-130, this rule is duplicative of WAC 246-260-180 Bathing beaches.

WAC 246-376-050, this section is duplicative with chapter 246-290 WAC, Public water supplies.

WAC 246-376-080, this section is duplicative with chapter 246-272 WAC.

WAC 246-376-100, this section is duplicative with chapter 246-215 WAC, Food service.

WAC 246-376-110, this section is duplicative with chapter 246-260 WAC, Water recreation facilities.

WAC 246-360-060, this rule directs licensees to comply with chapters 70.90 RCW and 246-260 WAC, Water recreation facilities. Other Department of Health rules, chapter 246-260 WAC, Water recreation facilities, govern the same activity, making this rule redundant.

WAC 246-360-170, directs licensees to comply with chapters 296-150A and 296-150B WAC, making the section duplicative.

WAC 246-360-210, this rule is restating the RCW, making this rule redundant. The inclusion of the separability clause in the rule is found in other facilities and services licensing rules, but it has been determined that this practice is unnecessary and redundant.

WAC 246-710-040, this section is not needed because the program is not an entitlement program, and by its very nature has ceilings placed upon it through the budget development process.

WAC 246-762-060, this section is redundant with RCW 28A.210.220.

WAC 246-762-070, this section is unnecessary because it reiterates and refers the reader back to RCW 28A.210.240 and 28A.210.230. RCW 28A.210.230 was repealed in 1991.

June 30, 1997

Sylvia I. Beck

Executive Director

WSR 97-14-058
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 [Filed June 30, 1997, 11:02 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-808-410 Disparaging other practitioners, 246-808-525 Health food store ownership, 246-808-530 Vitamins, minerals and food supplements, and 246-808-710 Professional standards review organizations.

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

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

Address Your Objection to: Chiropractic Quality Assurance Commission, Connie Glasgow, Program Manager, P.O. Box 47867, Olympia, WA 98504-7867.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 246-808-410, no validity to this rule, not substantive; WAC 246-808-525 and 246-808-530, these rules are redundant with chapter 19.68 RCW, Rebating; and WAC 246-808-710, this rule is obsolete as the state no longer registers professional standard review organizations.

June 19, 1997
 Gail Zimmerman
 Executive Director

WSR 97-14-059
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 [Filed June 30, 1997, 11:04 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-828-060 Trainees—General information and 246-828-065 Trainees—Supervision.

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

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

Address Your Objection to: Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869.

Reason the Expedited Repeal of the Rule is Appropriate: 1996 legislation replaced the trainee program with an apprenticeship program. These two rules are no longer applicable.

May 28, 1997
 T. Diane Young
 Program Manager

WSR 97-14-060
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 [Filed June 30, 1997, 11:05 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-828-400 Temporary practice permits—

Expedited Repeal

Scope and purpose, 246-828-410 Definitions, 246-828-420 Issuance of temporary practice permits, and 246-828-430 Duration of temporary practice permits.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

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

Address Your Objection to: Department of Health, Hearing and Speech Program, P.O. Box 47869, Olympia, WA 98504-7869.

Reason the Expedited Repeal of the Rule is Appropriate: Temporary practice permits are not allowed by chapter 18.35 RCW. The department does not issue temporary practice permits. The rules regarding temporary practice permits are not necessary.

May 28, 1997
 T. Diane Young
 Program Manager

WSR 97-14-061
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 [Filed June 30, 1997, 11:06 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-841-710, 246-841-730, 246-841-740, and 246-841-750.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Jo Waidely, Program Manager, P.O. Box 47864, Olympia, WA 98504-7864.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 246-841-710, nursing assistants fall under the Uniform Disciplinary Act (chapter 18.130 RCW) so rule is duplicative; WAC 246-841-730, rule is not enforceable because of no jurisdiction over courts; WAC 246-841-740, jurisdiction for agency reporting as referred in WAC resides within other agencies pursuant to statute; and WAC 246-841-750, the Uniform Disciplinary Act (chapter 18.130 RCW) provided for cooperation with an investigation and chapter 246-10 WAC already provides uniform procedural rules.

May 28, 1997
 Patty Hayes
 Executive Director

WSR 97-14-062
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed June 30, 1997, 11:07 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-861-030 Professional pharmaceutical education, continuing education programs.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Lisa Salmi, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 246-861-030 is an exact duplication of WAC 246-861-055.

June 4, 1997
 Charles James
 Acting Executive Director

WSR 97-14-064
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed June 30, 1997, 11:13 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-877-030 Pharmaceutical—Sales prohibited, unsealed hard gelatin capsule restrictions.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Lisa Salmi, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359.

Reason the Expedited Repeal of the Rule is Appropriate: The federal Food and Drug Administration has adopted substantially similar rules. WAC is redundant.

June 4, 1997
 Charles James
 Acting Executive Director

WSR 97-14-065
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed June 30, 1997, 11:15 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-893-001 - 246-893-998 Pharmacy—Public records access pursuant to Initiative 276.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Lisa Salmi, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359.

Reason the Expedited Repeal of the Rule is Appropriate: The rule was required when the Board of Pharmacy was an independent agency. The Board of Pharmacy is now under the jurisdiction of the Department of Health. The department has adopted rules to comply with chapter 42.17 RCW.

June 13, 1997
 Charles James
 Acting Executive Director

WSR 97-14-066
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed June 30, 1997, 11:16 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 247-897 WAC, Drug availability; amygdalin WAC 246-897-030, 246-897-040, and 246-897-050; dimethyl sulfoxide, WAC 246-897-120, 246-897-130, 246-897-140, 246-897-150, 246-897-160, 246-897-170, 246-897-180, and 246-897-190.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Lisa Salmi, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359.

Reason the Expedited Repeal of the Rule is Appropriate: Licensing, manufacturing and labeling requirements are covered under chapter 246-895 WAC making rules redundant.

June 4, 1997
 Charles James
 Acting Executive Director

WSR 97-14-067
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 [Filed June 30, 1997, 11:17 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-915-080 Renewal of license and 246-915-090 Change of address or name—Notification of department.

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

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

Address Your Objection to: Department of Health, Board of Physical Therapy, Carol Neva, Program Manager, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 753-3132, FAX (360) 753-0657.

Reason the Expedited Repeal of the Rule is Appropriate: Rules for administrative tasks will be adopted per HB 2151.

June 3, 1997
 Carol Neva
 Program Manager

WSR 97-14-069
EXPEDITED REPEAL
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed June 30, 1997, 11:11 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-869-260 Pharmacy licensing, pharmacist supervised sales.

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

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

Address Your Objection to: Lisa Salmi, Washington State Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504-7863, FAX (360) 586-4359.

Reason the Expedited Repeal of the Rule is Appropriate: The rule was adopted in anticipation of the FDA developing a "third class" of drugs. A "third class" would be drugs that do not require a prescription from a physician, however, they could not be sold over-the-counter. The pharmacist would be required to supervise the sale of such drugs. The FDA does not anticipate developing a third class of drugs. Rule is not necessary.

June 13, 1997
 Charles James
 Acting Executive Director

WSR 97-14-071
EXPEDITED REPEAL
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Institutions)
 (Public Assistance)
 [Filed June 30, 1997, 11:43 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 275-60 WAC, Workshops in institutions of the mental health division, WAC 388-15-190 Day care for the aged—Age 60 and over and 388-15-192 Long-term care services—Estate recovery procedures.

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

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

Address Your Objection to: Leslie Baldwin, Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, phone (360) 902-7540, FAX (360) 902-8292, e-mail lbaldwin@dshs.wa.gov.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 275-60 WAC is proposed for repeal because of changed circumstances. Portal is no longer used for workshops; WAC 388-15-190 is obsolete; and WAC 388-15-192 duplicates regulations already contained in chapter 388-527 WAC.

June 30, 1997
 Merry A. Kogut
 Manager

WSR 97-14-074
EXPEDITED REPEAL
DEPARTMENT OF AGRICULTURE
 [Filed June 30, 1997, 1:26 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-105-001, 16-105-010, 16-105-020, 16-105-030, Packaging of bacon.

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

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

Address Your Objection to: Dannie McQueen, Rules Coordinator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: Federal rules have been put into place that govern the packaging of bacon.

June 30, 1997
 William E. Brookreson
 Assistant Director

WSR 97-14-075
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY
 [Filed June 30, 1997, 3:42 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 173-401-830 Appendix A—Insignificant activities and emissions units.

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

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

Address Your Objection to: Jerry D. Thielen, Rule Coordinator, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

EXPEDITED REPEAL

Reason the Expedited Repeal of the Rule is Appropriate:
A more comprehensive list of insignificant emissions units and activities was written into chapter 173-401 WAC in 1994. These can be found in WAC 173-401-530 through 173-401-533.

June 25, 1997
Dan Silver
Deputy Director

WSR 97-14-076
EXPEDITED REPEAL
DEPARTMENT OF ECOLOGY
[Filed June 30, 1997, 3:44 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 173-223 WAC, Interim wastewater discharge permit fee.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

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

Address Your Objection to: Department of Ecology, Attn: Bev Poston, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600.

Reason the Expedited Repeal of the Rule is Appropriate: This regulation has not been used by ecology since fiscal year 1989. It has since been replaced by a newer fee regulation. Having it on the books can cause confusion to wastewater and/or stormwater permittees who pay annual permit fees.

June 27, 1997
Dan Silver
Deputy Director



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
- OBJEC = 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 previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- X = Expedited repeal

Note: These filings will appear in a special section of Issue 97-14

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.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-21-010	AMD-P	97-12-068	16-324-380	REP	97-11-028	16-324-470	REP-P	97-07-075
1-21-020	AMD-P	97-12-068	16-324-381	NEW-P	97-07-075	16-324-470	REP	97-11-028
1-21-070	AMD-P	97-12-068	16-324-381	NEW	97-11-028	16-324-480	REP-P	97-07-075
1-21-170	AMD-P	97-12-068	16-324-382	NEW-P	97-07-075	16-324-480	REP	97-11-028
1-21-180	AMD-P	97-12-068	16-324-382	NEW	97-11-028	16-324-490	REP-P	97-07-075
16-08-031	AMD-P	97-08-086	16-324-390	REP-P	97-07-075	16-324-490	REP	97-11-028
16-08-031	AMD	97-14-050	16-324-390	REP	97-11-028	16-324-500	REP-P	97-07-075
16-08-141	AMD-P	97-08-086	16-324-391	NEW-P	97-07-075	16-324-500	REP	97-11-028
16-08-141	AMD	97-14-050	16-324-391	NEW	97-11-028	16-324-510	REP-P	97-07-075
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16-34-010	PREP-X	97-14-048	16-324-393	NEW	97-11-028	16-324-530	REP-P	97-07-075
16-34-020	PREP-X	97-14-048	16-324-394	NEW-P	97-07-075	16-324-530	REP	97-11-028
16-34-030	PREP-X	97-14-048	16-324-394	NEW	97-11-028	16-324-540	REP-P	97-07-075
16-34-040	PREP-X	97-14-048	16-324-395	NEW-P	97-07-075	16-324-540	REP	97-11-028
16-46-001	PREP-X	97-14-048	16-324-395	NEW	97-11-028	16-324-600	REP-P	97-07-075
16-46-005	PREP-X	97-14-048	16-324-396	NEW-P	97-07-075	16-324-600	REP	97-11-028
16-46-020	PREP-X	97-14-048	16-324-396	NEW	97-11-028	16-324-605	REP-P	97-07-075
16-46-030	PREP-X	97-14-048	16-324-397	NEW-P	97-07-075	16-324-605	REP	97-11-028
16-46-035	PREP-X	97-14-048	16-324-397	NEW	97-11-028	16-324-610	REP-P	97-07-075
16-46-040	PREP-X	97-14-048	16-324-398	NEW-P	97-07-075	16-324-610	REP	97-11-028
16-46-045	PREP-X	97-14-048	16-324-398	NEW	97-11-028	16-324-620	REP-P	97-07-075
16-46-070	PREP-X	97-14-048	16-324-400	REP-P	97-07-075	16-324-620	REP	97-11-028
16-50-001	PREP-X	97-14-048	16-324-400	REP	97-11-028	16-324-630	REP-P	97-07-075
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16-50-020	PREP-X	97-14-048	16-324-401	NEW	97-11-028	16-324-650	REP-P	97-07-075
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16-105-010	PREP-X	97-14-074	16-324-402	NEW	97-11-028	16-324-660	REP-P	97-07-075
16-105-020	PREP-X	97-14-074	16-324-409	NEW-P	97-07-075	16-324-660	REP	97-11-028
16-105-030	PREP-X	97-14-074	16-324-409	NEW	97-11-028	16-324-670	REP-P	97-07-075
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16-316-715	AMD-P	97-11-050	16-324-431	NEW	97-11-028	16-470-100	AMD	97-09-098
16-316-724	AMD-P	97-11-050	16-324-435	REP-P	97-07-075	16-473-001	NEW-P	97-04-090
16-324-360	REP-P	97-07-075	16-324-435	REP	97-11-028	16-473-001	NEW-W	97-05-058
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16-324-370	AMD-P	97-07-075	16-324-446	NEW	97-11-028	16-473-010	NEW-W	97-05-058
16-324-370	AMD	97-11-028	16-324-450	REP-P	97-07-075	16-473-010	NEW-P	97-05-059
16-324-375	AMD-P	97-07-075	16-324-450	REP	97-11-028	16-473-010	NEW	97-11-015
16-324-375	AMD	97-11-028	16-324-460	REP-P	97-07-075	16-473-015	NEW-P	97-04-090
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Table of WAC Sections Affected

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16-473-025	NEW-P	97-04-090	16-675-020	AMD-P	97-09-103	132E-121-010	PREP	97-08-080
16-473-025	NEW-W	97-05-058	16-675-020	AMD	97-12-024	132E-121-010	AMD-P	97-11-068
16-473-025	NEW-P	97-05-059	16-675-030	AMD-P	97-09-103	132E-133-020	PREP	97-08-081
16-473-025	NEW	97-11-015	16-675-030	AMD	97-12-024	132E-133-020	AMD-P	97-11-069
16-532	PREP	97-05-067	16-675-040	AMD-P	97-09-103	132K-04	AMD-P	97-07-018
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16-580-040	AMD-P	97-14-102	16-700-010	AMD	97-04-078	132K-04-130	AMD-P	97-07-018
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16-654-050	PREP-X	97-14-049	16-700-021	AMD	97-12-028	132N-20	PREP	97-06-008
16-654-060	PREP-X	97-14-049	16-700-040	AMD	97-04-078	132N-20-010	REP-P	97-10-018
16-660-001	PREP-X	97-14-049	16-700-050	AMD	97-04-078	132N-20-020	REP-P	97-10-018
16-660-010	PREP-X	97-14-049	16-700-060	AMD	97-04-078	132N-20-030	REP-P	97-10-018
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16-662-071	REP	97-12-075	16-750-020	AMD	97-06-108	132N-20-090	REP-P	97-10-018
16-662-100	NEW-P	97-09-080	16-750-130	AMD	97-06-108	132N-20-010	NEW-P	97-10-018
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16-662-105	NEW-P	97-09-080	25-30-020	PREP-X	97-14-010	132N-120-030	NEW-P	97-10-018
16-662-105	NEW	97-12-075	25-30-030	PREP-X	97-14-010	132N-120-040	NEW-P	97-10-018
16-662-110	NEW-P	97-09-080	25-30-040	PREP-X	97-14-010	132N-120-050	NEW-P	97-10-018
16-662-110	NEW	97-12-075	25-30-050	PREP-X	97-14-010	132N-120-060	NEW-P	97-10-018
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16-664-040	NEW	97-12-076	82-50-021	AMD-P	97-10-079	132N-120-150	NEW-P	97-10-018
16-664-050	NEW-P	97-09-102	82-50-021	AMD	97-13-064	132N-120-160	NEW-P	97-10-018
16-664-050	NEW	97-12-076	112-10-010	NEW-E	97-13-061	132N-120-170	NEW-P	97-10-018
16-664-060	NEW-P	97-09-102	112-10-020	NEW-E	97-13-061	132N-120-180	NEW-P	97-10-018
16-664-060	NEW	97-12-076	112-10-030	NEW-E	97-13-061	132P-116	PREP	97-10-076
16-666-002	PREP-X	97-14-049	112-10-040	NEW-E	97-13-061	132P-116-010	AMD-P	97-14-101
16-666-003	PREP-X	97-14-049	112-10-050	NEW-E	97-13-061	132P-116-020	AMD-P	97-14-101
16-666-030	PREP-X	97-14-049	112-10-060	NEW-E	97-13-061	132P-116-040	AMD-P	97-14-101
16-666-040	PREP-X	97-14-049	131-16	AMD-C	97-07-007	132P-116-050	AMD-P	97-14-101
16-666-050	PREP-X	97-14-049	131-16-010	AMD-E	97-07-006	132P-116-060	AMD-P	97-14-101
16-666-060	PREP-X	97-14-049	131-16-010	AMD	97-10-069	132P-116-070	AMD-P	97-14-101
16-666-070	PREP-X	97-14-049	131-16-011	AMD-E	97-07-006	132P-116-080	AMD-P	97-14-101
16-666-080	PREP-X	97-14-049	131-16-011	AMD	97-10-069	132P-116-090	REP-P	97-14-101
16-666-090	PREP-X	97-14-049	131-16-021	AMD-E	97-07-006	132P-116-100	AMD-P	97-14-101
16-666-100	PREP-X	97-14-049	131-16-021	AMD	97-10-069	132P-116-110	AMD-P	97-14-101
16-666-110	PREP-X	97-14-049	131-16-050	AMD-E	97-07-006	132P-116-120	AMD-P	97-14-101

