

FEBRUARY 1, 1989

OLYMPIA, WASHINGTON

ISSUE 89-03



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 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 noon and from 1 p.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 (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of February 1989 pursuant to RCW 19.52.020 is twelve point eight six percent (12.86%).

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.

The maximum allowable retail installment contract service charge applicable for calendar year 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen and one-half percent (14.50%) for the first calendar quarter of 1989.

WASHINGTON STATE REGISTER

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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.

Raymond W. Haman
Chairman, Statute Law Committee

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Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue 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 within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and are set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** have been adopted on an emergency basis and are set forth in ten point oblique type.

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.04.058 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 and bracketed 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.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA 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.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed, but not advanced, and a delayed 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 and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. 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 [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1988 – 1989

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
88-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
88-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
88-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
88-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
88-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989
<hr/>					
89-01	Nov 23	Dec 7	Dec 21, 1988	Jan 4, 1989	Jan 24
89-02	Dec 7	Dec 21, 1988	Jan 4, 1989	Jan 18	Feb 7
89-03	Dec 21, 1988	Jan 4, 1989	Jan 18	Feb 1	Feb 21
89-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
89-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
89-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
89-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
89-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
89-09	Mar 22	Apr 5	Apr 19	May 3	May 23
89-10	Apr 5	Apr 19	May 3	May 17	Jun 6
89-11	Apr 26	May 10	May 24	Jun 7	Jun 27
89-12	May 10	May 24	Jun 7	Jun 21	Jul 11
89-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
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89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. 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.

³No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained.* RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 89-03-001**NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN**
[Memorandum—January 3, 1989]

The Board for Volunteer Firemen's scheduled January 20, 1989, meeting has been changed to February 6, 1989, at 9:00 a.m. in the Olympia Forum Building, Olympia, Washington.

WSR 89-03-002**NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION**
[Memorandum—January 3, 1989]

The Washington Traffic Safety Commission meetings scheduled for 1989 are:

March 1, 1989
June 7, 1989
August 2, 1989
November 1, 1989

WSR 89-03-003**PROPOSED RULES
DEPARTMENT OF FISHERIES**
[Filed January 5, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 21, 1989.

The authority under which these rules are proposed is RCW 75.08.070 and 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 21, 1989.

Dated: January 5, 1989

By: Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-44-050 Coastal bottomfish catch limits.

Description of Purpose: Set catch limits.

Statutory Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: This proposal sets the twice-weekly, weekly and biweekly catch limits of coastal bottomfish that may be caught. The coastal bottomfish catch is being regulated to provide a sustained yield, and these catch limits have been established by the Pacific Fisheries Management Council. This proposal conforms Washington state law with those recommendations.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Mark Pederson, 115 General Administration Building, Olympia, WA, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 88-42, filed 6/28/88)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) - 30,000 pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds per calendar week.

(2) Shortbelly jordani (*Sebastes jordani*) and idiot rockfish (*Sebastes spp.*) - no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastes alutus*) - No restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) - 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than ~~((10,000))~~ 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a ~~((1988))~~ 1989 declaration of intent may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following, of which no more than ~~((20,000))~~ 15,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than ~~((5,000))~~ 3,750 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The ~~((1988))~~ 1989 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) Sablefish.

(a) Trawl vessels - No trip limit. No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent ~~((20))~~ 45 percent or less of total combined round weight of ((fish)) sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish on board~~((, or 6,000 pounds round weight))~~ (to convert from round weight to dressed weight multiply the dressed weight by 1.75)~~((, whichever is greater, with a maximum of two vessel trips per week))~~. Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 45 percent of the total combined round weight of sablefish, dover sole, arrowtooth flounder and thornyhead rockfish, not to exceed 5,000 pounds~~((, round weight,))~~ per trip.

(b) Nontrawl vessels - No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nontrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight, or three percent of the total round weight of sablefish on board, whichever is greater, per trip.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 89-03-004
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed January 5, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning aquaculture disease inspection.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 21, 1989.

The authority under which these rules are proposed is RCW 75.58.020.

The specific statute these rules are intended to implement is RCW 75.58.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 21, 1989.

Dated: December 28, 1988

By: Judith M. Merchant
 for Joseph R. Blum
 Director

STATEMENT OF PURPOSE

Title: WAC 220-77-080 Aquaculture fee schedule.

Description of Purpose: Set fees for diagnosis.

Statutory Authority: RCW 75.58.020.

Summary of Rule and Reasons Supporting Proposed Action: Establishes user fees for aquaculture disease diagnosis. The fee schedule is needed to fund the aquaculture disease inspection and control program.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Kahler Martinson, 115 General Administration Building, Olympia, WA, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are jointly proposed by the Washington State Department of Fisheries and the Washington State Department of Agriculture.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

NEW SECTION

WAC 220-77-080 AQUACULTURE FEE SCHEDULE. (1) The following is a list of the charges to be assessed for tissue samples submitted to the department for pathogen examination. All samples for stock certification must be collected by department personnel or individuals approved by the department.

<u>Virology</u>	
Kidney/spleen or other tissue	\$15/sample
Ovarian fluid	12/sample
<u>Bacteriology</u>	
Bacterial Kidney Disease - FAT	\$ 7/slide
Culture and characterization	10/sample
Gram stain	1/sample
<u>Parasitology</u>	
C. shasta	\$ 1/fish
M. cerebralis	1.50/fish (0-30 grams)
	2.00/fish (30-100 grams)
	10.00/fish (> 100 grams)

<u>Collection Fees</u>	
Collecting samples (includes travel time)	\$27/hour
Mileage	at published OFM rates
Per diem (if applicable)	at published OFM rates
<u>Diagnostic Service</u>	
Diagnostic services (includes travel time)	\$27/hour
Mileage	at published OFM rates
Per diem (if applicable)	at published OFM rates

(2) The funds received from the aquatic farmers who use disease inspection and other services provided by department personnel shall be placed into a designated account. Funds from the account shall be used solely for administering the disease inspection and control program.

WSR 89-03-005
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order PFT 89-02—Filed January 6, 1989]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 308-77-030 Special fuel supplier's license.
- Amd WAC 308-77-034 Special fuel user's license.
- Amd WAC 308-77-040 Issuance of license.
- Amd WAC 308-77-060 Special fuel dealer's liability for the tax.

This action is taken pursuant to Notice No. WSR 88-23-123 filed with the code reviser on November 23, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38-080, 82.38.090 and 82.38.120 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 82.38.260.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 5, 1989.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-030 SPECIAL FUEL SUPPLIER'S LICENSE. (1) A special fuel supplier's license must be obtained before engaging in the wholesale distribution of untaxed special fuel. Special fuel suppliers are not authorized to sell to retail consumers for any use, taxable or nontaxable, and are not allowed to sell to unlicensed dealers or suppliers or to any other person where the special fuel tax is or should be collected on the sale.

(2) If an investigation and/or audit discloses that a licensed supplier is selling special fuel in violation of the definition of a supplier's license, the supplier's license shall be revoked. If the supplier desires to continue doing business in the state handling untaxed fuel, such supplier must immediately apply for a special fuel dealer license, furnish a bond equivalent to three times the average monthly tax liability assessed or five thousand dollars whichever is greater, pay the one hundred dollar penalty prescribed by RCW 82.38.170(10), and be subject to the reporting requirements. The initial reporting frequency shall be monthly.

(3) Persons dealing in wholesale or retail distribution of special fuel for heating purposes only, where the fuel is delivered and/or pumped directly into the fuel tank connected to the furnace, are not required to be licensed under the Special Fuel Tax Act.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-034 SPECIAL FUEL USER'S LICENSE. A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a registered gross vehicle weight of over ~~((10,000))~~ twelve thousand pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license.

AMENDATORY SECTION (Amending Order TL-RG-24, filed 12/31/85)

WAC 308-77-040 ISSUANCE OF LICENSE. A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a

license for each business upon request and filing an application for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A special fuel tax trip permit may be purchased by a user entering this state in lieu of a special fuel license. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles with a registered gross weight of more than ~~((10,000))~~ twelve thousand pounds will require a special fuel license or a special fuel tax trip permit to enter this state.

AMENDATORY SECTION (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-060 SPECIAL FUEL DEALERS' LIABILITY FOR THE TAX. A special fuel dealer is required to collect and is liable for the amount of the tax on all gallonage of fuel sold and delivered except:

(1) When delivered into vehicles owned and operated by the United States government;

(2) When authorization issued by the department has been presented to the dealer by the purchaser which will permit the special fuel dealer to sell and deliver fuel into the fuel tank of a vehicle without collecting the tax from the user;

(3) When delivered into vehicles displaying a certificate authorizing the purchase of fuel free of the tax;

(4) Into bulk storage when the purchaser is the holder of a valid special fuel dealer or user license issued in his name; or when the purchaser is an agency of the federal government;

(5) Through an unattended keylock pump when the dealer has received authorization from the department permitting tax free sales to a specific purchaser;

(6) Into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;

(7) Into the fuel tanks of marine vessels when the purchaser supplies the dealer with the vessel's name and appropriate identification such as his commercial fishing

license number, his ship document number or other verifiable identification. For the purpose of administration, foreign vessels will be considered to be operating in accordance with this paragraph upon presentation of the vessel's name and country of registry.

(8) To a new special fuel user who has applied for, but has not yet been issued, a special fuel user's license. At the option of the special fuel dealer the user may be allowed to purchase tax-exempt fuel in this manner for no more than thirty calendar days but he must display a special fuel user's license for any tax-exempt purchases after this period. The dealer shall note "License Applied For" on the sales invoice and shall be responsible for payment of all fuel taxes on fuel sold in this manner if the user does not subsequently receive a license from the department.

If the dealer collects from any user a greater amount of tax than that which is required to be collected, he shall remit the full amount collected to the department to enable the user to obtain his allowable credit or refund from the state.

The tax is deemed to have been collected at the time of the sale irrespective of when payment for the amount of the invoice including the tax is received by the special fuel dealer. Failure to collect the tax from the purchaser does not relieve the special fuel dealer from his liability to pay to the state the amount of the tax required to be collected except that bad debt losses are deductible under circumstances described in RCW 82.38.070 and rule WAC 308-77-100. Except as provided in items (1), (2) and (3) of this section, a special fuel dealer who sells and delivers fuel into the fuel tank of a motor vehicle shall collect the tax notwithstanding that the user may claim exemption from the tax in his reports to the department for any nontaxable use of the fuel.

A special fuel dealer is required to collect the special fuel tax for all fuel dispensed through a pump equipped with a key-lock meter controlled by the special fuel dealer except as authorized under RCW 82.38.040. A serially numbered invoice covering multiple withdrawals of fuel from a pump with a key-lock meter for a stated period of time not to exceed a calendar month shall be accepted as an invoice issued at the time of sale under rule WAC 308-77-160.

All deliveries of special fuels into the storage facilities of an unlicensed service station (unlicensed special fuel dealer) are taxable regardless of whether the special fuel is delivered by consignment or otherwise. The tax attaches on the delivery.

A special fuel dealer who connects a retail outlet to a bulk plant facility from which fuel is dispensed for other purposes will be held liable for the special fuel tax on all unaccountable inventory losses of fuel from the facility.

WSR 89-03-006**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Memorandum—January 5, 1989]

The board of directors of the Washington State Convention and Trade Center will meet on Wednesday, January 11, 1989, at 3:00 p.m. in Room 601 of the Convention and Trade Center, 800 Convention Place, Seattle.

The Design Committee of the Washington State Convention and Trade Center will meet on Wednesday, January 11, 1989, at 11:00 a.m. in Room 601 of the Convention and Trade Center, 800 Convention Place, Seattle.

The Art Committee of the Washington State Convention and Trade Center will meet on Wednesday, January 11, 1989, at 9:00 a.m. in Room 601 of the Washington State Convention and Trade Center, 800 Convention Place, Seattle.

If you have questions about these meetings, please call Peggy Flynn at 447-5000.

WSR 89-03-007**NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION**

[Memorandum—January 5, 1989]

The Public Disclosure Commission holds its regular meetings on the fourth Tuesday of each month [except] during November and December when the meetings are held on the third Tuesday (WAC 390-12-010). Meeting dates will be as follows:

January 24
February 28
March 28
April 25
May 23
June 27
July 25
August 22
September 26
October 24
November 21
December 19

WSR 89-03-008**ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2752—Filed January 6, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to refugee assistance, amending chapter 388-55 WAC.

This action is taken pursuant to Notice No. WSR 88-23-018 filed with the code reviser on November 7, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.20A-.550 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2111, filed 6/13/84)

WAC 388-55-010 COMMON ELIGIBILITY CONDITIONS. (1) ~~((Assistance))~~ The department shall ((be granted)) grant assistance to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, the department defines a refugee ((is defined)) as a person who has fled from and cannot return to his or her country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the department shall include the following ((individuals shall be eligible to apply for assistance and/or services under the refugee assistance program)) persons as refugees:

(a) A person from Cambodia, Laos, or Vietnam ((receiving Indochinese refugee assistance because he or she was)) who:

(i) ~~((A person having))~~ Has parole status ((as indicated by an INS (Immigration and Naturalization Service) Form I-94.)); or

(ii) ~~((A person having))~~ Has voluntary departure status ((as indicated by Form I-94.)); or

(iii) ~~((A person having))~~ Has conditional entry status ((as indicated by Form I-94.)); or

(iv) ~~((A person))~~ Was admitted to the United States with permanent resident status on or after April 8, 1975 (the date the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act)((, as indicated by Form I-151 or I-551.)); or

(v) ~~((A person having))~~ Has permanent resident status as a result of adjustment of status under P.L. 95-145 ((as indicated by Form I-151 or I-551)).

(b) A person from Cuba receiving assistance or services under the Cuban phase-down program, who entered the United States on or after October 1, 1978. Such persons ~~((must))~~ shall have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978(;;); and

(ii) INS documentation sufficient to establish the person entered the United States on or after October 1,

1978, or verification with the United States Cuban Refugee Center of the ~~((refugee's))~~ person's date of entry.

(c) ~~((A person from Cambodia, Laos, or Vietnam having parole status:~~

(i) ~~Such persons must have a Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the Immigration and Nationality Act (INA):~~

(ii) ~~If the Form I-94 was issued on or after June 1, 1980, the form must clearly indicate the person has been paroled as a refugee or asylee:~~

(d) ~~A person from Cuba having been paroled as a refugee or asylee and entering the United States on or after October 1, 1978:~~

(i) ~~Such persons must have a Form I-94 indicating the person has been paroled under Section 212 (d)(5) of the INA:~~

(ii) ~~If the Form I-94 was issued on or after April 21, 1980, the form must clearly indicate the person has been paroled as a refugee or asylee:~~

(e) ~~An individual))~~ A person from any country ((other than Cambodia, Laos, Vietnam, or Cuba)) having parole status as a refugee or asylee ((as evidenced by a Form I-94 indicating the person has been paroled)) under Section 212 (d)(5) of the INA ((as a refugee or asylee.));

~~((f))~~ (d) ((An individual)) A person admitted from any country as a conditional entrant under Section 203 (a)(7) of the INA((: This must be indicated on the Form I-94.));

~~((g))~~ (e) ((An individual)) A person from any country admitted as a refugee under Section 207 of the INA((: This must be indicated on Form I-94.));

~~((h))~~ (f) ((An individual)) A person classified as an Amerasian immigrant from Vietnam admitted through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-202;

(g) A person from any country having been granted asylum under Section 208 of the INA((: This must be indicated on Form I-94.)); and

~~((i))~~ (h) A person from any country previously holding one of the statuses identified in this section whose status has ((been)) changed to permanent resident alien.

(3) ~~((Refugee assistance cases))~~ The department shall transfer eligible ((for)) refugees to the AFDC, FIP, and/or Medicaid programs ((shall be transferred to such programs)) retroactively effective October 1, 1977, or as of such date as the ((case)) refugees qualified for refugee assistance, whichever is later. ~~((a))~~ The department shall regard such refugees ((must meet AFDC or Medicaid eligibility criteria to be transferred. (b) A refugee cash assistance case being transferred to AFDC shall be regarded)) as ((a)) recipients rather than ((a)) new ((applicant so the)) applicants and shall disregard their income ((shall be disregarded)) accordingly.

(4) ~~((Applications from refugees not currently receiving refugee cash and/or medical assistance))~~ The department shall ((be determined)) determine eligibility for AFDC or Medicaid ((eligibility)) before determining

eligibility for the refugee assistance program for applications from refugees not currently receiving refugee cash assistance and/or medical assistance.

(a) If the department determines the applicant is ~~((determined))~~ not eligible for AFDC or FIP, then the department shall determine eligibility ~~((shall then be determined))~~ under the refugee assistance program.

(b) If the department determines the applicant is ~~((determined))~~ not eligible for Medicaid, then the department shall determine eligibility ~~((shall be determined))~~ under the refugee assistance program.

(5) The department shall waive requirements of categorical relatedness of federal assistance programs ~~((are waived))~~ for ~~((refugees under the))~~ refugee assistance program.

(6) The department shall determine as not eligible for refugee assistance, refugees terminated from the AFDC program because of refusal to comply with eligibility requirements ~~((shall not be eligible for refugee assistance))~~.

(7) Except as specified in subsection (8) of this section, the department shall provide assistance to all ~~((types of refugee cases))~~ refugees, regardless of family composition, ~~((shall be provided))~~ at the AFDC monthly standards ~~((:))~~. The department shall treat income and resources ~~((will be treated))~~ according to AFDC standards. The department shall not consider resources ~~((not available))~~ which are unavailable, including property remaining in ~~((Vietnam, Laos, or Cambodia, shall not be considered))~~ other countries in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance ~~((shall))~~ are not ~~((be))~~ eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

(9) The department shall treat the refugee family unit including United States citizen's children, by virtue of being born in this country, ~~((shall be treated))~~ as a single assistance unit under the refugee assistance program in accordance with the provisions of WAC 388-24-050.

(10) ~~((Persons))~~ Beginning October 1, 1988, the department shall consider refugees meeting the criteria in this section ~~((shall be))~~ as eligible for refugee assistance only during the ~~((eighteen))~~ twelve-month period beginning the first of the month the ~~((individual))~~ refugee entered the United States.

(11) The department shall not consider full-time students in an institution of higher education ~~((are not))~~ eligible for refugee assistance, unless participating in a department-approved job or language training program not to exceed twelve months.

(12) The department shall notify the voluntary agency (VOLAG) sponsoring the ~~((applicant shall be notified))~~ refugee whenever ~~((he or she makes application))~~ the refugee applies for assistance.

(13) ~~((Persons))~~ Refugees meeting the criteria in this section ~~((shall be))~~ are eligible for additional requirements for emergent situations as in chapter 388-29 WAC.

AMENDATORY SECTION (Amending Order 2111, filed 6/13/84)

WAC 388-55-020 WORK AND TRAINING ELIGIBILITY CONDITIONS. (1) The department requires all applicants for and recipients of a financial grant under the refugee assistance program and each member of the family group of which the applicants and recipients are a part ~~((are required))~~ to register for employment with the state employment service or other designated employment agency. Exemptions to employment registration are:

(a) ~~((An individual under))~~ A person sixteen ~~((, or under))~~ through eighteen years of age ~~((nineteen and))~~ attending secondary school or an equivalent level of vocational or technical training full time or any person under sixteen, regardless of school attendance; or

(b) A person ill, incapacitated, or over sixty-five years of age; or

(c) A person whose presence in the home is required because of illness or incapacity of another member of the household; or

(d) A mother or other caretaker caring for a child five years of age or under ~~((the age of six))~~; or

(e) A mother or other caretaker of a child, when the nonexempt father or other nonexempt adult relative in the home is registered and has not refused to accept employment without good cause; or

(f) ~~((An individual))~~ A person employed at least thirty hours per week; or

(g) A ~~((refugee))~~ person of any age while enrolled and participating in a CSO-approved employability training program intended to have a definite short-term (less than one year) employment objective.

(2) The department shall not exempt from registration or acceptance of employment a refugee solely because of inability to communicate in English ~~((does not justify exemption from registration or acceptance of employment))~~.

(3) For purposes of this section, training shall mean participation in any available and appropriate social service program providing job or language training as approved in the personal employment plan.

(4) Refusal of an employable adult refugee to register with the employment service provider without good cause ~~((shall result in the following actions. In addition,))~~ and/or refusal to accept, continue, or participate in a training or employment opportunity or referral, from any source ~~((, determined))~~ the department determines appropriate ~~((for the refugee by the CSO))~~ shall also result in the following ~~((actions))~~:

(a) ~~((An employable adult refugee applicant refusing a work or training opportunity or referral without good cause, as stated in this section within thirty days prior to application, shall be ineligible))~~ Ineligibility for refugee assistance for thirty days from the date of ~~((the))~~ refusal of work or training opportunity, for an applicant. The dependent family of such an ineligible applicant may apply for and receive assistance if otherwise eligible ~~((:))~~;

(b) ~~((If an employable refugee recipient continues to refuse an offer of employment or training,))~~ Termination

of assistance ~~((will be terminated))~~ the first of the following month after the date of ~~((his or her))~~ original refusal if an employable refugee recipient continues to refuse an offer of employment or training. The department shall allow the refugee ~~((shall be given))~~ at least ten days written notice of the termination of assistance and the reason therefore ~~((This))~~;

(c) The sanction ~~((shall be))~~ for persons identified in subsection (4)(a) and (4)(b) is applied in the following manner:

(i) If the assistance unit includes other individuals, the grant ~~((shall be))~~ is reduced by the amount included on behalf of the refugee ~~((:))~~ for three months after the first occurrence and six months for the second and each subsequent occurrence;

(ii) If such individual is the only individual in the assistance unit, the ~~((grant))~~ department shall ~~((be terminated:))~~ terminate the grant for three months after the first occurrence and six months for the second and each subsequent occurrence;

(iii) The department shall notify the recipient's voluntary agency (VOLAG) ~~((shall be notified))~~ if action is taken according to subsection (4)(b)(i) or (ii) of this section, provided the provisions for safeguarding information in chapter 388-320 WAC are met ~~((:))~~; and

(iv) A decision by the refugee to accept employment or training, made at any time before the effective date of termination, shall result in the continuation of assistance without interruption if the refugee continues to meet the eligibility requirements for continued assistance.

~~((v) An employable refugee shall be ineligible after the termination of assistance because of refusal to accept or continue employment or training as follows: For three months after the first occurrence and six months for the second and subsequent occurrences:))~~

AMENDATORY SECTION (Amending Order 1969, filed 6/16/83)

WAC 388-55-040 REFUGEE MEDICAL ASSISTANCE. (1) ~~((The))~~ A refugee ~~((recipient))~~ receiving a continuing assistance grant is eligible for medical assistance as specified in WAC 388-82-010(1).

(2) The department shall determine the nonrecipient refugee eligibility for medical care ~~((for the nonrecipient refugee shall be determined))~~ as specified in chapter 388-83 WAC. The department shall base eligibility ~~((is based))~~ on medical and financial need only; requirements of categorical relatedness are waived.

(3) The department shall apply WAC 388-55-030(1) ~~((is applicable))~~ in determining the amount of participation in medical costs for refugee medical assistance recipients.

~~((3))~~ (4) The refugee financial assistance recipient ~~((becoming))~~ who becomes ineligible because of increased income from employment shall remain eligible for medical assistance for four calendar months beginning with the month of ineligibility provided:

(a) In the case of a single individual assistance unit:

(i) The individual received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) He or she continues ~~((to be employed))~~ employment.

(b) In the case of a multiple individual assistance unit:

(i) The family received assistance in at least three of the six months immediately preceding the month of ineligibility; and

(ii) A member of the family continues ~~((to be employed))~~ employment.

~~((iii))~~ (5) Medical need ~~((shall))~~ is not ~~((be))~~ an eligibility factor for subsection (4)(a) or (4)(b) of this section.

~~((4))~~ (6) Refugee recipients shall have continuing eligibility for financial and medical assistance redetermined at least once in every six months of continuous receipt of assistance.

~~((5))~~ (7) Persons meeting the criteria in this section ~~((shall be))~~ are eligible for refugee assistance only during the ~~((eighteen))~~ twelve-month period beginning in the first month the ~~((individual))~~ person entered the United States.

~~((6))~~ The rules in this section shall be effective April 1, 1982.)

WSR 89-03-009

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 88-35—Filed January 6, 1989]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Kirkland, city of, amending WAC 173-19-2512.

This action is taken pursuant to Notice No. WSR 88-17-126 filed with the code reviser on August 24, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 3, 1989.

By Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 86-09, filed 6/4/86)

WAC 173-19-2512 KIRKLAND, CITY OF. City of Kirkland master program approved August 27, 1974. Revision approved June 3, 1986. Revision approved January 3, 1989.

Reviser's note: RCW 34.04.058 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 89-03-010
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 88-48—Filed January 6, 1989]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Sumas, city of, amending WAC 173-19-4507.

This action is taken pursuant to Notice No. WSR 88-21-112 filed with the code reviser on October 19, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 3, 1989.

By Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-10-4507 SUMAS, CITY OF. City of Sumas master program approved September 29, 1975. Revision approved January 3, 1989.

Reviser's note: The section above was filed by the agency as WAC 173-10-4507, but appears to be WAC 173-19-4507, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

WSR 89-03-011
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 88-49—Filed January 6, 1989]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Mercer Island, city of, amending WAC 173-19-2515.

This action is taken pursuant to Notice No. WSR 88-21-113 filed with the code reviser on October 19, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 3, 1989.

By Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 85-17 [DE 87-23], filed 6/18/85 [9/16/87])

WAC 173-19-2515 MERCER ISLAND, CITY OF. City of Mercer Island master program approved September 24, 1974. Revision approved May 14, 1981. Revision approved June 18, 1985. Revision approved January 3, 1989.

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

Reviser's note: RCW 34.04.058 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 89-03-012
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed January 6, 1989]

Notice is hereby given that the Department of Ecology will not take further action under WSR 88-20-027 [88-20-072] to amend WAC 173-19-110 Benton County.

This notice is given pursuant to WAC 1-12-033. The Department of Ecology may, at a later date, file a new notice of intent to amend this program.

Fred Olson
Deputy Director

WSR 89-03-013
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed January 6, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 21, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 21, 1989.

Dated: January 5, 1989
 By: R. Kahler Martinson
 for Joseph R. Blum
 Director

STATEMENT OF PURPOSE

Title: Chapter 220-55 WAC; WAC 220-56-175 Salmon and sturgeon catch record cards; 220-69-237 Description of sport salmon catch record and required information; and 220-69-238 Description of sturgeon catch record and required information.

Description of Purpose: Change sport licensing regulations.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: These proposals incorporate changes in the sport licensing mechanism. Instead of multiple personal use licenses, there is established a recreational license form to which is attached various license stamps. The "punchcard" is replaced by a catch record card, which is tied to the recreational license form by entry of a number on the form. The duplication of information on the catch record card and stub is eliminated by use of a carbon underlying the catch record card personal information data. These proposals reduce the number of documents an angler is required to carry, expedite completion of required information, and reduce handling by licensed dealers.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Carol Felton, 115 General Administration Building, Olympia, WA, 753-6517; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 79-58, filed 8/10/79)

WAC 220-55-010 RAZOR CLAM LICENSE AND RAZOR CLAM TAG. (1) A personal-use razor clamming license, hereinafter designated "razor clam license," shall consist of a ~~((plastic card))~~ razor clam license stamp printed by the department of fisheries which has been ~~((completed with the required information and firmly))~~ affixed to a ~~((validating overlay sheet provided by the department. The razor clam license))~~ recreational license form and on which recreational license form is written the licensee's razor clam tag number. The license shall be invalid unless the angler identification information on the recreational license form has been completed and the licensee has signed the recreational license form.