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132V-12-368	REP-P	97-03-128	173-22-015	REP	97-04-076	173-315-060	PREP-X	97-13-039
132V-12-371	REP	97-07-048	173-22-030	AMD	97-04-076	173-315-070	PREP-X	97-13-039
132V-12-371	REP-P	97-03-128	173-22-035	NEW	97-04-076	173-318-010	PREP-X	97-13-038
132V-12-374	REP	97-07-048	173-22-040	AMD	97-04-076	173-318-020	PREP-X	97-13-038
132V-12-374	REP-P	97-03-128	173-22-070	AMD	97-04-076	173-318-030	PREP-X	97-13-038
132V-12-374	REP	97-07-048	173-22-080	NEW	97-04-076	173-318-040	PREP-X	97-13-038
132V-12-377	REP-P	97-03-128	173-32-010	PREP-X	97-13-042	173-318-050	PREP-X	97-13-038
132V-12-377	REP	97-07-048	173-32-020	PREP-X	97-13-042	173-318-060	PREP-X	97-13-038
132V-12-380	REP-P	97-03-128	173-32-030	PREP-X	97-13-042	173-318-070	PREP-X	97-13-038
132V-12-380	REP	97-07-048	173-32-040	PREP-X	97-13-042	173-318-080	PREP-X	97-13-038
132V-12-383	REP-P	97-03-128	173-90-010	PREP-X	97-13-043	173-319-010	PREP-X	97-13-037
132V-12-383	REP	97-07-048	173-90-015	PREP-X	97-13-043	173-319-020	PREP-X	97-13-037
132V-12-386	REP-P	97-03-128	173-90-020	PREP-X	97-13-043	173-319-030	PREP-X	97-13-037
132V-12-386	REP	97-07-048	173-90-040	PREP-X	97-13-043	173-319-040	PREP-X	97-13-037
132V-12-389	REP-P	97-03-128	173-90-050	PREP-X	97-13-043	173-319-050	PREP-X	97-13-037
132V-12-389	REP	97-07-048	173-90-060	PREP-X	97-13-043	173-319-060	PREP-X	97-13-037
132V-12-392	REP-P	97-03-128	173-90-070	PREP-X	97-13-043	173-401-735	AMD-P	97-04-061
132V-12-392	REP	97-07-048	173-95A-010	NEW-E	97-12-022	173-401-735	AMD	97-08-084
132V-12-398	REP-P	97-03-128	173-95A-020	NEW-E	97-12-022	173-401-830	PREP-X	97-14-075
132V-12-398	REP	97-07-048	173-95A-030	NEW-E	97-12-022	173-430-040	AMD	97-03-021
132V-12-398	REP-P	97-03-128	173-95A-040	NEW-E	97-12-022	173-490	PREP	97-09-018
132V-12-401	REP	97-07-048	173-95A-050	NEW-E	97-12-022	173-491	PREP	97-09-018
132V-12-404	REP-P	97-03-128	173-152-010	NEW-E	97-10-091	173-491-020	AMD	97-04-012
132V-12-404	REP	97-07-048	173-152-010	RESCIND	97-14-017	173-491-040	AMD	97-04-012
132V-12-407	REP-P	97-03-128	173-152-010	NEW-E	97-14-017	173-491-050	AMD	97-04-012
132V-12-407	REP	97-07-048	173-152-020	NEW-E	97-10-091	173-500	PREP	97-13-074
132V-12-410	REP-P	97-03-128	173-152-020	RESCIND	97-14-017	173-531A	PREP	97-12-092
132V-12-410	REP	97-07-048	173-152-020	NEW-E	97-14-017	173-563-090	PREP	97-12-092
132V-12-413	REP-P	97-03-128	173-152-025	NEW-E	97-14-017	174-116	PREP	97-05-044
132V-12-413	REP	97-07-048	173-152-030	NEW-E	97-10-091	174-122	PREP	97-05-044
132V-12-416	REP-P	97-03-128	173-152-030	RESCIND	97-14-017	174-122-010	REP-P	97-09-084
132V-12-416	REP	97-07-048	173-152-040	NEW-E	97-10-091	174-122-010	REP	97-13-047
132V-12-419	REP-P	97-03-128	173-152-040	RESCIND	97-14-017	174-122-020	REP-P	97-09-084
132V-12-419	REP	97-07-048	173-152-040	NEW-E	97-14-017	174-122-020	REP	97-13-047
132V-12-422	REP-P	97-03-128	173-152-050	NEW-E	97-10-091	174-122-030	REP-P	97-09-084
132V-12-422	REP	97-07-048	173-152-050	RESCIND	97-14-017	174-122-030	REP	97-13-047
132V-12-425	REP-P	97-03-128	173-152-050	NEW-E	97-14-017	174-122-040	REP-P	97-09-084
132V-12-425	REP	97-07-048	173-160	PREP	97-10-093	174-122-040	REP	97-13-047
132V-12-428	REP-P	97-03-128	173-162	PREP	97-10-093	174-130	PREP	97-05-044
132V-12-428	REP	97-07-048	173-201A-020	AMD-P	97-12-034	174-130-010	REP-P	97-09-084
132V-12-431	REP-P	97-03-128	173-201A-030	AMD-P	97-12-034	174-130-010	REP	97-13-047
132V-12-431	REP	97-07-048	173-201A-040	AMD-P	97-12-034	174-130-020	REP-P	97-09-084
132V-12-434	REP-P	97-03-128	173-201A-050	AMD-P	97-12-034	174-130-020	REP	97-13-047
132V-12-434	REP	97-07-048	173-201A-060	AMD-P	97-12-034	174-133	PREP	97-05-044
136-130-060	AMD	97-06-006	173-201A-110	AMD-P	97-12-034	174-133-020	AMD-P	97-09-084
137-28-140	AMD	97-28-140	173-201A-130	AMD-P	97-12-034	174-133-020	AMD	97-13-047
137-28-160	AMD	97-03-041	173-201A-140	AMD-P	97-12-034	174-140	PREP	97-05-044
137-28-220	AMD	97-03-041	173-201A-160	AMD-P	97-12-034	174-140-010	NEW-P	97-09-084
137-28-260	AMD	97-03-041	173-202-020	AMD-E	97-05-039	174-140-010	NEW	97-13-047
137-28-350	AMD	97-03-041	173-202-020	PREP	97-08-038	174-140-180	REP-P	97-09-084
137-55-010	NEW	97-03-041	173-202-020	AMD-E	97-13-036	174-140-180	REP	97-13-047
137-55-020	NEW	97-03-041	173-223	PREP-X	97-14-076	174-140-190	REP-P	97-09-084
137-55-030	NEW	97-03-041	173-224	PREP	97-14-084	174-140-190	REP	97-13-047
137-55-040	NEW	97-03-041	173-303	PREP	97-04-062	174-140-200	REP-P	97-09-084
137-55-050	NEW	97-03-041	173-309-010	PREP-X	97-13-041	174-140-200	REP	97-13-047
137-55-060	NEW	97-03-041	173-309-020	PREP-X	97-13-041	174-140-210	REP-P	97-09-084
172-120-015	NEW	97-06-095	173-309-030	PREP-X	97-13-041	174-140-210	REP	97-13-047
172-120-020	AMD	97-06-095	173-309-040	PREP-X	97-13-041	174-140-220	REP-P	97-09-084
172-120-030	AMD	97-06-095	173-309-050	PREP-X	97-13-041	174-140-220	REP	97-13-047
172-120-040	AMD	97-06-095	173-309-060	PREP-X	97-13-041	174-140-230	REP-P	97-09-084
172-120-050	AMD	97-06-095	173-309-070	PREP-X	97-13-041	174-140-230	REP	97-13-047
172-120-060	AMD	97-06-095	173-309-080	PREP-X	97-13-041	174-140-240	REP-P	97-09-084
172-120-070	AMD	97-06-095	173-309-090	PREP-X	97-13-041	174-140-240	REP	97-13-047
172-120-080	AMD	97-06-095	173-311-010	PREP-X	97-13-040	174-276	PREP	97-05-044
172-120-090	AMD	97-06-095	173-311-020	PREP-X	97-13-040	174-276	AMD-P	97-09-084
172-120-100	AMD	97-06-095	173-311-030	PREP-X	97-13-040	174-276	AMD	97-13-047
172-120-110	AMD	97-06-095	173-311-040	PREP-X	97-13-040	174-276-005	NEW-P	97-09-084
172-120-120	AMD	97-06-095	173-311-050	PREP-X	97-13-040	174-276-005	NEW	97-13-047
172-120-130	AMD	97-06-095	173-315-010	PREP-X	97-13-039	174-276-010	AMD-P	97-09-084
172-120-140	AMD	97-06-095	173-315-020	PREP-X	97-13-039	174-276-010	AMD	97-13-047
172-120-150	REP	97-06-095	173-315-030	PREP-X	97-13-039	174-276-040	AMD-P	97-09-084
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174-276-050	AMD	97-13-047	180-77A-040	NEW	97-04-087	180-79-031	REP	97-04-088
174-276-060	AMD-P	97-09-084	180-77A-057	NEW	97-04-087	180-79-032	REP	97-04-088
174-276-060	AMD	97-13-047	180-77A-165	NEW	97-04-087	180-79-035	REP	97-04-088
174-276-080	AMD-P	97-09-084	180-77A-170	NEW	97-04-087	180-79-041	REP	97-04-088
174-276-080	AMD	97-13-047	180-77A-175	NEW	97-04-087	180-79-045	REP	97-04-088
174-276-090	AMD-P	97-09-084	180-77A-180	NEW	97-04-087	180-79-047	REP	97-04-088
174-276-090	AMD	97-13-047	180-77A-195	NEW	97-04-087	180-79-049	REP	97-04-088
174-276-095	NEW-P	97-09-084	180-78-205	AMD	97-04-081	180-79-060	REP	97-04-088
174-276-095	NEW	97-13-047	180-78-207	RECOD	97-04-081	180-79-062	REP	97-04-088
180-16	PREP	97-10-014	180-78-215	AMD	97-04-081	180-79-063	REP	97-04-088
180-16-221	AMD	97-04-083	180-78-217	RECOD	97-04-081	180-79-065	REP	97-04-088
180-16-222	AMD	97-04-083	180-78-235	AMD	97-04-081	180-79-075	REP	97-04-088
180-16-223	REP	97-04-083	180-78-237	RECOD	97-04-081	180-79-080	REP	97-04-088
180-16-224	REP	97-04-083	180-78-285	AMD	97-04-081	180-79-086	REP	97-04-088
180-16-236	PREP	97-10-008	180-78A	PREP	97-10-007	180-79-115	REP	97-04-088
180-24	PREP	97-09-032	180-78A	PREP	97-10-013	180-79-117	REP	97-04-088
180-24-410	AMD-P	97-13-096	180-78A-003	NEW	97-04-084	180-79-120	REP	97-04-088
180-24-410	AMD-W	97-14-023	180-78A-004	NEW	97-04-084	180-79-121	REP	97-04-088
180-24-415	AMD-P	97-13-096	180-78A-005	NEW	97-04-084	180-79-122	REP	97-04-088
180-24-415	AMD-W	97-14-023	180-78A-006	NEW	97-04-084	180-79-123	REP	97-04-088
180-27-056	PREP	97-09-115	180-78A-007	NEW	97-04-084	180-79-124	REP	97-04-088
180-33-025	PREP	97-09-116	180-78A-010	NEW	97-04-084	180-79-125	REP	97-04-088
180-40-260	AMD-P	97-04-067	180-78A-010	PREP	97-10-006	180-79-126	REP	97-04-088
180-40-260	AMD	97-08-019	180-78A-012	NEW	97-04-084	180-79-127	REP	97-04-088
180-40-310	AMD-P	97-04-067	180-78A-015	NEW	97-04-084	180-79-128	REP	97-04-088
180-40-310	AMD	97-08-019	180-78A-025	NEW	97-04-084	180-79-131	DECOD	97-04-081
180-51-050	AMD-P	97-04-066	180-78A-026	NEW	97-04-084	180-79-136	DECOD	97-04-081
180-51-050	AMD	97-08-020	180-78A-028	NEW	97-04-084	180-79-140	DECOD	97-04-081
180-75-003	REP	97-04-088	180-78A-030	NEW	97-04-084	180-79-230	REP	97-04-088
180-75-005	REP	97-04-088	180-78A-033	NEW	97-04-084	180-79-236	REP	97-04-088
180-75-016	REP	97-04-088	180-78A-037	NEW	97-04-084	180-79-241	REP	97-04-088
180-75-017	REP	97-04-088	180-78A-047	NEW	97-04-084	180-79-245	REP	97-04-088
180-75-045	REP	97-04-088	180-78A-057	NEW	97-04-084	180-79-247	REP	97-04-088
180-75-047	REP	97-04-088	180-78A-060	NEW	97-04-084	180-79-300	REP	97-04-088
180-75-048	REP	97-04-088	180-78A-063	NEW	97-04-084	180-79-303	REP	97-04-088
180-75-050	REP	97-04-088	180-78A-065	NEW	97-04-084	180-79-305	REP	97-04-088
180-75-055	REP	97-04-088	180-78A-068	NEW	97-04-084	180-79-311	REP	97-04-088
180-75-060	REP	97-04-088	180-78A-073	NEW	97-04-084	180-79-312	REP	97-04-088
180-75-061	REP	97-04-088	180-78A-074	NEW	97-04-084	180-79-315	REP	97-04-088
180-75-065	REP	97-04-088	180-78A-075	NEW	97-04-084	180-79-317	REP	97-04-088
180-75-070	REP	97-04-088	180-78A-080	NEW	97-04-084	180-79-320	REP	97-04-088
180-75-081	DECOD	97-04-082	180-78A-135	NEW	97-04-084	180-79-322	REP	97-04-088
180-75-082	REP	97-04-088	180-78A-140	NEW	97-04-084	180-79-324	REP	97-04-088
180-75-083	DECOD	97-04-082	180-78A-142	NEW	97-04-084	180-79-326	REP	97-04-088
180-75-085	REP	97-04-088	180-78A-145	NEW	97-04-084	180-79-328	REP	97-04-088
180-75-087	REP	97-04-088	180-78A-150	NEW	97-04-084	180-79-330	REP	97-04-088
180-75-088	REP	97-04-088	180-78A-155	NEW	97-04-084	180-79-332	REP	97-04-088
180-75-089	REP	97-04-088	180-78A-160	NEW	97-04-084	180-79-333	REP	97-04-088
180-75-090	REP	97-04-088	180-78A-165	NEW	97-04-084	180-79-334	REP	97-04-088
180-75-091	REP	97-04-088	180-78A-195	NEW	97-04-084	180-79-336	REP	97-04-088
180-75-092	REP	97-04-088	180-78A-197	NEW	97-04-084	180-79-338	REP	97-04-088
180-75-100	REP	97-04-088	180-78A-201	NEW	97-04-084	180-79-340	REP	97-04-088
180-75-110	REP	97-04-088	180-78A-260	NEW	97-04-084	180-79-342	REP	97-04-088
180-77	PREP	97-10-016	180-78A-265	NEW	97-04-084	180-79-344	REP	97-04-088
180-77-003	AMD	97-04-085	180-78A-265	PREP	97-14-104	180-79-346	REP	97-04-088
180-77-031	AMD	97-04-085	180-78A-266	NEW	97-04-084	180-79-348	REP	97-04-088
180-77-041	AMD	97-04-085	180-78A-300	NEW	97-04-084	180-79-350	REP	97-04-088
180-77-120	AMD	97-04-085	180-78A-301	NEW	97-04-084	180-79-352	REP	97-04-088
180-77A-003	NEW	97-04-087	180-78A-302	NEW	97-04-084	180-79-354	REP	97-04-088
180-77A-004	NEW	97-04-087	180-78A-303	NEW	97-04-084	180-79-356	REP	97-04-088
180-77A-006	NEW	97-04-087	180-78A-304	NEW	97-04-084	180-79-358	REP	97-04-088
180-77A-012	NEW	97-04-087	180-78A-305	NEW	97-04-084	180-79-360	REP	97-04-088
180-77A-014	NEW	97-04-087	180-78A-306	NEW	97-04-084	180-79-362	REP	97-04-088
180-77A-016	NEW	97-04-087	180-78A-320	NEW	97-04-084	180-79-364	REP	97-04-088
180-77A-018	NEW	97-04-087	180-78A-340	NEW	97-04-084	180-79-366	REP	97-04-088
180-77A-020	NEW	97-04-087	180-78A-345	NEW	97-04-084	180-79-368	REP	97-04-088
180-77A-025	NEW	97-04-087	180-78A-350	NEW	97-04-084	180-79-370	REP	97-04-088
180-77A-026	NEW	97-04-087	180-78A-355	NEW	97-04-084	180-79-372	REP	97-04-088
180-77A-028	NEW	97-04-087	180-78A-360	NEW	97-04-084	180-79-374	REP	97-04-088
180-77A-029	NEW	97-04-087	180-78A-365	NEW	97-04-084	180-79-376	REP	97-04-088
180-77A-030	NEW	97-04-087	180-79-003	REP	97-04-088	180-79-378	REP	97-04-088
180-77A-033	NEW	97-04-087	180-79-005	REP	97-04-088	180-79-379	REP	97-04-088

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180-79-382	REP	97-04-088	180-79A-350	NEW	97-04-088	180-110-045	REP-P	97-13-017
180-79-384	REP	97-04-088	180-79A-352	NEW	97-04-088	180-110-050	REP-P	97-13-017
180-79-386	REP	97-04-088	180-79A-354	NEW	97-04-088	180-110-052	REP-P	97-13-017
180-79-388	REP	97-04-088	180-79A-356	NEW	97-04-088	180-110-053	REP-P	97-13-017
180-79-390	REP	97-04-088	180-79A-358	NEW	97-04-088	180-110-055	REP-P	97-13-017
180-79-392	REP	97-04-088	180-79A-360	NEW	97-04-088	180-110-060	REP-P	97-13-017
180-79-394	REP	97-04-088	180-79A-362	NEW	97-04-088	180-110-065	REP-P	97-13-017
180-79-396	REP	97-04-088	180-79A-364	NEW	97-04-088	180-115	PREP	97-05-026
180-79-398	REP	97-04-088	180-79A-366	NEW	97-04-088	180-115-005	REP-P	97-13-016
180-79A	PREP	97-09-015	180-79A-368	NEW	97-04-088	180-115-010	REP-P	97-13-016
180-79A-003	NEW	97-04-088	180-79A-370	NEW	97-04-088	180-115-015	REP-P	97-13-016
180-79A-005	NEW	97-04-088	180-79A-372	NEW	97-04-088	180-115-020	REP-P	97-13-016
180-79A-010	NEW	97-04-088	180-79A-374	NEW	97-04-088	180-115-025	REP-P	97-13-016
180-79A-012	NEW	97-04-088	180-79A-376	NEW	97-04-088	180-115-030	REP-P	97-13-016
180-79A-013	NEW	97-04-088	180-79A-378	NEW	97-04-088	180-115-035	REP-P	97-13-016
180-79A-015	NEW	97-04-088	180-79A-379	NEW	97-04-088	180-115-040	REP-P	97-13-016
180-79A-020	NEW	97-04-088	180-79A-380	NEW	97-04-088	180-115-045	REP-P	97-13-016
180-79A-022	NEW	97-04-088	180-79A-382	NEW	97-04-088	180-115-050	REP-P	97-13-016
180-79A-025	NEW	97-04-088	180-79A-384	NEW	97-04-088	180-115-055	REP-P	97-13-016
180-79A-101	NEW	97-04-088	180-79A-386	NEW	97-04-088	180-115-060	REP-P	97-13-016
180-79A-105	NEW	97-04-088	180-79A-388	NEW	97-04-088	180-115-065	REP-P	97-13-016
180-79A-110	NEW	97-04-088	180-79A-390	NEW	97-04-088	180-115-075	REP-P	97-13-016
180-79A-115	NEW	97-04-088	180-79A-392	NEW	97-04-088	180-115-080	REP-P	97-13-016
180-79A-117	NEW	97-04-088	180-79A-394	NEW	97-04-088	180-115-081	REP-P	97-13-016
180-79A-120	NEW	97-04-088	180-79A-396	NEW	97-04-088	180-115-085	REP-P	97-13-016
180-79A-122	NEW	97-04-088	180-79A-398	NEW	97-04-088	180-115-090	REP-P	97-13-016
180-79A-125	NEW	97-04-088	180-79A-403	NEW	97-04-088	180-115-095	REP-P	97-13-016
180-79A-126	NEW	97-04-088	180-79A-405	NEW	97-04-088	180-115-100	REP-P	97-13-016
180-79A-130	NEW	97-04-088	180-79A-415	NEW	97-04-088	180-115-105	REP-P	97-13-016
180-79A-131	NEW	97-04-088	180-79A-417	NEW	97-04-088	182-08-160	AMD-E	97-06-071
180-79A-140	NEW	97-04-088	180-79A-420	NEW	97-04-088	182-08-160	AMD-E	97-14-031
180-79A-150	NEW	97-04-088	180-79A-422	NEW	97-04-088	182-08-175	AMD-E	97-06-071
180-79A-150	PREP	97-14-105	180-79A-423	NEW	97-04-088	182-08-175	AMD-E	97-14-031
180-79A-160	NEW	97-04-088	180-79A-424	NEW	97-04-088	182-12-117	AMD-E	97-06-070
180-79A-161	NEW	97-04-088	180-79A-430	NEW	97-04-088	182-12-117	AMD-E	97-14-030
180-79A-165	NEW	97-04-088	180-79A-433	NEW	97-04-088	182-25-010	AMD-P	97-08-067
180-79A-170	NEW	97-04-088	180-79A-435	NEW	97-04-088	182-25-020	AMD-P	97-08-067
180-79A-200	NEW	97-04-088	180-79A-440	NEW	97-04-088	182-25-030	AMD-E	97-06-069
180-79A-205	NEW	97-04-088	180-79A-445	NEW	97-04-088	182-25-030	AMD-P	97-08-067
180-79A-210	NEW	97-04-088	180-79A-503	NEW	97-04-088	182-25-030	AMD	97-14-029
180-79A-215	NEW	97-04-088	180-79A-510	NEW	97-04-088	182-25-040	AMD-E	97-06-069
180-79A-220	NEW	97-04-088	180-79A-515	NEW	97-04-088	182-25-040	AMD-P	97-08-067
180-79A-225	NEW	97-04-088	180-79A-517	NEW	97-04-088	182-25-040	AMD	97-14-029
180-79A-230	NEW	97-04-088	180-79A-520	NEW	97-04-088	182-25-090	AMD-E	97-06-069
180-79A-230	PREP	97-10-009	180-85	PREP	97-10-011	182-25-090	AMD-P	97-08-067
180-79A-236	NEW	97-04-088	180-85-025	AMD	97-04-086	182-25-090	AMD	97-14-029
180-79A-241	NEW	97-04-088	180-85-030	AMD	97-04-086	196-12-010	PREP	97-03-029
180-79A-300	NEW	97-04-088	180-85-110	REP	97-04-086	196-12-020	PREP	97-03-029
180-79A-302	NEW	97-04-088	180-85-115	REP	97-04-086	196-12-030	PREP	97-03-029
180-79A-304	NEW	97-04-088	180-85-120	REP	97-04-086	196-12-050	PREP	97-03-029
180-79A-306	NEW	97-04-088	180-85-135	REP	97-04-086	196-12-060	PREP	97-03-029
180-79A-308	NEW	97-04-088	180-85-200	AMD	97-04-086	196-24-030	PREP	97-03-029
180-79A-310	NEW	97-04-088	180-85-210	AMD	97-04-086	196-24-040	PREP	97-03-029
180-79A-311	NEW	97-04-088	180-85-211	NEW	97-04-086	196-24-050	PREP	97-03-029
180-79A-312	NEW	97-04-088	180-85-215	AMD	97-04-086	196-24-085	PREP	97-03-029
180-79A-315	NEW	97-04-088	180-86-011	NEW	97-04-082	196-24-100	PREP	97-03-029
180-79A-317	NEW	97-04-088	180-86-013	RECOD	97-04-082	196-24-105	PREP	97-03-029
180-79A-320	NEW	97-04-088	180-86-014	RECOD	97-04-082	197-11	PREP	97-03-130
180-79A-322	NEW	97-04-088	180-86-080	NEW	97-05-008	197-11-055	AMD-P	97-08-085
180-79A-324	NEW	97-04-088	180-86-080	NEW-W	97-05-043	197-11-060	AMD-P	97-08-085
180-79A-326	NEW	97-04-088	180-86-086	NEW-W	97-05-043	197-11-070	AMD-P	97-08-085
180-79A-328	NEW	97-04-088	180-86-116	NEW	97-05-008	197-11-158	NEW-P	97-08-085
180-79A-330	NEW	97-04-088	180-86-116	NEW-W	97-05-043	197-11-164	NEW-P	97-08-085
180-79A-332	NEW	97-04-088	180-87-070	PREP	97-10-025	197-11-168	NEW-P	97-08-085
180-79A-333	NEW	97-04-088	180-97	PREP	97-10-010	197-11-172	NEW-P	97-08-085
180-79A-334	NEW	97-04-088	180-110	PREP	97-05-027	197-11-210	AMD-P	97-08-085
180-79A-336	NEW	97-04-088	180-110-010	REP-P	97-13-017	197-11-238	NEW-P	97-08-085
180-79A-338	NEW	97-04-088	180-110-015	REP-P	97-13-017	197-11-259	AMD-P	97-08-085
180-79A-340	NEW	97-04-088	180-110-017	REP-P	97-13-017	197-11-300	AMD-P	97-08-085
180-79A-342	NEW	97-04-088	180-110-020	REP-P	97-13-017	197-11-310	AMD-P	97-08-085
180-79A-344	NEW	97-04-088	180-110-030	REP-P	97-13-017	197-11-315	AMD-P	97-08-085
180-79A-346	NEW	97-04-088	180-110-035	REP-P	97-13-017	197-11-330	AMD-P	97-08-085

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197-11-355	NEW-P	97-08-085	212-17-190	RESCIND	97-14-019	212-17-21521	NEW-E	97-11-023
197-11-390	AMD-P	97-08-085	212-17-190	REP-E	97-14-019	212-17-21521	RESCIND	97-11-041
197-11-408	AMD-P	97-08-085	212-17-195	REP-E	97-11-023	220-16-47000A	NEW-E	97-14-052
197-11-502	AMD-P	97-08-085	212-17-195	RESCIND	97-11-041	220-16-47000A	REP-E	97-14-052
197-11-508	AMD-P	97-08-085	212-17-195	REP-E	97-11-041	220-20-020	AMD-P	97-04-080
197-11-535	AMD-P	97-08-085	212-17-195	RESCIND	97-14-019	220-20-020	AMD	97-07-043
197-11-600	AMD-P	97-08-085	212-17-195	REP-E	97-14-019	220-20-021	AMD-P	97-04-080
197-11-660	AMD-P	97-08-085	212-17-200	REP-E	97-11-023	220-20-021	AMD	97-07-043
197-11-680	AMD-P	97-08-085	212-17-200	RESCIND	97-11-041	220-20-038	AMD	97-08-078
197-11-702	AMD-P	97-08-085	212-17-200	REP-E	97-11-041	220-24-02000D	NEW-E	97-10-029
197-11-721	NEW-P	97-08-085	212-17-200	RESCIND	97-14-019	220-24-02000D	REP-E	97-10-029
197-11-728	AMD-P	97-08-085	212-17-200	REP-E	97-14-019	220-32-05100X	NEW-E	97-04-046
197-11-775	NEW-P	97-08-085	212-17-203	REP-E	97-11-023	220-32-05100X	REP-E	97-04-046
197-11-790	AMD-P	97-08-085	212-17-203	RESCIND	97-11-041	220-32-05100X	REP-E	97-07-044
197-11-800	AMD-P	97-08-085	212-17-203	REP-E	97-11-041	220-32-05100Y	NEW-E	97-07-044
197-11-912	AMD-P	97-08-085	212-17-203	RESCIND	97-14-019	220-32-05500B	NEW-E	97-08-007
197-11-914	AMD-P	97-08-085	212-17-203	REP-E	97-14-019	220-32-05500B	REP-E	97-08-007
197-11-938	AMD-P	97-08-085	212-17-205	REP-E	97-11-023	220-32-05500B	REP-E	97-12-036
197-11-940	AMD-P	97-08-085	212-17-205	RESCIND	97-11-041	220-32-05500C	NEW-E	97-12-036
197-11-948	AMD-P	97-08-085	212-17-205	REP-E	97-11-041	220-32-05500C	REP-E	97-12-036
197-11-970	AMD-P	97-08-085	212-17-205	RESCIND	97-14-019	220-32-05500C	REP-E	97-12-069
204-10-035	NEW	97-03-087	212-17-205	REP-E	97-14-019	220-32-05500D	NEW-E	97-12-069
204-10-045	PREP	97-03-042	212-17-210	REP-E	97-11-023	220-32-05500D	REP-E	97-12-069
204-10-045	NEW-P	97-07-036	212-17-210	RESCIND	97-11-041	220-32-05500D	REP-E	97-13-007
204-10-045	NEW	97-10-024	212-17-210	REP-E	97-11-041	220-32-05500E	NEW-E	97-13-007
204-41-060	PREP	97-03-043	212-17-210	RESCIND	97-14-019	220-32-05500E	REP-E	97-13-007
204-41-060	NEW-P	97-07-037	212-17-210	REP-E	97-14-019	220-32-05500E	REP-E	97-13-029
204-41-060	NEW	97-10-023	212-17-210	REP-E	97-11-023	220-32-05500F	NEW-E	97-13-029
204-48-010	PREP-X	97-14-041	212-17-215	RESCIND	97-11-041	220-32-05500F	REP-E	97-13-049
204-48-020	PREP-X	97-14-041	212-17-215	REP-E	97-11-041	220-32-05500G	NEW-E	97-13-049
204-48-030	PREP-X	97-14-041	212-17-215	RESCIND	97-14-019	220-32-05500G	REP-E	97-14-035
204-48-040	PREP-X	97-14-041	212-17-215	REP-E	97-14-019	220-32-05500H	NEW-E	97-14-035
204-60	AMD	97-04-054	212-17-21503	NEW-E	97-11-023	220-32-05500H	NEW-E	97-14-035
204-60-010	AMD	97-04-054	212-17-21503	RESCIND	97-11-041	220-32-05700U	REP-E	97-03-002
204-60-030	AMD	97-04-054	212-17-21503	NEW-E	97-11-041	220-32-05700U	NEW-E	97-03-002
204-64-010	PREP-X	97-14-040	212-17-21503	NEW-E	97-11-041	220-32-05700V	REP-E	97-09-009
204-64-020	PREP-X	97-14-040	212-17-21503	RESCIND	97-14-019	220-32-05700V	NEW-E	97-09-009
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204-64-060	PREP-X	97-14-040	212-17-21505	NEW-E	97-11-023	220-32-05700W	NEW-E	97-13-048
204-64-080	PREP-X	97-14-040	212-17-21505	RESCIND	97-11-041	220-32-05700W	REP-E	97-13-048
204-64-100	PREP-X	97-14-040	212-17-21505	NEW-E	97-11-041	220-32-05700W	REP-E	97-14-020
204-72-040	PREP	97-06-100	212-17-21505	RESCIND	97-14-019	220-33-01000M	NEW-E	97-04-013
204-72-040	AMD-P	97-09-069	212-17-21505	NEW-E	97-14-019	220-33-01000M	REP-E	97-04-013
204-72-040	AMD	97-12-061	212-17-21507	NEW-E	97-11-023	220-33-01000N	NEW-E	97-05-042
204-90-040	AMD	97-04-055	212-17-21507	RESCIND	97-11-041	220-33-020	AMD-P	97-04-080
204-91A-060	AMD-S	97-04-053	212-17-21507	NEW-E	97-11-041	220-33-020	AMD	97-07-043
204-91A-060	AMD-E	97-04-056	212-17-21507	RESCIND	97-14-019	220-33-03000K	NEW-E	97-11-045
204-91A-060	AMD	97-08-021	212-17-21507	NEW-E	97-14-019	220-33-03000K	REP-E	97-11-045
204-91A-140	AMD-S	97-04-053	212-17-21509	NEW-E	97-11-023	220-33-04000C	NEW-E	97-04-014
204-91A-140	AMD-E	97-04-056	212-17-21509	RESCIND	97-11-041	220-33-04000C	REP-E	97-05-041
204-91A-140	AMD	97-08-021	212-17-21509	NEW-E	97-11-041	220-33-04000D	NEW-E	97-05-041
204-95-030	NEW	97-03-127	212-17-21509	RESCIND	97-14-019	220-36-021	AMD-P	97-09-097
204-95-080	NEW	97-03-127	212-17-21509	NEW-E	97-14-019	220-36-023	AMD-P	97-09-097
208-440-030	AMD-W	97-03-074	212-17-21511	NEW-E	97-11-023	220-40-021	AMD-P	97-09-097
208-630-020	AMD-P	97-06-092	212-17-21511	RESCIND	97-11-041	220-40-027	AMD-P	97-09-097
208-630-020	AMD	97-09-035	212-17-21511	NEW-E	97-11-041	220-44-05000E	REP-E	97-10-021
208-630-021	NEW-P	97-06-092	212-17-21511	RESCIND	97-14-019	220-44-05000F	NEW-E	97-10-021
208-630-021	NEW	97-09-035	212-17-21511	NEW-E	97-14-019	220-44-05000F	REP-E	97-14-054
208-630-022	NEW-P	97-06-092	212-17-21513	NEW-E	97-11-023	220-44-05000G	NEW-E	97-14-054
208-630-022	NEW	97-09-035	212-17-21513	RESCIND	97-14-019	220-44-05000G	REP-E	97-14-054
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208-630-023	NEW	97-09-035	212-17-21515	NEW-E	97-11-023	220-47-302	AMD-P	97-09-104
208-680D-050	AMD-W	97-04-071	212-17-21515	RESCIND	97-11-041	220-47-304	AMD-P	97-09-104
212-17	PREP	97-05-028	212-17-21515	NEW-E	97-11-041	220-47-307	AMD-P	97-09-104
212-17-185	AMD-E	97-11-023	212-17-21515	RESCIND	97-14-019	220-47-311	AMD-P	97-09-104
212-17-185	RESCIND	97-11-041	212-17-21515	NEW-E	97-14-019	220-47-319	AMD-P	97-09-104
212-17-185	AMD-E	97-11-041	212-17-21517	NEW-E	97-11-041	220-47-325	NEW-P	97-09-096
212-17-185	RESCIND	97-14-019	212-17-21517	RESCIND	97-14-019	220-47-326	NEW-P	97-09-096
212-17-185	AMD-E	97-14-019	212-17-21517	NEW-E	97-14-019	220-47-401	AMD-P	97-09-104
212-17-190	REP-E	97-11-023	212-17-21519	NEW-E	97-11-023	220-47-410	NEW-P	97-09-104
212-17-190	RESCIND	97-11-041	212-17-21519	RESCIND	97-11-041	220-47-411	AMD-P	97-09-104
			212-17-21519	NEW-E	97-11-041	220-47-427	AMD-P	97-09-104
			212-17-21519	RESCIND	97-14-019	220-47-428	AMD-P	97-09-104