(2) A razor clam tag shall consist of a tag issued by the department on which is printed the razor clam tag number. The razor clam tag shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, nonresident, or juvenile-senior citizen.

AMENDATORY SECTION (Amending Order 79-58, filed 8/10/79)

WAC 220-55-015 VALID RAZOR CLAM LICENSE AND TAG REQUIRED. It shall be unlawful for any person to take or possess razor clams without having in his possession a valid razor clam license and razor clam tag. The razor clam tag must be displayed on outer clothing while digging razor clams or in possession of razor clams on the digging beach. ~~((A license shall be invalid:~~

- ~~((a) Unless the license information is complete;~~
- ~~((b) Unless the licensee or designee as provided in WAC 220-55-025 has signed his name on the license;~~
- ~~((c) Unless the validation overlay is firmly affixed to the license card;~~
- ~~((d) If the signature or the date on the license is illegible or altered, or if the license has been mutilated. Note: A lost or mutilated license will not be replaced by the department free of charge.))~~

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-040 PREPAID RECREATIONAL LICENSE ISSUING PROCEDURES. ~~((Razor clam))~~ Recreational license(s) stamps will be distributed by the department or designated distribution agents to ~~((razor clam))~~ license dealers. The ~~((licenses will))~~ stamps may be sold to ~~((razor clam))~~ license dealers on a prepaid basis ~~((in multiples of five resident licenses and multiples of five nonresident licenses and the minimum order is fifteen resident licenses)).~~

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-060 RECREATIONAL LICENSE STAMP REDEMPTION. ~~((Nonvalidated razor clam))~~ Recreational license(s) stamps may be redeemed at face value by license dealers upon return to the license division of the department of fisheries, Olympia, Washington, not later than January 31 of the year following expiration, or by returning them by mail to that office, provided they are postmarked no later than January 31st.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-070 VALID CATCH RECORD CARD. A catch record card shall be invalid unless:

(1) The appropriate ~~((validation))~~ license stamp, if required, is affixed to the ~~((catch record card as defined in WAC 220-69-237 or WAC 220-69-238))~~ recreational license form. A sport catch record ~~((validation))~~ license stamp, issued by the department, is required to be affixed to the ~~((catch record card))~~ recreational license form of persons who do not meet the qualifications for issuance of a free personal use license, salmon catch record card ~~((punchcard))~~, or two-consecutive-day combined license and catch record card ~~((punchcard))~~ as set out in RCW 75.25.110. Qualifications for a free sturgeon catch record card ~~((punchcard))~~ are identical to those for a free salmon catch record card.

(2) ~~((The angler has signed his name in ink across the face of the stamp, if a stamp is required:~~

~~((3))~~ The validation date is legibly written in ink on the face of the stamp, if required.

If the ~~((signature or))~~ validation date is illegible or altered, or if the stamp affixed to the recreational license form has been mutilated, the catch record card is invalid. The department will not replace a lost or mutilated stamp.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-075 SPORT CATCH RECORD ((VALIDATION)) LICENSE STAMP. A sport catch record ~~((validation))~~ license stamp shall be a stamp issued by the department of fisheries to be affixed to a ~~((sport catch record card for validation purposes))~~ recreational license form.

NEW SECTION

WAC 220-55-086 TWO-CONSECUTIVE-DAY COMBINED LICENSE AND CATCH RECORD CARD. A two-consecutive-day combined license and catch record card (also referred to as a punchcard in chapter 75.25 RCW) shall consist of a two-consecutive-day license stamp affixed to a recreational license form and the appropriate catch record card.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-090 ((PERSONAL-USE)) RECREATIONAL LICENSE DEALER. A ~~((personal use))~~ recreational license dealer is defined as any person, business, corporation, or governmental agency authorized by the director to issue licenses~~((:))~~ and catch record cards~~((, and validation stamps)).~~

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-105 LICENSE ISSUING PROCEDURES. ~~((Personal use licenses and validation))~~ Recreational license stamps will be distributed and sold by the department to deputized distribution agents and to ~~((personal use))~~ license dealers. The stamps will be sold or issued in sheets ~~((of twenty-five stamps. Resident personal use licenses will be sold or issued in units of twenty-five licenses, and nonresident personal use licenses will be sold or issued in units of five licenses)).~~

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-110 (~~((PERSONAL USE))~~) RECREATIONAL LICENSE ((AND VALIDATION)) STAMP BOND REQUIREMENTS. Persons requesting authorization as a bonded dealer must post a minimum two thousand dollar surety bond. The total face value of license(~~s and~~) stamps issued to bonded dealers at any one time shall not exceed that dealer's bond. Dealers who prepay for license(~~s and~~) stamps are not required to be bonded.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-115 LICENSE (~~((AND))~~) STAMP SALES REPORTING AND FEE REMITTANCES. Bonded dealers shall report (~~((license and))~~) stamp sales on forms provided by the department and remit receipts from those sales to the department no later than the tenth day of each month following the close of business for the previous calendar month.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-120 FREE (~~((PERSONAL USE))~~) RECREATIONAL LICENSE ISSUING PROCEDURE. (1) Upon request, a free (~~((personal use))~~) recreational license and valid catch record card shall be issued by license dealers to persons who qualify under (~~((sixteen years of age or seventy years of age or older))~~) RCW 75.25.040 and 75.25.110(1).

(2) Upon request a free (~~((personal use))~~) recreational license and valid catch record card shall be issued by the license supervisor of the Department of Fisheries, Olympia, Washington, to any other qualified applicant as provided for in RCW 75.25.110. A lost or illegible free license will be replaced by the license supervisor upon request and showing of proof.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-125 DUTIES OF A (~~((PERSONAL USE))~~) RECREATIONAL LICENSE DEALER. A license dealer shall, at the time of sale of a two consecutive day combined license (~~((and catch record card validation))~~) stamp, write the validation date in ink on the face of the stamp, and it shall be unlawful for him to fail to do so.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-55-130 VALID PERSONAL USE LICENSE. A valid personal use license shall (~~((be invalid unless the angler has signed his name in ink on the license or if the license is mutilated or altered. The department will not replace a mutilated license))~~) consist of a personal use license stamp affixed to a recreational license form, and shall be invalid unless the angler identification information on the recreational license form is completed and the angler has signed the recreational license form.

NEW SECTION

WAC 220-55-140 VALID RECREATIONAL HOOD CANAL SHRIMP LICENSE. (1) A valid recreational Hood Canal shrimp license shall consist of a Hood Canal shrimp license stamp affixed to a recreational license form.

(2) All Hood Canal shrimp fishers must have a valid Hood Canal shrimp license in the fisher's immediate possession while shrimping in Hood Canal or while in possession of shrimp in Hood Canal or immediately adjacent thereto.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-55-020 INFORMATION REQUIRED.
WAC 220-55-025 SIGNATURE REQUIRED.
WAC 220-55-030 RAZOR CLAM LICENSE DISTRIBUTION AGENT.
WAC 220-55-035 RAZOR CLAM LICENSE DEALER.
WAC 220-55-045 BOND REQUIREMENTS.
WAC 220-55-135 STAMP REDEMPTION.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-56-175 SALMON AND STURGEON CATCH RECORD CARDS. It is unlawful for any person to fail to comply with the salmon or sturgeon catch record requirements as provided for in this section:

(1) In order to take or possess for personal use anadromous salmon or Columbia River, Grays Harbor, or Willapa Harbor sturgeon (including sturgeon taken from any tributary) a fisherman must obtain and have in his possession the appropriate catch record card (also referred to as punch card in chapter 75.25 RCW) as described in WAC 220-69-237 and 220-69-238 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, when obtaining a catch record card shall completely, accurately, and legibly complete all personal identification information in ink on the catch record (~~((stub))~~) card prior to detaching the catch record card from the (~~((stub, and enter his name, address, and personal identification information in ink on))~~) underlying copy of the catch record card.

(3) Immediately upon catching and possessing a salmon or sturgeon, the angler shall enter in the appropriate space the place, date of catch, species, and, for sturgeon, length.

(4) Every person possessing a catch record card shall by January 31 of the year following the year printed on the card return such card to the department of fisheries.

(5) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized fisheries department employee, exhibit said card to such officer or employee for inspection.

(6) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-69-237 DESCRIPTION OF SPORT SALMON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sport salmon catch record form to be prepared, printed, and distributed on request, by the department of fisheries,

(2) The sport salmon catch record (~~((stub))~~) card shall contain space for the following information:

(a) Name of angler.

(b) Home address.

(c) City, state, zip code.

(d) Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.

(e) (~~((Home phone))~~) Angler's birthdate, height, and weight.

(f) Date of issue.

~~((3))~~ The sport salmon catch record card shall contain space for the following information:

(a) Name of angler.

(b) Home address.

(c) City, state, zip code.

(d) Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.

(e) Date of issue.

(f) Space for the license validation stamp)) (g) Angler's signature.

~~((g))~~ (h) Month of catch.

~~((h))~~ (i) Day of catch.

~~((i))~~ (j) Marine code or stream: Location of catch.

~~((j))~~ (k) Species: Species code for salmon.

The information in (a) through (f) of this subsection must be completed prior to the catch record card being separated from the underlying copy of the catch record card. The angler's signature, (g) of this subsection, must be present prior to angling. The information in (h) through (k) of this subsection must be completed immediately upon catching a salmon to be retained.

AMENDATORY SECTION (Amending Order 88-03, filed 2/4/88)

WAC 220-69-238 DESCRIPTION OF STURGEON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby

created a sturgeon catch record form to be prepared, printed, and distributed on request, by the department of fisheries.

(2) The sturgeon catch record (~~(strub)~~) card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) Angler's birthdate, height, and weight.
- ~~((c))~~ Date of issue.

~~(3) The sturgeon catch record card shall contain space for the following information:~~

- ~~(a) Name of angler.~~
- ~~(b) Home address.~~
- ~~(c) City, state, zip code.~~
- ~~(d) Angler's birthdate, height, and weight.)~~
- (e) Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.

- (f) Date of issue.
- (g) ~~((Number of days fished))~~ Angler's signature.
- (h) Month of catch.
- (i) Day of catch.
- (j) Marine code or stream: Location of catch.
- (k) Species: Catch type code.
- (l) Length of fish.

~~((4))~~ (3) The information in subsection ~~((s))~~ (2) ~~((and (3)))~~ (a) through (f) of this section ~~((are required entries prior to fishing, and))~~ must be completed prior to separating the catch record card from the underlying copy of the catch record card. The angler's signature, (g) of this subsection, must be present prior to angling. The information in subsection ((3)) (2)(h) through (l) of this section ((are required entries if a person fishes or catches fish. The number of days fished, even if zero, must be entered in subsection (3)(g) of this section prior to returning the sturgeon catch record to the department)) must be completed immediately upon catching a sturgeon to be retained.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-69-247 REQUIRED INFORMATION ON SPORT SALMON CATCH RECORD.

WSR 89-03-014

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-01—Filed January 6, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these license proposals are temporary until permanent regulations can be adopted. The regulations mirror the permanent regulation proposals, and are necessary for the administration of the Department of Licensing program.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1989.

By R. Kahler Martinson
for Joseph R. Blum
Director

NEW SECTION

WAC 220-55-04000A **PREPAID RECREATIONAL LICENSE ISSUING PROCEDURES.** Notwithstanding the provisions of WAC 220-55-040, recreational license stamps may be issued by the department or designated distribution agents to license dealers on a prepaid basis.

NEW SECTION

WAC 220-55-07000A **VALID CATCH RECORD CARD.** Notwithstanding the provisions of WAC 220-55-070, a catch record card is invalid unless:

(1) The appropriate license stamp, if required is attached to the recreational license form. A license stamp is required for all persons who do not meet the requirements for a free personal use license and catch record card or two-consecutive-day combined license and catch record card as set out in RCW 75.25.110. Qualifications for a free sturgeon catch record card are the same as those for a free salmon catch record card.

(2) The validation date is legibly written in ink on the face of the stamp, if required.

If the validation date is illegible or altered, or the stamp has been mutilated, the catch record card is invalid.

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

NEW SECTION

WAC 220-55-07500A **SPORT CATCH RECORD LICENSE STAMP.** Notwithstanding the provisions of WAC 220-55-075, a sport catch record license stamp shall be a stamp to be affixed to a recreational license form.

NEW SECTION

WAC 220-55-08600A **TWO-CONSECUTIVE-DAY COMBINED LICENSE AND CATCH RECORD CARD.** A two-consecutive-day combined license and catch record form shall consist of a two-consecutive-day license stamp affixed to a recreational license form and the appropriate catch record card.

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

NEW SECTION

WAC 220-55-09000A RECREATIONAL LICENSE DEALER. Notwithstanding the provisions of WAC 220-55-090, a recreational license dealer is defined as any person authorized by the director to issue licenses and catch record cards.

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

NEW SECTION

WAC 220-55-11000A RECREATIONAL LICENSE STAMP BOND REQUIREMENTS. Notwithstanding the provisions of WAC 220-55-110, persons requesting authorization as a bonded dealer must post a minimum two thousand dollar surety bond. The total face value of license stamps issued to bonded dealers at any one time shall not exceed the dealer's bond. Dealers who prepay for license stamps are not required to be bonded.

NEW SECTION

WAC 220-55-11500A LICENSE STAMP SALES REPORTING AND FEE REMITTANCES. Notwithstanding the provisions of WAC 220-55-115, bonded dealers shall report stamp sales on forms provided by the department and remit receipts from those sales to the department no later than the tenth day of each month following the close of business for the previous month.

NEW SECTION

WAC 220-55-12000A FREE RECREATIONAL LICENSE ISSUING PROCEDURE. Notwithstanding the provisions of WAC 220-55-120:

(1) Upon request, a free recreational license and catch record card shall be issued by recreational license dealers to persons who qualify under RCW 75.25.040 and 75.25.110(1).

(2) Upon a request a free recreational license and catch record card shall be issued by the department licensing manager to any other qualified applicant as provided for in RCW 75.25.110.

NEW SECTION

WAC 220-55-12500A DUTIES OF A RECREATIONAL LICENSE DEALER. Notwithstanding the provisions of WAC 220-55-125, a recreational license dealer shall, at the time of sale of a two-consecutive-day combined license stamp write the validation date in ink on the face of the stamp, and it is unlawful to fail to do so.

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

NEW SECTION

WAC 220-55-13000A VALID PERSONAL USE LICENSE. Notwithstanding the provisions of WAC 220-55-130, a valid personal use license shall consist of a personal use license stamp affixed to a recreational license form, and shall be invalid unless the angler identification information on the recreational license form is completed and the angler has signed the recreational license form.

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

NEW SECTION

WAC 220-69-23700A DESCRIPTION OF SPORT SALMON CATCH RECORD AND REQUIRED INFORMATION. Notwithstanding the provisions of WAC 220-69-237, the sport salmon catch record shall contain space for:

(1) The name, home address, city, state and zip code of each angler, together with the angler's driver's license number or, if the angler has no license, the first five letters of the angler's last name and initial of the anglers first and middle names, and the angler's birthdate, height, weight, and signature. The information in this subsection shall be completed prior to the catch record card being separated from the underlying copy.

(2) The month of catch, day of catch, marine code or stream, and species code of salmon. The information in this subsection shall be completed immediately upon catching a salmon to be retained.

NEW SECTION

WAC 220-69-23800A DESCRIPTION OF STURGEON CATCH RECORD AND REQUIRED INFORMATION. Notwithstanding the provisions of WAC 220-69-238, the sturgeon catch record shall contain space for:

(1) The name, home address, city, state and zip code of each angler, together with the angler's driver's license number or, if the angler has no license, the first five letters of the angler's last name and initial of the anglers first and middle names, and the angler's birthdate, height, weight, and signature. The information in this subsection shall be completed prior to the catch record card being separated from the underlying copy.

(2) The month of catch, day of catch, marine code or stream, species code of sturgeon, and length of fish. The information in this subsection shall be completed immediately upon catching a sturgeon to be retained.

REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-55-045 BOND REQUIREMENTS
WAC 220-69-247 REQUIRED INFORMATION
ON SPORT SALMON CATCH RECORD.**

WSR 89-03-015
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 89-02—Filed January 6, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to volunteer cooperative projects.

This action is taken pursuant to Notice No. WSR 88-23-096 filed with the code reviser on November 22, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.52.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 4, 1989.

By R. Kahler Martinson
 for Joseph R. Blum
 Director

AMENDATORY SECTION (Amending Order 85-07, filed 2/1/85)

WAC 220-130-010 PURPOSE. The purpose of this chapter is to establish the procedure for entering into a cooperative agreement between the department and volunteer groups pursuant to chapter 75.52 RCW to increase the food fish and shellfish resources of the state, to provide educational opportunity and improve communication between the department and the public. This procedure includes the method of application, review process, ~~((and))~~ priority of distribution of available supplies and technical support, recovery of reimbursable expenses, and the method of revocation of the agreement and termination of the project, including grounds for such action.

AMENDATORY SECTION (Amending Order 85-07, filed 2/1/85)

WAC 220-130-020 DEFINITIONS. For the purposes of this chapter:

(1) Project means a volunteer fisheries resource project.

(2) Director's designee means the deputy director or the assistant director for resource management having departmental authority over the species being enhanced by the volunteer program.

(3) Reimbursable expense means an actual expense of the volunteer cooperative project that may be reimbursed by the department to the project from funds generated by the sale of surplus salmon eggs and salmon carcasses from that project. Reimbursable expenses include but are not limited to: Fish food; hardware items; lumber; telephone; electricity; salary for hired labor; office supplies; mileage; insurance; fish culture supplies.

Nonreimbursable expenses include purchases of items that have certificate of title or ownership, including but not limited to real estate and motor vehicles, or expenses for debt reduction.

(4) Volunteer cooperative project surplus salmon eggs means those viable salmon eggs that are surplus to both the needs of all programs of the department and other public entities within the state and to the volunteer cooperative project itself. Use of viable eggs by the department and other public entities is the highest priority, and project use is second only to departmental and public entity use.

NEW SECTION

WAC 220-130-070 PROJECT RECOVERY OF REIMBURSABLE EXPENSES. (1) In order for a project to recover reimbursable expenses, the project must have an annual budget presubmitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.

(2) The department may sell the products of a project when they are available. The project may not sell products. Nonviable salmon eggs and salmon carcasses shall be sold under competitive bidding. Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.

(3) All moneys received by the department from the sale of project products shall be placed into a special account used solely to fund the reimbursable expenses of that project.

(4) The project shall annually submit a list of expenses, which will be reviewed by the director or his designee. The department may require actual receipts for items purchased and will require signed timesheets for hired labor salary expenses.

(5) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.

(6) Moneys accruing in excess of the reimbursable expense amount, as determined by the director, shall annually be remitted to the state general fund.

WSR 89-03-016

NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(Slavic Languages and Literature)

[Memorandum—January 5, 1989]

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's Slavic Languages and Literature Department.

Meeting Dates	Location	Time
January 9, 1989	Thomson 225	2:30
February 13, 1989	Thomson 225	2:30
March 13, 1989	Thomson 225	2:30
April 10, 1989	Thomson 225	2:30
May 8, 1989	Thomson 225	2:30

June 12, 1989	Thomson 225	2:30
July 10, 1989	Thomson 225	2:30
August 14, 1989	Thomson 225	2:30
September 11, 1989	Thomson 225	2:30
October 9, 1989	Thomson 225	2:30
November 13, 1989	Thomson 225	2:30
December 11, 1989	Thomson 225	2:30

Typewritten copies of all oral testimony are requested. There will be a question and answer period.

Written testimony will be accepted until 5:00 p.m. on Friday, February 24, 1989, sent to the attention of:

Mike Piper, Assistant Director
 Housing Division
 Ninth and Columbia Building, MS/GH-51
 Olympia, Washington 98504-4151

If you have any questions, or need additional information, please contact Brooke Wickham at (206) 753-1711.

WSR 89-03-017

**NOTICE OF PUBLIC MEETINGS
 UNIVERSITY OF WASHINGTON
 (Washington Technology Center)
 [Memorandum—January 5, 1989]**

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's Washington Technology Center.

Meeting Dates	Location	Time
March 2, 1989	Seattle, UW	9 a.m.
June 1, 1989	Seattle, UW	9 a.m.
September 7, 1989	Pullman, WSU	9:30 a.m.
December 7, 1989	Seattle, UW	9 a.m.

WSR 89-03-018

**NOTICE OF PUBLIC MEETINGS
 UNIVERSITY OF WASHINGTON
 (Zoology)
 [Memorandum—January 5, 1989]**

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's Zoology Department.

Meeting Dates	Location	Time
January 23, 1989	Kincaid Room 502	4 p.m.
January 30, 1989	Kincaid Room 502	4 p.m.
February 6, 1989	Kincaid Room 502	4 p.m.
February 27, 1989	Kincaid Room 502	4 p.m.
March 13, 1989	Kincaid Room 502	4 p.m.

WSR 89-03-019

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 [Memorandum—January 6, 1989]**

A public hearing on the proposed 1989 Department of Energy (DOE) weatherization assistance program state plan has been scheduled for Tuesday, February 21, 1989, at:

Department of Community Development
 Fifth Floor Conference Room
 Ninth and Columbia Building
 Olympia, Washington

The hearing will begin promptly at 9:00 a.m. and close at 11:00 a.m. unless additional time is required for public testimony.

WSR 89-03-020

**NOTICE OF PUBLIC MEETINGS
 COUNCIL ON VOCATIONAL EDUCATION
 [Memorandum—January 10, 1989]**

Room 625
 Washington Institute of Applied Technology
 Seattle, Washington
 January 20, 1989

The meeting site is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Council on Vocational Education, 120 East Union, Room 220, EK-21, Olympia, WA 98504, (206) 753-3715 by January 17, 1989.

WSR 89-03-021

**NOTICE OF PUBLIC MEETINGS
 PUGET SOUND
 WATER QUALITY AUTHORITY
 [Memorandum—January 6, 1989]**

Listed below are the meeting locations for the authority meetings in 1989. The first five months have specific meeting rooms listed and as soon as rooms are found for the remainder of the 1989 locations, I will notify you. All meetings will begin at 9:30 a.m.

January 18, 1989
 The Prusik Room
 The Mountaineers
 300 Third Avenue West
 Seattle

February 15, 1989
 Tacoma City Council Chambers
 Municipal Building, First Floor
 748 Market Street
 Tacoma

March 15, 1989
 Rooms A and B
 Building 9
 National Oceanic and Atmospheric
 Administration
 7800 Sand Point Way N.E.
 Seattle

April 19, 1989
 Room 228
 Lakeridge Professional Plaza Building
 921 Lakeridge Drive
 Olympia

May 17, 1989
 Third Floor Auditorium
 Seattle Public Library
 1000 Fourth Avenue
 Seattle

June 21, 1989
 Coupeville

July 19, 1989
 Port Townsend

August 16, 1989
 Seattle

September 20, 1989
 Bellingham

October 18, 1989
 Olympia

November 15, 1989
 Port Angeles

December 20, 1989
 Seattle

WSR 89-03-022
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(Department of Social Sciences)
 [Memorandum—January 6, 1989]

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's Department of Social Sciences.

Meeting Dates	Location	Time
1st Tuesday of each month	Room 126 Music Building	12:30

WSR 89-03-023
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(Committee on the Use of University Facilities)
 [Memorandum—January 6, 1989]

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's Committee on the Use of University Facilities.

Meeting Dates	Location	Time
January 20, 1989	289 Admin. Bldg.	11:00 a.m. - 12:30 p.m.
February 17, 1989	75 Admin. Bldg.	Noon - 1:30 p.m.
March 17, 1989	289 Admin. Bldg.	11:00 a.m. - 12:30 p.m.
April 21, 1989	75 Admin. Bldg.	11:00 a.m. - 12:30 p.m.
May 19, 1989	289 Admin. Bldg.	11:00 a.m. - 12:30 p.m.
June 16, 1989	289 Admin. Bldg.	11:00 a.m. - 12:30 p.m.
October 20, 1989	289 Admin. Bldg.	11:00 a.m. - 12:30 p.m.

November 17, 1989 289 Admin. Bldg. 11:00 a.m. - 12:30 p.m.
 December 15, 1989 289 Admin. Bldg. 11:00 a.m. - 12:30 p.m.

Note: The committee meets on the 3rd Friday of each month except during the summer (July, August and September)

WSR 89-03-024
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(Institute for Marine Studies)
 [Memorandum—January 6, 1989]

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's Institute for Marine Studies.

Meeting Dates	Location	Time
January 6, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
February 3, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
March 3, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
April 7, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
May 5, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
June 2, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
October 6, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
November 3, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.
December 1, 1989	Room 168, Mar Building 3707 Brooklyn N.E.	12 - 1:30 p.m.

WSR 89-03-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 10, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning medications controlled by licensee, amending WAC 388-73-136;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.15.030.

The specific statute these rules are intended to implement is RCW 74.15.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 8, 1989. The meeting site is in a location which is barrier free.

Dated: January 10, 1989
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending WAC 388-73-136.

Purpose of this Revision: To facilitate the administration of some over-the-counter medications in child care facilities.

Rule Amendment is Necessary: To assure appropriate health care for children in child care facilities.

Statutory Authority: RCW 74.15.030.

In Summary: This revision will allow more reasonable but safe procedures for the disbursement of certain nonprescription medications to children by child care agencies. Certain types of over-the-counter medications could now be disbursed with parental approval rather than requiring a doctor's signature.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Barry Fibel, Program Manager, Division of Children and Family Services; and Stacey Granville, Nurse Consultant, Division of Health.

These rules are being proposed by DSHS.

These rule changes are not necessary as a result of federal law, federal court decisions, or state court decisions.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-136 MEDICATIONS CONTROLLED BY LICENSEE. The licensee or responsible designee:

(1) Shall disburse or have access to medications except for self-administered medications as provided under WAC 388-73-138;

(2) Shall disburse medications, prescription and nonprescription, only on the written approval of a parent, person, or agency having authority by court order to approve medical care;

(3) Shall disburse prescription medications:

(a) Only as specified on the prescription label; or

(b) As otherwise authorized by a physician or other person legally authorized to prescribe medication.

(4) May disburse the following classifications of nonprescription medications, with parent authorization, only at the dose, duration, and method of administration, specified on the manufacturer's label for the age and/or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin antipyretics/analgesics, fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of children; and

(g) Sun screen.

(5) Shall disburse other nonprescription medications not included in the categories listed in subsection (4) of this section or that are to be taken differently than indicated on the manufacturer's label or for which the label does not provide instruction, only as authorized in writing by a physician or as based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(6) Shall accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) With legible instructions for administration, i.e., manufacturer's instructions or prescription label.

(7) Shall keep all medications, refrigerated or nonrefrigerated ((shall be kept)), in an orderly fashion ((in locked storage or otherwise made)), inaccessible to children((:));

(((:))) (8) Shall store external medications ((shall be stored)) separately (((:)),) in separate compartments(((:))), from internal medications((:

(3) Medications must be stored in the medication's original container. Any medication container brought into the facility by the parent, guardian, or responsible relative of a child shall be appropriately labeled and have the child's first and last name on it.