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220-48-015	AMD	97-07-053	220-56-32500M	REP-E	97-12-037	220-57-31900M	NEW-E	97-09-008
220-49-02000J	NEW-E	97-14-086	220-56-32500N	NEW-E	97-11-011	220-57-31900M	REP-E	97-12-035
220-49-02000J	REP-E	97-14-086	220-56-32500P	NEW-E	97-12-037	220-57-31900N	NEW-E	97-12-035
220-52-03000K	NEW-E	97-07-050	220-56-32500P	REP-E	97-12-037	220-57-31900N	REP-E	97-14-052
220-52-03000K	REP-E	97-07-050	220-56-330	AMD	97-07-078	220-57-31900P	NEW-E	97-14-052
220-52-040	AMD	97-08-052	220-56-336	NEW	97-07-078	220-57-31000P	REP-E	97-14-052
220-52-04000D	NEW-E	97-05-029	220-56-350	AMD	97-07-078	220-57-32100B	NEW-E	97-08-048
220-52-046	AMD	97-08-052	220-56-35000P	NEW-E	97-12-009	220-57-37000G	NEW-E	97-14-052
220-52-04600T	NEW-E	97-05-029	220-56-355	AMD	97-07-078	220-57-37000G	REP-E	97-14-052
220-52-04600T	REP-E	97-06-054	220-56-36000T	NEW-E	97-04-045	220-57-37700A	NEW-E	97-09-068
220-52-04600U	NEW-E	97-06-054	220-56-36000T	REP-E	97-04-045	220-57-37700A	REP-E	97-14-052
220-52-050	AMD-W	97-14-080	220-56-36000U	NEW-E	97-07-051	220-57-38500A	NEW-E	97-14-052
220-52-07100A	NEW-E	97-14-028	220-56-36000U	REP-E	97-07-051	220-57-38500A	REP-E	97-14-052
220-52-07300L	REP-E	97-03-045	220-56-375	AMD	97-07-078	220-57-38500Z	NEW-E	97-09-068
220-52-07300M	NEW-E	97-03-045	220-56-380	AMD	97-07-078	220-57-38500Z	REP-E	97-14-052
220-52-07300M	REP-E	97-03-101	220-57	AMD-C	97-05-075	220-57-41500A	NEW-E	97-14-052
220-52-07300N	NEW-E	97-03-101	220-57-13000V	NEW-E	97-14-052	220-57-41500A	REP-E	97-14-052
220-52-07300N	REP-E	97-04-011	220-57-13000V	REP-E	97-14-052	220-57-42500C	NEW-E	97-14-052
220-52-07300P	NEW-E	97-04-011	220-57-13500T	NEW-E	97-14-052	220-57-42500C	REP-E	97-14-052
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220-52-07300Q	NEW-E	97-04-049	220-57-13700D	NEW-E	97-14-052	220-57-43000H	REP-E	97-14-052
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232-28-260	AMD-P	97-06-121	242-02-634	AMD-W	97-04-009	246-100-011	AMD-P	97-06-110
232-28-260	AMD	97-12-054	242-02-650	AMD	97-04-008	246-100-036	AMD-P	97-06-110
232-28-262	AMD	97-06-039	242-02-660	AMD	97-04-008	246-100-072	AMD-P	97-06-110
232-28-263	AMD	97-06-037	242-02-670	AMD	97-04-008	246-100-206	AMD-P	97-06-110
232-28-264	NEW	97-06-045	242-02-710	AMD	97-04-008	246-100-207	AMD	97-04-041
232-28-264	AMD-P	97-14-095	242-02-820	REP	97-04-008	246-100-209	AMD-P	97-06-110
232-28-265	NEW	97-06-046	242-02-830	AMD	97-04-008	246-171-010	PREP-X	97-14-056
232-28-265	AMD-P	97-06-122	242-02-832	NEW	97-04-008	246-171-020	PREP-X	97-14-056
232-28-265	AMD	97-12-055	242-02-834	NEW	97-04-008	246-171-030	PREP-X	97-14-056
232-28-266	NEW	97-05-074	242-02-840	REP	97-04-008	246-171-040	PREP-X	97-14-056
232-28-267	NEW-P	97-06-123	242-02-850	REP	97-04-008	246-171-050	PREP-X	97-14-056
232-28-267	NEW	97-12-056	242-02-860	REP	97-04-008	246-171-060	PREP-X	97-14-056
232-28-268	NEW-P	97-06-124	242-02-870	REP	97-04-008	246-171-070	PREP-X	97-14-056
232-28-268	NEW	97-12-057	242-02-880	AMD	97-04-008	246-171-080	PREP-X	97-14-056
232-28-268	AMD-P	97-14-098	242-02-890	AMD-W	97-04-009	246-171-090	PREP-X	97-14-056
232-28-269	NEW-P	97-06-125	242-02-892	AMD	97-04-008	246-171-100	PREP-X	97-14-056
232-28-269	NEW	97-12-058	242-04-050	AMD	97-04-008	246-171-110	PREP-X	97-14-056
232-28-270	NEW-P	97-06-126	246-08-400	AMD-P	97-09-092	246-171-120	PREP-X	97-14-056
232-28-270	NEW	97-12-059	246-08-400	AMD	97-12-087	246-171-130	PREP-X	97-14-056
232-28-420	REP-P	97-14-096	246-10-102	AMD-P	97-08-092	246-171-140	PREP-X	97-14-056
232-28-421	NEW-P	97-14-097	246-10-102	AMD	97-12-089	246-203-080	PREP-X	97-14-057
232-28-514	REP-P	97-14-096	246-10-108	AMD-P	97-08-092	246-203-090	PREP-X	97-14-057
232-28-515	NEW-P	97-14-099	246-10-108	AMD	97-12-089	246-203-100	PREP-X	97-14-057
232-28-619	AMD	97-07-076	246-10-109	AMD-P	97-08-092	246-203-110	PREP-X	97-14-057
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232-28-61900B	NEW-E	97-03-039	246-10-121	AMD-P	97-08-092	246-203-150	PREP-X	97-14-057
232-28-61900C	NEW-E	97-03-099	246-10-121	AMD	97-12-089	246-203-160	PREP-X	97-14-057
232-28-61900C	REP-E	97-03-099	246-10-122	AMD-P	97-08-092	246-203-170	PREP-X	97-14-057
232-28-61900D	NEW-E	97-03-100	246-10-122	AMD	97-12-089	246-203-180	PREP-X	97-14-057
232-28-61900D	REP-E	97-03-100	246-10-203	AMD-P	97-08-092	246-220-130	PREP-X	97-14-056
232-28-61900E	NEW-E	97-04-001	246-10-203	AMD	97-12-089	246-224-040	PREP-X	97-14-056
232-28-61900F	NEW-E	97-06-034	246-10-205	AMD-P	97-08-092	246-224-080	PREP-X	97-14-056
232-28-61900F	REP-E	97-06-034	246-10-205	AMD	97-12-089	246-225-99910	PREP-X	97-14-056
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246-232-060	AMD	97-08-095	246-338-020	AMD-P	97-11-039	246-810-061	AMD-P	97-13-099
246-235-075	AMD-P	97-03-126	246-338-020	AMD	97-14-113	246-810-062	AMD-P	97-13-099
246-235-075	AMD	97-08-095	246-338-030	AMD-P	97-11-039	246-810-063	AMD-P	97-13-099
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246-271-110	PREP-X	97-14-057	246-338-070	AMD	97-14-113	246-810-080	AMD-P	97-13-099
246-280-040	PREP-X	97-14-057	246-338-090	AMD-P	97-11-039	246-810-110	NEW-P	97-13-099
246-280-050	PREP-X	97-14-057	246-338-090	AMD	97-14-113	246-810-120	NEW-P	97-13-099
246-280-080	PREP-X	97-14-057	246-338-100	AMD-P	97-11-039	246-810-130	NEW-P	97-13-099
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246-282-990	AMD	97-12-031	246-358-095	AMD	97-14-008	246-810-150	NEW-P	97-13-099
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246-318-430	PREP-X	97-14-056	246-560-120	PREP-X	97-14-056	246-810-542	REP-P	97-13-099
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246-321-012	REP	97-03-080	246-790-050	AMD-P	97-13-098	246-810-561	REP-P	97-13-099
246-321-014	REP	97-03-080	246-790-060	AMD-P	97-13-098	246-810-562	REP-P	97-13-099
246-321-015	REP	97-03-080	246-790-070	AMD-P	97-13-098	246-810-563	REP-P	97-13-099
246-321-017	REP	97-03-080	246-790-080	AMD-P	97-13-098	246-810-564	REP-P	97-13-099
246-321-018	REP	97-03-080	246-790-085	NEW-P	97-13-098	246-810-565	REP-P	97-13-099
246-321-020	REP	97-03-080	246-790-090	AMD-P	97-13-098	246-810-566	REP-P	97-13-099
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246-321-030	REP	97-03-080	246-790-110	REP-P	97-13-098	246-810-580	REP-P	97-13-099
246-321-035	REP	97-03-080	246-790-120	AMD-P	97-13-098	246-810-710	NEW-P	97-13-099
246-321-040	REP	97-03-080	246-790-130	AMD-P	97-13-098	246-810-720	AMD-P	97-13-099
246-321-045	REP	97-03-080	246-808-410	PREP-X	97-14-058	246-810-721	NEW-P	97-13-099
246-321-050	REP	97-03-080	246-808-525	PREP-X	97-14-058	246-810-730	REP-P	97-13-099
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246-322-001	PREP-X	97-14-056	246-810-010	AMD-P	97-13-099	246-810-734	NEW-P	97-13-099
246-324-001	PREP-X	97-14-056	246-810-020	AMD-P	97-13-099	246-810-740	AMD-P	97-13-099
246-325-001	PREP-X	97-14-056	246-810-022	NEW-P	97-13-099	246-810-741	REP-P	97-13-099
246-326-001	PREP-X	97-14-056	246-810-030	AMD-P	97-13-099	246-810-745	NEW-P	97-13-099
246-327-001	PREP-X	97-14-056	246-810-031	AMD-P	97-13-099	246-810-748	NEW-P	97-13-099
246-327-990	AMD-P	97-11-087	246-810-032	AMD-P	97-13-099	246-810-750	REP-P	97-13-099
246-328-150	PREP-X	97-14-056	246-810-035	NEW-P	97-13-099	246-810-760	REP-P	97-13-099
246-329-001	PREP-X	97-14-056	246-810-040	AMD-P	97-13-099	246-810-761	REP-P	97-13-099
246-331-001	PREP-X	97-14-056	246-810-045	NEW-P	97-13-099	246-810-762	REP-P	97-13-099
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246-810-765	REP-P	97-13-099	246-838-300	REP-P	97-07-074	246-839-430	REP-P	97-07-074
246-810-766	REP-P	97-13-099	246-838-300	REP	97-13-100	246-839-430	REP	97-13-100
246-810-770	REP-P	97-13-099	246-838-310	REP-P	97-07-074	246-839-440	REP-P	97-07-074
246-810-780	REP-P	97-13-099	246-838-310	REP	97-13-100	246-839-440	REP	97-13-100
246-810-990	AMD-P	97-13-099	246-838-330	REP-P	97-07-074	246-839-450	REP-P	97-07-074
246-822-100	PREP-X	97-14-056	246-838-330	REP	97-13-100	246-839-450	REP	97-13-100
246-822-140	PREP-X	97-14-056	246-838-340	REP-P	97-07-074	246-839-700	REP-P	97-07-074
246-828-015	NEW	97-04-042	246-838-340	REP	97-13-100	246-839-700	REP	97-13-100
246-828-055	AMD-P	97-12-086	246-838-350	REP-P	97-07-074	246-839-710	REP-P	97-07-074
246-828-060	PREP-X	97-14-059	246-838-350	REP	97-13-100	246-839-710	REP	97-13-100
246-828-065	PREP-X	97-14-059	246-838-360	REP-P	97-07-074	246-839-720	REP-P	97-07-074
246-828-070	AMD-P	97-12-086	246-838-360	REP	97-13-100	246-839-720	REP	97-13-100
246-828-400	PREP-X	97-14-060	246-839	PREP-W	97-03-066	246-839-730	REP-P	97-07-074
246-828-410	PREP-X	97-14-060	246-839	PREP-W	97-03-067	246-839-730	REP	97-13-100
246-828-420	PREP-X	97-14-060	246-839-010	REP-P	97-07-074	246-839-740	REP-P	97-07-074
246-828-430	PREP-X	97-14-060	246-839-010	REP	97-13-100	246-839-740	REP	97-13-100
246-828-990	AMD	97-04-043	246-839-020	REP-P	97-07-074	246-839-745	REP-P	97-07-074
246-830-220	PREP-X	97-14-056	246-839-020	REP	97-13-100	246-839-745	REP	97-13-100
246-830-230	PREP-X	97-14-056	246-839-030	REP-P	97-08-093	246-839-750	REP-P	97-07-074
246-830-240	PREP-X	97-14-056	246-839-040	REP-P	97-07-074	246-839-750	REP	97-13-100
246-830-250	PREP-X	97-14-056	246-839-040	REP	97-13-100	246-839-760	REP-P	97-07-074
246-830-255	PREP-X	97-14-056	246-839-050	REP-P	97-07-074	246-839-760	REP	97-13-100
246-830-260	PREP-X	97-14-056	246-839-050	REP	97-13-100	246-839-770	REP-P	97-07-074
246-830-270	PREP-X	97-14-056	246-839-060	REP-P	97-07-074	246-839-770	REP	97-13-100
246-830-280	PREP-X	97-14-056	246-839-060	REP	97-13-100	246-839-780	REP-P	97-07-074
246-830-690	PREP-X	97-14-056	246-839-070	REP-P	97-07-074	246-839-780	REP	97-13-100
246-834-350	PREP-X	97-14-056	246-839-070	REP	97-13-100	246-839-800	REP-P	97-07-074
246-836-070	PREP-X	97-14-056	246-839-080	REP-P	97-07-074	246-839-800	REP	97-13-100
246-836-080	PREP-X	97-14-056	246-839-080	REP	97-13-100	246-839-810	REP-P	97-07-074
246-836-090	PREP-X	97-14-056	246-839-090	REP-P	97-07-074	246-839-810	REP	97-13-100
246-836-190	PREP-X	97-14-056	246-839-090	REP	97-13-100	246-839-820	REP-P	97-07-074
246-836-400	PREP-X	97-14-056	246-839-100	REP-P	97-07-074	246-839-820	REP	97-13-100
246-838	PREP-W	97-03-066	246-839-100	REP	97-13-100	246-839-830	REP-P	97-07-074
246-838	PREP-W	97-03-067	246-839-105	REP-P	97-07-074	246-839-830	REP	97-13-100
246-838-010	REP-P	97-07-074	246-839-105	REP	97-13-100	246-839-840	REP-P	97-07-074
246-838-010	REP	97-13-100	246-839-110	REP-P	97-07-074	246-839-840	REP	97-13-100
246-838-020	REP-P	97-07-074	246-839-110	REP	97-13-100	246-839-850	REP-P	97-07-074
246-838-020	REP	97-13-100	246-839-115	REP-P	97-07-074	246-839-850	REP	97-13-100
246-838-026	REP-P	97-07-074	246-839-115	REP	97-13-100	246-839-860	REP-P	97-07-074
246-838-026	REP	97-13-100	246-839-120	REP-P	97-07-074	246-839-860	REP-S	97-12-030
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246-838-030	REP	97-13-100	246-839-130	REP-P	97-07-074	246-839-870	REP	97-13-100
246-838-040	REP-P	97-07-074	246-839-130	REP	97-13-100	246-839-880	REP-P	97-07-074
246-838-050	REP-P	97-07-074	246-839-300	REP-P	97-07-074	246-839-880	REP	97-13-100
246-838-050	REP	97-13-100	246-839-300	REP	97-13-100	246-839-890	REP-P	97-07-074
246-838-060	REP-P	97-07-074	246-839-305	REP-P	97-07-074	246-839-890	REP	97-13-100
246-838-060	REP	97-13-100	246-839-305	REP	97-13-100	246-839-900	REP-P	97-07-074
246-838-070	REP-P	97-07-074	246-839-310	REP-P	97-07-074	246-839-900	REP	97-13-100
246-838-070	REP	97-13-100	246-839-310	REP	97-13-100	246-840-010	NEW-P	97-07-074
246-838-080	REP-P	97-07-074	246-839-315	REP-P	97-07-074	246-840-010	NEW	97-13-100
246-838-080	REP	97-13-100	246-839-315	REP	97-13-100	246-840-020	NEW-P	97-07-074
246-838-090	REP-P	97-07-074	246-839-320	REP-P	97-07-074	246-840-020	NEW	97-13-100
246-838-090	REP	97-13-100	246-839-320	REP	97-13-100	246-840-030	NEW-P	97-07-074
246-838-100	REP-P	97-07-074	246-839-330	REP-P	97-07-074	246-840-030	NEW-P	97-08-093
246-838-100	REP	97-13-100	246-839-330	REP	97-13-100	246-840-030	NEW-W	97-09-061
246-838-110	REP-P	97-07-074	246-839-340	REP-P	97-07-074	246-840-040	NEW-P	97-07-074
246-838-110	REP	97-13-100	246-839-340	REP	97-13-100	246-840-040	NEW	97-13-100
246-838-120	REP-P	97-07-074	246-839-345	REP-P	97-07-074	246-840-050	NEW-P	97-07-074
246-838-120	REP	97-13-100	246-839-345	REP	97-13-100	246-840-050	NEW	97-13-100
246-838-121	REP-P	97-07-074	246-839-350	REP-P	97-07-074	246-840-060	NEW-P	97-07-074
246-838-121	REP	97-13-100	246-839-350	REP	97-13-100	246-840-060	NEW	97-13-100
246-838-130	REP-P	97-07-074	246-839-360	REP-P	97-07-074	246-840-070	NEW-P	97-07-074
246-838-130	REP	97-13-100	246-839-360	REP	97-13-100	246-840-070	NEW	97-13-100
246-838-250	REP-P	97-07-074	246-839-365	REP-P	97-07-074	246-840-080	NEW-P	97-07-074
246-838-250	REP	97-13-100	246-839-365	REP	97-13-100	246-840-080	NEW	97-13-100
246-838-260	REP-P	97-07-074	246-839-370	REP-P	97-07-074	246-840-090	NEW-P	97-07-074
246-838-260	REP	97-13-100	246-839-370	REP	97-13-100	246-840-090	NEW	97-13-100
246-838-270	REP-P	97-07-074	246-839-400	REP-P	97-07-074	246-840-100	NEW-P	97-07-074
246-838-270	REP	97-13-100	246-839-400	REP	97-13-100	246-840-100	NEW	97-13-100
246-838-280	REP-P	97-07-074	246-839-410	REP-P	97-07-074	246-840-105	NEW-P	97-07-074
246-838-280	REP	97-13-100	246-839-410	REP	97-13-100	246-840-105	NEW	97-13-100
246-838-290	REP-P	97-07-074	246-839-420	REP-P	97-07-074	246-840-110	NEW-P	97-07-074

TABLE

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-840-110	NEW	97-13-100	246-840-800	NEW-P	97-07-074	246-897-160	PREP-X	97-14-066
246-840-113	NEW-P	97-07-074	246-840-800	NEW	97-13-100	246-897-170	PREP-X	97-14-066
246-840-113	NEW	97-13-100	246-840-810	NEW-P	97-07-074	246-897-180	PREP-X	97-14-066
246-840-115	NEW-P	97-07-074	246-840-810	NEW	97-13-100	246-897-190	PREP-X	97-14-066
246-840-115	NEW	97-13-100	246-840-820	NEW-P	97-07-074	246-907-020	AMD	97-06-019
246-840-120	NEW-P	97-07-074	246-840-820	NEW	97-13-100	246-907-030	AMD	97-06-019
246-840-120	NEW	97-13-100	246-840-830	NEW-P	97-07-074	246-915-080	PREP-X	97-14-067
246-840-130	NEW-P	97-07-074	246-840-830	NEW	97-13-100	246-915-090	PREP-X	97-14-067
246-840-130	NEW	97-13-100	246-840-840	NEW-P	97-07-074	246-919-990	AMD-P	97-12-085
246-840-300	NEW-P	97-07-074	246-840-840	NEW	97-13-100	246-933-170	PREP-X	97-14-056
246-840-300	NEW	97-13-100	246-840-850	NEW-P	97-07-074	246-933-980	PREP-X	97-14-056
246-840-305	NEW-P	97-07-074	246-840-850	NEW	97-13-100	246-935-125	PREP-X	97-14-056
246-840-305	NEW	97-13-100	246-840-860	NEW-P	97-07-074	246-937-100	PREP-X	97-14-056
246-840-310	NEW-P	97-07-074	246-840-860	NEW-S	97-12-030	246-976-090	PREP-X	97-14-056
246-840-310	NEW	97-13-100	246-840-870	NEW-P	97-07-074	246-976-115	PREP-X	97-14-056
246-840-315	NEW-P	97-07-074	246-840-870	NEW	97-13-100	249A-02-010	NEW-W	97-09-043
246-840-315	NEW	97-13-100	246-840-880	NEW-P	97-07-074	249A-02-020	NEW-W	97-09-043
246-840-320	NEW-P	97-07-074	246-840-880	NEW	97-13-100	249A-02-030	NEW-W	97-09-043
246-840-320	NEW	97-13-100	246-840-890	NEW-P	97-07-074	249A-02-040	NEW-W	97-09-043
246-840-330	NEW-P	97-07-074	246-840-890	NEW	97-13-100	249A-02-050	NEW-W	97-09-043
246-840-330	NEW	97-13-100	246-840-900	NEW-P	97-07-074	249A-02-060	NEW-W	97-09-043
246-840-340	NEW-P	97-07-074	246-840-900	NEW	97-13-100	249A-02-080	NEW-W	97-09-043
246-840-340	NEW	97-13-100	246-840-930	AMD-P	97-07-074	249A-02-100	NEW-W	97-09-043
246-840-345	NEW-P	97-07-074	246-840-930	AMD	97-13-100	249A-02-200	NEW-W	97-09-043
246-840-345	NEW	97-13-100	246-840-940	AMD-P	97-07-074	249A-02-210	NEW-W	97-09-043
246-840-350	NEW-P	97-07-074	246-840-940	AMD	97-13-100	249A-02-220	NEW-W	97-09-043
246-840-350	NEW	97-13-100	246-841-710	PREP-X	97-14-061	249A-02-250	NEW-W	97-09-043
246-840-360	NEW-P	97-07-074	246-841-730	PREP-X	97-14-061	249A-02-300	NEW-W	97-09-043
246-840-360	NEW	97-13-100	246-841-740	PREP-X	97-14-061	249A-02-350	NEW-W	97-09-043
246-840-365	NEW-P	97-07-074	246-841-750	PREP-X	97-14-061	249A-02-360	NEW-W	97-09-043
246-840-365	NEW	97-13-100	246-843-158	PREP-X	97-14-056	249A-02-410	NEW-W	97-09-043
246-840-370	NEW-P	97-07-074	246-851-090	AMD-P	97-08-094	249A-02-420	NEW-W	97-09-043
246-840-370	NEW	97-13-100	246-851-090	AMD	97-12-088	249A-02-430	NEW-W	97-09-043
246-840-400	NEW-P	97-07-074	246-851-100	AMD-P	97-08-094	249A-02-440	NEW-W	97-09-043
246-840-400	NEW	97-13-100	246-851-100	AMD	97-12-088	249A-02-450	NEW-W	97-09-043
246-840-410	NEW-P	97-07-074	246-851-110	AMD-P	97-08-094	249A-02-460	NEW-W	97-09-043
246-840-410	NEW	97-13-100	246-851-110	AMD	97-12-088	249A-02-470	NEW-W	97-09-043
246-840-420	NEW-P	97-07-074	246-851-120	AMD-P	97-08-094	249A-02-510	NEW-W	97-09-043
246-840-420	NEW	97-13-100	246-851-120	AMD	97-12-088	249A-02-520	NEW-W	97-09-043
246-840-430	NEW-P	97-07-074	246-851-140	AMD-P	97-08-094	249A-02-540	NEW-W	97-09-043
246-840-430	NEW	97-13-100	246-851-140	AMD	97-12-088	249A-02-560	NEW-W	97-09-043
246-840-440	NEW-P	97-07-074	246-851-150	AMD-P	97-08-094	249A-02-600	NEW-W	97-09-043
246-840-440	NEW	97-13-100	246-851-150	AMD	97-12-088	249A-02-650	NEW-W	97-09-043
246-840-450	NEW-P	97-07-074	246-851-160	AMD-P	97-08-094	249A-02-810	NEW-W	97-09-043
246-840-450	NEW	97-13-100	246-851-160	AMD	97-12-088	249A-02-830	NEW-W	97-09-043
246-840-540	AMD-P	97-07-074	246-851-170	AMD-P	97-08-094	249A-02-860	NEW-W	97-09-043
246-840-540	AMD	97-13-100	246-851-170	AMD	97-12-088	251-01-045	AMD-P	97-08-090
246-840-565	AMD-P	97-07-074	246-851-180	AMD-P	97-08-094	251-01-045	AMD-W	97-10-088
246-840-565	AMD	97-13-100	246-851-180	AMD	97-12-088	251-01-110	AMD-P	97-08-090
246-840-700	NEW-P	97-07-074	246-851-190	AMD-P	97-08-094	251-01-110	AMD-W	97-10-088
246-840-700	NEW	97-13-100	246-851-190	AMD	97-12-088	251-04-040	AMD-P	97-08-090
246-840-705	NEW-P	97-07-074	246-851-200	AMD-P	97-08-094	251-04-040	AMD-W	97-10-088
246-840-705	NEW	97-13-100	246-851-200	AMD	97-12-088	251-04-050	AMD-P	97-08-090
246-840-710	NEW-P	97-07-074	246-851-210	REP-P	97-08-094	251-04-050	AMD-W	97-10-088
246-840-710	NEW	97-13-100	246-851-210	REP	97-12-088	251-10-030	AMD-P	97-08-090
246-840-715	NEW-P	97-07-074	246-851-220	AMD-P	97-08-094	251-10-030	AMD-W	97-10-088
246-840-715	NEW	97-13-100	246-851-220	AMD	97-12-088	251-12-270	REP-P	97-08-090
246-840-720	NEW-P	97-07-074	246-851-230	AMD-P	97-08-094	251-12-270	REP-W	97-10-088
246-840-720	NEW	97-13-100	246-851-230	AMD	97-12-088	251-12-270	REP-P	97-10-089
246-840-730	NEW-P	97-07-074	246-851-240	AMD-P	97-08-094	251-12-270	REP	97-13-045
246-840-730	NEW	97-13-100	246-851-240	AMD	97-12-088	251-12-600	AMD-P	97-08-090
246-840-745	NEW-P	97-07-074	246-861-030	PREP-X	97-14-062	251-12-600	AMD-W	97-10-088
246-840-745	NEW	97-13-100	246-865	PREP	97-11-038	251-12-600	AMD-P	97-10-089
246-840-747	NEW-P	97-07-074	246-869-260	PREP-X	97-14-069	251-12-600	AMD	97-13-045
246-840-747	NEW	97-13-100	246-877-030	PREP-X	97-14-064	251-14-060	AMD	97-06-012
246-840-750	NEW-P	97-07-074	246-893	PREP-X	97-14-065	251-14-120	AMD	97-06-012
246-840-750	NEW	97-13-100	246-897-030	PREP-X	97-14-066	251-20-020	AMD-P	97-08-090
246-840-760	NEW-P	97-07-074	246-897-040	PREP-X	97-14-066	251-20-020	AMD-W	97-10-088
246-840-760	NEW	97-13-100	246-897-050	PREP-X	97-14-066	251-20-020	AMD-P	97-10-089
246-840-770	NEW-P	97-07-074	246-897-120	PREP-X	97-14-066	251-20-020	AMD	97-13-045
246-840-770	NEW	97-13-100	246-897-130	PREP-X	97-14-066	260-24-010	REP-P	97-04-060
246-840-780	NEW-P	97-07-074	246-897-140	PREP-X	97-14-066	260-24-020	REP-P	97-04-060
246-840-780	NEW	97-13-100	246-897-150	PREP-X	97-14-066	260-24-030	REP-P	97-04-060

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
260-24-040	REP-P	97-04-060	262-02-020	PREP	97-06-112	284-13-530	NEW	97-05-012
260-24-050	REP-P	97-04-060	262-02-020	AMD-P	97-09-090	284-13-535	NEW	97-05-012
260-24-060	REP-P	97-04-060	262-02-020	AMD-W	97-10-060	284-13-540	AMD	97-05-012
260-24-070	REP-P	97-04-060	262-02-020	AMD-P	97-11-064	284-13-550	AMD	97-05-012
260-24-080	REP-P	97-04-060	262-02-030	PREP	97-06-112	284-13-560	AMD	97-05-012
260-24-090	REP-P	97-04-060	262-02-030	AMD-P	97-09-090	284-13-570	AMD	97-05-012
260-24-100	REP-P	97-04-060	262-02-030	AMD-W	97-10-060	284-13-590	AMD	97-05-012
260-24-110	REP-P	97-04-060	262-02-030	AMD-P	97-11-064	284-13-595	NEW	97-05-012
260-24-120	REP-P	97-04-060	262-03	PREP	97-07-068	284-30-395	NEW-S	97-03-090
260-24-130	REP-P	97-04-060	262-03-010	NEW-P	97-11-063	284-30-395	NEW-C	97-08-045
260-24-140	REP-P	97-04-060	262-03-020	NEW-P	97-11-063	284-30-395	NEW-C	97-11-010
260-24-150	REP-P	97-04-060	262-03-030	NEW-P	97-11-063	284-30-395	NEW	97-13-005
260-24-160	REP-P	97-04-060	262-03-040	NEW-P	97-11-063	284-43-110	NEW-W	97-08-044
260-24-170	REP-P	97-04-060	262-03-050	NEW-P	97-11-063	284-43-120	NEW-W	97-08-044
260-24-180	REP-P	97-04-060	262-03-060	NEW-P	97-11-063	284-43-130	NEW-W	97-08-044
260-24-190	REP-P	97-04-060	262-03-070	NEW-P	97-11-063	284-43-200	NEW-W	97-08-044
260-24-200	REP-P	97-04-060	262-03-080	NEW-P	97-11-063	284-43-210	NEW-W	97-08-044
260-24-210	REP-P	97-04-060	262-03-090	NEW-P	97-11-063	284-43-300	NEW-W	97-08-044
260-24-220	REP-P	97-04-060	262-04	PREP	97-14-025	284-43-310	NEW-W	97-08-044
260-24-230	REP-P	97-04-060	275-27-023	AMD-E	97-03-033	284-43-320	NEW-W	97-08-044
260-24-240	REP-P	97-04-060	275-27-023	AMD-P	97-08-007	284-43-330	NEW-W	97-08-044
260-24-250	REP-P	97-04-060	275-27-023	AMD-E	97-11-009	284-43-340	NEW-W	97-08-044
260-24-260	REP-P	97-04-060	275-27-023	AMD	97-13-051	284-43-350	NEW-W	97-08-044
260-24-270	REP-P	97-04-060	275-27-220	AMD-E	97-03-033	284-43-360	NEW-W	97-08-044
260-24-280	REP-P	97-04-060	275-27-220	AMD-P	97-08-007	284-43-400	NEW-W	97-08-044
260-24-290	REP-P	97-04-060	275-27-220	AMD-E	97-11-009	284-43-410	NEW-W	97-08-044
260-24-300	REP-P	97-04-060	275-27-220	AMD	97-13-051	284-43-420	NEW-W	97-08-044
260-24-310	REP-P	97-04-060	275-27-221	REP-E	97-03-033	284-43-500	NEW-W	97-08-044
260-24-320	REP-P	97-04-060	275-27-221	REP-P	97-08-007	284-43-510	NEW-W	97-08-044
260-24-330	REP-P	97-04-060	275-27-221	REP-E	97-11-009	284-43-520	NEW-W	97-08-044
260-24-340	REP-P	97-04-060	275-27-221	REP	97-13-051	284-43-530	NEW-W	97-08-044
260-24-350	REP-P	97-04-060	275-27-222	NEW-P	97-08-007	284-43-540	NEW-W	97-08-044
260-24-360	REP-P	97-04-060	275-27-222	NEW-E	97-11-009	284-43-550	NEW-W	97-08-044
260-24-370	REP-P	97-04-060	275-27-222	NEW	97-13-051	284-43-560	NEW-W	97-08-044
260-24-380	REP-P	97-04-060	275-27-223	AMD-E	97-03-033	284-43-600	NEW-W	97-08-044
260-24-390	REP-P	97-04-060	275-27-223	AMD-P	97-08-007	284-43-610	NEW-W	97-08-044
260-24-400	REP-P	97-04-060	275-27-223	AMD-E	97-11-009	284-43-620	NEW-W	97-08-044
260-24-410	REP-P	97-04-060	275-27-223	AMD	97-13-051	284-43-630	NEW-W	97-08-044
260-24-420	REP-P	97-04-060	275-27-400	AMD-E	97-03-033	284-43-640	NEW-W	97-08-044
260-24-430	REP-P	97-04-060	275-27-400	AMD-P	97-08-007	284-43-650	NEW-W	97-08-044
260-24-440	REP-P	97-04-060	275-27-400	AMD-E	97-11-009	284-43-700	NEW-C	97-05-006
260-24-450	REP-P	97-04-060	275-27-400	AMD	97-13-051	284-43-700	NEW-C	97-08-046
260-24-460	REP-P	97-04-060	275-60-010	PREP-X	97-14-071	284-43-700	NEW-W	97-11-001
260-24-465	REP-P	97-04-060	275-60-020	PREP-X	97-14-071	284-44-240	REP-W	97-08-044
260-24-470	REP-P	97-04-060	275-60-030	PREP-X	97-14-071	284-44-410	REP-W	97-08-044
260-24-480	REP-P	97-04-060	275-60-040	PREP-X	97-14-071	284-46-575	REP-W	97-08-044
260-24-500	NEW-P	97-04-060	275-60-050	PREP-X	97-14-071	284-51-050	PREP	97-04-074
260-24-510	NEW-P	97-04-060	275-60-060	PREP-X	97-14-071	286-13-040	PREP	97-08-079
260-24-520	NEW-P	97-04-060	275-60-070	PREP-X	97-14-071	286-13-040	AMD-P	97-12-027
260-24-530	NEW-P	97-04-060	275-60-200	PREP-X	97-14-071	286-13-045	AMD-P	97-04-006
260-24-540	NEW-P	97-04-060	275-60-300	PREP-X	97-14-071	286-13-045	AMD	97-08-003
260-24-550	NEW-P	97-04-060	275-60-400	PREP-X	97-14-071	286-13-085	AMD-P	97-04-006
260-24-560	NEW-P	97-04-060	275-60-500	PREP-X	97-14-071	286-13-085	AMD	97-08-003
260-24-570	NEW-P	97-04-060	275-60-510	PREP-X	97-14-071	286-13-110	AMD-P	97-04-006
260-24-580	NEW-P	97-04-060	275-60-520	PREP-X	97-14-071	286-13-110	AMD	97-08-003
260-24-590	NEW-P	97-04-060	275-155	AMD-P	97-11-044	286-13-110	PREP	97-08-079
260-24-600	NEW-P	97-04-060	275-155-005	AMD-P	97-11-044	286-13-110	AMD-P	97-12-027
260-24-610	NEW-P	97-04-060	275-155-010	AMD-P	97-11-044	286-13-115	PREP	97-08-079
260-24-620	NEW-P	97-04-060	275-155-070	NEW-P	97-11-044	286-13-115	AMD-P	97-12-027
260-24-630	NEW-P	97-04-060	275-155-080	NEW-P	97-11-044	286-26-080	AMD-P	97-04-006
260-24-640	NEW-P	97-04-060	275-155-090	NEW-P	97-11-044	286-26-080	AMD	97-08-003
260-24-650	NEW-P	97-04-060	275-155-100	NEW-P	97-11-044	286-27-040	AMD-P	97-04-006
260-24-660	NEW-P	97-04-060	275-155-110	NEW-P	97-11-044	286-27-040	AMD	97-08-003
260-24-670	NEW-P	97-04-060	275-155-120	NEW-P	97-11-044	286-27-050	REP-P	97-04-006
260-24-680	NEW-P	97-04-060	275-155-130	NEW-P	97-11-044	286-27-050	REP	97-08-003
260-24-690	NEW-P	97-04-060	275-155-140	NEW-P	97-11-044	286-35-030	AMD-P	97-04-006
260-24-700	NEW-P	97-04-060	284-04	NEW-C	97-03-023	286-35-030	AMD	97-08-003
260-32	PREP	97-04-059	284-04	NEW-C	97-03-120	286-35-040	REP-P	97-04-006
260-48	PREP	97-04-058	284-04	NEW-C	97-08-091	286-35-040	REP	97-08-003
262-01-030	PREP	97-06-112	284-04	NEW-W	97-10-072	286-40-020	AMD-P	97-04-006
262-01-030	AMD-P	97-09-091	284-13-505	NEW	97-05-012	286-40-020	AMD	97-08-003
262-01-030	AMD-W	97-10-060	284-13-515	NEW	97-05-012	292-09-010	AMD-P	97-05-022
262-01-030	AMD-P	97-11-065	284-13-520	AMD	97-05-012	292-09-010	AMD	97-13-069