(4) Only the licensee or responsible designee shall disburse or have access to medications except for self-administered medications as provided for in WAC 388-73-138.

(5) Medications shall be disbursed only on the written approval of a parent or person or agency having authority by court order to approve medical care.

(6) Prescription medications shall be disbursed only as specified on the prescription label or as otherwise authorized by a physician or other person legally authorized to prescribe medication.

(7) Except for foster family care and family day care, nonprescription medication shall be disbursed only as authorized by a physician or as based on established medical policy approved by a physician.));

(((:))) (9) Except for foster family homes, shall keep a record ((shall be kept)) of all medications disbursed ((and "as needed" medications shall be approved by a physician or registered nurse prior to disbursement:)); and

(((:))) (10) (((:))) Shall return to the parent or other responsible party medications ((shall be properly disposed of or returned to the parent or other responsible party)) no longer being taken.

Reviser's note: RCW 34.04.058 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 89-03-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed January 10, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning availability of ADATSA services to applicants, new WAC 388-40-001;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and

Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.50.010.

The specific statute these rules are intended to implement is chapter 74.50 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 8, 1989. The meeting site is in a location which is barrier free.

Dated: January 10, 1989
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The Following Section is Affected by this Revision:
New WAC 388-40-001.

Purpose of this Rule Change: To implement cost containment measures in the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program. ADATSA is projected to cost \$9.2 million over available funds if services continue to be provided at the present level.

These Rules are Necessary: To allow the department to remain within our budgeted amount. If unchanged, the expenditure rate for the ADATSA program would exceed the appropriation for a number of reasons. First, former GA-U clients and new clients meeting ADATSA eligibility requirements accepted treatment in much greater numbers than anyone expected. Second, a lawsuit and court injunction resulted in a liberalization of the procedure for placing ADATSA clients directly into outpatient treatment. And finally, a superior court ruling that ADATSA shelter assistance was unconstitutional to the extent that it required persons refusing treatment to reside in a department-contracted shelter facility, opened the way for shelter assistance checks much as had been provided under the GA-U program.

Statutory Authority: Chapter 74.50 RCW.

This Rule Change will have the Following Specific Effect: It terminates ADATSA outpatient services until the beginning of the next biennium; and it lids shelter caseloads by providing shelter services only to current recipients. New ADATSA applicants will not be able to receive services unless caseloads drop.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: Cecile Anderson, Community Services Program Manager, Bureau of Alcohol and Substance Abuse, phone 753-5866, 234-5866 scan, mailstop OB-44W.

This rule is not necessary as a result of federal law or federal or state court action.

Additional Comments: This change will implement the first of a series of program cuts which are necessary if the department is to operate within budget. Other imminent cuts include termination of all outpatient treatment services and a reduction of residential treatment services.

NEW SECTION

WAC 388-40-001 AVAILABILITY OF ADATSA SERVICES TO APPLICANTS. The department shall not provide outpatient treatment services or shelter services, including assistance for independent housing, to persons applying for ADATSA on or after January 10, 1989. This section modifies and supersedes WAC 388-40-030, 388-40-090, 388-40-095, and 388-40-100.

WSR 89-03-027
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2753—Filed January 10, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to availability of ADATSA services to applicants, new WAC 388-40-001.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary for the preservation of the public health, safety, and general welfare. A severe shortage of funds in the ADATSA program requires immediate revision of the range of available treatment and shelter services in order to comply with RCW 43.88.290 and the appropriations provisions contained in section 202, chapter 7, Laws of 1987 and section 202, chapter 289, Laws of 1988, as well as the spending limitations contained in Article 8, Sections 4 and 5.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.50.010 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.50 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1989.
By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-40-001 AVAILABILITY OF ADATSA SERVICES TO APPLICANTS. *The department shall not provide outpatient treatment services or shelter services, including assistance for independent housing, to persons applying for ADATSA on or after January 10, 1989. This section modifies and supersedes WAC 388-40-030, 388-40-090, 388-40-095, and 388-40-100.*

WSR 89-03-028
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
[Order 374—Filed January 10, 1989]

Be it resolved by the director, Washington Department of Wildlife, acting at Olympia, Washington, that it does adopt the annexed rules relating to emergency game fishing closure on Tokul Creek, adopting WAC 232-28-61716.

I, the director, Washington Department of Wildlife, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is there has been a recent landslide of the hillside on the eastside of Tokul Creek. Department of Wildlife engineers have determined that the hillside is very unstable with a possibility for a significant landslide, thus posing a threat to human safety. Closure of game fishing will deter persons from entering this very hazardous area.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1989.
By Curt Smitch
Director

NEW SECTION

WAC 232-28-61716 EMERGENCY GAME FISHING CLOSURE ON TOKUL CREEK. *Notwithstanding the provisions of WAC 232-28-617, effective January 10, 1989 to March 31, 1989 there is an emergency game fishing closure on Tokul Creek from the*

county road bridge (which is 75 to 100 yards upstream from the mouth of Tokul Creek and located just off of 372nd Avenue SE) upstream to the railroad trestle. All other provisions of WAC 232-28-617 remain in effect and unchanged.

WSR 89-03-029
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
[Memorandum—January 11, 1989]

NOTICE OF INTENTION TO DESIGNATE GROUND WATER MANAGEMENT AREAS AND DEVELOP GROUND WATER MANAGEMENT PROGRAMS

The Washington State Department of Ecology hereby gives notice of its intention to designate a ground water management area and develop a ground water management program in accordance with chapter 173-100 WAC, Ground water management areas and programs. Probable ground water management areas identified by the department include the city of Blaine. Designation of the area will allow the development of comprehensive ground water management programs to protect the quality and quantity of ground water, to meet future needs while recognizing existing water rights and to provide for effective and coordinated management of the ground water resources. The program will be developed by state and local government agencies in conjunction with a local ground water advisory committee.

The Department of Ecology will conduct a public hearing to consider designation of the following area at the time and place noted for the area:

City of Blaine
7:00 p.m., Monday, February 6, 1989
Blaine City Hall Council Chambers
344 "H" Street
Blaine, WA 98230

Designation of the above probable ground water management area will take place on February 14, 1989. Interested persons may request additional information or submit data, views or comments in writing before February 10, 1989, to Doug Rushton, Water Resources Program, Washington Department of Ecology, Mailstop PV-11, Olympia, Washington 98504.

WSR 89-03-030
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY
[Memorandum—January 9, 1989]

The meeting of the board of trustees regularly scheduled for Friday, February 10, 1989, will be held on the South Seattle Community College campus at 12:00 noon. This meeting was previously scheduled to be held on the Central Washington University campus at 11:00 a.m.

WSR 89-03-031
ADOPTED RULES
INSURANCE COMMISSIONER
 [Order R 89-1—Filed January 11, 1989]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of WAC 284-74-200 to permit the utilization of gender blended mortality tables which reflect differences in mortality between smokers and nonsmokers.

This action is taken pursuant to Notice No. WSR 88-24-052 filed with the code reviser on December 7, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.76.050(4).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 11, 1989.

Dick Marquardt
 Insurance Commissioner
 By Patricia D. Petersen
 Deputy Insurance Commissioner

AMENDATORY SECTION (Amending Order R 88-1, filed 1/29/88, effective 2/29/88)

WAC 284-74-200 GENDER BLENDED MORTALITY TABLES FOR ((INDIVIDUAL)) CERTAIN LIFE INSURANCE POLICIES. The purpose of this section is to permit individual, franchise and group permanent (cash value) life insurance policies and pension plans funded in whole or in part by life insurance to provide the same cash values and paid-up nonforfeiture benefits to both men and women. No change in minimum valuation standards is implied by this section. However, if the gender blended smoker and nonsmoker mortality tables are used to determine cash surrender values and paid-up nonforfeiture benefits then pursuant to WAC 284-74-100 (4)(c) the smoker and nonsmoker mortality tables shall be used to determine minimum reserve liabilities.

(1) As used in this section, the following definitions apply:

(a) "1980 CSO table, with or without ten-year select mortality factors," means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the society of actuaries committee to recommend new mortality tables for valuation of standard ordinary life insurance incorporated in the 1980 National Association of Insurance Commissioners (NAIC) amendments to the model standard valuation law and standard nonforfeiture law for life insurance and referred to in those models as the Commissioner's 1980 Standard Ordinary Mortality Table, with or without

ten-year select mortality factors and set forth in Transactions, Society of Actuaries, Vol. XXXIII (1981), pp. 617 and 618, and referred to as the Commissioner's 1980 Standard Ordinary Mortality Table (1980 CSO).

(b) "1980 CSO table (M), with or without ten-year select mortality factors," means that mortality table consisting of the rates of mortality for male lives from the 1980 CSO table, with or without ten-year select mortality factors.

(c) "1980 CSO table (F), with or without ten-year select mortality factors," means that mortality table consisting of the rates of mortality for female lives from the 1980 CSO table, with or without ten-year select mortality factors.

(d) The "ten-year select mortality factors" referred to in (a), (b), and (c) of this subsection are those set forth in Transactions, Society of Actuaries, Vol. XXXIII (1981), p. 669, and referred to therein as selection factors for alternate method of determining life insurance reserves and deficiency reserve requirements (1980 CSO with ten-year select mortality factors).

(e) "1980 CET table" means that mortality table consisting of separate rates of mortality for male and female lives developed by the society of actuaries committee to recommend new mortality tables for valuation of standard individual ordinary life insurance, incorporated in the 1980 NAIC amendments to the standard model nonforfeiture law for life insurance and referred to in those models as the Commissioner's 1980 Extended Term Insurance Table, and set forth in Transactions, Society of Actuaries, Vol. XXXIII (1981), pp. 617 and 619, and referred to therein as the Commissioner's 1980 Extended Term Insurance Mortality Table (1980 CET).

(f) "1980 CET table (M)" means that mortality table consisting of the rates of mortality for male lives from the 1980 CET table.

(g) "1980 CET table (F)" means that mortality table consisting of the rates of mortality for female lives from the 1980 CET table.

(h) As used in this section, "1980 CSO and 1980 CET Smoker and Nonsmoker Mortality Tables" means the mortality tables with separate rates of mortality for smokers and nonsmokers which is found in NAIC Proceedings, 1984, Vol. I, pp. 406-413 and which is derived from the 1980 CSO and 1980 CET Mortality Tables.

(2) For any policy of insurance on the life of either a male or female insured delivered or issued for delivery in this state after the operative date of chapter 48.76 RCW for that policy form, for use in determining minimum cash surrender values and minimum amounts and minimum periods of paid-up nonforfeiture benefits:

(a) A mortality table which is a blend of the 1980 CSO table (M) and the 1980 CSO table (F) with or without ten-year select mortality factors may at the option of the company be substituted for the 1980 CSO table, with or without ten-year select mortality factors.

(b) A mortality table which is of the same blend as used in (a) of this subsection but applied to form a blend of the 1980 CET table (M) and the 1980 CET table (F) may at the option of the company be substituted for the 1980 CET table.

(c) The following tables, which are set forth in NAIC Proceedings, 1984, Vol. I, pp. 396-400, will be considered as the basis for acceptable tables:

(i) 100% male - 0% female for tables to be designated as the "1980 CSO-A" and "1980 CET-A" tables.

(ii) 80% male - 20% female for tables to be designated as the "1980 CSO-B" and "1980 CET-B" tables.

(iii) 60% male - 40% female for tables to be designated as the "1980 CSO-C" and "1980 CET-C" tables.

(iv) 50% male - 50% female for tables to be designated as the "1980 CSO-D" and "1980 CET-D" tables.

(v) 40% male - 60% female for tables to be designated as the "1980 CSO-E" and "1980 CET-E" tables.

(vi) 20% male - 80% female for tables to be designated as the "1980 CSO-F" and "1980 CET-F" tables.

(vii) 0% male - 100% female for tables to be designated as the "1980 CSO-G" and "1980 CET-G" tables.

(3) Tables 1980 CSO-A, 1980 CET-A, 1980 CSO-G and 1980 CET-G are not to be used with respect to policies issued on or after the effective date of this regulation, except where the proportion of persons insured is anticipated to be ninety percent or more of one sex or the other or except for certain policies converted from group insurance. Such group conversions issued on or after the effective date of this regulation must use mortality tables based on the blend of lives by sex expected for such policies if such group conversions are considered as extensions of the Norris decision or other federal law. This consideration has not been clearly defined by court or legislative action in all jurisdictions as of the date of promulgation of these sections.

(4) Notwithstanding any other provision of this rule, an insurer shall not use these blended tables unless the Norris decision or other federal law is known to apply to the policies involved, or unless there exists a bona fide concern on the part of the insurer that the Norris decision or other federal law might reasonably be construed to apply by a court having jurisdiction.

(5) It shall not be a violation of RCW 48.30.300 for an insurer to issue the same kind of policy of life insurance on both a sex distinct and sex neutral basis.

(6) In determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits for any policy of insurance on the life of either a male or female insured on a form of insurance with separate rates for smokers and nonsmokers delivered or issued for delivery in this state after the operative date of chapter 48.76 RCW for that policy form, in addition to the mortality tables that may be used according to subsection (2) of this section:

(a) A mortality table which is a blend of the male and female rates of mortality according to the 1980 CSO Smoker Mortality Table, in the case of lives classified as smokers, or the 1980 CSO Nonsmoker Mortality Table, in the case of lives classified as nonsmokers, with or without ten-year Select Mortality Factors, may at the option of the company be substituted for the 1980 CSO Table, with or without Ten-Year Select Mortality Factors; and

(b) A mortality table which is of the same blend as used in (a) of this subsection but applied to form a blend of the male and female rates of mortality according to

the corresponding 1980 CET Smoker Mortality Table or 1980 CET Nonsmoker Mortality Table may at the option of the company be substituted for the 1980 CET Table.

The following blended mortality tables found in NAIC Proceedings, 1981, Vol. I, pp. 406-413 and NAIC Proceedings, 1987, Vol. I, 521-530, will be considered acceptable:

SA: 100% Male 0% Female smoker tables designated as "1980 CSO-SA" and "1980 CET-SA" Tables.

SB: 80% Male 20% Female smoker tables designated as "1980 CSO-SB" and "1980 CET-SB" Tables.

SC: 60% Male 40% Female smoker tables designated as "1980 CSO-SC" and "1980 CET-SC" Tables.

SD: 50% Male 50% Female smoker tables designated as "1980 CSO-SD" and "1980 CET-SD" Tables.

SE: 40% Male 60% Female smoker tables designated as "1980 CSO-SE" and "1980 CET-SE" Tables.

SF: 20% Male 80% Female smoker tables designated as "1980 CSO-SF" and "1980 CET-SF" Tables.

SG: 0% Male 100% Female smoker tables designated as "1980 CSO-SG" and "1980 CET-SG" Tables.

NA: 100% Male 0% Female nonsmoker tables designated as "1980 CSO-NA" and "1980 CET-NA" Tables.

NB: 80% Male 20% Female nonsmoker tables designated as "1980 CSO-NB" and "1980 CET-NB" Tables.

NC: 60% Male 40% Female nonsmoker tables designated as "1980 CSO-NC" and "1980 CET-NC" Tables.

ND: 50% Male 50% Female nonsmoker tables designated as "1980 CSO-ND" and "1980 CET-ND" Tables.

NE: 40% Male 60% Female nonsmoker tables designated as "1980 CSO-NE" and "1980 CET-NE" Tables.

NF: 20% Male 80% Female nonsmoker tables designated as "1980 CSO-NF" and "1980 CET-NF" Tables.

NG: 0% Male 100% Female nonsmoker tables designated as "1980 CSO-NG" and "1980 CET-NG" Tables.

Tables SA, SG, NA, and NG are not acceptable as blended tables unless the proportion of persons insured is anticipated to be 90% or more of one sex or the other.

(7) The effective date of this rule is February 29, 1987, and is intended to comply with the Norris decision and other federal law. It is recognized that the insurance commissioner has approved Norris-type tables prior to this effective date on an individual basis. Tables so approved are hereby deemed to be in compliance with this regulation.

WSR 89-03-032
PROPOSED RULES
DEPARTMENT OF LICENSING
(Cemetery Board)
[Filed January 11, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning fees, WAC 98-70-010;

that the agency will at 9:00 a.m., Tuesday, February 21, 1989, in the Conference Room, 1300 Quince Street,

Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.24.086 and 68.05.215.

The specific statute these rules are intended to implement is RCW 43.24.086 and 68.05.215.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 20, 1989.

Dated: January 10, 1989

By: John Swannack

Assistant Director

Business and Professions

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish the amount of fees associated with regulatory charges for interments, entombments and inurnments.

Statutory Authority: RCW 43.24.086 and 68.05.215.

Summary of the Rule: WAC 98-70-010 Fees.

Reasons Proposed: To set the fees for regulatory charges at a sufficient level to defray the costs of administering the program.

Responsible Departmental Personnel: In addition to the members of the Cemetery Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Paul Elvig, 1300 Quince Street S.E., Olympia, WA 98504, phone 321-4905 scan, 586-4905 comm.

Proponents: The director of the Department of Licensing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

AMENDATORY SECTION (Amending Order 108, filed 9/6/85)

WAC 98-70-010 FEES. The following fees shall be charged by the Washington state cemetery board:

Title of Fee	Fee
Regulatory charges	
Charge per each preceding [calendar] year interments, entombments and inurnments	\$ ((2.40)) <u>3.00</u>
Prearrangement sales license	
Application	100.00
Renewal	50.00

Crematory license/endorsement fifty dollars/year plus fifty cents per cremation performed during applicable year.

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

WSR 89-03-033

EMERGENCY RULES

DEPARTMENT OF LICENSING

(Cemetery Board)

[Order PM 816—Filed January 11, 1989]

I, John Swannack, assistant director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees, WAC 98-70-010.

I, John Swannack, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the adoption of the increased fee is necessary to adequately fund the affected program pending the adoption of permanent fees on or about February 21, 1989.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 43.24.086 and 68.05.215 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1989.

By John Swannack

Assistant Director

Business and Professions

AMENDATORY SECTION (Amending Order 108, filed 9/6/85)

WAC 98-70-010 FEES. The following fees shall be charged by the Washington state cemetery board:

Title of Fee	Fee
Regulatory charges	
Charge per each preceding [calendar] year interments, entombments and inurnments	\$ ((2.40)) <u>3.00</u>
Prearrangement sales license	
Application	100.00
Renewal	50.00

Crematory license/endorsement fifty dollars/year plus fifty cents per cremation performed during applicable year.

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

WSR 89-03-034
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order PFT 89-01—Filed January 11, 1989]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New WAC 308-77-042 Special fuel user bond.
 New WAC 308-77-044 Bonding requirements.

This action is taken pursuant to Notice No. WSR 88-23-122 filed with the code reviser on November 23, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.38.020(12) and 82.38.110 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 82.38.260.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
 APPROVED AND ADOPTED January 10, 1989.

By Mary Faulk
 Director

NEW SECTION

WAC 308-77-042 SPECIAL FUEL USER BOND. A special fuel user license may be issued without the applicant filing a fuel tax bond. However, the department may require a licensed special fuel user to furnish a fuel tax bond under the following circumstances:

- (a) If the user has filed two consecutive late reports with taxes due; or
- (b) If the user submitted a tax report without the full remittance of the tax due; or
- (c) If investigation discloses that the user is selling or has sold special fuel in violation of the definition of a user license; or
- (d) If a deficiency in record keeping as disclosed in an audit is not corrected or rectified prior to a subsequent audit; or
- (e) If the user has sent a check in payment of liabilities due, and that check has been dishonored by nonacceptance or nonpayment; or
- (f) If the user has been sent at least three billing statements for liabilities due; or
- (g) If the user's license has been revoked as provided by RCW 82.38.130; or
- (h) If the user has been sent at least three Notices of Revocation of License.

The department will mail a notice to the special fuel licensee requiring the submission or filing of a fuel tax bond and will indicate the reason for requiring the bond. If the bond is not received by the department within

forty-five days after service of the notice, the user's special fuel license shall forthwith be cancelled. Service of the notice is deemed to have been accomplished on the date the notice was deposited in the United States mail, postage prepaid, addressed to the special fuel user at the special fuel user's current mailing address as it appears in the fuel tax records of the department.

The total amount of the bond shall be fixed by the department and shall be equivalent to at least three times the average tax liability on the reported taxable gallons used during the last four reporting periods; in the absence of information on the last four reporting periods, the bond shall be three times the tax on the estimated on-highway usage declared on the user's latest application for a special fuel user's license on file with the department, or five thousand dollars, whichever is greater.

The department may, after five years, lift the bond requirement from the special fuel user at the licensee's request, if there is sufficient evidence, in the department's discretion, to show that the cause for requiring the bond has been positively removed and a bond is no longer required to protect the interest of the state.

NEW SECTION

WAC 308-77-044 BONDING REQUIREMENTS. Where a bond is required under the special fuel tax act, chapter 82.38 RCW, or under chapter 308-77 WAC, the bond must be in a form specified in chapter 82.38 RCW and in these rules, and must be filed with the director.

The bond may be a corporate surety bond pursuant to RCW 82.38.020 (12)(a).

If the bond is in the form of a deposit pursuant to RCW 82.38.020 (12)(b) with the state treasurer by the special fuel dealer or special fuel user, the bond may be a cash deposit of lawful money of the United States, a United States Treasury note or bond, or a municipal bond of Washington State or of any Washington county. Each such bond shall be filed with the director of licensing for deposit with the State treasurer. An irrevocable bond power in a form acceptable to the department of licensing assigning and transferring each such bond to the State Treasurer must be filed along with each such bond. Each such bond shall be marked to market at least quarterly, or monthly in the department's discretion, for its dollar price and yield (bid side of the market) in current market. If the value is inadequate to meet the required bonded amount, the licensee is required to file with the director a supplemental cash or other bond of sufficient value to meet the required bonded amount.

The bond may also be in any of the following forms pursuant to RCW 82.38.020 (12)(c):

- (a) Automatically renewable certificates(s) of deposit, not exceeding the federally insured amount, issued by a bank doing business in the state of Washington and insured by the Federal Deposit Insurance Corporation, made in the name of the special fuel dealer or special fuel user, payable to or assigned to the Washington State Treasurer; or,

(b) Certificate(s) of deposit or share accounts, not exceeding the federally insured amount, issued by a savings and loan association doing business in the state of Washington and insured by the Federal Savings and Loan Insurance Corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook must be filed with the director of licensing, along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington State Treasurer.

(c) Certificate(s) of deposit or share accounts, issued by a credit union doing business in the state of Washington and insured by the Washington Credit Union Share Guaranty Association, not exceeding the amount insured by the guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook must be filed with the director of licensing, along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington State Treasurer.

The certificate and/or the assignment forms shall contain the provision that interest earned shall be payable to the depositor, and that the assignment may only be cancelled upon written authorization of the director of the department of licensing or director's designee.

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

WSR 89-03-035
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order PM 814—Filed January 11, 1989]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to new sections WAC 308-177-110, 308-177-120, 308-177-130, 308-177-140 and 308-177-150.

This action is taken pursuant to Notice No. WSR 88-23-104 filed with the code reviser on November 22, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.138-.070 which directs that the director of the Washington State Department of Licensing has authority to implement the provisions of chapter 18.38 [18.138] RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 6, 1989.
 By Mary Faulk
 Director

NEW SECTION

WAC 308-177-110 DIETITIAN AND NUTRITIONIST FEES. The following fees shall be charged by

the professional licensing division of the department of licensing:

TITLE	FEE
Application	\$75.00
Renewal	65.00
Late renewal	25.00
Certification	25.00
Duplicate	15.00

NEW SECTION

WAC 308-177-120 APPLICATION REQUIREMENTS. (1) Individuals applying for certification as a certified dietitian must submit:

- (a) A completed application form with fee;
- (b) Verification of current registration status with the commission on dietetic registration; and
- (c) Verification of AIDS education and training as set forth in WAC 308-177-100.

(2) Individuals applying for certification as a certified nutritionist must submit:

- (a) A completed application form with fee; and
- (b) Verification of current registration status with the commission on dietetic registration; or
- (c) Verification of a master's or doctorate degree from a college or university accredited by a recognized regional accrediting agency;
- (d) Documentation of completion of the coursework outlined in WAC 308-177-130; and
- (e) Verification of AIDS education and training as set forth in WAC 308-177-100.

NEW SECTION

WAC 308-177-130 NUTRITIONIST MINIMUM CORE CURRICULUM. Training for certified nutritionist shall include coursework at the collegiate level or equivalent in the following areas:

- (1) Basic science – Which shall include one or more of the following:
 - (a) Physiology.
 - (b) Biochemistry.
- (2) Foods – Which shall include one or more of the following:
 - (a) Selection.
 - (b) Composition.
 - (c) Food science.
 - (3) Nutritional science.
 - (4) Applied nutrition – Which shall include one or more of the following:
 - (a) Diet therapy.
 - (b) Nutrition of the life cycle.
 - (c) Cultural/anthropological nutrition.
 - (d) Public health nutrition.
 - (5) Counseling/education – Which shall include one or more of the following:
 - (a) Psychological counseling.
 - (b) Educational psychology.
 - (c) Communication.
 - (d) Psychology.
 - (e) Education.

NEW SECTION

WAC 308-177-140 CERTIFICATION RENEWAL REGISTRATION DATE. (1) The annual certification renewal date will coincide with the individual's birth anniversary date.

(2) Failure to pay the renewal fee on or before the expiration date will invalidate the certification. An individual may reinstate the certificate by written application to the department, payment of a single late renewal penalty fee and payment of all delinquent renewal fees.

(3) Dietitians and nutritionists who fail to renew their certifications for a period of three years will be required to reapply.

NEW SECTION

WAC 308-177-150 CONTINUING EDUCATION. The director may develop rules requiring applicants to complete continuing education activities.

WSR 89-03-036

**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD**

[Memorandum—January 11, 1989]

**SPECIAL WORKSESSION NOTICE
FOR**

January 19, 1989

TRANSPORTATION IMPROVEMENT BOARD
TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504

TIB special worksession, begins at 2:00 p.m., Thursday, January 19, 1989, at the Transportation Building, Room 3F-21, Olympia.

WSR 89-03-037

**PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS**

[Filed January 12, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning tariffs and pilotage rates for the Grays Harbor pilotage district, WAC 296-116-185;

that the agency will at 9:00 a.m., Thursday, March 9, 1989, in the Colman Dock, Pier 52, Seattle, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-01-001 filed with the code reviser's office on December 8, 1988.

Dated: January 12, 1989

By: Marjorie T. Smitch
Assistant Attorney General

WSR 89-03-038

**PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS**

[Filed January 12, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning pilotage rates for the Puget Sound pilotage district, WAC 296-116-300;

that the agency will at 9:00 a.m., Thursday, March 9, 1989, in the Colman Dock, Pier 52, Seattle, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 1, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-01-002 filed with the code reviser's office on December 8, 1988.