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
292-11-010	NEW-S	97-05-023	296-11-130	DECOD	97-08-042	296-17-52119	NEW-E	97-08-043
292-11-010	NEW	97-13-075	296-11-140	DECOD	97-08-042	296-17-52119	NEW-P	97-08-051
292-11-020	NEW-S	97-05-023	296-11-150	DECOD	97-08-042	296-17-52119	NEW	97-12-011
292-11-020	NEW	97-13-075	296-11-160	DECOD	97-08-042	296-17-52120	NEW-E	97-08-043
292-11-030	NEW-W	97-09-057	296-11-170	DECOD	97-08-042	296-17-52120	NEW-P	97-08-051
292-110-010	PREP	97-13-006	296-11-180	DECOD	97-08-042	296-17-52120	NEW	97-12-011
292-120-010	NEW-P	97-03-133	296-11-190	DECOD	97-08-042	296-17-52121	NEW-E	97-08-043
292-120-010	NEW	97-07-058	296-11-200	DECOD	97-08-042	296-17-52121	NEW-P	97-08-051
292-120-020	NEW-P	97-03-133	296-11-210	DECOD	97-08-042	296-17-52121	NEW	97-12-011
292-120-020	NEW	97-07-058	296-11-220	DECOD	97-08-042	296-17-52122	NEW-E	97-08-043
292-120-030	NEW-P	97-03-133	296-11-230	DECOD	97-08-042	296-17-52122	NEW-P	97-08-051
292-120-030	NEW	97-07-058	296-11-240	DECOD	97-08-042	296-17-52122	NEW	97-12-011
292-120-040	NEW-P	97-03-133	296-11-250	DECOD	97-08-042	296-17-52123	NEW-E	97-08-043
292-120-040	NEW	97-07-058	296-11-260	DECOD	97-08-042	296-17-52123	NEW-P	97-08-051
296-10-010	PREP-X	97-13-034	296-11-270	DECOD	97-08-042	296-17-52123	NEW	97-12-011
296-10-020	PREP-X	97-13-034	296-11-280	DECOD	97-08-042	296-17-52124	NEW-E	97-08-043
296-10-030	PREP-X	97-13-034	296-11-290	DECOD	97-08-042	296-17-52124	NEW-P	97-08-051
296-10-040	PREP-X	97-13-034	296-11-300	DECOD	97-08-042	296-17-52124	NEW	97-12-011
296-10-050	PREP-X	97-13-034	296-11-310	DECOD	97-08-042	296-17-52125	NEW-E	97-08-043
296-10-060	PREP-X	97-13-034	296-11-320	DECOD	97-08-042	296-17-52125	NEW-P	97-08-051
296-10-070	PREP-X	97-13-034	296-11-330	DECOD	97-08-042	296-17-52125	NEW	97-12-011
296-10-080	PREP-X	97-13-034	296-11-340	DECOD	97-08-042	296-17-52126	NEW-E	97-08-043
296-10-090	PREP-X	97-13-034	296-11-350	DECOD	97-08-042	296-17-52126	NEW-P	97-08-051
296-10-100	PREP-X	97-13-034	296-11-360	DECOD	97-08-042	296-17-52126	NEW	97-12-011
296-10-110	PREP-X	97-13-034	296-11-370	DECOD	97-08-042	296-17-89502	NEW	97-06-007
296-10-120	PREP-X	97-13-034	296-11-380	DECOD	97-08-042	296-17-89502	AMD-E	97-08-043
296-10-130	PREP-X	97-13-034	296-11-390	DECOD	97-08-042	296-17-89502	AMD-P	97-08-051
296-10-140	PREP-X	97-13-034	296-11-400	DECOD	97-08-042	296-17-89502	AMD	97-12-011
296-10-150	PREP-X	97-13-034	296-11-410	DECOD	97-08-042	296-20	PREP	97-02-096
296-10-160	PREP-X	97-13-034	296-11-420	DECOD	97-08-042	296-20-125	PREP	97-02-097
296-10-170	PREP-X	97-13-034	296-11-430	DECOD	97-08-042	296-20-135	PREP	97-02-097
296-10-180	PREP-X	97-13-034	296-11-440	DECOD	97-08-042	296-20-135	AMD-P	97-05-076
296-10-190	PREP-X	97-13-034	296-11-450	DECOD	97-08-042	296-20-135	AMD	97-10-017
296-10-200	PREP-X	97-13-034	296-11-460	DECOD	97-08-042	296-20-200	AMD	97-09-036
296-10-210	PREP-X	97-13-034	296-11-470	DECOD	97-08-042	296-20-210	AMD	97-09-036
296-10-220	PREP-X	97-13-034	296-11-480	DECOD	97-08-042	296-20-220	AMD	97-09-036
296-10-370	PREP-X	97-13-034	296-11-490	DECOD	97-08-042	296-23	PREP	97-02-096
296-10-380	PREP-X	97-13-034	296-11-500	DECOD	97-08-042	296-23-220	PREP	97-02-097
296-10-390	PREP-X	97-13-034	296-11-510	DECOD	97-08-042	296-23-220	AMD-P	97-05-076
296-10-400	PREP-X	97-13-034	296-11-520	DECOD	97-08-042	296-23-220	AMD	97-10-017
296-10-410	PREP-X	97-13-034	296-11-530	DECOD	97-08-042	296-23-230	PREP	97-02-097
296-10-420	PREP-X	97-13-034	296-11-540	DECOD	97-08-042	296-23-230	AMD-P	97-05-076
296-10-430	PREP-X	97-13-034	296-11-550	DECOD	97-08-042	296-23-230	AMD	97-10-017
296-10-440	PREP-X	97-13-034	296-11-560	DECOD	97-08-042	296-23-265	AMD	97-09-036
296-10-450	PREP-X	97-13-034	296-11-570	DECOD	97-08-042	296-23-26501	NEW	97-09-036
296-10-460	PREP-X	97-13-034	296-11-580	DECOD	97-08-042	296-23-26502	NEW	97-09-036
296-10-470	PREP-X	97-13-034	296-11-590	DECOD	97-08-042	296-23-26503	NEW	97-09-036
296-10-480	PREP-X	97-13-034	296-17-45003	AMD	97-06-007	296-23-26504	NEW	97-09-036
296-10-490	PREP-X	97-13-034	296-17-45003	AMD-E	97-08-043	296-23-26505	NEW	97-09-036
296-10-500	PREP-X	97-13-034	296-17-45003	AMD-P	97-08-051	296-23-26506	NEW	97-09-036
296-10-510	PREP-X	97-13-034	296-17-45003	AMD	97-12-011	296-23-267	NEW	97-09-036
296-10-520	PREP-X	97-13-034	296-17-45006	NEW	97-06-007	296-23A	PREP	97-02-097
296-10-530	PREP-X	97-13-034	296-17-45006	AMD-E	97-08-043	296-23A-0100	NEW	97-06-066
296-10-540	PREP-X	97-13-034	296-17-45006	AMD-P	97-08-051	296-23A-0110	NEW	97-06-066
296-10-550	PREP-X	97-13-034	296-17-45006	AMD	97-12-011	296-23A-0120	NEW	97-06-066
296-10-560	PREP-X	97-13-034	296-17-52107	REP	97-06-007	296-23A-0130	NEW	97-06-066
296-10-570	PREP-X	97-13-034	296-17-52112	REP	97-06-007	296-23A-0140	NEW	97-06-066
296-10-580	PREP-X	97-13-034	296-17-52114	NEW	97-06-007	296-23A-0150	NEW	97-06-066
296-10-590	PREP-X	97-13-034	296-17-52114	REP-E	97-08-043	296-23A-0160	NEW	97-06-066
296-11-001	DECOD	97-08-042	296-17-52114	REP-P	97-08-051	296-23A-0170	NEW	97-06-066
296-11-003	DECOD	97-08-042	296-17-52114	REP	97-12-011	296-23A-0180	NEW	97-06-066
296-11-010	DECOD	97-08-042	296-17-52115	NEW	97-06-007	296-23A-0190	NEW	97-06-066
296-11-020	DECOD	97-08-042	296-17-52115	REP-E	97-08-043	296-23A-0195	NEW	97-06-066
296-11-030	DECOD	97-08-042	296-17-52115	REP-P	97-08-051	296-23A-0200	NEW	97-06-066
296-11-040	DECOD	97-08-042	296-17-52115	REP	97-12-011	296-23A-0210	NEW	97-06-066
296-11-050	DECOD	97-08-042	296-17-52116	NEW	97-06-007	296-23A-0220	NEW	97-06-066
296-11-060	DECOD	97-08-042	296-17-52117	NEW	97-06-007	296-23A-0230	NEW	97-06-066
296-11-070	DECOD	97-08-042	296-17-52117	REP-E	97-08-043	296-23A-0240	NEW	97-06-066
296-11-080	DECOD	97-08-042	296-17-52117	REP-P	97-08-051	296-23A-0250	NEW	97-06-066
296-11-090	DECOD	97-08-042	296-17-52117	REP	97-12-011	296-23A-0300	NEW	97-06-066
296-11-100	DECOD	97-08-042	296-17-52118	NEW-E	97-08-043	296-23A-0310	NEW	97-06-066
296-11-110	DECOD	97-08-042	296-17-52118	NEW-P	97-08-051	296-23A-0350	NEW	97-06-066
296-11-120	DECOD	97-08-042	296-17-52118	NEW	97-12-011	296-23A-0360	NEW	97-06-066

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
296-23A-0400	NEW	97-06-066	296-24-67521	NEW-P	97-13-062	296-49A-080	NEW-P	97-09-039
296-23A-0410	NEW	97-06-066	296-24-677	REP-P	97-13-062	296-49A-090	NEW-P	97-09-039
296-23A-0420	NEW	97-06-066	296-24-67701	REP-P	97-13-062	296-49A-100	NEW-P	97-09-039
296-23A-0430	NEW	97-06-066	296-27-15503	AMD-P	97-03-085	296-49A-110	NEW-P	97-09-039
296-23A-0440	NEW	97-06-066	296-27-15503	AMD	97-11-054	296-54	PREP	97-10-071
296-23A-0450	NEW	97-06-066	296-46	PREP	97-02-095	296-62	PREP	97-05-047
296-23A-0460	NEW	97-06-066	296-46-090	AMD-P	97-03-083	296-62	PREP	97-06-101
296-23A-0470	NEW	97-06-066	296-46-090	AMD	97-12-016	296-62	PREP	97-09-078
296-23A-0480	NEW	97-06-066	296-46-090	AMD-P	97-14-111	296-62-05413	AMD-P	97-03-085
296-23A-0490	NEW	97-06-066	296-46-130	AMD-P	97-03-083	296-62-05413	AMD	97-11-055
296-23A-0500	NEW	97-06-066	296-46-130	AMD	97-12-016	296-62-07113	AMD-P	97-09-079
296-23A-0520	NEW	97-06-066	296-46-140	AMD-P	97-03-083	296-62-07460	NEW-P	97-09-079
296-23A-0530	NEW	97-06-066	296-46-140	AMD	97-12-016	296-62-07470	NEW-P	97-13-063
296-23A-0540	NEW	97-06-066	296-46-150	REP-P	97-03-083	296-62-07473	NEW-P	97-13-063
296-23A-0550	NEW	97-06-066	296-46-150	REP	97-12-016	296-62-07475	NEW-P	97-13-063
296-23A-0560	NEW	97-06-066	296-46-21008	AMD-P	97-03-083	296-62-07477	NEW-P	97-13-063
296-23A-0570	NEW	97-06-066	296-46-21008	AMD	97-12-016	296-62-075	AMD-P	97-09-079
296-23A-0575	NEW	97-06-066	296-46-21052	AMD-P	97-03-083	296-62-07501	AMD-P	97-09-079
296-23A-0580	NEW	97-06-066	296-46-21052	AMD	97-12-016	296-62-07510	AMD-P	97-09-079
296-23A-0600	NEW	97-06-066	296-46-21052	AMD-P	97-14-111	296-62-07515	AMD-P	97-09-079
296-23A-0610	NEW	97-06-066	296-46-225	AMD-P	97-03-083	296-62-07711	AMD-P	97-09-079
296-23A-0620	NEW	97-06-066	296-46-225	AMD	97-12-016	296-62-07712	AMD-P	97-09-079
296-23A-100	REP	97-06-066	296-46-23028	AMD-P	97-03-083	296-62-07715	AMD-P	97-09-079
296-23A-105	REP	97-06-066	296-46-23028	AMD	97-12-016	296-62-07717	AMD-P	97-09-079
296-23A-106	REP	97-06-066	296-46-23062	AMD-P	97-03-083	296-62-07721	AMD-P	97-09-079
296-23A-110	REP	97-06-066	296-46-23062	AMD	97-12-016	296-62-07725	AMD-P	97-09-079
296-23A-115	REP	97-06-066	296-46-30001	AMD-P	97-03-083	296-62-07728	AMD-P	97-09-079
296-23A-120	REP	97-06-066	296-46-30001	AMD	97-12-016	296-62-07761	REP-P	97-09-079
296-23A-125	REP	97-06-066	296-46-360	AMD-P	97-03-083	296-62-11015	AMD-P	97-13-062
296-23A-130	REP	97-06-066	296-46-360	AMD	97-12-016	296-65-001	AMD-P	97-09-079
296-23A-135	REP	97-06-066	296-46-370	AMD-P	97-03-083	296-65-030	AMD-P	97-09-079
296-23A-140	REP	97-06-066	296-46-370	AMD	97-12-016	296-86-020	AMD-P	97-03-132
296-23A-145	REP	97-06-066	296-46-514	AMD-P	97-03-083	296-86-020	AMD	97-11-053
296-23A-150	REP	97-06-066	296-46-514	AMD	97-12-016	296-86-030	AMD-P	97-03-132
296-23A-155	REP	97-06-066	296-46-553	NEW-P	97-03-083	296-86-030	AMD	97-11-053
296-23A-160	REP	97-06-066	296-46-553	NEW	97-12-016	296-86-050	AMD-P	97-03-132
296-23A-165	REP	97-06-066	296-46-700	AMD-P	97-03-083	296-86-050	AMD	97-11-053
296-23A-170	REP	97-06-066	296-46-700	AMD	97-12-016	296-86-060	AMD-P	97-03-132
296-23A-175	REP	97-06-066	296-46-725	AMD-P	97-03-083	296-86-060	AMD	97-11-053
296-23A-180	REP	97-06-066	296-46-725	AMD	97-12-016	296-86-070	AMD-P	97-03-132
296-23A-185	REP	97-06-066	296-46-910	AMD-P	97-03-083	296-86-070	AMD	97-11-053
296-23A-190	REP	97-06-066	296-46-910	AMD-E	97-10-064	296-86-075	AMD-P	97-03-132
296-23A-200	REP	97-06-066	296-46-910	AMD	97-12-016	296-86-075	AMD	97-11-053
296-23A-205	REP	97-06-066	296-46-910	AMD-P	97-14-111	296-86-080	AMD-P	97-03-132
296-23A-210	REP	97-06-066	296-46-915	AMD-P	97-03-083	296-86-080	AMD	97-11-053
296-23A-215	REP	97-06-066	296-46-915	AMD	97-12-016	296-86-090	NEW-P	97-03-132
296-23A-220	REP	97-06-066	296-46-915	AMD-P	97-14-111	296-86-090	NEW	97-11-053
296-23A-225	REP	97-06-066	296-46-920	AMD-P	97-03-083	296-93-010	REP-P	97-14-110
296-23A-230	REP	97-06-066	296-46-920	AMD	97-12-016	296-93-020	REP-P	97-14-110
296-23A-235	REP	97-06-066	296-46-930	AMD-P	97-14-111	296-93-030	REP-P	97-14-110
296-23A-300	REP	97-06-066	296-46-950	AMD-P	97-14-111	296-93-040	REP-P	97-14-110
296-23A-310	REP	97-06-066	296-46-960	NEW-P	97-14-111	296-93-050	REP-P	97-14-110
296-23A-315	REP	97-06-066	296-49	PREP	97-03-082	296-93-070	REP-P	97-14-110
296-23A-320	REP	97-06-066	296-49-005	REP-P	97-09-039	296-93-080	REP-P	97-14-110
296-23A-400	REP	97-06-066	296-49-010	REP-P	97-09-039	296-93-090	REP-P	97-14-110
296-23A-430	REP	97-06-066	296-49-015	REP-P	97-09-039	296-93-100	REP-P	97-14-110
296-24	PREP	97-11-051	296-49-020	REP-P	97-09-039	296-93-120	REP-P	97-14-110
296-24-07801	AMD-P	97-03-085	296-49-025	REP-P	97-09-039	296-93-140	REP-P	97-14-110
296-24-07801	AMD	97-11-055	296-49-030	REP-P	97-09-039	296-93-150	REP-P	97-14-110
296-24-084	AMD-P	97-03-085	296-49-035	REP-P	97-09-039	296-93-160	REP-P	97-14-110
296-24-084	AMD	97-11-055	296-49-040	REP-P	97-09-039	296-93-170	REP-P	97-14-110
296-24-088	AMD-P	97-03-085	296-49-045	REP-P	97-09-039	296-93-190	REP-P	97-14-110
296-24-088	AMD	97-11-055	296-49-050	REP-P	97-09-039	296-93-200	REP-P	97-14-110
296-24-67501	AMD-P	97-13-062	296-49-055	REP-P	97-09-039	296-93-210	REP-P	97-14-110
296-24-67505	AMD-P	97-13-062	296-49-060	REP-P	97-09-039	296-93-220	REP-P	97-14-110
296-24-67507	AMD-P	97-13-062	296-49-065	REP-P	97-09-039	296-93-230	REP-P	97-14-110
296-24-67509	AMD-P	97-13-062	296-49A-010	NEW-P	97-09-039	296-93-240	REP-P	97-14-110
296-24-67511	AMD-P	97-13-062	296-49A-020	NEW-P	97-09-039	296-93-250	REP-P	97-14-110
296-24-67513	AMD-P	97-13-062	296-49A-030	NEW-P	97-09-039	296-93-260	REP-P	97-14-110
296-24-67515	AMD-P	97-13-062	296-49A-040	NEW-P	97-09-039	296-93-270	REP-P	97-14-110
296-24-67517	AMD-P	97-13-062	296-49A-050	NEW-P	97-09-039	296-93-280	REP-P	97-14-110
296-24-67519	AMD-P	97-13-062	296-49A-060	NEW-P	97-09-039	296-93-290	REP-P	97-14-110
296-24-67520	NEW-P	97-13-062	296-49A-070	NEW-P	97-09-039	296-93-300	AMD-P	97-03-132