Dated: January 12, 1989

By: Marjorie T. Smitch
Assistant Attorney General

WSR 89-03-039

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(School of Dentistry and Clinical Services)**

[Memorandum—January 9, 1989]

Following is the revised meeting schedule for regular meetings to be held by the University of Washington's School of Dentistry Executive Committee and Clinical Services faculty meetings:

School of Dentistry Executive Committee		
Meeting Dates	Location	Time
January 30	B-220	12:00
February 13	B-220	12:00
March 13	B-220	12:00
March 27	B-220	12:00
April 17	B-220	12:00
May 1	B-220	12:00
May 15	B-220	12:00
June 5	B-220	12:00
June 19	B-220	12:00

Clinical Services
Dean Karl-Ake Omnell

Meeting Dates	Location	Time
January 9	B-220	11:00
January 23	B-220	11:00
January 30	B-220	11:00
February 6	B-220	11:00
February 13	B-220	11:00
February 27	B-220	11:00
May 22	B-220	11:00
June 5	B-220	11:00
June 12	B-220	11:00
June 19	B-220	11:00

Clinical Services
Associate Dean Joseph Chastee

Meeting Dates	Location	Time
March 6	B-220	11:00
March 13	B-220	11:00
March 27	B-220	11:00
April 3	B-220	11:00
April 10	B-220	11:00
April 17	B-220	11:00
April 24	B-220	11:00
May 1	B-220	11:00
May 8	B-220	11:00
May 15	B-220	11:00

WSR 89-03-040
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed January 12, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Packages—Classification, WAC 314-20-030;

that the agency will at 9:30 a.m., Wednesday, February 22, 1989, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030 and 66.28.010.

The specific statute these rules are intended to implement is RCW 66.08.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Dated: January 11, 1989
By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-20-030 Packages—Classification.

Description of Purpose: To allow domestic (Washington) breweries which have Class H privileges to dispense beer directly from their condition tanks to the Class H area in sizes other than listed in the current rule.

Statutory Authority: RCW 66.08.030 and 66.28.010.

Statutes Implemented by the Rule: RCW 66.08.050.

Summary of Rule: Brew pubs within the state are permitted to serve directly from condition tanks. The amendment as proposed would provide this option for domestic breweries which also have a Class H retail premises as part of their business enterprise.

Reasons Supporting Proposed Action: The current rule does not allow for the sale of beer in any packages or containers larger than whole barrels (31 gallons in size). In the case of a brewery with Class H retail privileges, beer must be transferred from large conditioning tanks to barrels (kegs), before it can be dispensed in the Class H portion of the premises. This is a redundant step for on site consumption as it requires a brewer to purchase costly additional equipment, increase labor costs, and negatively affects the quality of the beer. The process of transferring beer under pressure into kegs and the agitation caused in the transporting of beer from condition to serving areas can cause bruising of the beer and affect the taste of the beer for some consumers. Serving the beer directly from the condition tanks results in a higher quality of product being available to the consumer and should not affect the public welfare.

Agency Personnel Involved: In addition to the board the following agency personnel have responsibility for drafting, implementing and enforcing this rule amendment: Janice Lee Britt, Supervisor, Manufacturers, Importers and Wholesalers Division, Capital Plaza Building, Olympia, Washington 98504, phone (206) 753-6273.

Person or Organization Proposing the Rule: Paul R. Hadfield, President, Spinnakers Brew Pub, Westlake Center, 400 Pine Street, Seattle, WA 98101, phone (206) 682-2739.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact to implement the rule. Implementation of the rule will eliminate a current cost incurred by domestic breweries with Class H retail privileges.

AMENDATORY SECTION (Amending Order 272, Resolution No. 281, filed 12/8/88)

WAC 314-20-030 PACKAGES—CLASSIFICATION. (1) No manufacturer, wholesaler or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and case quantities from the manufacturer's original packages.

(2) Net contents—Packaged beer. Net contents shall be stated in a clearly legible manner on the label in fluid ounces or as follows:

- (a) If less than 1 pint, in fluid ounces, or fractions of a pint;
- (b) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated;
- (c) If more than 1 pint, but less than 1 quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces;

(d) If more than 1 quart, but less than 1 gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces;

(e) If more than 1 gallon, the net contents shall be stated in gallons and fractions thereof;

(f) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

(3) Container size limitations—Barrels. Whole barrels (31 gallons), 1/2 barrels (15.5 gallons), 1/4 barrels (7.75 gallons), 1/6 barrels (5.16 gallons). Packaged beer—Maximum capacity for individual containers, 170 fluid ounces: PROVIDED, HOWEVER, That the board may, in its discretion, authorize the importation and sale for use in the state of Washington of beer in other container and/or barrel size packages which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, United States Treasury Department: PROVIDED FURTHER, That the board may, in its discretion, authorize a brewery with Class H privileges to dispense beer directly from conditioning tanks/vessels to the Class H area provided the taxes have been paid prior to dispensing.

(4) The net contents of individual containers shall be stated on the outside of any multicontainer package where the individual container label or bottle size is not visible to the consumer at the point of purchase.

(5) Gift packages. A beer importer or beer wholesaler may prepare and sell "gift packages" consisting of containers of beer differing in case quantities from the manufacturer's original case capacities provided the tax has been paid on the previously purchased beer in accordance with RCW 66.24.290 and provided written approval by the board has been obtained.

WSR 89-03-041
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(School of Nursing)
 [Memorandum—January 3, 1989]

Following is the meeting schedule for regular meetings to be held by the University of Washington's School of Nursing department.

School of Nursing
Faculty Meetings

Meeting Dates	Location	Time
January 27	HSB T-531	12:30
February 24	HSB T-531	12:30
April 28	HSB D-209	12:30
May 26	HSB D-209	12:30
July 28	HSB TBA	12:30

School of Nursing
Faculty Executive Council

Meeting Dates	Location	Time
January 11	HSB T-310	1:00
January 25*	HSB T-310	1:00
February 8	HSB T-310	1:00
February 22*	HSB T-310	1:00
March 8	HSB T-310	1:00
March 22*	HSB T-310	1:00
April 12	HSB T-310	1:00

April 26*	HSB T-310	1:00
May 10	HSB T-310	1:00
May 24*	HSB T-310	1:00
June 14*	HSB T-310	1:00
June 28	HSB T-310	1:00

* Optional (continuing 2nd and 4th Wednesdays, same time, room)

WSR 89-03-042
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
(Bioengineering)

[Memorandum—January 3, 1989]

Following is the meetings schedule for regular meetings to be held by the University of Washington's Bioengineering department.

Faculty

Meeting Dates	Location	Time
January 10	322 Harris	8:30 a.m.
February 14	322 Harris	8:30 a.m.
March 14	322 Harris	8:30 a.m.
April 11	322 Harris	8:30 a.m.
May 9	322 Harris	8:30 a.m.
June 13	322 Harris	8:30 a.m.
September 12	322 Harris	8:30 a.m.
October 10	322 Harris	8:30 a.m.
November 14	322 Harris	8:30 a.m.
December 12	322 Harris	8:30 a.m.

July and August do not have meetings.

Curriculum

Meeting Dates	Location	Time
January 31	322 Harris	8:30 a.m.
February 28	322 Harris	8:30 a.m.
March 28	322 Harris	8:30 a.m.
April 25	322 Harris	8:30 a.m.
May 30	322 Harris	8:30 a.m.
June 13	322 Harris	8:30 a.m.
September 26	322 Harris	8:30 a.m.
October 10	322 Harris	8:30 a.m.
November 28	322 Harris	8:30 a.m.
December 26	322 Harris	8:30 a.m.

WSR 89-03-043
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Memorandum—January 11, 1989]

The chairman of the Public Disclosure Commission has cancelled the commission meeting scheduled for Tuesday, January 24, 1989. The next regularly scheduled meeting will be Tuesday, February 28, 1989.

WSR 89-03-044
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed January 12, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation and exemption of securities as follows:

Amd	WAC 460-46A-010	Limited offering exemption—Conditions to be met.
Amd	WAC 460-46A-050	Maximum amount of cheap and promotional shares.
Amd	WAC 460-46A-090	Disclosure document.
New	WAC 460-46A-092	Financial statements.
Amd	WAC 460-46A-095	Price of shares.
Amd	WAC 460-46A-105	Maximum and minimum offering amounts.
Amd	WAC 460-46A-110	Monies to be deposited in escrow account—Period of escrow and of offering.
Amd	WAC 460-46A-145	Restrictions on transferability.
Amd	WAC 460-46A-150	Suitability of investors.
Amd	WAC 460-46A-155	Attorney to review disclosure document.
Rep	WAC 460-46A-060	Promoter—Definition.
Rep	WAC 460-46A-070	Cheap and promotional shares—Definitions.
Rep	WAC 460-46A-080	Stock options.
Rep	WAC 460-46A-085	Inapplicability of cheap and promotional share, and stock option, restrictions.
Rep	WAC 460-46A-120	Start up management compensation prohibited;

that the agency will at 10:00 a.m., Tuesday, February 21, 1989, in the Conference Room, First Floor, Securities Division, Department of Licensing, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 7, 1989.

The authority under which these rules are proposed is RCW 21.20.320(9) and 21.20.450.

The specific statute these rules are intended to implement is RCW 21.20.320(9).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 21, 1989.

The department reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The department may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact Jack L. Beyers, Administrator of Securities, whose address is set forth herein.

Written or oral submissions may also contain data, views, or agreements concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and the proposed rules should be addressed to:

Jack L. Beyers
 Securities Administrator
 P.O. Box 648
 Olympia, WA 98504
 (206) 753-6928

Dated: January 10, 1989

By: Mary Faulk
 Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

General Purpose of Rule: Makes changes to the limited offering exemption from registration set forth in chapter 460-46A WAC. The general purpose of the amendments and deletions is to further modify the exemption for small business offerings.

Statutory Authority: RCW 21.20.450 and 21.20.320(9) and are intended to administratively implement these statutes.

Summary of the Rules: WAC 460-46A-010, to allow an issuer that has commenced an offering prior to the adoption of the amendments to the exemption to complete the offering under the former exemption rules if the issuer so chooses; WAC 460-46A-050, to delete the existing cheap and promotional share rules in favor of the general promotional shares rules as specified in chapter 460-16A WAC. The amount of allowable unescrowed promotional shares is increased from 40% to 60%. Promotional shares exceeding 60% must be escrowed in accordance with the general promotional shares rules; WAC 460-46A-090, to increase the administrator's time to review the disclosure document from ten to fifteen business days. The requirement that the issuer send a copy of the disclosure document and all attachments to its accountant is deleted. In lieu thereof the issuer must file the written consent of accountant to the use of accountant's name in connection with the offering; WAC 460-46A-092, the requirements for financial statements are presently set forth in Form LOE-82. The proposed new section clarifies and codifies the financial statement requirements; WAC 460-46A-095, the administrator to waive in writing upon a showing of good cause the requirements that all shares of a limited offering under the exemption be sold for cash, be of the same class, and be sold at the same price; WAC 460-46A-110, to provide that the minimum amount of the offering be raised within twelve months, which is also the longest period the offering may extend; WAC 460-46A-145, to delete the requirement that shares subject to the conditions of the exemption may not be transferred without opinions of counsel; WAC 460-46A-150 changes the investor suitability requirements to the know-your-customer standard used in the Washington uniform limited offering exemption, WAC 460-44A-505; WAC 460-46A-155 to delete the requirement that an attorney review the responses by the issuer to the questions in the disclosure document; WAC 460-46A-060, 460-46A-070, 460-46A-080 and 460-46A-085, repealed and replaced by the promotional shares rule in

chapter 460-16A WAC; and WAC 460-46A-120, the restrictions on management compensation for start-up companies are repealed.

Reason Proposed: To encourage further use of the exemption of chapter 460-46A WAC by small businesses and to conform promotional shares provisions to standards required for all corporate equity offerings.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Implementation: Ken Mark, Assistant Director, Business License Services, Black Lake Plaza, Building 2, Olympia, WA 98504, (206) 753-1749; Enforcement: Jack L. Beyers, Securities Administrator, Securities Division, 1300 Quince Street, P.O. Box 648, Olympia, WA 98504, (206) 753-6928; and Drafting: Michael E. Stevenson, Securities Examiner, Securities Division, 1300 Quince Street, P.O. Box 648, Olympia, WA 98504, (206) 753-6928.

Proponents: The Department of Licensing, Securities Division.

Agency Comments: Prior to proposing these rules the Securities Division of the Department of Licensing has received advice and information from the Securities Advisory Committee and an ad hoc committee of securities lawyers of the Washington State Bar Association.

Federal Law: Not necessary to comply with any federal law or federal or state court decision.

Small Business Impact Statement: Not been prepared because the department does not believe that there is any economic impact on small business as defined in chapter 19.85 RCW. Any impact that the amendments to these rules may have is intended to fall equally on all businesses. Comments regarding any possible economic impact on small business should be directed to Jack L. Beyers, Securities Administrator at the address or telephone number above.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-010 LIMITED OFFERING EXEMPTION—CONDITIONS TO BE MET. Transactions involving the offer and sale of securities made in accordance with all the conditions set forth in ~~((WAC 460-46A-020 through 460-46A-165))~~ this chapter shall be exempted from registration under RCW 21.20.320(9). For offerings commenced but not completed prior to the amendment of this chapter, issuers may opt to follow the rules in effect at the date of commencement of the offering.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-050 ~~((MAXIMUM AMOUNT OF CHEAP AND))~~ PROMOTIONAL SHARES. ~~((In no event shall the aggregate amount of cheap and promotional shares exceed 40 percent of the outstanding shares of a corporation using the limited offering exemption after the completion of the offering, except that this prohibition shall not apply if the net tangible book value (under generally accepted accounting principles) per share for all shares outstanding after the offering will exceed 60 percent of the offering price per share.))~~ The promotional shares rules set forth in WAC 460-16A-101, 460-16A-102, and 460-16A-104 through 460-16A-107, shall apply except that promotional shares need be escrowed pursuant to WAC 460-16A-104 only to the extent that such shares exceed sixty percent of the shares to be outstanding upon the completion of the offering.

AMENDATORY SECTION (Amending Order SDO-114-86, filed 8/22/86)

WAC 460-46A-090 DISCLOSURE DOCUMENT. Each offeree under the limited offering exemption must be furnished a disclosure document on a form provided by the securities administrator (called "Form LOE-82"). A copy of such disclosure document with all attachments must be furnished to prospective purchasers twenty-four hours before either agreeing to purchase the shares or making any payment of consideration, whichever is earlier. A manually signed copy of the disclosure document and an additional copy must be filed with the securities administrator at least ~~((ten))~~ fifteen business days prior to commencement of the offering. If the financial statements attached to the disclosure document are audited, ~~((subject to review or compilation))~~ reviewed or compiled by an accountant, ~~((a copy of the disclosure document and all attachments shall be forwarded to the accountant at the same time it is forwarded to))~~ the written consent of the accountant to inclusion in the disclosure document of the accountant's report shall be filed with the securities administrator. ~~((Certified mail, return receipt requested, is recommended.))~~ If during the course of an offering made under the limited offering exemption there shall occur an event which would materially affect the issuer, its prospects or properties, or otherwise materially affect the accuracy or completeness of the information contained in the disclosure document, the disclosure document shall be promptly revised to reflect such event, filed with the securities administrator as so revised, and used for all sales of shares in the offering thereafter.

NEW SECTION

WAC 460-46A-092 FINANCIAL STATEMENTS. (1) The issuer must file with the administrator financial statements prepared in accordance with generally accepted accounting principles, unless otherwise allowed by the administrator. The financial statements shall be attached to Form LOE-82.

(2) The financial statements required by this section shall consist of the following:

(a) A balance sheet as of the end of the issuer's most recent fiscal year and a balance sheet within one hundred twenty days from the date of Form LOE-82; and

(b) A statement of profit and loss for the issuer's last two fiscal years and for the interim period from the end of the issuer's last fiscal year to a date within one hundred twenty days from the date of Form LOE-82. If the issuer has not conducted significant operations, the issuer must submit a statement of revenues and disbursements from the inception of the corporation to the most recent practicable date.

(3) If the financial statements required by this section are audited, reviewed or compiled, the report of the certified public accountant shall be attached to the financial statements. If the financial statements are not audited, reviewed or compiled, the issuer shall attach to the financial statements a statement signed by the corporation's chief financial officer that the financial statements submitted fairly state the corporation's financial position and results of operations, or receipts and disbursements, as of the dates indicated, all in accordance with generally accepted accounting principles consistently applied and including all adjustments necessary for fair presentation under the circumstances.

AMENDATORY SECTION (Amending Order SDO-95-83, filed 7/15/83)

WAC 460-46A-095 PRICE OF SHARES. All shares sold pursuant to the limited offering exemption must be sold for cash, must be of the same class ~~((except where good cause is shown and agreed to in writing by the administrator))~~, and must be offered and sold at the same price. Where good cause is shown the administrator may, in writing, waive the provisions of this section.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-105 MAXIMUM AND MINIMUM OFFERING AMOUNTS. The issuer must specify the minimum amount of funds necessary to achieve the results anticipated in the disclosure document required under WAC 460-46A-090, and, unless the administrator finds a higher minimum amount is necessary, this shall be the minimum amount of funds to be raised under an offering under the limited offering exemption. The issuer must also establish a maximum

amount of funds to be so raised (~~and the minimum amount shall not be less than 75 percent of the maximum amount~~).

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-110 MONIES TO BE DEPOSITED IN ESCROW ACCOUNT—PERIOD OF ESCROW AND OF OFFERING. The issuer must establish a separate escrow account with a bank acting as escrow agent for all funds received for sales of securities under the limited offering exemption until at least the minimum amount has been raised. If the minimum amount is not raised within ~~((six))~~ twelve months of the ~~((first offer))~~ date of effectiveness of the offering, then all funds, including any interest thereon, shall be promptly returned to the investors. In any event, the offering period may not exceed ~~((nine))~~ twelve months from the ~~((time of the first offer))~~ date of effectiveness of the offering.

AMENDATORY SECTION (Amending Order SDO-116-82, filed 10/5/82)

WAC 460-46A-145 RESTRICTIONS ON TRANSFERABILITY. The issuer must place a legend on the stock certificate evidencing the shares sold under the limited offering exemption in substantially the following form:

"These shares are not registered under the Securities Act of Washington and may not be offered, or sold, pledged (except a pledge pursuant to the terms of which any offer or sale upon foreclosure would be made in a manner that would not violate the registration provisions of the Securities Act of Washington) or otherwise distributed for value, ~~((nor may these shares be transferred on the books of the Company, without opinion of counsel, concurred in by counsel for the Company, that no violation of said registration provisions would result therefrom))~~ unless registered under the Act or unless an exemption from registration is available."

AMENDATORY SECTION (Amending Order SDO-114-86, filed 8/22/86)

WAC 460-46A-150 SUITABILITY OF INVESTORS. ~~((No person may purchase shares under the limited offering exemption in excess of (a) \$15,000, (b) 25% of his or her annual income for the last calendar year, or (c) 25% of his or her net worth, exclusive of equity in residence, automobiles, furnishings, jewelry and personal effects, whichever amount is greater. The issuer must obtain and preserve for three years a signed statement from any purchaser who purchases more than \$15,000 worth of shares in the offering that the amount of his or her investment does not exceed 25% of his or her annual income or net worth. If shares are to be purchased by a pension fund, for an IRA account or for a Keogh plan, the pension fund, IRA account or Keogh plan must meet independently the suitability requirements of this section.))~~ In all sales to investors in this state under the limited offering exemption the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable.

AMENDATORY SECTION (Amending Order SDO-95-83, filed 7/15/83)

WAC 460-46A-155 ~~((ATTORNEY TO REVIEW DISCLOSURE DOCUMENT))~~ ATTORNEY'S OPINION. In order for the limited offering exemption to be available, an attorney, who is a member in good standing of a state bar association, must ~~((certify to the administrator that, although he or she has not undertaken to independently verify the accuracy or completeness of the information contained within the disclosure form required under WAC 460-46A-090, he or she has reviewed the responses to the questions in the form and that (with the exception of the financial statements required under the form) the responses set forth the type of information requested by the form. He or she must further))~~ submit an opinion to the administrator that the shares to be sold in the offering have been duly authorized and

when issued upon payment of the offering price will be legally and validly issued, fully paid and nonassessable.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 460-46A-060 PROMOTER—DEFINITION.
WAC 460-46A-070 CHEAP AND PROMOTIONAL SHARES—DEFINITION.
WAC 460-46A-080 STOCK OPTIONS.
WAC 460-46A-085 INAPPLICABILITY OF CHEAP AND PROMOTIONAL SHARE, AND STOCK OPTION, RESTRICTIONS.
WAC 460-46A-120 STARTUP MANAGEMENT COMPENSATION PROHIBITED.

WSR 89-03-045

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 273, Resolution No. 282—Filed January 13, 1989]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504-2531, that it does adopt the annexed rules relating to conduct on licensed premises, amending WAC 314-16-120.

This action is taken pursuant to Notice No. WSR 88-24-035 filed with the code reviser on December 6, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030 and 66.98.070.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 12, 1989.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 262, Resolution No. 271, filed 10/5/88)

WAC 314-16-120 CONDUCT ON LICENSED PREMISES. (1) It is the duty and responsibility of the licensee to control his/her conduct and the conduct of employees and patrons at all times. The prohibitions in subsections (2), (3), and (4) of this section are minimum rules of conduct. Nothing in this section shall be construed to prevent the licensee from adopting such additional more restrictive house rules as may be necessary to adequately regulate such conduct in order to prevent violations of the laws or rules of the board.

(2) No licensee, or employee thereof, shall be disorderly, boisterous or intoxicated on the licensed premises, or on any public premises adjacent thereto which are under the licensee's control, nor shall any licensee, or employee thereof, permit any disorderly or boisterous

person to be thereon; nor shall any licensee, or employee thereof, use or allow the use of profane or vulgar language thereon when there is a clear and present danger of disorderly conduct being provoked by such language.

((2)) (3) No licensee, or employee thereof, shall consume liquor of any kind while working on the licensed premises. (See WAC 314-16-050, Hours of operation.)

((3)) (4) No licensee shall engage in, or knowingly permit any employee or other person to engage in, conduct on the licensed premises or on property adjacent to the licensed premises under the control of the licensee which is prohibited by any portion of Titles 9, or 9A, or 69 RCW.

WSR 89-03-046
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order DE 89-3—Filed January 13, 1989]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to amending WAC 173-160-215(3).

I, Fred Olson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the amendment deletes the words "lead packer" from the regulation. The Federal Safe Drinking Water Act (Part B) sets design and construction standards for public water supply wells. The 1986 amendments to this act prohibit the use of lead in these wells. Environmental Protection Agency, as a policy, prohibits the use of lead packers in all public water supply wells. This amendment will not allow the use of lead packers in water supply wells.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 18.104.040(4) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1989.

By Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order 88-58, filed 4/6/88)

WAC 173-160-215 DESIGN AND CONSTRUCTION—WELL COMPLETION—GENERAL. *The well may be completed with screens, perforated liners or pipe, or open bottom; these shall be of sufficient strength*

to withstand the forces to which they are subjected during and after construction. It is the well drillers or designers responsibility to advise the owner or his representative of the most appropriate method of completion. Wells shall be completed in a manner which prevents the production of inordinate amounts of sand or turbid water.

(1) *Standard open bottom completion. Open bottom completion is appropriate only where the withdrawn waters are essentially free of sand, silt and turbidity.*

(2) *Perforated pipe completion. Perforated pipe completion is suitable only for a coarse-grained, permeable aquifer where the withdrawn waters are free of excessive sand, silt or turbidity.*

Perforations above the static water level are not permitted. Wells may be completed with perforations as follows:

(a) *In-place perforations with Star, Mills knife, or similar type perforators.*

(b) *Perforated pipe liners, either sawcut, torch-cut, mill-slotted, or punched. Such liners may be of steel, plastic or other suitable corrosion-resistant material, but if other than steel, a full evaluation of the structural stability of the liner must be made prior to its placement. They may be used in a natural development or gravel-packed type construction. The use of perforated casing for working casing as the hole is being drilled is prohibited, except in those cases where the contractor can, through personal experience in the particular area of drilling, attest to the sufficiency of the preperforated casing in all respects for the specific well being constructed.*

(3) *Well screens. Well screens (and well points) shall be constructed of one type of corrosion-resistant material. A neoprene, ((or lead packer)) or grout seal shall be fitted to the top of the well screen assembly. The bottom of the well screen shall be plugged or capped.*

(4) *Alignment. A completed well must be so constructed that the drill hole and/or installed casing does not deviate from an alignment that would allow a twenty foot dummy section of pipe of no more than one diameter size smaller than the casing liner or drilled hole to be inserted to the bottom of the well without binding. Minimum specifications for casing sizes for various ranges in well yield or pumping rate are shown under WAC 173-160-235.*

WSR 89-03-047
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order 88-33—Filed January 13, 1989]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to chapter 173-314 WAC.

This action is taken pursuant to Notice No. WSR 88-24-050 filed with the code reviser on December 7, 1988. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.95.555 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 3, 1989.

By Fred Olson
Deputy Director

Chapter 173-314 WAC
WASTE TIRE CARRIER AND STORAGE SITE LICENSES

WAC

- 173-314-010 Authority and purpose.
- 173-314-100 Definitions.
- 173-314-200 Waste tire carrier license.
- 173-314-210 Enforcement for waste tire carriers.
- 173-314-220 Storage, disposal, and utilization.
- 173-314-300 Waste tire storage site license.
- 173-314-310 Variances.
- 173-314-320 Enforcement for waste tire storage sites.
- 173-314-330 Records.
- 173-314-340 Reports.

NEW SECTION

WAC 173-314-010 AUTHORITY AND PURPOSE. By the provision of RCW 70.95.555 and 70.95.263, the department of ecology has been delegated authority to conduct a licensing program for waste tire carriers and storage site owners. The purpose of this chapter is to provide minimum standards for waste tire carriers and site owners that will result in the safe and proper storage, control, recovery, and recycling of tires throughout the state.

NEW SECTION

WAC 173-314-100 DEFINITIONS. The following words, terms, and phrases shall, for the purposes of this chapter, have the meanings given below:

- (1) "Cab cards" means a license carried in a vehicle that authorizes that vehicle to legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for deposit.
- (2) "Commission" means the Washington utilities and transportation commission.
- (3) "County permit" means a permit issued by a local health district that allows for storage of waste tires at a place of business that does not constitute final disposal of the waste tires.
- (4) "Department of licensing" means the Washington state department of licensing.
- (5) "Director" means the director of the department of ecology.

(6) "Disposal site" means the location where any final treatment, utilization, processing, or depository of solid waste occurs.

(7) "Dispose" means to deposit, dump, spill, or place any waste tire onto or under the surface of the ground or into the waters of this state.

(8) "Ecology" means the Washington state department of ecology.

(9) "Financial assurance" means a performance bond, a letter of credit, cash deposit, or insurance policy in favor of the state of Washington.

(10) "Landfill" means a disposal facility or part of a facility at which waste is placed in or on land and which is not a land treatment facility.

(11) "License" means the license issued by the department of licensing and approved by ecology as authorized by RCW 70.95.555 for any person engaged in the business of transporting or storing waste tires.

(12) "Person" means any individual, firm, association, copartnership, political subdivision, government agency, municipality, industry or private corporation, or any other entity whatever.

(13) "Retreader" means a person engaged in the business of recapping tire casings to produce recapped tires for sale to the public.

(14) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

(15) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes, or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(16) "State" means the state of Washington.

(17) "Storage" or "storing" means the placing of waste tires at a county permitted facility under conditions established in WAC 173-304-420 and chapter 70.95 RCW.

(18) The terms "motor vehicle," "public highway," "common carrier," "contract carrier," "private carrier," and "garbage and refuse collection companies" shall have the meaning when used herein given to them by section 2, chapter 295, Laws of 1961, and by chapter 105, Laws of 1965 ex. sess.