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296-93-300	AMD	97-11-053	296-116-140	DECOD	97-08-042	296-150P-0720	NEW-P	97-09-039
296-93-300	REP-P	97-14-110	296-116-150	DECOD	97-08-042	296-150P-1000	NEW-P	97-09-039
296-93-320	REP-P	97-03-132	296-116-170	DECOD	97-08-042	296-150P-1010	NEW-P	97-09-039
296-93-320	REP	97-11-053	296-116-175	DECOD	97-08-042	296-150P-1020	NEW-P	97-09-039
296-93-320	REP-P	97-14-110	296-116-185	DECOD	97-08-042	296-150P-2000	NEW-P	97-09-039
296-93-330	AMD-P	97-03-132	296-116-200	AMD	97-06-106	296-150P-2010	NEW-P	97-09-039
296-93-330	AMD	97-11-053	296-116-200	DECOD	97-08-042	296-150P-2020	NEW-P	97-09-039
296-93-330	REP-P	97-14-110	296-116-205	DECOD	97-08-042	296-150P-2030	NEW-P	97-09-039
296-93A-010	NEW-P	97-14-110	296-116-2051	DECOD	97-08-042	296-150P-3000	NEW-P	97-09-039
296-93A-020	NEW-P	97-14-110	296-116-300	AMD-P	97-08-041	296-150R	PREP	97-03-082
296-93A-030	NEW-P	97-14-110	296-116-300	DECOD	97-08-042	296-150R	AMD-P	97-09-039
296-93A-040	NEW-P	97-14-110	296-116-315	DECOD	97-08-042	296-150R-0010	AMD-P	97-09-039
296-93A-050	NEW-P	97-14-110	296-116-35001	DECOD	97-08-042	296-150R-0020	AMD-P	97-09-039
296-93A-070	NEW-P	97-14-110	296-116-360	AMD-P	97-06-103	296-150R-0030	AMD-P	97-09-039
296-93A-080	NEW-P	97-14-110	296-116-360	AMD-E	97-06-104	296-150R-0040	AMD-P	97-09-039
296-93A-090	NEW-P	97-14-110	296-116-360	DECOD	97-08-042	296-150R-0060	AMD-P	97-09-039
296-93A-100	NEW-P	97-14-110	296-116-370	DECOD	97-08-042	296-150R-0100	AMD-P	97-09-039
296-93A-120	NEW-P	97-14-110	296-116-400	DECOD	97-08-042	296-150R-0110	AMD-P	97-09-039
296-93A-140	NEW-P	97-14-110	296-116-410	DECOD	97-08-042	296-150R-0120	AMD-P	97-09-039
296-93A-150	NEW-P	97-14-110	296-116-420	DECOD	97-08-042	296-150R-0130	AMD-P	97-09-039
296-93A-160	NEW-P	97-14-110	296-116-500	DECOD	97-08-042	296-150R-0200	AMD-P	97-09-039
296-93A-170	NEW-P	97-14-110	296-126-140	PREP-X	97-13-034	296-150R-0250	AMD-P	97-09-039
296-93A-190	NEW-P	97-14-110	296-128-013	NEW-W	97-03-073	296-150R-0280	AMD-P	97-09-039
296-93A-200	NEW-P	97-14-110	296-129-020	PREP-X	97-13-034	296-150R-0400	AMD-P	97-09-039
296-93A-210	NEW-P	97-14-110	296-129-030	PREP-X	97-13-034	296-150R-0640	AMD-P	97-09-039
296-93A-220	NEW-P	97-14-110	296-129-040	PREP-X	97-13-034	296-150R-0850	AMD-P	97-09-039
296-93A-230	NEW-P	97-14-110	296-150C-0040	AMD-P	97-09-039	296-150R-1000	AMD-P	97-09-039
296-93A-240	NEW-P	97-14-110	296-150C-0090	NEW-W	97-04-070	296-150R-2000	AMD-P	97-09-039
296-93A-250	NEW-P	97-14-110	296-150C-0100	AMD-P	97-09-039	296-150R-2020	AMD-P	97-09-039
296-93A-260	NEW-P	97-14-110	296-150C-1010	NEW-W	97-04-070	296-150R-3000	AMD-P	97-03-132
296-93A-270	NEW-P	97-14-110	296-150C-3000	AMD-P	97-03-132	296-150R-3000	AMD-P	97-09-039
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296-93A-290	NEW-P	97-14-110	296-150F-0040	AMD-P	97-09-039	296-155	PREP	97-10-095
296-93A-300	NEW-P	97-14-110	296-150F-0100	AMD-P	97-09-039	296-155-527	AMD-P	97-03-085
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296-99-030	AMD-P	97-09-079	296-150M-3000	AMD	97-11-053	296-200-050	AMD	97-11-053
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296-99-055	AMD-P	97-09-079	296-150P-0060	NEW-P	97-09-039	296-304-03001	AMD-P	97-13-062
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296-99-080	AMD-P	97-09-079	296-150P-0200	NEW-P	97-09-039	296-304-05013	AMD-P	97-13-062
296-99-085	AMD-P	97-09-079	296-150P-0210	NEW-P	97-09-039	296-304-06013	AMD-P	97-13-062
296-99-090	AMD-P	97-09-079	296-150P-0220	NEW-P	97-09-039	296-304-07013	AMD-P	97-13-062
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296-116-085	DECOD	97-08-042	296-150P-0630	NEW-P	97-09-039	296-306-060	REP	97-08-051A
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296-400A-100	NEW-P	97-03-085	308-14-220	NEW	97-10-053	308-33-110	NEW	97-10-054
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308-56A-690	AMD-P	97-06-028	308-96A-005	AMD-P	97-06-027	308-330-462	AMD	97-10-068
308-56A-690	AMD-S	97-09-038	308-96A-005	AMD	97-10-003	308-330-800	AMD-P	97-07-015
308-56A-690	AMD	97-14-034	308-96A-046	AMD-P	97-03-028	308-330-800	AMD	97-10-068
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308-57-005	AMD	97-12-015	308-96A-056	AMD-P	97-03-028	308-330-825	AMD	97-10-068
308-57-010	AMD-P	97-07-069	308-96A-056	AMD	97-07-013	308-420-250	NEW-P	97-07-034
308-57-010	AMD	97-12-015	308-96A-057	AMD-P	97-03-028	308-420-250	NEW	97-10-048
308-57-020	AMD-P	97-07-069	308-96A-057	AMD	97-07-013	308-420-260	NEW-P	97-07-034
308-57-020	AMD	97-12-015	308-96A-072	AMD-P	97-03-028	308-420-260	NEW	97-10-048
308-57-030	AMD-P	97-07-069	308-96A-072	AMD	97-07-013	308-420-270	NEW-P	97-07-034
308-57-030	AMD	97-12-015	308-96A-073	AMD	97-07-014	308-420-270	NEW	97-10-048
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308-57-110	AMD	97-12-015	308-96A-075	REP	97-07-014	315-06	PREP	97-11-057
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308-57-120	AMD	97-12-015	308-96A-136	AMD	97-07-013	315-10-020	AMD	97-04-047
308-57-130	AMD-P	97-07-069	308-96A-161	AMD-P	97-06-027	315-10-022	NEW	97-04-047
308-57-130	AMD	97-12-015	308-96A-161	AMD	97-10-003	315-10-025	NEW	97-04-047
308-57-135	NEW-P	97-07-069	308-96A-162	AMD-P	97-06-027	315-10-030	AMD	97-04-047
308-57-135	NEW	97-12-015	308-96A-162	AMD	97-10-003	315-10-035	NEW	97-04-047
308-57-140	AMD-P	97-07-069	308-125-120	PREP	97-09-082	315-10-055	NEW	97-04-047
308-57-140	AMD	97-12-015	308-125-120	PREP	97-09-083	315-10-060	AMD	97-04-047
308-57-210	AMD-P	97-07-069	308-125-120	PREP	97-11-059	315-10-062	NEW	97-04-047
308-57-210	AMD	97-12-015	308-125-120	AMD-P	97-13-030	315-10-065	NEW	97-04-047
308-57-220	REP-P	97-07-069	308-127-310	NEW-P	97-07-028	315-10-070	AMD	97-04-047
308-57-220	REP	97-12-015	308-127-310	NEW	97-10-051	315-10-075	NEW	97-04-047
308-57-230	AMD-P	97-07-069	308-127-320	NEW-P	97-07-028	315-11-600	PREP-X	97-14-016
308-57-230	AMD	97-12-015	308-127-320	NEW	97-10-051	315-11-601	PREP-X	97-14-016
308-57-240	AMD-P	97-07-069	308-127-330	NEW-P	97-07-028	315-11-602	PREP-X	97-14-016
308-57-240	AMD	97-12-015	308-127-330	NEW	97-10-051	315-11-610	PREP-X	97-14-016
308-57-250	REP-P	97-07-069	308-300-310	PREP	97-14-088	315-11-611	PREP-X	97-14-016
308-57-250	REP	97-12-015	308-330-121	REP-P	97-07-015	315-11-612	PREP-X	97-14-016
308-57-310	REP-P	97-07-069	308-330-121	REP	97-10-068	315-11-620	PREP-X	97-14-016
308-57-310	REP	97-12-015	308-330-123	REP-P	97-07-015	315-11-621	PREP-X	97-14-016
308-57-320	REP-P	97-07-069	308-330-123	REP	97-10-068	315-11-622	PREP-X	97-14-016
308-57-320	REP	97-12-015	308-330-197	AMD-P	97-07-015	315-11-630	PREP-X	97-14-016
308-57-410	REP-P	97-07-069	308-330-197	AMD	97-10-068	315-11-631	PREP-X	97-14-016
308-57-410	REP	97-12-015	308-330-200	AMD-P	97-07-015	315-11-632	PREP-X	97-14-016
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308-57-420	REP	97-12-015	308-330-300	AMD-P	97-07-015	315-11-641	PREP-X	97-14-016
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308-57-430	REP	97-12-015	308-330-305	AMD-P	97-07-015	315-11-650	PREP-X	97-14-016
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308-57-440	REP	97-12-015	308-330-307	AMD-P	97-07-015	315-11-652	PREP-X	97-14-016
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317-31-220	AMD	97-10-097	363-11-030	RECOD	97-08-042	363-116-120	RECOD	97-08-042
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317-50-030	NEW	97-10-096	363-11-120	RECOD	97-08-042	363-116-2051	RECOD	97-08-042
317-50-040	NEW-P	97-07-064	363-11-130	RECOD	97-08-042	363-116-300	RECOD	97-08-042
317-50-040	NEW	97-10-096	363-11-140	RECOD	97-08-042	363-116-300	AMD	97-12-017
317-50-050	NEW-P	97-07-064	363-11-150	RECOD	97-08-042	363-116-315	RECOD	97-08-042
317-50-050	NEW	97-10-096	363-11-160	RECOD	97-08-042	363-116-35001	RECOD	97-08-042
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317-50-060	NEW	97-10-096	363-11-180	RECOD	97-08-042	363-116-360	AMD	97-12-018
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317-50-080	NEW	97-10-096	363-11-220	RECOD	97-08-042	363-116-420	RECOD	97-08-042
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326-30-041	AMD-P	97-13-067	363-11-270	RECOD	97-08-042	365-135-040	AMD	97-02-093
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352-32-235	AMD-P	97-09-081	363-11-350	RECOD	97-08-042	374-70-020	AMD-E	97-07-049
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352-32-235	AMD-P	97-09-114	363-11-370	RECOD	97-08-042	374-70-030	AMD	97-06-080
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356-05-055	AMD-W	97-10-088	363-11-400	RECOD	97-08-042	374-70-060	AMD	97-06-080
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356-06-020	AMD-W	97-10-088	363-11-440	RECOD	97-08-042	374-70-070	AMD-E	97-07-049
356-06-060	AMD-P	97-08-089	363-11-450	RECOD	97-08-042	374-70-080	AMD-P	97-03-113
356-06-060	AMD-W	97-10-088	363-11-460	RECOD	97-08-042	374-70-080	AMD	97-06-080
356-06-070	REP-P	97-08-089	363-11-470	RECOD	97-08-042	374-70-080	AMD-E	97-07-049
356-06-070	REP-W	97-10-088	363-11-480	RECOD	97-08-042	374-70-090	AMD-P	97-03-113
356-06-080	REP-P	97-08-089	363-11-490	RECOD	97-08-042	374-70-090	AMD	97-06-080
356-06-080	REP-W	97-10-088	363-11-500	RECOD	97-08-042	374-70-090	AMD-E	97-07-049
356-06-090	REP-P	97-08-089	363-11-510	RECOD	97-08-042	374-70-100	AMD-P	97-03-113
356-06-090	REP-W	97-10-088	363-11-520	RECOD	97-08-042	374-70-100	AMD	97-06-080
356-10-030	AMD-P	97-08-089	363-11-530	RECOD	97-08-042	374-70-100	AMD-E	97-07-049
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356-14-010	AMD-P	97-12-079	363-11-550	RECOD	97-08-042	374-70-110	REP	97-06-080
356-14-069	NEW-P	97-12-079	363-11-560	RECOD	97-08-042	374-70-110	REP-E	97-07-049
356-14-110	AMD-P	97-12-079	363-11-570	RECOD	97-08-042	374-70-120	AMD-P	97-03-113
356-14-120	AMD-P	97-12-079	363-11-580	RECOD	97-08-042	374-70-120	AMD	97-06-080
356-14-140	AMD-P	97-12-079	363-11-590	RECOD	97-08-042	374-70-120	AMD-E	97-07-049
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356-56-205	AMD-P	97-14-100	363-116-082	AMD-P	97-10-084	388-11-405	REP-P	97-13-087
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388-14-030	PREP	97-09-110	388-49-360	AMD-E	97-05-052	388-155-094	PREP	97-14-073
388-14-030	AMD-W	97-10-082	388-49-360	AMD-P	97-05-053	388-155-095	PREP	97-14-073
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388-14-271	NEW-P	97-09-020	388-49-364	NEW-E	97-05-052	388-155-110	PREP	97-14-073
388-14-271	NEW	97-13-092	388-49-364	NEW-P	97-05-053	388-155-120	PREP	97-14-073
388-14-272	NEW-P	97-09-020	388-49-364	NEW	97-09-012	388-155-130	PREP	97-14-073
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388-14-376	NEW	97-13-092	388-49-369	NEW	97-09-012	388-155-210	PREP	97-14-073
388-14-385	AMD-P	97-09-020	388-49-380	AMD-E	97-05-052	388-155-220	PREP	97-14-073
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388-14-495	NEW-P	97-09-020	388-96-559	AMD-P	97-12-082	388-155-480	PREP	97-14-073
388-14-495	NEW	97-13-092	388-96-565	PREP	97-06-072	388-155-490	PREP	97-14-073
388-14-496	NEW-P	97-09-020	388-96-565	AMD-P	97-12-082	388-155-500	PREP	97-14-073
388-14-496	NEW	97-13-092	388-96-585	PREP	97-06-072	388-155-600	PREP	97-14-073
388-14-500	NEW-P	97-09-020	388-96-585	AMD-P	97-12-082	388-155-605	PREP	97-14-073
388-14-500	NEW	97-13-092	388-96-709	PREP	97-06-072	388-155-610	PREP	97-14-073
388-15-120	AMD-P	97-11-083	388-96-709	AMD-P	97-12-082	388-155-620	PREP	97-14-073
388-15-134	AMD-P	97-09-106	388-96-719	AMD-P	97-12-082	388-155-630	PREP	97-14-073
388-15-134	AMD	97-13-002	388-96-735	AMD-P	97-12-082	388-155-640	PREP	97-14-073
388-15-190	PREP-X	97-14-071	388-96-745	PREP	97-06-072	388-155-650	PREP	97-14-073
388-15-192	PREP-X	97-14-071	388-96-745	AMD-P	97-12-082	388-155-660	PREP	97-14-073
388-15-196	PREP	97-08-072	388-96-754	AMD-P	97-12-082	388-155-670	PREP	97-14-073
388-15-196	AMD-P	97-13-090	388-96-774	AMD-P	97-12-082	388-155-680	PREP	97-14-073
388-15-202	PREP	97-14-072	388-96-776	PREP	97-06-072	388-200-1400	NEW-E	97-03-046
388-46-110	AMD-P	97-05-070	388-96-776	AMD-P	97-12-082	388-200-1400	NEW-P	97-03-053
388-46-110	AMD	97-10-038	388-97-027	PREP	97-06-131	388-200-1400	NEW	97-07-008
388-46-120	NEW-P	97-05-070	388-110-110	PREP	97-11-043	388-215-1000	AMD-E	97-04-050
388-46-120	NEW	97-10-038	388-155-005	PREP	97-14-073	388-215-1000	AMD-P	97-04-051
388-49-020	AMD	97-06-096	388-155-010	PREP	97-14-073	388-215-1000	AMD	97-07-024
388-49-020	AMD-P	97-13-089	388-155-020	PREP	97-14-073	388-215-1115	NEW-P	97-05-068
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388-215-1400	AMD	97-08-033	388-320-225	AMD-P	97-03-053	388-550-2600	NEW-P	97-11-008
388-215-1400	AMD	97-10-042	388-320-225	AMD	97-07-008	388-550-2700	NEW-P	97-11-008
388-215-1550	NEW-E	97-03-049	388-330-035	AMD-P	97-09-106	388-550-2750	NEW-P	97-11-008
388-215-1550	NEW-P	97-03-052	388-330-035	AMD	97-13-002	388-550-2800	NEW-P	97-11-008
388-215-1550	NEW	97-06-077	388-500-0005	PREP	97-11-075	388-550-2900	NEW-P	97-11-008
388-215-1570	NEW-P	97-05-069	388-501-0135	AMD	97-03-038	388-550-3000	NEW-P	97-11-008
388-215-1570	NEW	97-08-034	388-503-0310	AMD	97-03-036	388-550-3100	NEW-P	97-11-008
388-215-1570	NEW	97-10-040	388-503-0310	PREP	97-11-075	388-550-3150	NEW-P	97-11-008
388-215-1650	AMD-E	97-03-054	388-505-0510	AMD-P	97-11-082	388-550-3200	NEW-P	97-11-008
388-215-1650	AMD-P	97-03-055	388-505-0520	AMD-E	97-08-074	388-550-3250	NEW-P	97-11-008
388-215-1650	AMD	97-06-076	388-505-0520	PREP	97-11-075	388-550-3300	NEW-P	97-11-008
388-215-1660	NEW-P	97-05-072	388-505-0540	AMD	97-04-005	388-550-3350	NEW-P	97-11-008
388-215-1660	NEW-E	97-06-026	388-506-0630	AMD	97-10-022	388-550-3400	NEW-P	97-11-008
388-215-1660	NEW-S	97-06-073	388-507-0710	AMD-P	97-07-023	388-550-3450	NEW-P	97-11-008
388-215-1660	NEW	97-09-029	388-507-0710	AMD	97-09-112	388-550-3500	NEW-P	97-11-008
388-216-2450	PREP	97-11-077	388-507-0740	PREP	97-10-034	388-550-3600	NEW-P	97-11-008
388-216-2500	AMD-E	97-03-048	388-508-0805	AMD-E	97-08-031	388-550-3700	NEW-P	97-11-008
388-216-2500	AMD-P	97-03-050	388-508-0805	AMD-P	97-13-057	388-550-3800	NEW-P	97-11-008
388-216-2500	AMD	97-06-075	388-509-0920	AMD-E	97-08-031	388-550-3900	NEW-P	97-11-008
388-216-2500	PREP	97-11-077	388-509-0920	AMD-P	97-13-057	388-550-4000	NEW-P	97-11-008
388-216-2650	PREP	97-11-077	388-509-0960	AMD-E	97-08-031	388-550-4100	NEW-P	97-11-008
388-216-2800	PREP	97-11-077	388-509-0960	AMD-P	97-13-057	388-550-4200	NEW-P	97-11-008
388-216-2900	AMD-E	97-03-047	388-510	PREP	97-11-075	388-550-4300	NEW-P	97-11-008
388-216-2900	AMD-P	97-03-051	388-511-1105	AMD	97-03-036	388-550-4400	NEW-P	97-11-008
388-216-2900	AMD	97-06-078	388-511-1130	AMD	97-10-022	388-550-4500	NEW-P	97-11-008
388-218-1210	PREP	97-11-079	388-511-1140	AMD	97-10-022	388-550-4600	NEW-P	97-11-008
388-218-1300	PREP	97-11-079	388-511-1160	AMD	97-03-034	388-550-4700	NEW-P	97-11-008
388-218-1350	PREP	97-11-079	388-511-1160	PREP	97-08-035	388-550-4800	NEW-P	97-11-008
388-218-1410	PREP	97-11-079	388-513-1315	PREP	97-12-023	388-550-4900	NEW-P	97-11-008
388-218-1420	PREP	97-11-079	388-513-1320	AMD-P	97-11-082	388-550-5000	NEW-P	97-11-008
388-218-1430	PREP	97-11-079	388-513-1330	AMD	97-10-022	388-550-5100	NEW-P	97-11-008
388-218-1440	PREP	97-11-079	388-513-1350	AMD-P	97-07-023	388-550-5150	NEW-P	97-11-008
388-218-1450	PREP	97-11-079	388-513-1350	AMD	97-09-112	388-550-5200	NEW-P	97-11-008
388-218-1460	PREP	97-11-079	388-513-1365	AMD	97-05-040	388-550-5250	NEW-P	97-11-008
388-218-1470	PREP	97-11-079	388-513-1380	AMD-E	97-08-031	388-550-5300	NEW-P	97-11-008
388-218-1480	PREP	97-11-079	388-513-1380	AMD-W	97-12-062	388-550-5350	NEW-P	97-11-008
388-218-1530	AMD-E	97-03-047	388-513-1380	AMD-P	97-13-057	388-550-5400	NEW-P	97-11-008
388-218-1530	AMD-P	97-03-051	388-517-1720	AMD-E	97-08-031	388-550-5500	NEW-P	97-11-008
388-218-1530	AMD	97-06-078	388-517-1720	AMD-P	97-13-057	388-550-5600	NEW-P	97-11-008
388-218-1630	PREP	97-11-079	388-517-1740	AMD-E	97-08-031	388-550-5700	NEW-P	97-11-008
388-218-1710	PREP	97-11-079	388-517-1740	AMD-P	97-13-057	388-550-5800	NEW-P	97-11-008
388-218-1730	PREP	97-11-079	388-517-1760	AMD-E	97-08-031	388-550-5900	NEW-P	97-11-008
388-218-1740	PREP	97-11-079	388-517-1760	AMD-P	97-13-057	388-550-6000	NEW-P	97-11-008
388-218-1820	AMD-E	97-03-047	388-522-2205	AMD-E	97-08-030	388-550-6100	NEW-P	97-11-008
388-218-1820	AMD-P	97-03-051	388-522-2205	AMD-P	97-12-081	388-550-6150	NEW-P	97-11-008
388-218-1820	AMD	97-06-078	388-524-2405	AMD-E	97-08-030	388-550-6200	NEW-P	97-11-008
388-230	PREP	97-13-085	388-524-2405	AMD-P	97-12-081	388-550-6250	NEW-P	97-11-008
388-230-0010	AMD-E	97-14-107	388-528-2810	REP	97-03-037	388-550-6300	NEW-P	97-11-008
388-230-0040	AMD-E	97-14-107	388-538-070	PREP	97-11-076	388-550-6350	NEW-P	97-11-008
388-230-0060	AMD-E	97-14-107	388-538-073	NEW-W	97-10-073	388-550-6400	NEW-P	97-11-008
388-230-0090	AMD-E	97-14-107	388-538-074	NEW-W	97-10-073	388-550-6450	NEW-P	97-11-008
388-230-0110	AMD-E	97-14-107	388-538-110	AMD	97-04-004	388-550-6500	NEW-P	97-11-008
388-230-0120	AMD-E	97-14-107	388-540-005	PREP	97-11-081	388-550-6600	NEW-P	97-11-008
388-230-0140	AMD-E	97-14-107	388-540-030	PREP	97-11-081	388-550-6700	NEW-P	97-11-008
388-233	PREP	97-13-083	388-540-060	PREP	97-11-081	390-16-041	AMD-P	97-03-117
388-235	PREP	97-14-081	388-550-1000	NEW-P	97-11-008	390-16-041	AMD	97-06-085
388-245-1150	AMD-E	97-14-109	388-550-1050	NEW-P	97-11-008	390-16-313	AMD-P	97-06-086
388-250-1700	AMD-P	97-10-035	388-550-1100	NEW-P	97-11-008	390-16-313	AMD	97-10-055
388-250-1700	AMD-E	97-10-036	388-550-1200	NEW-P	97-11-008	392-121	PREP	97-09-010
388-250-1700	AMD	97-14-011	388-550-1300	NEW-P	97-11-008	392-123-047	PREP	97-04-035
388-265	PREP	97-13-084	388-550-1400	NEW-P	97-11-008	392-132-010	AMD	97-03-044
388-265-1010	AMD-E	97-14-108	388-550-1500	NEW-P	97-11-008	392-132-030	AMD	97-03-044
388-265-1275	AMD-E	97-14-108	388-550-1600	NEW-P	97-11-008	392-132-040	AMD	97-03-044
388-265-1350	REP-P	97-05-071	388-550-1700	NEW-P	97-11-008	392-134	PREP	97-09-010
388-265-1350	REP	97-08-033	388-550-1750	NEW-P	97-11-008	392-137	PREP	97-09-010
388-265-1350	REP	97-10-042	388-550-1800	NEW-P	97-11-008	392-142	PREP	97-12-041
388-265-1750	PREP	97-06-132	388-550-1900	NEW-P	97-11-008	392-142-155	AMD-P	97-14-055
388-265-1750	AMD-E	97-06-133	388-550-2000	NEW-P	97-11-008	392-160-004	AMD-C	97-14-077
388-265-1750	AMD-P	97-10-039	388-550-2100	NEW-P	97-11-008	392-160-005	AMD-C	97-14-077
388-265-1750	AMD	97-13-091	388-550-2200	NEW-P	97-11-008	392-160-010	AMD-C	97-14-077
388-290	PREP	97-14-047	388-550-2300	NEW-P	97-11-008	392-160-015	AMD-C	97-14-077
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392-160-029	AMD-C	97-14-077	434-20-040	REP-P	97-14-106	434-30-190	DECOD-P	97-14-106
392-160-035	AMD-C	97-14-077	434-20-050	REP-P	97-14-106	434-30-200	DECOD-P	97-14-106
392-160-036	NEW-C	97-14-077	434-24-010	AMD-P	97-14-106	434-30-210	AMD-P	97-14-106
392-160-037	NEW-C	97-14-077	434-24-010	DECOD-P	97-14-106	434-30-210	DECOD-P	97-14-106
392-160-040	AMD-C	97-14-077	434-24-015	AMD-P	97-14-106	434-30-220	REP-P	97-14-106
392-160-045	REP-C	97-14-077	434-24-015	DECOD-P	97-14-106	434-34-010	DECOD-P	97-14-106
392-160-050	NEW-C	97-14-077	434-24-020	AMD-P	97-14-106	434-34-015	DECOD-P	97-14-106
392-160-060	NEW-C	97-14-077	434-24-020	DECOD-P	97-14-106	434-34-020	DECOD-P	97-14-106
392-160-070	NEW-C	97-14-077	434-24-025	DECOD-P	97-14-106	434-34-025	DECOD-P	97-14-106
392-160-080	NEW-C	97-14-077	434-24-030	DECOD-P	97-14-106	434-34-030	DECOD-P	97-14-106
392-160-090	NEW-C	97-14-077	434-24-035	AMD-P	97-14-106	434-34-035	DECOD-P	97-14-106
392-160-091	NEW-C	97-14-077	434-24-035	DECOD-P	97-14-106	434-34-040	DECOD-P	97-14-106
392-320	PREP	97-04-022	434-24-040	REP-P	97-14-106	434-34-045	DECOD-P	97-14-106
399-30-032	NEW-E	97-12-077	434-24-050	AMD-P	97-14-106	434-34-050	DECOD-P	97-14-106
399-30-033	NEW-E	97-12-077	434-24-050	DECOD-P	97-14-106	434-34-055	DECOD-P	97-14-106
399-30-034	NEW-E	97-12-077	434-24-055	REP-P	97-14-106	434-34-060	DECOD-P	97-14-106
415-112-0160	NEW	97-03-016	434-24-060	AMD-P	97-14-106	434-34-065	DECOD-P	97-14-106
415-112-330	AMD-S	97-05-010	434-24-060	DECOD-P	97-14-106	434-34-070	DECOD-P	97-14-106
415-112-330	AMD	97-09-037	434-24-065	NEW-P	97-09-099	434-34-075	DECOD-P	97-14-106
415-112-335	NEW-S	97-05-010	434-24-065	NEW-E	97-12-039	434-34-080	DECOD-P	97-14-106
415-112-335	NEW	97-09-037	434-24-070	REP-P	97-14-106	434-34-085	DECOD-P	97-14-106
415-112-410	REP	97-03-016	434-24-080	REP-P	97-14-106	434-34-090	AMD-P	97-14-106
415-112-411	REP	97-03-016	434-24-085	AMD-P	97-14-106	434-34-090	DECOD-P	97-14-106
415-112-414	REP	97-03-016	434-24-085	DECOD-P	97-14-106	434-34-095	DECOD-P	97-14-106
415-112-444	NEW	97-03-016	434-24-090	REP-P	97-14-106	434-34-100	DECOD-P	97-14-106
415-112-445	NEW	97-03-016	434-24-095	AMD-P	97-14-106	434-34-105	DECOD-P	97-14-106
415-112-450	NEW	97-03-016	434-24-095	DECOD-P	97-14-106	434-34-110	AMD-P	97-14-106
415-112-460	NEW	97-03-016	434-24-100	REP-P	97-14-106	434-34-110	DECOD-P	97-14-106
415-112-4601	NEW	97-03-016	434-24-105	AMD-P	97-14-106	434-34-115	DECOD-P	97-14-106
415-112-4603	NEW	97-03-016	434-24-105	DECOD-P	97-14-106	434-36-010	DECOD-P	97-14-106
415-112-4604	NEW	97-03-016	434-24-110	AMD-P	97-14-106	434-36-020	AMD-P	97-14-106
415-112-4605	NEW	97-03-016	434-24-110	DECOD-P	97-14-106	434-36-020	DECOD-P	97-14-106
415-112-4607	NEW	97-03-016	434-24-115	AMD-P	97-14-106	434-36-030	AMD-P	97-14-106
415-112-4608	NEW	97-03-016	434-24-115	DECOD-P	97-14-106	434-36-030	DECOD-P	97-14-106
415-112-4609	NEW	97-03-016	434-24-120	AMD-P	97-14-106	434-36-040	AMD-P	97-14-106
415-112-470	NEW	97-03-016	434-24-120	DECOD-P	97-14-106	434-36-040	DECOD-P	97-14-106
415-112-471	NEW	97-03-016	434-24-130	AMD-P	97-14-106	434-36-050	AMD-P	97-14-106
415-112-473	NEW	97-03-016	434-24-130	DECOD-P	97-14-106	434-36-050	DECOD-P	97-14-106
415-112-475	NEW	97-03-016	434-24-140	AMD-P	97-14-106	434-36-060	AMD-P	97-14-106
415-112-477	NEW	97-03-016	434-24-140	DECOD-P	97-14-106	434-36-060	DECOD-P	97-14-106
415-112-480	NEW	97-03-016	434-24-150	REP-P	97-14-106	434-36-070	AMD-P	97-14-106
415-112-482	NEW	97-03-016	434-24-155	REP-P	97-14-106	434-36-070	DECOD-P	97-14-106
415-112-483	NEW	97-03-016	434-24-160	AMD-P	97-14-106	434-36-080	AMD-P	97-14-106
415-112-485	NEW	97-03-016	434-24-160	DECOD-P	97-14-106	434-36-080	DECOD-P	97-14-106
415-112-487	NEW	97-03-016	434-24-170	REP-P	97-14-106	434-36-090	AMD-P	97-14-106
415-112-489	NEW	97-03-016	434-28-010	AMD-P	97-14-106	434-36-090	DECOD-P	97-14-106
415-112-490	NEW	97-03-016	434-28-012	DECOD-P	97-14-106	434-36-100	AMD-P	97-14-106
415-112-491	NEW	97-03-016	434-28-020	DECOD-P	97-14-106	434-36-100	DECOD-P	97-14-106
415-200-030	NEW-E	97-08-053	434-28-050	DECOD-P	97-14-106	434-36-110	AMD-P	97-14-106
415-200-030	NEW-P	97-13-058	434-28-060	DECOD-P	97-14-106	434-36-110	DECOD-P	97-14-106
415-200-040	NEW-E	97-08-053	434-30-010	AMD-P	97-14-106	434-36-120	AMD-E	97-13-003
415-200-040	NEW-P	97-13-058	434-30-010	DECOD-P	97-14-106	434-36-120	AMD-P	97-14-106
415-512-090	AMD	97-05-009	434-30-020	DECOD-P	97-14-106	434-36-120	DECOD-P	97-14-106
434-09-010	DECOD-P	97-14-106	434-30-030	AMD-P	97-14-106	434-36-130	REP-P	97-14-106
434-09-020	AMD-P	97-14-106	434-30-030	DECOD-P	97-14-106	434-36-140	AMD-P	97-14-106
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434-09-030	AMD-P	97-14-106	434-30-050	DECOD-P	97-14-106	434-36-150	REP-P	97-14-106
434-09-030	DECOD-P	97-14-106	434-30-060	DECOD-P	97-14-106	434-36-160	DECOD-P	97-14-106
434-09-040	AMD-P	97-14-106	434-30-070	DECOD-P	97-14-106	434-36-170	AMD-P	97-14-106
434-09-040	DECOD-P	97-14-106	434-30-080	DECOD-P	97-14-106	434-36-170	DECOD-P	97-14-106
434-09-050	AMD-P	97-14-106	434-30-090	DECOD-P	97-14-106	434-36-180	AMD-E	97-13-003
434-09-050	DECOD-P	97-14-106	434-30-100	REP-P	97-14-106	434-36-180	AMD-P	97-14-106
434-09-060	AMD-P	97-14-106	434-30-110	REP-P	97-14-106	434-36-180	DECOD-P	97-14-106
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