(19) "Tire" means a continuous solid, semipneumatic, or pneumatic rubber covering encircling the wheel of a vehicle.

(20) "Tire derived products" means any usable materials with a market value produced from the physical processing of tires.

(21) "Tire retailer" means a person in the business of selling new replacement tires.

(22) "Transportation" or "transporting" means picking up or transporting waste tires for the purpose of storage or final disposal.

(23) "Unified business identifier service locations" means:

(a) The field offices of the departments of revenue and labor and industries.

(b) The tax offices of employment security.

(c) The Olympia office of the secretary of state.

(d) The business license service office of the department of licensing.

(24) "Vehicle" means every device capable of being moved under its own power upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(25) "Waste tires" means tires that are no longer suitable for their original intended purpose because of wear, damage, or defect.

(26) "Waste tire carrier" means a person who picks up or transports waste tires for the purpose of storage or disposal. This does not include the following:

(a) Any person transporting five tires or less.

(b) Any person transporting tire-derived products.

(c) Any person transporting used tires back to a retail tire outlet for repair or exchange.

(d) Any person regulated by the utilities and transportation commission.

(e) Solid waste collectors operating under a license or franchise from any local government unit and transporting tires as part of solid waste handling activities.

(f) The United States, the state of Washington, any county, city, town, or municipality in this state, when involved in the clean up of illegal waste tire piles.

(g) Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purpose of retreading.

(27) "Waste tire storage site owner" means any person that owns a waste tire facility with a county solid waste permit.

NEW SECTION

WAC 173-314-200 WASTE TIRE CARRIER LICENSE. (1) Applicability. All waste tire carriers are required to obtain a waste tire carrier license from the department of licensing.

(2) After April 1, 1989, all waste tire carriers must obtain a waste tire carrier license from the department of licensing. The department of licensing will process and issue licenses as quickly as possible after receiving a completed application.

(3) Application forms for a waste tire carrier license will be available at unified business identifier service locations located throughout the state.

(4) An application for a waste tire carrier license and a cab card for one vehicle shall include a two hundred fifty dollar application fee, fifty dollars of which shall be nonrefundable. Each additional vehicle cab card to be used by the licensee requires an additional fifty dollar fee. The application fee may be refunded following submittal of an application under the following conditions.

(a) Ecology determination that a license is not required.

(b) The applicant withdraws the application before ecology has approved or denied the application.

(5) The application shall include a bond in the sum of ten thousand dollars in favor of the state of Washington, or other financial assurance.

(6) A waste tire carrier license shall be valid for one year from the time of application. Licensees who want to renew their licenses will be notified forty-five days prior to their expiration date in order to maintain a current license.

NEW SECTION

WAC 173-314-210 ENFORCEMENT FOR WASTE TIRE CARRIERS. (1) All waste tire carriers shall be subject to penalties as described in RCW 70.95.560 and 9A.20.010(2). Furthermore, any person who transports waste tires without a license is in violation of WAC 173-314-200(2) and RCW 9A.20.020(2).

(2) Any violation of the prescribed waste tire carrier license rules may result in revocation of the license under rules defined by RCW 70.95.560 and 9A.20.020(2) or any other enforcement action provided by law. Each day that a violation occurs is a separate violation and may be the subject of separate penalties.

NEW SECTION

WAC 173-314-220 STORAGE, DISPOSAL, AND UTILIZATION. After April 1, 1989, all waste tires that are being transported by a waste tire carrier must be deposited in one of the following locations:

(1) A business that is actively retreading or recycling tires and if required under conditions set forth in WAC 173-304-420 has a county tire storage permit.

(2) Any business that has an outside storage of less than the maximum number of tires allowed in accordance with WAC 173-304-420.

(3) A county permitted waste tire storage facility that has an ecology-approved waste tire storage site owner's license.

(4) A site that has been declared exempt by local health departments and ecology under WAC 173-314-310.

NEW SECTION

WAC 173-314-300 WASTE TIRE STORAGE SITE LICENSE. (1) Applicability. After April 1, 1989, any person in the business of storing waste tires in accordance with WAC 173-304-420 is required to have an ecology-approved waste tire storage site owner's license for that site issued by the department of licensing.

(2) All owners of county permitted waste tire storage sites shall apply to the department of licensing for a waste tire storage site owner's license. Licenses will be issued within ninety days of acceptance of a complete application following review and approval by ecology.

(3) Application forms for a waste tire storage site license will be available from unified business identifier service locations located throughout the state.

(4) Submit an application fee of two hundred fifty dollars. Fifty dollars of the application fee shall be non-refundable. The remainder of the application fee may be refunded if either of the following conditions exists:

(a) Ecology determines that no license will be required.

(b) The applicant withdraws the application before ecology has approved or denied the application.

(5) The application shall include a performance bond in the sum of ten thousand dollars in favor of the state of Washington, or other financial assurance.

(6) A waste tire storage site license shall be valid for one year from the date of approval. The license holder shall have the option to renew annually. Licensees who want to renew their licenses will be sent a renewal notice forty-five days prior to the expiration date.

(7) In order to obtain a waste tire storage license, the site operator or owner must first satisfy the following requirements:

(a) Obtain a solid waste disposal site permit for the storage of waste tires from the jurisdictional health department of the county in which the site is located.

(b) Satisfy all of the requirements of the minimum functional standards for tire pile storage sites (WAC 173-304-420).

(c) Satisfy other requirements deemed appropriate by ecology.

NEW SECTION

WAC 173-314-310 VARIANCES. (1) Any person who owns or operates a waste tire storage facility may apply to the jurisdictional health officer for a variance from WAC 173-304-420. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

(a) The waste tire handling practices or location do not endanger public health, safety, or the environment; and

(b) Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(3) Any variance or renewal shall be granted within the requirements of subsection (1) of this section and for time periods and conditions consistent with the reasons therefore, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement, or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(b) The jurisdictional health department may grant a variance conditioned by a time table if:

(i) Compliance with the regulation will require spreading of costs over a considerable time period; and

(ii) The time table is for a period that is needed to comply with WAC 173-304-420.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. No renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the jurisdictional health department finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the jurisdictional health department shall give public notice of such application in accordance with rules and regulations of the jurisdictional health department.

(5) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(6) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of ecology prior to action on the variance by the jurisdictional health department.

(7) Variances granted by a jurisdictional health department will be accepted as variances under this section.

(8) Public notice shall be given by mailing a notice of the variance application to persons who have written to the jurisdictional health department asking to be notified of all variance requests.

NEW SECTION

WAC 173-314-320 ENFORCEMENT FOR WASTE TIRE STORAGE SITES. Failure to conduct storage of waste tires according to the conditions, limitations, or terms of a county issued permit or this chapter, or failure to obtain a waste tire storage site owner's license is a violation of this chapter and shall be subject to civil penalties as provided in chapter 70.95 RCW and RCW 9A.20.020(2) or to any other enforcement action provided by law. Each day that a violation occurs is a separate violation and may be the subject of separate penalties.

NEW SECTION

WAC 173-314-330 RECORDS. Each owner of a waste tire storage site whose site accepts waste tires after April 1, 1989, shall as a condition of the license:

(1) Maintain records of numbers of waste tires received and shipped.

(2) The licensee shall issue written receipts upon receiving loads of waste tires. Quantities may be measured by aggregate loads or cubic yards, if the licensee documents the approximate number of tires included in each. These records shall be maintained for a period of three years, and shall be available for inspection by ecology after reasonable notice.

NEW SECTION

WAC 173-314-340 REPORTS. Starting on first anniversary of license issuance, and thereafter, as a requirement for license renewal, license reapplication by the owner, or license application by a new owner, the waste tire storage site owner shall submit a report through licensing for ecology review stating the following:

(1) The names and business addresses, and business licenses (if available) of all waste tire carriers that have delivered waste tires to the site, and shipped waste tires from the site, together with the quantity of waste tires shipped with those carriers.

(2) An accounting of the approximate total number of tires deposited at the site during the previous year.

(3) An accounting of the approximate total number of tires removed from the site.

(4) The number of waste tires located at the site at the time of the report.

The report form will be mailed to you by the department of licensing along with the license renewal notification forty-five days prior to the date of license renewal. The report shall be returned along with the license renewal application to the department of licensing.

WSR 89-03-048
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 13, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning social services for families, children and adults, amending chapter 388-15 WAC;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.15.030.

The specific statute these rules are intended to implement is RCW 74.15.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 8, 1989. The meeting site is in a location which is barrier free.

Dated: January 10, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-130, 388-15-132 and 388-15-134.

Purpose for the Change: To provide definitions and update guidelines for child protective services.

Reason These Rules are Necessary: Revisions to comply with statutory changes and to facilitate implementation of recommended changes by the Internal Review Committee, Governor's Task Force and the Children and Family Services' Advisory Committee.

Statutory Authority: RCW 74.12.280.

Summary of Rule Change: This change provides definitions of child abuse and neglect and the goals of the service. A definition and limit of the length of service is provided in the ninety-day rule. The expanded role of the community and collaborating agencies as a participant in an investigation and a resource to families is addressed. Guidelines for interviewing children and notifying parents as well as the review of case information are developed herein.

Person Responsible for Drafting, Information and Enforcement of the Rule: Richard Winters, Program Manager, Division of Children and Family Services, OB-41, 586-1043.

These rules are proposed by DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-15-130 CHILD PROTECTIVE SERVICES—AUTHORITY. The authority for the department's child protective services (CPS) program is chapter 26.44 RCW and RCW 74.13.031.

(1) GOAL STATEMENT. The purpose of CPS is to protect children from child abuse and neglect (CA/N) through the provision of services to:

(a) Assess risk of abuse or neglect to children;
 (b) Develop case plans preventing or remedying CA/N in the shortest reasonable time; and

(c) Maintain, support, or reunify families to the extent possible consistent with the safety of the child.

(2) DEFINITION OF SERVICE. Child protective services are those services provided by the department on behalf of children who are reported to be abused, neglected, or exploited or who are threatened with harm through abusive, neglectful, or exploitive acts by ((those responsible for their health, safety and welfare. Services are given to prevent, correct, improve or remedy the situations of children who are found to be neglected, abused or exploited, including runaways:

(2) Services may also include):
 (a) The child's parent, legal custodian, or persons serving in loco parentis; or

(b) Persons licensed or certified under chapter 74.15 RCW; or
 (c) Persons included within those categories of alleged perpetrators and subject to CPS investigation, as specified by department manual provisions or policy directives.

(3) DEFINITION OF CHILD ABUSE, NEGLECT, OR EXPLOITATION (CA/N). Abusive, neglectful, or exploitive acts defined in RCW 26.44-.020 include:

(a) Inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health, or loss or impairment of any bodily function.

(b) Creating a substantial risk of physical harm to such child's bodily functioning.

(c) Committing or allowing to be committed any sexual offense against such child as defined in the criminal code or intentionally touching, either directly or through the clothing, the genitals, anus, or breasts of a child for other than hygiene or child care purposes.

(d) Committing acts which are cruel or inhumane regardless of observable injury. Such acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a child's pain and/or mental suffering.

(e) Assaulting or criminally mistreating a child as defined by the criminal code.

(f) Failing to provide food, shelter, clothing, supervision, or health care necessary to a child's health or safety.

(g) Engaging in actions or omissions resulting in injury to, or creating a substantial risk to the physical or mental health or development of a child.

(h) Failing to take reasonable steps to prevent the occurrence of (a) through (g).

(4) DESCRIPTION OF SERVICES.

(a) The department's child protective services shall include:

(i) Investigation of CA/N reports (RCW 26.44.050);

(ii) Development, management, and provision of services to ameliorate conditions endangering the welfare of children;

(iii) Coordination of programs and services relevant to the prevention and treatment of CA/N;

(iv) Case planning to ensure each child has a permanent home;

(v) Community education; and

(vi) Development of preventative services to reduce and/or eliminate CA/N.

(b) Department services may also include:

(i) Counseling with the children and their families(;) or other responsible individuals(;) ;

(ii) Arranging ((for alternate living arrangements)) out-of-home placement, ((including)) e.g., relative placement, emergency foster care, etc.; ((day care; homemaker or chore service))

(iii) In-home support services; ((health support services and mental health services. Services also may include referral to appropriate law enforcement agencies and petitions to courts, as well as cooperation))

(iv) Petitions to courts;

(v) Information about and/or referral to other agencies or persons; and

(vi) Cooperating with out-of-state child protective service agencies.

((3)) (5) ((Goals for child protective services shall be limited to those specified in WAC 388-15-010 (1)(c). Also see WAC 388-15-010(2)) COMMUNITY INVOLVEMENT. The department shall involve local community resources in the planning and provision of needed services. Involvement shall include:

(a) Notifying law enforcement of department activity in cases being investigated by both agencies.

(b) Coordination of community resources to provide identification, prevention, and treatment of CA/N.

(c) Organizing community child protection teams of professional persons or agencies providing services to abused or neglected children and/or parents of such children.

(d) Other activities to coordinate the investigation and keep participants apprised of case progress per RCW 26.44.035.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-15-132 CHILD PROTECTIVE SERVICES—ACCEPTANCE OF REPORTS—ELIGIBILITY FOR SERVICES AND LIMITS TO AUTHORITY. ((Reports shall be made directly to the department's CSO.))

(1) ACCEPTANCE OF REPORTS. The ((departmental CSO)) department shall accept a ((complaint or referral concerned with child abuse or neglect, neglect or exploitation of children)) report of CA/N from any source, including one made anonymously. Reports shall be made directly to the department's division of children and family services (DCFS) local office per RCW 26.44.030.

(a) The department shall determine whether reports allege incidents, conditions, or circumstances meeting the definition of CA/N in RCW 26.44.020 and WAC 388-15-130, and

(b) The department shall have the authority to refuse to investigate reports which do not meet the statutory definition of CA/N.

(2) REPORTS TO LAW ENFORCEMENT. The department shall report to the appropriate law enforcement agency any reported incident of death, sexual abuse, or nonaccidental physical injury of a child and any incident where the CPS investigation reveals reasonable cause to believe a crime is committed. The report to law enforcement shall be made within three working days following:

(a) Receipt of a complaint alleging death, sexual abuse, or nonaccidental physical injury of a child; or

(b) During a CPS investigation, discovery of information creating reasonable cause to believe a child died, suffered sexual abuse, or had a nonaccidental physical injury; or

(c) During a CPS investigation, discovery of information creating reasonable cause to believe a crime is committed against a child.

(3) INVESTIGATION. The department, except as provided by RCW 26.44.050 and WAC 388-15-130(2), shall be responsible for investigation of reports of suspected CA/N.

(a) The department shall begin its investigation within twenty-four hours for all CA/N reports where children are assessed to be at risk of imminent harm;

(b) The department shall investigate all other reports meeting the legal definition of CA/N, but may determine an appropriate response time based on the assessed risk of CA/N; and

(c) The department:

(i) Shall develop and maintain records of its investigations of CA/N per RCW 26.44.035, and

(ii) May arrange for ongoing services by another agency.

(d) Upon receiving a report of incidents, conditions, or circumstances of CA/N, the department shall:

(i) Have access to any and all records of the child in the possession of mandated reporters and their employers;

(ii) Have the authority to interview children without prior parental notification or consent;

(iii) Have authority to interview children outside of the presence of parents at locations determined by the department to be suitable for an interview. The child or the department may have a third party present at the interview so long as the investigation is not jeopardized per RCW 26.44.030; and

(iv) Notify the child's parent, guardian, or caretaker about the interview per RCW 26.44.030(9).

(e) The department shall complete the investigation within ninety days from the date of report. The department shall make written findings of all investigations including:

(i) A description of any injuries or harm inflicted on the child,

(ii) An account of the department's investigation,

(iii) The findings regarding specific allegations,

(iv) An assessment of risk to the child, and

(v) The department's disposition of the case (RCW 13.34.120 and 26.44.040).

(4) LIMITS TO AUTHORITY. The department:

(a) Shall have the authority to share information for case planning and case consultation purposes with mandated reporters and agencies which have provided or will provide services to the child and family per RCW 26.44.030; and

(b) May share information with community child protection teams, designated members of Washington Indian tribes, and/or citizen advisory groups to assist in case planning, consultation, and policy review per RCW 26.44.030.

(5) SERVICE OPTIONS (NINETY-DAY RULE). Within ninety days of receipt of a report alleging a child is at risk of CA/N, the department shall:

(a) Develop, with the family, a mutually agreed upon written service plan;

(b) File a dependency petition with the juvenile court; or

(c) Close the case.

(6) JUVENILE COURT CASE PLANS. When the department files a dependency petition, the department shall develop a written social study and proposed case plan for the court to consider at the dispositional hearing per RCW 13.34.120:

(a) Mail a copy to the parent or parents and their attorney at least ten days prior to the disposition hearing, and

(b) Provide the parent or parents an opportunity to review and comment on the plan at the local DCFS office.

(7) REOPENING CLOSED CASES. Any closed case may be reopened by the department for good cause including, but not limited to:

- (a) Further allegations of CA/N;
- (b) Additional information pertaining to the department's investigation; or
- (c) When necessary witnesses or other persons, e.g., parent or child, are located or become available to complete the investigation.

(8) LENGTH OF ELIGIBILITY. Any child ~~((so))~~ reported to the department shall be eligible for child protective services ~~((and)).~~ A child shall remain eligible until ~~((it is determined that))~~ he or she is ~~((not suffering from maltreatment and his welfare))~~ no longer abused or neglected or is ~~((not or is))~~ no longer ~~((in jeopardy))~~ at risk of CA/N subject to the provisions of WAC 388-15-130 and 388-15-132.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-15-134 CHILD PROTECTIVE SERVICES—NOTIFICATION ~~((=SUBSTANTIATION)).~~ (1) DUTY TO NOTIFY. The department shall notify the ~~((parents, stepparents, guardians or other persons having custody of the child or other person alleged to be the abuser that))~~ parent or legal custodian of a child when:

- (a) The department ((has received)) is investigating a report alleging ((condition(s) specified in WAC 388-15-132 unless the report is for informational purposes only because the situation has been resolved by law enforcement and/or by the courts. The identity of the person making the report to the department shall not be revealed unless that person has given permission to do so)) an act or acts of child abuse or neglect (CA/N); and
- (i) Their child is alleged to be the victim; and/or
- (ii) The department interviews a child alleged to be the victim of CA/N.

- (b) The department takes a child into custody pursuant to a court order issued under RCW 13.34.050;
- (c) The department receives custody of a child from law enforcement pursuant to RCW 26.44.050; and
- (d) The department files a dependency petition.

(2) ((Unless the report was for information purposes only as specified in subsection (1), the parent or parents surrogate or other alleged abuser as specified above, shall be provided the opportunity to supply information about the allegation and his situation. This person's response about the allegation and his situation including a written statement, if any, shall be a part of the department's case record)) NOTIFICATION OF NONCUSTODIAL PARENTS.

- (a) The department shall notify noncustodial parents when a child is taken into custody pursuant to RCW 26.44.050 or 13.34.050 and placed into the custody of the department, and
- (b) Notification shall also occur when the department files a dependency petition.

(3) ((The person, if available, shall be notified that the information will be on file in the CSO)) NOTIFICATION CONTENTS. Whenever a child is taken into custody under RCW 13.34.050 or 26.44.050, the notification required by this section shall comply with the requirement of RCW 26.44.120. The notification shall also include:

- (a) A description of the department's action; and
- (b) The reason or reasons for the department's actions.
- (4) ((The person, if available, shall be informed of the placement of his name as an abuser in the central registry)) OPPORTUNITY TO REVIEW CASE INFORMATION. The department shall:

- (a) Notify the person or persons legally responsible for the child of the address of the office where the case record information will be on file; and
- (b) Provide them with the opportunity to read parts of the case record relating to the allegations, provided:
 - (i) They have requested access to the information, and
 - (ii) Such access is not otherwise prohibited by law.

(5) ((The person, if available, shall be advised of his right to a fair hearing in accordance with chapter 388-08 WAC.

(6) The department shall determine if there is a factual basis for the report, unless the report is already substantiated or is for information purposes only:

- (a) A report which contains facts about the state or condition of the child amounting to child abuse made by any person under a mandatory duty to report shall be considered substantiated and must be reported to the central registry. The substantiation of the identity of the alleged abuser shall be considered separately.
- (b) Regardless of source, a report in which the facts support the conclusion(s) is to be considered substantiated. If the report is substantiated and falls within the definition of what is to be reported to

the central registry, it must also be reported to the central registry. The parent or parent surrogate or other suspected/alleged perpetrator, if available, shall be notified that the information has been forwarded to the central registry.

(7) Even if the report is not substantiated, service may continue as per WAC 388-15-132)) DISCLOSURE OF CASE INFORMATION. The department shall not disclose case record information except as permitted under provisions of chapter 388-320 WAC and applicable statutes. The department shall not disclose the name and address of any referrant who requests their identity be held in confidence. Even if disclosure is otherwise permissible, the department may refuse disclosure of the name and address of any victim.

(6) LIMITS OF DUTY TO NOTIFY. The duty of notification created by this section shall be subject to the ability of the department to ascertain the location of the person to be notified. The department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

WSR 89-03-049
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 13, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning availability of ADATSA services to current recipients, new section WAC 388-40-002;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.50.010.

The specific statute these rules are intended to implement is chapter 74.50 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 7, 1989. The meeting site is in a location which is barrier free.

Dated: January 12, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The Following Section is Affected by this Revision: WAC 388-40-002.

Purpose of this Rule Change: To implement additional cost containment measures in the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) program. These program cuts are in addition to proposed WAC 388-40-001 which was forwarded for your review last week.

This Rule Change is Necessary: To allow the department to operate within the ADATSA budget over the remaining months of this biennium. These cuts will remain in effect until the end of the biennium unless sufficient savings are realized in time to restore some services.

Statutory Authority: Chapter 74.50 RCW.

This Rule Change will have the Following Specific Effect: It eliminates outpatient treatment as an available ADATSA service until the beginning of the next biennium. This change affects applicants as well as recipients who are currently in outpatient treatment; and ADATSA clients admitted to residential treatment on or after January 15th will not be able to receive any financial assistance when they are discharged. Clients who entered residential treatment prior to January 15th may receive shelter assistance upon discharge if they are still incapacitated.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: Cecile Anderson, Community Services Program Manager, Bureau of Alcohol and Substance Abuse, phone 753-5866, 234-5866 scan, mailstop OB-44W.

This rule is not necessary as a result of federal law or federal or state court action.

NEW SECTION

WAC 388-40-002 AVAILABILITY OF ADATSA SERVICES TO CURRENT RECIPIENTS. (1) The department shall not provide outpatient treatment services or shelter services, including assistance for independent housing, upon discharge for recipients admitted to residential treatment on or after January 15, 1989.

(2) Effective February 1, 1989, the department shall not provide outpatient treatment services through the ADATSA program.

(3) This section modifies and supersedes WAC 388-40-030, 388-40-090, 388-40-095, and 388-40-100.

WSR 89-03-050
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2754—Filed January 13, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to availability of ADATSA services to current recipients, new section WAC 388-40-002.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the

public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is necessary for the preservation of the public health, safety, and general welfare. A severe shortage of funds in the ADATSA program requires immediate revision of the range of available treatment and shelter services in order to comply with RCW 43.88.290 and the appropriations provisions contained in section 202, chapter 7, Laws of 1987 and section 202, chapter 289, Laws of 1988, as well as the spending limitations contained in Article 8, Sections 4 and 5.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.50.010 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.50 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 12, 1989.

By Leslie F. James, Director
 Administrative Services

NEW SECTION

WAC 388-40-002 AVAILABILITY OF ADATSA SERVICES TO CURRENT RECIPIENTS. (1) The department shall not provide outpatient treatment services or shelter services, including assistance for independent housing, upon discharge for recipients admitted to residential treatment on or after January 15, 1989.

(2) Effective February 1, 1989, the department shall not provide outpatient treatment services through the ADATSA program.

(3) This section modifies and supersedes WAC 388-40-030, 388-40-090, 388-40-095, and 388-40-100.

WSR 89-03-051
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2755—Filed January 13, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- | | | |
|-----|----------------|--|
| Amd | WAC 388-33-376 | Advance and adequate notice—Suspension—Termination—Redirection of grant. |
| Amd | WAC 388-38-045 | Applicant responsibility for providing information. |
| Amd | WAC 388-38-172 | Application denied or withdrawn—Notice. |

This action is taken pursuant to Notice No. WSR 88-23-102 filed with the code reviser on November 22, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 12, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2369, filed 5/1/86)

WAC 388-33-376 ADVANCE AND ADEQUATE NOTICE—SUSPENSION—TERMINATION—REDUCTION OF GRANT. (1) In cases of planned actions to terminate, suspend, or reduce grants to recipients of AFDC, GA, medical assistance, or medical only, the department shall give advance and adequate notice, except as provided in WAC 388-33-385.

(a) "Advance" means that the notice is mailed at least ten days before the date of action.

(b) "Adequate" means a written statement of what action the department intends to take, the facts relating to the decision, the policy supporting the action, the right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) The department shall fully translate advance and adequate notice into the primary language of the limited English proficient recipient/enrollee.

(3) When advance notice of planned action is not required as provided in WAC 388-33-385:

(a) Notification of planned reduction shall be provided by state office;

(b) The local office shall notify the recipient of suspension or termination action as described in subsection (1)(b) of this section.

~~((3))~~ (4) When changes in either state or federal law require automatic grant adjustments for classes of recipients, notice shall be given including the specific change in law. The state office shall determine the method by which notice is given.

AMENDATORY SECTION (Amending Order 2380, filed 5/21/86)

WAC 388-38-045 APPLICANT RESPONSIBILITY FOR PROVIDING INFORMATION. (1) Each applicant must complete and submit application forms as provided in WAC 388-38-040, including other statements in support of application as provided in WAC 388-38-200.

(2) The applicant shall be allowed a reasonable time of not less than ten calendar days to provide statements in support of the application. The department shall fully

translate written requests for additional information into the primary language of limited English proficient applicants. The department shall extend the time when:

(a) The applicant has provided some, but not all, of the available information. In such cases, the applicant shall be provided written notification of the specified information still required and shall be allowed an additional ten calendar days, or a longer time depending upon the specific circumstances; or

(b) The department, having previously completed the initial interview or requested specific information, subsequently determines the need for different or additional information. In such cases, the applicant shall be provided written notification of the specific additional information required and be allowed an additional ten calendar days, or a longer time depending upon the specific circumstances; or

(c) The applicant, at any time prior to disposal action as provided in WAC 388-38-120, reasonably requests, orally or in writing, additional time to provide statements in support of the application.

(3) When the applicant fails to provide requested statements within the initially specified or extended period, as provided in subsection (2) of this section, the department shall:

(a) Evaluate all available information, and

(b) Determine eligibility for financial assistance according to applicable rules in WAC 388-38-120.

AMENDATORY SECTION (Amending Order 2380, filed 5/21/86)

WAC 388-38-172 APPLICATION DENIED OR WITHDRAWN—NOTICE. ~~((Written notice))~~ The department shall ((be given)) give written notice to an individual whose application for assistance is denied or withdrawn, except for a withdrawal due to an applicant's death. The department shall fully translate the written notice of denial or withdrawal into the primary language of limited English proficient applicants. The notice shall include the following information:

(1) The basis for the decision ~~((including))~~ shall include the reason or reasons for denial and the rules ((supporting)) to support such action.

(2) For applications denied according to WAC 388-38-120 (2)(b)(i), the notice must state:

(a) What ~~((specified))~~ information was requested and not provided including the date of the request;

(b) That, based upon information provided by the applicant, eligibility for financial assistance has not been established; and

(c) That, if the applicant, within thirty days from the date of the denial notice, provides all specified information requested and not provided and the applicant's circumstances have not changed, the department will re-determine eligibility and, if eligibility is established, rescind the denial and approve assistance.

~~((2))~~ (3) The date of the decision.

~~((3))~~ (4) The right to a fair hearing. The letter need not include notice of right to a fair hearing when the applicant gives written notice of withdrawal including a statement to that effect on his or her application.

WSR 89-03-052
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 13, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd WAC 388-24-040 Aid to families with dependent children—Summary of eligibility conditions.
- New WAC 388-24-113 Eligibility conditions applicable to AFDC—Cooperation with quality control;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 7, 1989. The meeting site is in a location which is barrier free.

Dated: January 13, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-24-040 and new WAC 388-24-113.

Purpose of the Rule Change: To add an additional condition of eligibility to cooperate with quality control to establish eligibility for recipients of aid to families with dependent children (AFDC).

Reason the Rule Amendment is Necessary: To improve program integrity and save possible sanction moneys.

Statutory Authority: RCW 74.08.090.

Summary: Cooperation with quality control in providing necessary information to establish eligibility for AFDC is added as a condition of eligibility. Failure to provide the information necessary to determine eligibility to quality control will result in termination from assistance for the person refusing to provide the information.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Betty Brinkman, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-4915.

This rule is not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 2621, filed 4/15/88)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. The department shall grant AFDC on behalf of a needy child who:

(1) Is living in the home of a relative of specified degree. For temporary absences, see WAC 388-24-207 and 388-24-125;

(2) Is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States (see WAC 388-26-120);

(3) Is in financial need (see chapters 388-28 and 388-33 WAC);

(4) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-26-055 through 388-26-105 and WAC 388-24-125);

(5) Is deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent. A parent is a person acknowledging parentage and meeting the criteria in the Uniform Parentage Act (see WAC 388-24-055 through 388-24-074);

(6) Meets the following age requirements:

(a) Is under eighteen years of age; or

(b) Is under nineteen years of age and a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which the child reaches ((age)) nineteen years of age; or

(c) Is unborn and there are no other eligible children in the household. In this case, the department grants AFDC only to the unborn's mother, provided:

(i) There is medical conformation the woman is in the third trimester of pregnancy (the three calendar months preceding the expected month of birth); and

(ii) If such child was born and residing in the same household as the woman, in the the month of payment, they would otherwise be eligible for aid to families with dependent children.

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

NEW SECTION

WAC 388-24-113 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—COOPERATION WITH QUALITY CONTROL. (1) The department shall require each applicant for, or recipient of, AFDC to cooperate during a quality control review.

(2) Failure to cooperate during a quality control review shall result in ineligibility for the recipient or applicant who refuses to provide the information necessary to determine eligibility.

(3) The noncooperating recipient or applicant shall remain ineligible for AFDC until the earlier of the following:

(a) Quality control requirements are met; or

(b) Ninety-five days from the end of the annual quality control period.

WSR 89-03-053
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2757—Filed January 13, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-77 WAC Family independence program.
 Rep WAC 388-49-191 Household composition—Family independence program.

This action is taken pursuant to Notice No. WSR 88-22-034 filed with the code reviser on October 27, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in chapter 74.21 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1989.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2683, filed 8/30/88)

WAC 388-77-005 GENERAL PROVISIONS. (1) The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.

(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:

(a) The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP; and

(b) The food stamp program for the food assistance portion of FIP.

(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area at application (for applications submitted after June 30, 1988) at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:

(a) ~~((An applicant who has received AFDC within ninety days prior to application shall not be converted to FIP. If eligible, the household shall be authorized))~~

AFDC cases which lose their exemption from participation in the Washington employment opportunities program (OPPORTUNITIES) may convert to FIP as an alternative to being referred to OPPORTUNITIES;

(b) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring from a FIP to a non-FIP geographic area shall have the option to retain their FIP status if there is a FIP CSO in the county to which they transferred. Such enrollees wishing to remain in FIP shall report to, have their eligibility maintained by and services provided by, the FIP CSO in the county to which they transferred.

(7) Prior to denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

AMENDATORY SECTION (Amending Order 2683, filed 8/30/88)

WAC 388-77-610 STANDARDS OF ASSISTANCE—INCENTIVE STANDARDS. (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefits as follows:

(a) Five percent of the benchmark standard for pregnant or parenting teenage parents under twenty-two years of age who stay in:

(i) High school and progress toward graduation; and

(ii) Participate, when available, in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full-time.

(2) The department shall provide other FIP enrollees participating in education or training programs approved by ESD or the department with incentive benefits equaling five percent of the benchmark standard.

(3) ~~The department shall allow self-employed enrollees ((shall be entitled to))~~ with an approved self-employment plan fifteen percent or thirty-five percent of the benchmark standard based on:

(a) The enrollee's declaration of hours worked for six consecutive months starting with the first month the enrollee is entitled to an incentive for self-employment; and

(b) Thereafter, the hours worked as computed by dividing the enrollee's ((net)) gross income by the federal minimum wage.

(4) An enrollee's participation in job search skills development or job search activities shall not qualify ((an)) the enrollee for an incentive under WAC 388-77-610.

(5) The department shall not allow more than one incentive per assistance unit. The department shall allow the incentive ((shall be allowed)) at the highest level for which the assistance unit qualifies.

(6) The department shall round incentive payments down to the nearest dollar.

(7) The department shall provide incentives for employment to correspond with the budgeting of income. Incentives for training shall be provided using prospective budgeting.

(8) For the purposes of the incentive computation, the department shall calculate the food assistance amount used in the benchmark (~~(shall be calculated)~~) at eighty percent of the thrifty food plan. The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

AMENDATORY SECTION (Amending Order 2684, filed 8/30/88)

WAC 388-77-820 FOOD ASSISTANCE. (1) The department shall:

(a) Determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC(;;); except:

~~((t))~~ (b) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

~~((a))~~ (i) The FIP incentive and the value of child care provided under FIP;

~~((b))~~ (ii) Higher education benefits;

~~((c))~~ (iii) Earned income tax credit;

~~((d))~~ (iv) Retroactive FIP benefits;

~~((e))~~ (v) The first fifty dollars of any child support payments received in the month;

~~((f))~~ (vi) Earnings of a child under eighteen years of age; and

~~((g))~~ (vii) Self-employment income used for capital expenditures which are included as part of a self-sufficiency plan.

(2) For enrollees, the department shall pay the food stamp cash equivalent as a grant;

(3) For enrollees, the department shall verify eligibility factors as in WAC 388-77-045;

(4) The department shall consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) The (~~household composition for food assistance purposes~~) department shall (~~include only those persons in the FIP assistance unit as determined by WAC 388-77-210~~) determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC, except:

(a) FIP members shall receive a prorated amount of benefits as food cash assistance; and

(b) Non-FIP members shall receive a prorated amount of benefits in food stamps; and

(c) The provisions of WAC 388-77-820 (1), (2), and (3) shall apply to the FIP members of the mixed household.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-49-191 HOUSEHOLD COMPOSITION—FAMILY INDEPENDENCE PROGRAM.

WSR 89-03-054
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2756—Filed January 13, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-77 WAC Family independence program.
Rep WAC 388-49-191 Household composition—Family independence program.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is changes to household composition are being effected on an emergency basis to implement federal legislation which was signed into law in October 1988, but which is effective July 1, 1988, and to maintain budget neutrality. Other changes are being effected on an emergency basis for the general welfare of program participants.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in chapter 74.21 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2683, filed 8/30/88)

WAC 388-77-005 GENERAL PROVISIONS. (1) *The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.*

(2) *In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to:*

(a) *The aid to families with dependent children program (AFDC) for the Title IV-A portion of FIP, and*

(b) *The food stamp program for the food assistance portion of FIP.*

(3) *The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities for the Title IV-A portion of FIP. The department shall follow the food stamp program for hearings related to the food assistance portion of FIP.*

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area at application (for applications submitted after June 30, 1988) at the annual grant face-to-face eligibility review, and at such other times as designated by the department, except:

(a) ~~((An applicant who has received AFDC within ninety days prior to application shall not be converted to FIP. If eligible, the household shall be authorized)) AFDC cases which lose their exemption from participation in the Washington employment opportunities program (OPPORTUNITIES) may convert to FIP as an alternative to being referred to OPPORTUNITIES;~~

(b) AFDC recipients shall, at the annual face-to-face review, have the option to enroll in FIP or remain on AFDC.

(6) FIP enrollees transferring from a FIP to a non-FIP geographic area shall have the option to retain their FIP status if there is a FIP CSO in the county to which they transferred. Such enrollees wishing to remain in FIP shall report to, have their eligibility maintained by and services provided by, the FIP CSO in the county to which they transferred.

(7) Prior to denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

AMENDATORY SECTION (Amending Order 2683, filed 8/30/88)

WAC 388-77-610 STANDARDS OF ASSISTANCE—INCENTIVE STANDARDS. (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefits as follows:

(a) Five percent of the benchmark standard for pregnant or parenting teenage parents under twenty-two years of age who stay in:

(i) High school and progress toward graduation; and

(ii) Participate, when available, in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full-time.

(2) The department shall provide other FIP enrollees participating in education or training programs approved by ESD or the department with incentive benefits equaling five percent of the benchmark standard.

(3) The department shall allow self-employed enrollees ((shall be entitled to)) with an approved self-employment plan fifteen percent or thirty-five percent of the benchmark standard based on:

(a) The enrollee's declaration of hours worked for six consecutive months starting with the first month the enrollee is entitled to an incentive for self-employment, and

(b) Thereafter, the hours worked as computed by dividing the enrollee's ((net)) gross income by the federal minimum wage.

(4) An enrollee's participation in job search skills development or job search activities shall not qualify ((an)) the enrollee for an incentive under WAC 388-77-610.

(5) The department shall not allow more than one incentive per assistance unit. The department shall allow the incentive ((shall be allowed)) at the highest level for which the assistance unit qualifies.

(6) The department shall round incentive payments down to the nearest dollar.

(7) The department shall provide incentives for employment to correspond with the budgeting of income. Incentives for training shall be provided using prospective budgeting.

(8) For the purposes of the incentive computation, the department shall calculate the food assistance amount used in the benchmark ((shall be calculated)) at eighty percent of the thrifty food plan. The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

AMENDATORY SECTION (Amending Order 2684, filed 8/30/88)

WAC 388-77-820 FOOD ASSISTANCE. (1) The department shall:

(a) Determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC((:)); except:

((+)) (b) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

((+)) (i) The FIP incentive and the value of child care provided under FIP;

((b)) (ii) Higher education benefits;

((c)) (iii) Earned income tax credit;

((d)) (iv) Retroactive FIP benefits;

((e)) (v) The first fifty dollars of any child support payments received in the month;

((f)) (vi) Earnings of a child under eighteen years of age; and

((g)) (vii) Self-employment income used for capital expenditures which are included as part of a self-sufficiency plan.

(2) For enrollees, the department shall pay the food stamp cash equivalent as a grant;

(3) For enrollees, the department shall verify eligibility factors as in WAC 388-77-045;

(4) The department shall consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) The ((household composition for food assistance purposes)) department shall ((include only those persons in the FIP assistance unit as determined by WAC 388-77-210)) determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC, except:

(a) FIP members shall receive a prorated amount of benefits as food cash assistance; and

(b) Non-FIP members shall receive a prorated amount of benefits in food stamps; and

(c) The provisions of WAC 388-77-820 (1), (2), and (3) shall apply to the FIP members of the mixed household.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-49-191 HOUSEHOLD COMPOSITION—FAMILY INDEPENDENCE PROGRAM.

WSR 89-03-055

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Memorandum—January 12, 1989]

There will be a joint meeting of the International Development Committee of the Washington State Convention and Trade Center and the Public Policy Committee of the Economic Development Council on Tuesday, January 17, 1989, at noon in Room 601 of the Washington State Convention and Trade Center, 800 Convention Place, Seattle.

For more information, call Peggy Flynn at 447-5000.

WSR 89-03-056

**PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Filed January 17, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Rep WAC 356-18-180 Returning employee rights.
- New WAC 356-05-238 Pay status.
- Amd WAC 356-18-020 Holidays.
- Amd WAC 356-18-025 Holidays—Selected personal holiday, regulations governing.
- Amd WAC 356-18-030 Holidays—Rules, regulation governing.
- Amd WAC 356-18-040 Holidays—During leave without pay.
- Amd WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.
- Amd WAC 356-18-060 Paid sick leave—Use.
- Amd WAC 356-18-070 Sick leave—Reporting—Payment.
- Amd WAC 356-18-080 Leave—Workers compensation.
- Amd WAC 356-18-090 Vacation leave—Accrual.
- Amd WAC 356-18-110 Vacation leave—Allowance.
- Amd WAC 356-18-116 Leave due to child care emergencies.
- Amd WAC 356-18-140 Leave without pay.
- Amd WAC 356-18-150 Leave—Newborn or adoptive child care—Provision.
- Amd WAC 356-18-160 Military leave—Reemployment.
- Amd WAC 356-18-220 Leave without pay effect on anniversary;

that the agency will at 10:00 a.m., Thursday, February 9, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 7, 1989.

This notice is connected to and continues the matter in Notice No. WSR 88-24-040 filed with the code reviser's office on December 6, 1988.

Dated: January 13, 1989

By: Robert A. Boysen
Acting Director

WSR 89-03-057

**PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Filed January 17, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Compensation plan—Fiscal impact, amending WAC 356-14-062;

that the agency will at 10:00 a.m., Thursday, March 9, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 7, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-01-023 filed with the code reviser's office on December 12, 1988.

Dated: January 12, 1989

By: Robert A. Boysen
Acting Director

WSR 89-03-058

**PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Filed January 17, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-15-090 Schedule change and compensation.
- Amd WAC 356-14-240 Overtime compensation method.
- Amd WAC 356-15-080 Standby compensation;

that the agency will at 10:00 a.m., Thursday, March 9, 1989, in the Board Hearings Room, Department of

Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 7, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-01-024 filed with the code reviser's office on December 12, 1988.

Dated: January 12, 1989

By: Robert A. Boysen
Acting Director

WSR 89-03-059
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 17, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-42-020 Determination of bargaining unit.
Amd WAC 356-42-055 Arbitration—Grievance—Procedure.
Rep WAC 356-42-105 Requests for arbitration;

that the agency will at 10:00 a.m., Thursday, March 9, 1989, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 7, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-01-025 filed with the code reviser's office on December 12, 1988.

Dated: January 12, 1989

By: Robert A. Boysen
Acting Director

WSR 89-03-060
ADOPTED RULES
INSURANCE COMMISSIONER
[Order R 89-2—Filed January 17, 1989]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules concerning waiver of financial requirements

by a surplus line broker and the concerned insured, WAC 284-15-050.

This action is taken pursuant to Notice No. WSR 88-24-051 filed with the code reviser on December 7, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.15.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 12, 1989.

Dick Marquardt
Insurance Commissioner
By David H. Rodgers
Chief Deputy
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 81-1, filed 1/21/81)

WAC 284-15-050 SURPLUS LINE—WAIVER OF FINANCIAL REQUIREMENTS. The commissioner may waive the financial requirements specified in RCW 48.15.090 in circumstances where insurance cannot be otherwise procured on risks located in this state. Except as set forth in subsection (6) of this section, at least the following information shall be submitted when a surplus line broker makes a request for the commissioner to waive the financial requirements:

(1) A letter of explanation for the need to waive the financial requirements;

(2) The financial condition of the proposed insurer as reported in its annual statement as of the end of the calendar year next preceding;

(3) The number of years the company has been writing the specific class of insurance;

(4) The reinsurance agreements backing up the class of coverage or the company;

(5) Written acknowledgement signed by the proposed insured to the effect that the insured is informed that the coverage is to be issued by an insurer (or insurers) which is not an authorized insurer in the state of Washington, that financial requirements for surplus line insurers otherwise applicable have been waived by all parties concerned to enable this coverage to be obtained, and that there is no protection under the Washington Insurance Guaranty Association;

(6) For jumbo accounts requiring a multiplicity of insurers, the commissioner may, in lieu of the requirements in subsections (2), (3), and (4) of this section, accept certification from an experienced surplus lines broker that the broker has investigated the financial condition of the prospective insurers and is satisfied that they are capable of underwriting the attendant risks. Records and documents supporting the broker's certification must be maintained by the broker for the life of the policies and as long thereafter as a claim may be litigated, but in no case less than five years.

WSR 89-03-061
PROPOSED RULES
COMMISSION ON JUDICIAL CONDUCT
[Filed January 17, 1989]

The commission has reviewed its rules and adopted some proposed changes for publication and comment. These rules are promulgated under the rule-making authority of the Commission on Judicial Conduct as authorized in Article 4, Section 31 of the Washington State Constitution.

Pursuant to RCW 34.08.020, please publish them in the next available State Register for comment by April 19, 1989, to be submitted in writing to the Commission on Judicial Conduct, P.O. Box 1817, Mailstop EW-14, Olympia, WA 98507.

Esther Garner
Executive Director

Reviser's note: The material contained in this filing will appear in the 89-04 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 89-03-062
ADOPTED RULES
BOARD OF ACCOUNTANCY
[Order ACB-165-Filed January 17, 1989]

Be it resolved by the Board of Accountancy, acting at Seattle, that it does adopt the annexed rules relating to:

- Amd WAC 4-25-040 Board meetings, officers, fees.
New WAC 4-25-191 Licenses to practice-Certificates-Individuals.
Rep WAC 4-25-180 Permits to practice-Individual.

This action is taken pursuant to Notice No. WSR 88-22-062 filed with the code reviser on November 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.065 (WAC 4-25-040) and RCW 18.04.215 (WAC 4-25-191) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 16, 1988.
By Carey L. Rader
Chief Executive Officer

AMENDATORY SECTION (Amending Order ACB-135, filed 9/21/87)

WAC 4-25-040 BOARD MEETINGS, OFFICERS, FEES. An annual meeting of the board shall be held each year, on a date following the annual meeting of the National Association of State Boards of Accountancy, and at least six other meetings shall be held each year, in the months of February, April, June, August, October, and December. Such regular board meetings will normally be on the last Friday of the month, with the exceptions of November and December meetings

which shall normally be on the third Friday of the month. The chairman or a quorum of the board shall have the authority to call meetings of the board. The board shall follow and apply the rules of procedure, chapter 34.04 RCW, as regards to notice and conduct of meetings.

At the annual meeting the board shall elect from among its members the chairman, vice chairman, and secretary. The officers shall assume the duties of their respective offices at the conclusion of the annual meeting at which they were elected. They shall serve a term of one year, but shall be eligible for reelection for an additional term.

The chairman or, in the event of his absence or inability to act, the vice chairman shall preside at all meetings of the board. Other duties of the officers shall be such as the board may from time to time determine.

(1) Fees. Fees charged by the board shall be as follows:

- (a) CPA examination applications:
(i) One or two parts \$ 75
(ii) Three parts \$ 100
(iii) Five parts \$ 125
(b) Transfer of grade credits from other jurisdictions, pursuant to RCW 18.04.105(3) \$ 40
(c) Administration of examination for out-of-state applicants, per part \$ 10
(d) Application for certificate by reciprocity from other jurisdictions \$ 40
(e) Biennial license to practice public accounting, includes certificate renewal fee \$ 80
(f) Biennial certificate renewal \$ 10
(g) Biennial firm license:
(i) Sole proprietorships \$ 50
(ii) Partnerships \$ 100
(iii) P.S. corporations \$ 100
(h) Amendments to firm registration, each filing \$ 10
(i) ~~((Delinquency fee for certificate renewal applications \$ 25~~
(j) ~~Delinquency fee for firm license renewal applications \$ 20~~
(k) Temporary practice license, per individual who is to practice within this state \$ 10
(((+)))
(j) Copies of records, per page \$ 0.10
(((m)))
(k) Applications for reinstatement \$ 25
(((n)))
(l) Replacement CPA certificates \$ 25

(m) Failure to file or complete an application to renew an individual certificate, individual license, or firm license by the due date of the application will result in a delinquency fee of twenty-five dollars per month (or any part thereof) from the due date of the application, not to exceed two hundred dollars total delinquency fee.

Note: The board may waive delinquency fees for good cause.

(2) Any applicant for a certificate or license who is aggrieved by an action taken by the board with respect to his application may request the board to reconsider such action. Any such request shall be filed within sixty days of the mailing of the board's letter, advising the following information:

- (a) The name and address of the applicant;
- (b) The date of the board's letter advising the applicant of the action of the board complained of; and
- (c) A statement of any facts or consideration to which the applicant believes the board failed to give due weight.

Each licensee shall notify the board in writing within thirty days of any change of address or, in the case of individual licensees, change of employment.

A licensee shall respond in writing to any communication from the board requesting a response, within twenty days of the mailing of such communications by registered or certified mail, to the last address furnished to the board by the licensee.

NEW SECTION

WAC 4-25-191 LICENSES TO PRACTICE—CERTIFICATES—INDIVIDUAL. (1) Application for initial license to practice public accounting and for renewal of license pursuant to RCW 18.04.215 shall be made on a form provided by the board. Application for renewal of licenses and/or certificates shall be filed no later than March 31 of the year of expiration. Renewal of the license to practice public accounting is deemed to be renewal of the associated certificate.

(2) Application for renewal of license or certificate shall be accompanied by evidence satisfactory to the board that the applicant has complied with continuing professional education requirements pursuant to RCW 18.04.105(10).

(3) An application shall not be deemed to be completed until the applicable fees have been received and continuing education requirements have been met.

(4) Certificates and licenses expire on June 30 of every other year and have a duration of two years.

(5) Failure to file or complete an application for certificate or license renewal within the time required by board rule will result in delinquency fees as listed in WAC 4-25-040.

(6) In those instances where the applicant for certificate or license renewal fails to file a complete application by June 30 of the year of expiration, the board may enter into an agreement with the applicant to renew the license or certificate under the following condition: The applicant agrees to stipulate that his certificate and license will be suspended effective September 30 of the year of renewal unless the applicant files a complete application with the board prior to that date.

WSR 89-03-063

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 89-67—Filed January 18, 1989]

I, Dan Pensula, Assistant Director, Accounting and Fiscal Services Division, Office of Financial Management, do promulgate and adopt at the Insurance Building, Room 410, Olympia, Washington 98504, the annexed rules relating to an amendment to existing WAC 82-50-021 Official lagged, semi-monthly pay dates established. The amendment modifies two of the official calendar year 1989 lagged semi-monthly state pay dates as follows: From Monday, June 26, 1989, to Friday, June 23, 1989; and from Monday, December 11, 1989, to Friday, December 8, 1989. All other 1989 pay dates remain as originally adopted.

This action is taken pursuant to Notice No. WSR 88-24-057 filed with the code reviser on December 7, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.16.010(1) and 42.16.017 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1989.

By Dan Pensula, Assistant Director
Accounting and Fiscal Services Division

AMENDATORY SECTION (Amending Order 88-66, filed 7/27/88)

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years 1988 and 1989:

CALENDAR YEAR 1988

Monday, January 11, 1988
Monday, January 25, 1988
Wednesday, February 10, 1988
Thursday, February 25, 1988
Thursday, March 10, 1988
Friday, March 25, 1988
Monday, April 11, 1988
Monday, April 25, 1988
Tuesday, May 10, 1988
Wednesday, May 25, 1988
Friday, June 10, 1988
Friday, June 24, 1988

Monday, July 11, 1988
Monday, July 25, 1988
Wednesday, August 10, 1988
Thursday, August 25, 1988
Friday, September 9, 1988

CALENDAR YEAR 1989

Tuesday, January 10, 1989
Wednesday, January 25, 1989
Friday, February 10, 1989
Friday, February 24, 1989
Friday, March 10, 1989
Friday, March 24, 1989
Monday, April 10, 1989
Tuesday, April 25, 1989
Wednesday, May 10, 1989
Thursday, May 25, 1989
Friday, June 9, 1989
~~((Monday, June 26, 1989))~~
Friday, June 23, 1989
Monday, July 10, 1989
Tuesday, July 25, 1989
Thursday, August 10, 1989
Friday, August 25, 1989
Monday, September 11, 1989

CALENDAR YEAR 1988

Monday, September 26, 1988
 Friday, October 7, 1988
 Tuesday, October 25, 1988
 Thursday, November 10, 1988
 Wednesday, November 23, 1988
 Friday, December 9, 1988

Friday, December 23, 1988

CALENDAR YEAR 1989

Monday, September 25, 1989
 Tuesday, October 10, 1989
 Wednesday, October 25, 1989
 Thursday, November 9, 1989
 Wednesday, November 22, 1989
 ((Monday, December 11, 1989))
 Friday, December 8, 1989
 Friday, December 22, 1989

WSR 89-03-064

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning medical aid rules and maximum fee schedule, WAC 296-21-035, 296-21-037, 296-21-040 and 296-21-045 dealing with improving the quality of independent medical examinations provided to injured workers; and WAC 296-23-710, 296-23-730, 296-23-970, 296-23A-400 and 296-23A-430 dealing with reimbursement and authorization of physical therapy services and occupational therapy services provided to injured workers;

that the agency will at 9:00 a.m., Wednesday, February 22, 1989, in the First Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 23, 1989.

The authority under which these rules are proposed is RCW 51.04.020(4) and 51.04.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

The agency reserves the right to modify the text of these proposed rules and changes prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public hearing.

Written and/or oral submissions may also contain data, views and arguments of the rules on economic values pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and proposed rules should be addressed to:

Roy Plaeger, Medical Program Specialist or
 Callie Wilson, Occupational Nurse Consultant
 Department of Labor and Industries
 General Administration Building
 Mailstop HC-251-2
 Olympia, Washington 98504

Dated: January 18, 1989

By: Joseph A. Dear
 Director

STATEMENT OF PURPOSE

The proposal for rule changes, which follow, amend portions of chapters 296-21, 296-23 and 296-23A WAC. This title pertains to rules and fees for medical services.

Purpose of These Proposed Rules: To make the following substantive changes in Title 296 WAC as previously enacted: Revise WAC rules and fee schedule pertaining to reimbursement of health service providers for service on workers' compensation claims.

Statutory Authority: RCW 51.04.020(4), 51.04.030 and 51.36.080.

In Summary: The following change is accomplished by the proposed rules: Improves the quality of independent medical examinations provided to injured workers; and these rules will encourage efficient delivery of good quality physical and occupational therapy services to injured workers while also ensuring that state-wide access to care is maintained at cost-effective payment levels.

Agency Personnel Responsible for Drafting: Roy Plaeger, Callie Wilson; Implementation and Enforcement: Joseph A. Dear and other industrial insurance division personnel.

These rule changes are proposed by the Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters beyond those appearing above.

These rules are not necessitated by any federal or state court action.

The department has considered whether these rules are subject to the Regulatory Fairness Act, chapter 6, Laws of 1982, and has determined that they are not for the following reasons: There is no significant unfavorable economic impact for small businesses.

AMENDATORY SECTION (Amending Order 88-09, filed 6/24/88)

WAC 296-21-035 INDEPENDENT MEDICAL EXAMINATIONS. (1) Purpose:

Independent medical examinations may be requested by the department, the self-insurer, or the attending physician; this is usually for one of the following purposes:

((1)) (a) To establish a diagnosis. Prior diagnoses may be controversial or ill-defined((-);

((2)) (b) To outline a ((basis)) program of rational treatment, where treatment or progress is controversial((-);

((3)) (c) To establish medical data ((to determine if)) from which it may be determined whether the medical condition is industrially acquired, or unrelated to industrial work activities((-);

((4)) (d) To determine the extent and duration of aggravation of a preexisting medical condition((-) by an industrial injury or exposure((-);

((5)) (e) To establish when the accepted medical condition has reached maximum benefit from treatment((-);

((6)) (f) To establish a percentage rating of any permanent disability, based on the loss of body function or the category rating when maximum recovery is reached((-); or

((7)) (g) To determine the medical indications for reopening of a claim for further treatment on the basis of aggravation of an accepted condition, based on objective findings.

(2) Workers who are scheduled for independent medical examinations are allowed to bring with them an accompanying person to be present during the physical examination. The accompanying person cannot be compensated in any manner, except that language interpreters may be necessary for the communication process and may be reimbursed for interpretative services.

The department may designate those conditions under which the accompanying person is allowed to be present during the independent medical examination process.

~~((An independent medical examination must be specific and factual if accurate and consistent judgment is to be maintained and the result give justice and uniformity.~~

The history should be checked for accuracy, variation or exaggeration. Physical findings should be detailed enough to be compatible with the history, diagnosis and conclusions.

Diagnoses: Must be specific and describe the pathology found and be substantiated by the history and physical findings. (Vague terminology only confuses.)

Conclusions: Must be specific and definitely express an opinion on the purpose for which the examination was requested. This should be rationalized with the history, physical findings and diagnosis. (Evasiveness, generalizations and omissions frequently render the report misleading or worthless for the intended purpose.)

Permanent disability: Ratings must be substantiated by sufficient objective findings and medical data to establish the percentage disability rating; also medical logic to demonstrate a definite causal relationship to the accepted industrial conditions on a more probable than not basis:)

NEW SECTION

WAC 296-21-037 EXAMINATION REPORTS. (1) It is the department's intention to purchase objective examinations to ensure that sure and certain determinations are made of all benefits to which the injured worker might be entitled.

The report of an independent medical examination must include the following items:

- (a) A detailed chronology of the accepted injury or condition including mechanism of injury, diagnostic studies, and treatments attempted. The chronology must mention the results of treatments and diagnostic studies;
(b) An opinion as to whether treatment is curative or palliative in nature;
(c) An assessment of whether the accepted condition is industrially acquired, on a more probable than not basis;
(d) Specific diagnoses sorted into the following categories:
(i) The accepted condition;
(ii) Preexisting conditions, and a statement as to whether they are worsening on their own or are aggravated by the accepted industrially acquired condition; and
(iii) Conditions acquired subsequent to the industrial injury.
(e) Answers to written questions posed by adjudicators, or a description of what would be needed to address the questions; and
(f) Conclusions and a summary statement of the objective medical findings upon which the conclusions are based.
(2) Disability ratings are to be done as specified in WAC 296-20-210.

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-040 INDEPENDENT MEDICAL EXAMINATIONS SINGLE EXAMINER.

((Unit Value

Codes 90640, 90650 have been deleted. To report independent medical examinations by the attending physician or single special examiner (see 90678, 90679):

Table listing codes 90678, 90679, 90694 and their descriptions and values. 90678: Independent medical examination by a single physician... 100.0. 90679: Independent medical examination by a single physician requiring more extensive examination... 155.0. 90694: Independent medical examination by a single physician of unusual complexity... 155.0.

((Unit Value

Table listing codes 90679, 90695, 90696 and their descriptions and values. 90679: involving extensive loss of function and permanent impairment... 225.0. 90695: No show independent medical exam, one examiner scheduled... 77.5. 90696: Conference with department field representative... 16.0.

Independent medical examinations must be performed by examiners approved by the department except:

(1) Attending physicians may perform an independent medical examination for an injured worker under their care at the direction of the state fund or self-insurer.

(2) The independent medical examination may be performed by a board certified specialist selected by the department or the self-insurer if the injured worker does not live in Washington or an area bordering Washington state.

All other examiners who wish to do independent medical examinations for injured workers, whether purchased by the department or by self-insurers, must be listed on an approved list maintained by the medical director of the department.

Examiners must meet standards set by the medical director to be placed on the approved list, and must continue to meet performance standards to remain on the approved list.

Examiners who are suspended from or removed from the approved list for failure to meet standards will not receive injured worker referrals from the state fund or self-insurers.

Examiners must submit an application to the medical director identifying their areas of expertise.

Examiners must be willing to testify or be deposed at department fee schedule on behalf of the worker, the employer, or the department.

The standards for remaining on the approved list of examiners will take into account repeated complaints about the conduct of the examination.

Complaints from injured workers about the conduct of an independent medical examination must be promptly forwarded from self-insurer and department staff to the office of the medical director of labor and industries.

Standards for independent medical examiners and applications for approved examiner status are available from the Office of the Medical Director, Department of Labor and Industries, Olympia, WA 98504.

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-045 INDEPENDENT MEDICAL EXAMINATIONS TWO OR MORE EXAMINERS.

((Unit Value

(90660, 90670 have been deleted. To report see 90675, 90676, 90677.)

Table listing codes 90671, 90672, 90673, 90674, 90675, 90676 and their descriptions and values. 90671: No show, two examiners scheduled... 155.0. 90672: No show, extra examiner scheduled... 77.5. 90673: No show, three examiners scheduled... 232.5. 90674: No show, NOP (neurologist, orthopedist, psychiatrist)... 310.0. 90675: Independent medical examination with two examiners... 310.0. 90676: Independent medical examination by three examiners... 465.0.

((Unit Value

- 90677 ~~Independent medical examination by three examiners including a psychiatrist, involving extensive loss of function and permanent impairment necessitating complete history and physical examination and extensive review of prior medical records, compilation and assessment of data, and the preparation of an exceptionally detailed report 620.0~~
 (90690 has been deleted. This service is included in 90675-90679.)
- 90680 ~~In complicated or controversial cases where voluminous hard copies of departmental files must be reviewed in connection with an independent medical examination within the scope of examinations identified by 90675, 90676, 90677, 90678, and 90679 an additional fee will be allowed at the discretion of the department 40.0~~
- 90681 ~~Additional examiner, not a psychiatrist 155.0~~
- 90683 ~~Review of microfiche file on request of department in connection with an independent medical examination. File of less than eight pages 40.0~~
- 90684 ~~Review of microfiche file on request of department in connection with an independent medical examination. File of eight pages or more. Each additional page 2.5~~
- 90685 ~~Addendum report requested by department or self-insurer for information not requested in original assignment and which necessitates review of records and exam notes 40.0))~~

Providers who wish to offer independent medical examinations by two or more examiners must apply for a panel provider number and meet standards set by the medical director of the department. Examiners working through panels must be on the approved list. Existing panel providers must reapply by July 1989.

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-23-710 PHYSICAL THERAPY RULES. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of injured workers. See WAC 296-20-125 for billing instructions.

Physical therapy treatment will be ~~((permitted))~~ reimbursed only when ((given)) ordered by the injured worker's attending doctor and rendered by a licensed ((registered)) physical therapist or a physical therapist assistant serving under the direction of a licensed ((registered)) physical therapist ((upon the basis of test findings after consultation with and periodic review by an authorized health care practitioner)). Doctor's rendering physical therapy should refer to WAC 296-21-095.

The department or self-insurer may review the quality and medical necessity of physical therapy services provided to injured workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or 45 relative value units, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department shall establish and publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to injured workers.

Use of diapulse or similar machine on injured workers is not authorized. See WAC 296-20-03002 for further information.

~~((A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following 12 treatment visits or one month, whichever occurs first. Such report must be attached to the billing for services. Physical therapy treatment beyond initial 12 treatments will be authorized only upon substantiation~~

~~of improvement in the worker's condition in terms of functional modalities, i.e.: Range of motion; sitting and standing tolerance; reduction in medication; etc. In addition, an outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.~~

~~Upon justification and subsequent authorization by the department, or self-insurer, physical therapy treatment to separate noncontiguous areas (i.e., low back, knee) requiring individual treatment or special procedures will be allowed at full rate for each area with a maximum of two areas allowed:))~~

~~Physical therapy services rendered in the home and/or places other than the practitioners usual and customary office, clinic, or business facilities will be allowed only upon prior justification and authorization by the department or self-insurer.~~

~~No inpatient physical treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.~~

~~((Physical therapy treatments exceeding once per day must be justified by attending doctor:)) The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).~~

~~Biofeedback treatment may be rendered on doctor's orders only((; by those R.P.T.'s and L.P.T.'s working under the supervision of a R.P.F.)). The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of ((the R.P.T. or L.P.F)) a licensed physical therapist. See WAC 296-21-0501 for rules pertaining to conditions authorized and report requirements.~~

NEW SECTION

WAC 296-23-730 WORK HARDENING. The department or self-insurer may publish billing instructions, reimbursement limits, quality assurance standards, utilization review guidelines, admission criteria, outcome criteria, measures of effectiveness, minimum staffing levels, certification requirements, special reporting requirements, and other criteria which will ensure injured workers receive good quality services at cost-effective payment levels. Providers may be required to meet the department's requirements in order to qualify as a work hardening provider. The department may also establish a competitive or other appropriate selection process for work hardening providers. Providers should refer to WAC 296-20-12050 regarding special programs.

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-23-970 OCCUPATIONAL THERAPY RULES. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of injured workers. See WAC 296-20-125 for billing instructions.

Occupational therapy treatment will be ((permitted)) reimbursed only when ((given)) ordered by the injured worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist ((only upon written orders of a doctor)). Vocational counselors assigned to injured workers by the department or self-insurer may request occupational therapy evaluation. However, occupational therapy treatment must be ordered by ((a)) the injured worker's attending doctor.

~~((An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition in terms of functional modality, i.e., range of motion; sitting and standing tolerance; reduction in medication; etc. In addition, an outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.~~

~~Upon justification and subsequent authorization by the department or self-insurer, occupational therapy treatment to separate noncontiguous areas (i.e., low back, knee) requiring individual treatment or special procedures will be allowed at full rate for each area with a maximum of two areas allowed:)) The department or self-insurer may review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-~~

024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or 45 relative value units, whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department shall establish and publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to injured workers.

Occupational therapy services rendered in the injured worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior justification and authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

~~((Occupational therapy treatments exceeding once per day must be justified by the attending doctor.))~~ The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

NEW SECTION

WAC 296-23-990 WORK HARDENING. The department or self-insurer may publish billing instructions, reimbursement limits, quality assurance standards, utilization review guidelines, admission criteria, outcome criteria, measures of effectiveness, minimum staffing levels, certification requirements, special reporting requirements, and other criteria which will ensure injured workers receive good quality services at cost-effective payment levels. Providers may be required to meet the department's requirements in order to qualify as a work hardening provider. The department may also establish a competitive or other appropriate selection process for work hardening providers. Providers should refer to WAC 296-20-12050 regarding special programs.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

WAC 296-23A-400 HOSPITAL OUTPATIENT PHYSICAL THERAPY RULES. Hospitals should refer to WAC 296-20-010 through 296-20-125 for general information, rules, and billing instructions pertaining to the care of injured workers.

Physical therapy treatment will be ~~((permitted))~~ reimbursed only ~~((upon consultation with and periodic review by an authorized health care practitioner))~~ when ordered by the injured worker's attending doctor and ~~((when performed))~~ rendered by a licensed ~~((registered))~~ physical therapist or a physical therapist assistant serving under the direction of a licensed ~~((registered))~~ physical therapist.

The department or self-insurer may review the quality and medical necessity of physical therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or 45 relative value units, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department shall establish and publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to injured workers.

Use of diapulse or similar machine on injured workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only ~~((by R.P.T.'s certified in biofeedback and L.P.T.'s working under the supervision of a certified R.P.T.)).~~ The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of ~~((the R.P.T. or L.P.T.))~~ a licensed physical therapist. See WAC 296-21-0501 for rules pertaining to the authorized conditions and the reporting requirements. The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

NEW SECTION

WAC 296-23A-430 WORK HARDENING. The department or self-insurer may publish billing instructions, reimbursement limits, quality assurance standards, utilization review guidelines, admission criteria, outcome criteria, measures of effectiveness, minimum staffing levels, certification requirements, special reporting requirements, and other criteria which will ensure injured workers receive good quality services at cost-effective payment levels. Providers may be required to meet the department's requirements in order to qualify as a work hardening provider. The department may also establish a competitive or other appropriate selection process for work hardening providers. Providers should refer to WAC 296-20-12050 regarding special programs.

WSR 89-03-065

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules relating to additional restrictions on the use of pesticides in Benton County and portions of Franklin and Walla Walla counties in chapter 16-230 WAC;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Red Lion Motor Inn, 2525 North 20th, Pasco, WA 99301, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 15, 1989.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Dated: January 18, 1989

By: Michael V. Schwisow
Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 16-230 WAC.

Description of Purpose: Restrictions on the use of pesticides to protect public health, beneficial insects and prevent damage to non-targeted crops.

Statutory Authority: Chapters 17.21 and 15.58 RCW.

Summary of Rules: Further restricts the use of pesticides in Benton County and portions of Franklin and Walla Walla counties. No applications may be made in certain areas without a permit from the department, and provides recordkeeping requirements for pesticide applications made by commercial applicators, public operators, private-commercial applicators.

Reasons for Supporting Proposed Action: This action is in response to pesticide drift problems in the lower Yakima Valley and Tri-Cities area.

Agency Personnel Responsible for Drafting, Implementing and Enforcing These Rules: Art G. Losey, Assistant Director, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5064.

Person Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-230-800 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA UNDER ORDER. The area under order shall include:

- (1) All lands lying within the boundaries of Benton County.
- (2) Portions of Franklin and Walla Walla Counties as follows: All lands lying within a boundary line beginning at the intersection of the Benton-Franklin County line and the south section line of Section 24, T10N, R28E; thence east approximately seven and one-half miles along section lines and the Selph-Landing Road to Highway 395; thence south approximately three miles along section lines and Highway 395 to the southwest corner of Section 5, T9N, R30E; thence east approximately ten miles along section lines to the intersection of the Pasco-Kahlotus Highway and Ice Harbor Dam Road; thence southerly approximately five miles along Ice Harbor Dam Road and Ice Harbor Drive to the intersection of Ice Harbor Drive and Highway 124; thence east approximately one-sixteenth mile along Highway 124 to its intersection with the Union Pacific Railroad; thence southerly approximately eight miles along the Union Pacific Railroad tracks to the southern section line of Section 3, T7N, R31E; thence west along the section line to the Columbia River; thence northwesterly and northerly along the Columbia River to the point of origin.

NEW SECTION

WAC 16-230-805 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE PESTICIDES. For purposes of WAC 16-230-800 through WAC 16-230-830, all pesticides are declared to be restricted use pesticides, except those pesticides labeled or used only for the following sites or functions:

- (a) Swimming pools and fountains;
- (b) Disinfectants;
- (c) Cooling tower or industrial system biocides;
- (d) Pets or livestock;
- (e) Lawns or home gardens (does not include golf courses, turf farms and public parks);
- (f) Use within or around buildings or similar structures (does not include irrigation canals);
- (g) Wood or lumber treatment;
- (h) Baits or repellants registered solely for vertebrate pest control;
- (i) Seed treatments;
- (j) Enclosed food processing systems;
- (k) Air conditioners, humidifiers, and heating systems.

NEW SECTION

WAC 16-230-810 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RECORD-KEEPING. (1) No portion of this section shall relieve any commercial applicator, public operator, private-commercial applicator, or demonstration and research applicator from recordkeeping requirements of WAC 16-228-190.

(2) Persons who apply restricted use pesticides as defined in WAC 16-230-805 shall keep records for each application within the area defined in WAC 16-230-800, which shall include the following information:

- (a) Applicator's name, address and name of the individual making the application;

(b) Address or location of the land where the pesticide was applied, specifying township, range, and section: PROVIDED, That right-of-way application records may omit township, range and section.

(c) Year, month, day, and time the pesticide was applied;

(d) Trade name and/or common name of the pesticide applied, and/or EPA registration number for that product;

(e) Direction and estimated velocity of the wind and temperature at the time the pesticide was applied;

(f) Amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the pesticide used;

(g) Specific crop or site to which the pesticide was applied;

(h) Acreage or area treated.

(3) If an application of a restricted use pesticide as defined in WAC 16-230-805 is performed by a licensed commercial pesticide applicator within the area defined in WAC 16-230-800, the person in control of the treated land shall keep records which shall include the following information:

(a) Address or location of the land where the pesticide was applied, specifying township, range, and section: PROVIDED, That right-of-way application records may omit township, range and section;

(b) Year, month and day the pesticide was applied;

(c) Name of the commercial applicator;

(d) Trade name and/or common name and/or EPA registration number of the pesticide(s) applied.

(4) All records required by this section shall be completed and available to the department the same day the pesticide was applied.

(5) All records required by this section shall be kept for a period of three years from the date of application of the pesticide to which such records refer. The department shall, upon request in writing, be furnished with a copy of such records forthwith by the person required to keep the records: PROVIDED, That, upon request, commercial applicators and public operators shall submit the records required in subsection (2) of this section and any additional information required in WAC 16-228-190 to the department.

NEW SECTION

WAC 16-230-815 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PERMITS. (1) For the purposes of this section, the department may make on-site monitoring of the application by a department representative a condition of any permit. A representative of the department may revoke any such permit at any time, if the representative deems the situation at the application site unsuitable.

(2) Application of chloresulfuron (such as: Glean, Telar) or metsulfuron methyl (such as: Finesse, Escort) to fallow land or to land during the time between harvest and emergence of the subsequent cereal grain crop above the furrows is prohibited in the area under order as defined in WAC 16-230-800.

(3) Aerial application of paraquat and diquat is prohibited in the area under order as defined in WAC 16-230-800: PROVIDED, That the department may issue written permits for designated applications in Area B and Area C as defined in WAC 16-230-825 and WAC 16-230-830.

NEW SECTION

WAC 16-230-820 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA A. (1) Area A description. All lands lying within a boundary line beginning at southwest corner of Section 17, T8N, R27E; thence east three miles along section lines to the southeast corner of Section 15, T8N, R27E; thence south one mile along the section line to the southwest corner of Section 23, T8N, R27E; thence east one mile along the section line and Cemetery Road to the northwest corner of Section 25, T8N, R27E; thence south one mile along the section line and Badger Canyon Road to the southwest corner of Section 25, T8N, R27E; thence east one mile along the section line to the southeast corner of Section 25, T8N, R27E; thence south one mile along the section line to the southwest corner of Section 31, T8N, R28E; thence easterly and southerly approximately one and one-half miles along Smith Road to the intersection of Clodfelter Road and Smith Road near the south section line of Section 6, T7N, R28E; thence easterly, northerly and easterly approximately four miles along Clodfelter Road to the intersection of Clodfelter Road and Williams Road at the north quarter corner of Section 34, T8N, R28E; thence east approximately two and one-half miles along section lines to the southeast corner of Section 25, T8N,

R28E; thence north one mile along the section line to the southwest corner of Section 19, T8N, R29E; thence east one mile along the section line to the southeast corner of Section 19, T8N, R29E; thence north approximately six and one-half miles along section lines to the intersection of the Benton-Franklin County line on the Columbia River; thence northwesterly along the Benton-Franklin County line and the Columbia River to the intersection with the south boundary line of the Department of Energy Hanford Site located in Section 14, T10N, R28E; thence westerly along the south boundary line of the Department of Energy Hanford Site to the north section line of Section 11, T10N, R27E; thence west approximately one-fourth mile along the section line to the Yakima River; thence westerly and southerly along the Yakima River to the west section line of Section 20, T9N, R27E; thence south approximately five and one-half miles along section lines to the point of beginning.

(2) Area A restrictions.

(a) Aerial application of restricted use pesticides as defined in WAC 16-230-805 is prohibited: PROVIDED, That the department may issue written permits to allow aerial application of:

(i) Pesticides for public health programs;

(ii) Pesticides to retard fruit drop in orchards;

(b) Ground application of restricted use pesticides as defined in WAC 16-230-805 is prohibited: PROVIDED, That the department may issue written permits for designated applications: AND PROVIDED FURTHER, That application of restricted use pesticides as defined in WAC 16-230-805 through any hand-sized device of which the person who is applying the pesticide is the source of power or energy (except when applying diquat or paraquat), and the application of restricted use pesticides by means of backpack equipment (except when applying diquat or paraquat) is allowed without permit.

(c) Records required in WAC 16-230-810 shall be kept for all applications of restricted use pesticides as defined in WAC 16-230-805.

NEW SECTION

WAC 16-230-825 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA B. (1) Area B description.

(a) All lands lying within a boundary line beginning at the southwest corner of Section 19, T7N, R24E; thence east approximately eighteen miles along section lines to the northwest corner of Section 30, T7N, R27E; thence south two miles along section lines to the southwest corner of Section 31, T7N, R27E; thence east one mile along the section line to the southeast corner of Section 31, T7N, R27E; thence south one mile along the section line to the southwest corner of Section 5, T6N, R27E; thence east approximately seventeen miles along section lines to the northwest corner of Section 7, T6N, R30E; thence south two miles along section lines and Nine Canyon Road to the southwest corner of Section 18, T6N, R30E; thence east approximately six miles along section lines to the the Columbia River; thence northerly along the Columbia River to the outflow of the Kennewick Irrigation District Division Four Canal near the west section line of Section 8, T7N, R31E; thence northwesterly along the Division Four Canal to the east boundary line of Area A at the west section line of Section 8, T8N, R29E; thence southerly, westerly and northerly along the Area A boundary line to the east quarter corner of Section 31, T9N, R27E; thence westerly along the ridge of the Horse Heaven Hills to the intersection of the Benton-Yakima County line at the southwest corner of Section 19, T8N, R24E; thence south six miles along the Benton-Yakima County line to the point of beginning.

(b) All land lying within a boundary line beginning at the southwest corner of Section 31, T10N, R24E; thence east approximately nineteen miles along section lines to the Yakima River at the south section line of Section 31, T10N, R27E; thence northerly and easterly along the Yakima River to the north section line of Section 10, T10N, R27E; thence east approximately one-quarter mile along the section line to the southern boundary of the Department of Energy Hanford Site at the north section line of Section 11, T10N, R27E; thence westerly and northerly along the boundary line of the Department of Energy Hanford site to the northwest corner of Section 22, T13N, R24E; thence west approximately three miles along section lines to the Benton-Yakima County line at the northwest corner of Section 19, T13N, R24E; thence south approximately twenty-one miles along the Benton-Yakima County line to the point of beginning.

(2) Area B restrictions.

(a) Aerial application of restricted use pesticides as defined in WAC 16-230-805 is prohibited: PROVIDED, That the department may issue written permits for designated applications.

(b) Records required in WAC 16-230-810 shall be kept for all applications of restricted use pesticides as defined in WAC 16-230-805.

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

NEW SECTION

WAC 16-230-830 BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA C. (1) Area C description. The remaining portions of the area under order as defined in WAC 16-230-800 – the areas of Franklin County and Walla Walla County under order, the Department of Energy Hanford Site, the Prosser and Kennewick area and southern Benton County.

(2) Area C restrictions. Records required in WAC 16-230-810 shall be kept for all applications of restricted use pesticides as defined in WAC 16-230-805.

WSR 89-03-066

PROPOSED RULES

GAMBLING COMMISSION

[Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-02-370, 230-04-201 and 230-08-070; and new section WAC 230-20-248;

that the agency will at 10:00 a.m., Friday, March 10, 1989, in the Cavanaugh's Inn At The Park, Spokane, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 9.46.070 (6)(8)(9)(11)(14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1989.

Dated: January 18, 1989

By: Frank L. Miller
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 230-02-370 Food and drink business defined; 230-04-201 Fees; 230-08-070 Raffle records; and 230-20-248 Loteria authorized—Class A licensees only.

Description of Purpose: Updates commercial stimulant formula to comply with current policy interpretation; sets forth a revised fee schedule for punchboard and pull tab; establishes certain record keeping requirements for upper class raffles; and authorizes a new type of bingo game for class "A" licensees.

Statutory Authority: WAC 230-02-370 is RCW 9.46.070(14); WAC 230-04-201 is RCW 9.46.070 (6)(14); WAC 230-08-070 is RCW 9.46.070 (8)(9)(14); and WAC 230-20-248 is RCW 9.46.070(11).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-02-370, clarifies existing rule and incorporates current policy utilized in interpreting this section; WAC 230-04-201, adjusts punchboards and

pull tab fees and allows for a 10% variance per class; WAC 230-08-070, housekeeping amendment that corrects an oversight when raffle were adjusted from net to gross limit; and WAC 230-20-248, authorizes Loteria for small class "A" bingo as a form of social entertainment. Prize limitations of \$10.00.

Agency Personnel Responsible for Drafting, Implementing, and Enforcing the Rules: Ronald O. Bailey, Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, phone 234-1075 scan, 753-1075 comm; and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, phone 234-1075 scan, 753-1075 comm.

Proponents and Opponents: Gambling Commission staff propose these rule amendments and new rule.

Agency Comments: The agency believes the proposed amendments and new rule are self-explanatory and need no further comment.

These amendments and new rule were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by

this agency by the adoption of these amendments or new rule.

AMENDATORY SECTION (Amending Order 161, filed 9/15/86)

WAC 230-02-370 FOOD AND/OR DRINK BUSINESS DEFINED. "Food and/or drink business" means any business which is primarily engaged in the sale of food and/or drink items, to persons other than owners, employees, or substantial interest holders, for consumption on the licensed premises: Provided, That for purposes of chapter 9.46 RCW and these rules, a business is determined to be primarily a "food and/or drink business" when the total gross sales of food and/or drink, for on premises consumption, is equal to or greater than all other combined non-gambling gross sales, rentals, or other income producing activities ~~((which occur on the licensed premises))~~ conducted by the licensed business during the previous twelve month period, including the current measurement period: Provided further, That food and drink items furnished to employees, without their actually paying for it, shall be treated as sales only if:

- (1) Detailed records are maintained;
- (2) The sale is recorded at estimated cost or menu price, but not more than five dollars per meal; and
- (3) No more than one meal per employee is recorded during any four hour work shift.

AMENDATORY SECTION (Amending Order 161, filed 9/15/86)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, ((coon-can)) and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25

LICENSE TYPE	DEFINITION	FEE
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-04-290) (See WAC 230-30-016)	25 25
6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event (not lead organization)	150
7. PERMITS	Agricultural fair/special property bingo	
Class A	One location and event only (see WAC 230-04-191)	\$ 25
8. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts) (One Time Variance)	
Class A	Up to \$((+0,000))50,000	\$ 5,000
Class B	Up to \$((+50,000))100,000	\$5,000
Class C	Up to \$((+100,000))200,000	\$10,000
Class D	Up to \$((+200,000))300,000	\$10,000
Class E	Up to \$((+300,000))400,000	\$10,000
Class F	Up to \$((+400,000))500,000	\$10,000
Class G	Up to \$((+500,000))600,000	\$10,000
Class H	Up to \$((+600,000))700,000	\$10,000
Class I	Up to \$((+700,000))800,000	\$10,000
Class J	Up to \$((+800,000))1,000,000	\$20,000
Class K	((Over \$800,000))Up to \$1,250,000	\$25,000
Class L	Up to \$1,500,000	\$25,000
Class M	Up to \$1,750,000	\$25,000
Class N	Up to \$2,000,000	\$25,000
Class O	Over \$2,000,000	Non-Applicable
		\$ ((300))400
		((475))750
		((960))1,450
		((1,560))2,100
		((2,360))2,700
		((3,150))3,250
		((3,775))3,750
		((4,350))4,200
		((4,825))4,600
		((5,225))5,250
		((5,900))5,800
		6,200
		6,550
		6,900
		7,500
<p>A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a license utilizing the variance shall be required to upgrade upon recertification.</p>		
9. RAFFLES	(Fee based on annual gross receipts)	
Class A	Up to \$5,000	\$ 50
Class B	Up to \$10,000	150
Class C	Up to \$25,000	300
Class D	Up to \$50,000	500
Class E	Up to \$75,000	800
Class F	Over \$75,000	1,200
10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260)	As required As required
EXCEEDING LICENSE CLASS	In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	

LICENSE TYPE	DEFINITION	FEE
12. SIX-MONTH PAYMENT PLAN	<p>The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.</p> <p>SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.</p>	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, mah-jongg, (coon-can) and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners - see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK	(See WAC 230-04-340(1))	50
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR	(Fee based on annual gross receipts)	((Original - Renewal))
Class A	((up to \$600,000)) Non-Punchboard/Pull Tab Only	\$((2,750 - \$1,250)) 500
Class B	((over \$600,000)) Up to \$250,000	\$((2,750 - \$1,700)) 1,000
Class C	\$ 250,001 to \$500,000	\$1,500
Class D	\$ 500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ ((220)) 200
	Renewal	((+10)) 125

LICENSE TYPE	DEFINITION	FEE
5. MANUFACTURER	((Original Renewal (Fee based on annual gross receipts) Machines Only Up to \$250,000 \$ 250,001 to \$500,000 \$ 500,001 to \$1,000,000 \$1,000,001 to \$2,500,000 Over \$2,500,000 In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	\$3,300 1,650) \$ 500 \$1,000 \$1,500 \$1,500 \$2,000 \$2,600 \$3,200
6. MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ ((220))200 ((110))125
7. PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$ 25 150
8. PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75
9. PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K Class L Class M Class N Class O	(Fee based on annual gross receipts) (One Time Variance) Up to \$((10,000))50,000 \$5,000 Up to \$((50,000))100,000 \$5,000 Up to \$((100,000))200,000 \$10,000 Up to \$((200,000))300,000 \$10,000 Up to \$((300,000))400,000 \$10,000 Up to \$((400,000))500,000 \$10,000 Up to \$((500,000))600,000 \$10,000 Up to \$((600,000))700,000 \$10,000 Up to \$((700,000))800,000 \$10,000 Up to \$((800,000))1,000,000 \$20,000 ((Over \$800,000))Up to \$1,250,000 \$25,000 Up to \$1,500,000 \$25,000 Up to \$1,750,000 \$25,000 Up to \$2,000,000 \$25,000 Over \$2,000,000 Non-Applicable	\$ ((300))400 ((475))750 ((960))1,450 ((1,560))2,100 ((2,360))2,700 ((3,150))3,250 ((3,775))3,750 ((4,350))4,200 ((4,825))4,600 ((5,225))5,250 ((5,900))5,800 6,200 6,550 6,900 7,500
10. SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As Required As Required As Required

LICENSE TYPE	DEFINITION	FEE
11. SPECIAL LOCATION	(Fee based on annual net receipts)	
AMUSEMENT GAMES		
Class A	One event per year lasting no longer than 12 consecutive days	\$ 500
Class B	\$25,000 or less	500
Class C	\$25,001 - 100,000	1,500
Class D	\$100,001 - 500,000	3,000
Class E	Over \$500,000	5,000
12. SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25

AMENDATORY SECTION (Amending Order 133, filed 5/16/83)

WAC 230-08-070 RAFFLE RECORDS. Licensees for the operation of raffles shall be required to prepare a detailed record covering each individual raffle. This detailed record shall be recorded in a standard format prescribed by the commission. Each detailed raffle record shall be supported by a validated bank deposit receipt(s) and winning tickets.

Operators of Class ((€)) A and ((Ø)) B raffles shall be exempt from this rule, but will be required to keep all operator records in order to properly report all information as required by WAC 230-08-015.

These records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year in which the raffle was completed.

NEW SECTION

WAC 230-20-248 LOTERIA AUTHORIZED - CLASS A LICENSEES ONLY. (1) Loteria is a type of bingo that utilizes symbols or pictures on playing cards instead of the normal 75 balls with numbers. The symbols or pictures are further identified with spanish subtitles and each of the 54 cards contains a separate and distinct symbol or picture. The 54 individual cards are shuffled by the caller and then randomly drawn and announced to the players. The player uses a Loteria card which contains a minimum of sixteen squares and each square has one of the 54 symbols or pictures. There are no duplicate symbols or pictures on the Loteria card.

(2) Only class "A" bingo licensees and those games operating without a license under RCW 9.46.0321 may utilize the game Loteria when played in accordance with the following rules:

- (a) No prize shall exceed \$10.00;
- (b) Except for use of letters, numbers, and balls, the game shall be conducted in the same manner as a bingo game pursuant to WAC 230-20-246;
- (c) The cards containing the symbols or pictures shall be thoroughly mixed and cut before the start of each new game;
- (d) Loteria is exempt from the requirement of 230-20-240; and
- (e) Loteria shall be subject to the same reporting requirements as Class A bingo.

WSR 89-03-067

PROPOSED RULES

PARKS AND RECREATION COMMISSION

[Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning WAC 352-32-010(20) special recreation event defined; 352-32-047 special recreation event permit; 352-32-250(7) amendment to overnight camping fees at environmental learning centers; and 352-32-250(14) unattended vehicle overnight parking permit;

that the agency will at 9:00 a.m., Friday, March 3, 1989, in the La Quinta Inn, 1425 27th Street East, Wallawa Room, Tacoma, WA 98421, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 28, 1989.

Dated: January 18, 1989
By: Cleve Pinnix
Deputy Director

STATEMENT OF PURPOSE

Title: State Parks and Recreation Commission, WAC 352-32-010(20), 352-32-047 and 352-32-250 (7) and (14).

Description of Purpose: WAC 392-32-010(20) and 392-32-047 address the need to define and issue permits for special recreational events at state parks in order to plan for and accommodate large groups seeking to use park facilities; WAC 352-32-250(7) increases fees to use park environmental learning centers to defray increased [increased] operation, maintenance and salary costs; and WAC 352-32-250(14) addresses the need for permits for unattended cars parked overnight to insure safety and clarify ownership of vehicles.

Statutory Authority: [No information supplied by agency.]

Summary of Rule: Defines the need for and allows state parks to issue permits for group recreation activities. Permits are for activities for which state parks will need personnel or services beyond those normally provided. Permit issuance process, fees and criteria are specified. Increases overnight camping fees for environmental learning centers. Requires the placement of a permit in vehicles which will be parked, but unattended overnight in state parks.

Reasons Supporting Proposed Action: Administrative code changes are necessary because costs for operation and maintenance are increasing as more special events are scheduled in parks. More requests to use environmental learning centers also require increased revenues to maintain these facilities. Need to ensure safety and verify ownership of unattended cars parked overnight.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lynn Genasci, Assistant Director for Operations, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504-5711, 753-5761.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: None.

Federal Law/Court Action: N/A.

AMENDATORY SECTION (Amending Order 102, filed 11/24/87)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated:

(1) "Commission" shall mean the Washington state parks and recreation commission.

(2) "Director" shall mean the director of the Washington state parks and recreation commission.

(3) "Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

(7) "Utility campsite" shall mean a standard campsite with the addition of one or all of the following utility hookups: Domestic water, sewer and electricity.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

(10) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

(11) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

(12) "Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

(13) "State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

(14) "Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

(15) "Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

(16) "Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

(17) "Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

(a) Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

(b) The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

(18) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

(19) "Upland" shall mean all lands lying above mean high water.

(20) "Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park

to ensure public welfare and safety and facility and/or environmental protection.

NEW SECTION

WAC 352-32-047 SPECIAL RECREATION EVENT PERMIT. Any person or group, hereinafter referred to as the "applicant," desiring to make use of a portion of a state park for a special recreation event which will require special planning, facilities, staffing, or environmental protection measures, or the closure of the area to, or restriction of, established recreational uses, shall apply for a special recreation event permit. The director or designee may consult with the appropriate local government in reviewing the application and may issue a permit according to the criteria listed below. The permit may set forth certain conditions including but not limited to the closure of the specified area to other recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such permit may result in the unreasonable exclusion of recreationists from the remainder of the park. All events authorized under this permit shall be open to public participation and/or observation at the option of the applicant.

In determining whether to issue the permit, the director or designee will review the proposal for consistency with the following criteria:

- (1) The event is consistent with activities that are appropriate for a specific park classification;
 - (2) The event will not exceed nor damage facilities or resources or interfere with park operations;
 - (3) The event will not disrupt wildlife;
 - (4) Past experience has not shown that the applicant has failed to comply with laws or regulations or satisfactory conduct of a previous event;
 - (5) The event does not present a clear and present danger to the public health and safety;
 - (6) A prior applicant for another event for the same general time and place;
 - (7) The event will not unreasonably conflict with all park user's recreational pursuits;
 - (8) The event will conform with all of the applicable statutes, rules, policies, and procedures of the commission and instructions of the commission staff who supervise the event.
- A special recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event at the same park during a one-year period.

Persons or organizations that desire to conduct a special recreation event in a state park shall submit a permit application obtainable at any state park and the basic permit application fee of ten dollars to the park where the event is proposed to take place.

Such application shall be submitted at least thirty days in advance of the proposed date of the event, to allow, where applicable, for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency for additional staffing, equipment, facilities, or special services not normally provided by state parks, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the conduct of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided by the applicant prior to the issuance of the permit.

If additional unanticipated costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director may recover such costs from the bond or damage deposits provided. Any funds remaining from the bond or damage deposit shall be returned to the applicant.

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

- (1) Overnight camping – standard campsite: \$7.00 per night;
 - (2) Overnight camping – utility campsite: \$7.00 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not except when otherwise specified by a ranger;
 - (3) Overnight camping – primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.50 per night for motorized vehicle;
 - (4) Overnight camping – reservation fee: As specified in WAC 352-32-035;
 - (5) Overnight camping – multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite.
 - (6) Group camping area – certain parks: \$.50 per person per night; nonrefundable reservation fee – \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;
 - (7) Environmental learning center – overnight camping: (~~(\$3.15)~~) \$3.40 per camper per night: PROVIDED, HOWEVER, The fee shall be (~~(\$3.40)~~) \$3.65 per camper per night, effective (~~September 8, 1987~~) June 15, 1989;
 - (a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: (~~(\$3.55)~~) \$3.80 per camper per night: PROVIDED, HOWEVER, The fee shall be (~~(\$3.80)~~) \$4.05 per camper per night, effective (~~September 8, 1987~~) June 15, 1989;
 - (b) Environmental learning center – day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group – whichever is higher;
 - (8) Hot showers: \$.25 for a minimum of six minutes shower time;
 - (9) Electric stoves: \$.25 for thirty minutes cooking time;
 - (10) Adirondacks – not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;
 - (11) Extra vehicle charge: \$3.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;
 - (12) Marine park moorage facilities – see WAC 352-12-020 and 352-12-030;
 - (13) Overnight camping – emergency camp area: The fee shall be the standard campsite fee.
- These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.
- (14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the \$3.00 per night permit fee. The permit must be prominently displayed in the vehicle.

WSR 89-03-068

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 1-89—Filed January 18, 1989]

I, Ernest F. LaPalm, Deputy Commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to election of coverage for corporate officers, amending WAC 192-12-025.

This action is taken pursuant to Notice No. WSR 88-24-006 filed with the code reviser on November 30, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 50.04.165 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1989.

By Ernest F. LaPalm
Deputy Commissioner

AMENDATORY SECTION (Amending Order 2-86, filed 6/26/86)

WAC 192-12-025 REQUIREMENTS OF CORPORATIONS ELECTING COVERAGE OF CORPORATE OFFICERS. RCW 50.04.165 provides: "Services performed by corporate officers, as defined in RCW 23A.08.470, other than those covered by chapter 50.44 RCW, shall not be considered services in employment. However, a corporation may elect to cover not less than all of its corporate officers under RCW 50.24.160. If an employer does not elect to cover its corporate officers under RCW 50.24.160, the employer must notify its corporate officers in writing that they are ineligible for unemployment benefits. If the employer fails to notify any corporate officer, then that person shall not be considered to be a corporate officer for the purposes of this section."

In order for the employment security department to make timely and accurate employer liability determinations and unemployment insurance payments, the commissioner prescribes:

(1) The term "corporate officer" is defined the same as in RCW 23A.08.470, which states "The officers of a corporation shall consist of a president, one or more vice-presidents as may be prescribed by the bylaws, a secretary, and a treasurer, each of whom shall be elected by the board of directors at such time and in such manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any two or more offices may be held by the same person, except the offices of president and secretary, except that when all of the issued and outstanding stock of the corporation is owned of record by one shareholder, one person may hold all or any combination of offices."

(2) All services of corporate officers are deemed exempt until the effective date of approval of election of coverage by the commissioner.

(3) A written request for voluntary coverage must be submitted by the employer and be signed by someone authorized to legally bind the corporation. The request must be received by the department no later than thirty

days prior to the end of the quarter in which the change of coverage is to begin.

(4) All changes in elected coverage of services of corporate officers can be effective from the beginning of any calendar quarter, and will remain in effect for not less than two calendar years. Coverage can be terminated only at the end of a calendar year, provided a written request for termination is submitted to the agency by the employer, on or before the 15th of January immediately following the end of the last calendar year of desired coverage.

(5) Wages or salary paid for services of corporate officers exempt under RCW 50.04.165 will not be used to determine liability of agricultural employers. However, if a corporation voluntarily covers its officers, the wages or salaries paid for such services shall be used to determine the liability of agricultural employers.

(6) A corporation exempt from covering the services of its officers under RCW 50.04.165 should not include those officers' names, social security numbers, wages or hours on any employment security quarterly wage and tax reports submitted for any calendar quarters which fall during the period of exemption.

(7) For wages paid on or after July 1, 1986, corporate officers are exempt under RCW 50.04.165 only if their employer has notified them in writing that they are ineligible for unemployment benefits, with the exemption becoming effective as of the date of the written notice. The written notice must contain the name(s) of the officer(s) to whom directed and the effective date of the exemption. The notice(s) must be signed by such officer(s) indicating acknowledgement of receipt. A copy of such notification(s) must be kept on file by the corporation and must be available for review by any agency official upon request.

WSR 89-03-069

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 2-89—Filed January 18, 1989]

I, Ernest F. LaPalm, Deputy Commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 192-12-180 Training defined.

Amd WAC 192-12-182 Approval by commissioner.

This action is taken pursuant to Notice No. WSR 88-24-007 filed with the code reviser on November 30, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 50.20.043 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1989.

By Ernest F. LaPalm
Deputy Commissioner

AMENDATORY SECTION (Amending Order 2-73, filed 11/15/73)

WAC 192-12-180 TRAINING DEFINED. (1) As used in RCW 50.20.043 the term "training" means vocational or technical training or retraining (including but not limited to field or laboratory work and remedial or related academic and technical instruction incident thereto) which is being conducted as a program designed to prepare individuals for gainful employment in recognized occupations and in new and emerging occupations (~~(but)~~),

(2) The term "training" does not include basic education or training that has for its purpose the preparation of individuals for employment in occupations generally classified as professional or which require a baccalaureate or higher degree from institutions of higher education.

(3) The assistant commissioner for unemployment insurance may determine that a course of education or training is "training" for the purposes of RCW 50.20.043, notwithstanding subsections (1) and (2) of this section. Any determination made under this subsection (3) must be made in writing.

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

AMENDATORY SECTION (Amending Order 4-80, filed 8/6/80)

WAC 192-12-182 TRAINING—APPROVAL BY COMMISSIONER. Conditions for approval of training by the commissioner are as follows:

(1) No vocational training course, or courses in basic educational skills as a prerequisite for such vocational training, shall be considered for approval by the commissioner or his authorized representative unless:

An application to take such training course is made in writing and filed with the commissioner at any local office of the Washington employment security department, or in the case of an individual in another state, with the local office of such state through which the individual is filing his claim for unemployment compensation against the state of Washington. Such application must be filed prior to payment.

(2) In the approval of any program of training, the commissioner shall consider, among other factors, the following:

(a) The nature of the facility and the quality of the program of instruction, and

(b) Whether such program of instruction relates to an occupation or skill for which there are, or are expected

to be, reasonable employment opportunities in the state in which the individual intends to seek work, and

(c) Whether the individual has the qualifications and aptitudes to successfully complete such program of instruction; and further

(d) Whether employment opportunities for which the individual is fitted by past training and experience do not exist or have substantially diminished in the labor market due to business or economic conditions in the area, or because of conditions peculiar to the individual such as health, physical stature, criminal background, or other circumstances of a similar nature, to the extent that in the judgment of the commissioner the individual will experience an extended period of unemployment and dependence upon the unemployment compensation program.

(3) Any training program required as a condition of continued employment within the occupation shall be approved by the commissioner: PROVIDED, That:

(a) The training program is vocational training, or basic education that is a prerequisite for vocational training, and

(b) The scheduling of the training is determined by a work related entity other than the claimant, and

(c) The training program meets the requirements of subsections (2)(a), ~~((2))~~ (b), and ~~((2))~~ (c) ~~((above))~~ of this section. Requirements of subsection (2)(d) ~~((above))~~ of this section do not apply to training programs which meet the requirement of this subsection ~~((3))~~.

(4) An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and

(a) The duration of the course of study is less than six months, and

(b) The course meets specific requirements for certification, licensing, or specific skills necessary for the occupation, and

(c) The assistant commissioner for unemployment insurance reviews and approves, in writing, the application for approval of training.

(5) In the case of individuals with physical or sensory handicaps, or other unusual individual circumstances, a written decision of the assistant commissioner for unemployment may waive any of the requirements of this section on an individual basis.

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

WSR 89-03-070

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 3-89—Filed January 18, 1989]

I, Ernest F. LaPalm, Deputy Commissioner of the Employment Security Department, do promulgate and

adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 192-09-030 Preamble (appeals).
 Amd WAC 192-09-063 Appeals—Who may file—Time limit.
 Amd WAC 192-09-315 Decisions—Petition for review.

This action is taken pursuant to Notice No. WSR 88-24-008 filed with the code reviser on November 30, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 17, 1989.

By Ernest F. LaPalm
 Deputy Commissioner

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78)

WAC 192-09-030 PREAMBLE. RCW 50.32.010 provides, in part, as follows:

". . . Notice of any appeal or petition for hearing taken to an appeal tribunal in any proceeding under this act may be filed with such agency as the commissioner may by regulation prescribe."

RCW 50.32.020 provides, in part, as follows:

"The applicant or claimant, his most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal . . ."

RCW 50.32.060 provides, in part, as follows:

"The manner in which any dispute shall be presented to the appeal tribunal, and the conduct of hearings and appeals, shall be in accordance with regulations prescribed by the commissioner for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. . . ."

RCW 50.32.070 provides:

"Within ((ten)) thirty days from the date of notification or mailing, whichever is the earlier, of any decision of an appeal tribunal, the commissioner on his own order may, or upon petition of any interested party shall, take jurisdiction of the proceedings for the purpose of review thereof. Appeal from any decision of an appeal tribunal may be perfected so as to prevent finality of such decision if, within ((ten)) thirty days from the date of mailing the appeal tribunal decision, or notification thereof, whichever is the earlier, a petition in writing for review by the commissioner is received by the commissioner or by such representative of the commissioner as the commissioner by regulation shall prescribe. The commissioner may also prevent finality of any decision of an appeal tribunal and take jurisdiction of the proceedings for his review thereof by entering an order so providing on his

own motion and mailing a copy thereof to the interested parties within the same period allowed herein for receipt of a petition for review. The time limit provided herein for seeking review by the commissioner and for the commissioner's assumption of jurisdiction on his own motion for review shall be deemed to be jurisdictional."

RCW 50.32.100 provides:

"In all proceedings provided by this title prior to court review involving dispute of an individual's initial determination, or claim for waiting period credit, or for benefits, the fees of all witnesses attending such proceedings pursuant to subpoena shall be paid at the rate fixed by such regulation as the commissioner shall prescribe and such fees and all costs of such proceedings otherwise chargeable to such individual, except charges for services rendered by counsel or other agent representing such individual, shall be paid out of the unemployment compensation administration fund. In all other respects and in all other proceedings under this title the rule in civil cases as to costs and attorney fees shall apply: Provided, That cost bills may be served and filed and costs shall be taxed in accordance with such regulation as the commissioner shall prescribe."

RCW 50.20.150 provides:

"The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during his benefit year, the applicant becomes unemployed after having accepted subsequent work, and reports for the purpose of re-establishing his eligibility for benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes.

"Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account."

RCW 50.12.010 provides, in part, as follows:

"The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end. . . ."

RCW 34.04.020 provides, in part, as follows:

"In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions: Provided, That RCW 34.04.022 shall apply to agencies which have not adopted comprehensive rules of practice and procedure, in accordance with the provisions of this chapter, prior to July 1, 1967."

RCW 34.04.090 provides, in part, as follows:

"(7) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

"(8) Agencies, or their authorized agents, may

"(d) take or cause depositions to be taken pursuant to rules promulgated by the agency, . . ."

The commissioner accordingly prescribes:

AMENDATORY SECTION (Amending Order 1-85, filed 5/15/85)

WAC 192-09-063 APPEALS—WHO MAY APPEAL—TIME LIMITATION. Any interested party may appeal from a redetermination of an initial determination or a determination of allowance or denial of waiting period credit or benefits, or a redetermination thereof, by filing a written notice of appeal, or in the case of an assessment for, or denial of a claim for refund of, contributions, interest, or penalties, or denial of a redetermination of benefit charges made to an employer's account, or an employer's redetermined rate of contribution, by filing a petition for hearing with any office of the employment security department, or the unemployment compensation agency in any other state or territory. Such appeals and petitions for hearing shall be filed within ((ten)) thirty days of the date such determination, redetermination, assessment or denial is delivered or mailed, whichever is the earlier. If the appeal and/or petition is mailed, it shall be deemed filed with the department on the postmark date, if said document is properly addressed and has sufficient postage affixed thereto.

On the request of any interested party, the commissioner shall furnish forms for the filing of a notice of appeal or petition for hearing, but the use of such forms shall not be a jurisdictional requirement

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 1-78, filed 8/14/78)

WAC 192-09-315 DECISIONS—PETITION FOR REVIEW. Any interested party who is aggrieved by a decision of an appeal tribunal other than an order approving a withdrawal of an appeal or a withdrawal of a petition for hearing, may petition the commissioner to review such decision. Such petition for review must be completed in writing by the aggrieved party or his or her representative and forms for this purpose shall be furnished by the commissioner on request, although the use of such forms shall not be a jurisdictional requirement. The filing of a petition for review shall be deemed timely if the written petition is received at any office of the employment security department, or in an office of the unemployment compensation agency of any other state or territory, within ((ten)) thirty days after the date on which the appeal tribunal decision was mailed to the aggrieved party's last known address. If the petition for review is mailed, it shall be deemed filed with the addressee on the postmark date if said document is properly addressed and has sufficient postage affixed thereto.

WSR 89-03-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-49-015 General provisions.
 Amd WAC 388-49-020 Definitions;

that the agency will at 10:00, Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 7, 1989. The meeting site is in a location which is barrier free.

Dated: January 18, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-49-015.

Purpose of the Rule Change: To implement the provisions of 7 CFR 272.1 (c)(1)(iii) and 7 CFR 272.11(c); allow release of alien applicant information for the purpose of systematic alien verification for entitlements (SAVE) verification; and limit use of the information obtained through SAVE to administering and determining eligibility for the food stamp program.

Subsection (9) has been revised; a new subsection (10) has been added; and previous subsections (10) through (16) have been renumbered (11) through (17).

Statutory Authority: RCW 74.04.050.

Summary of the Rule Change: Allows release of alien applicant information for SAVE verification purposes

and limits use of information obtained through SAVE to administering and determining eligibility for the food stamp program.

Re: WAC 388-49-020.

Purpose of the Rule Change: To implement the provisions of 7 CFR 271.2 and 7 CFR 273.1 (b)(2)(viii); define systematic alien verification for entitlements (SAVE) as the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file; and define household members who do not sign the application attesting to their citizenship or alien status as ineligible household members.

Subsection (41) has been revised; a new subsection (80) has been added; and old subsections (80) through (84) have been renumbered (81) through (85).

Statutory Authority: RCW 74.04.050.

Summary of Rule Change: Expands the definition of ineligible household members to include persons who fail to sign the application attesting to their citizenship or alien status; and defines (SAVE) as a program to verify immigration status documents provided by aliens.

Person Responsible for Rule Drafting and Implementation: Joan Wirth, Community Services Program Manager, Division of Income Assistance, 234-5401 scan, OB-31C.

This rule change is necessary as a result of federal regulations, 7 CFR 272.1 (c)(1)(iii) and 7 CFR 272.11(c).

AMENDATORY SECTION (Amending Order 2685, filed 9/1/88)

WAC 388-49-015 GENERAL PROVISIONS. (1) The rules in this chapter are for the purpose of administering the food stamp program. Rules and definitions in other chapters of Title 388 of the Washington Administrative Code do not apply to provisions of this chapter unless specifically identified.

(2) The department of social and health services shall administer the food stamp program in accordance with an approved plan with the food and nutrition service (FNS) of the United States Department of Agriculture.

(3) The department shall comply with all FNS directives to reduce, suspend, or terminate all or any portion of the food stamp program.

(4) During a presidential or FNS-declared disaster, the department shall certify affected households in accordance with FNS instructions.

(5) The department shall retain:

- (a) Food stamp case records for three years from the month of origin of each record((:)); and
- (b) Fiscal and accountable documents for three years from the date of fiscal or administrative closure.

(6) The department shall not discriminate against any applicant or participant in any aspect of program administration for reason of:

- (a) Age,
 - (b) Race,
 - (c) Color,
 - (d) Sex,
 - (e) Handicap,
 - (f) Religious creed,
 - (g) Political beliefs, or
 - (h) National origin.
- (7) The department shall display nondiscrimination posters provided by FNS in all offices administering the food stamp program.

(8) An individual believing he or she has been subject to discrimination may file a written complaint with the:

- (a) Food and nutrition service((:)); or
 - (b) State office for equal opportunity.
- (9) The department shall restrict use or disclosure of information obtained from applying or participating households to:

(a) Individuals directly connected with the administration or enforcement of the provisions of:

- (i) The Food Stamp Act or regulations((:));
- (ii) Other federal assistance programs((:)); or
- (iii) Federally assisted state programs providing assistance on a means-tested basis to low-income individuals.

(b) Individuals directly connected with the verification of immigration status of aliens applying for food stamp benefits, through the Systematic Alien Verification for Entitlements (SAVE) program, to the extent the information is necessary to identify the individual for verification purposes;

(c) Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law; and

((+)) (d) Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act or regulations. The written request shall include the:

- (i) Identity of the individual requesting the information((:));
 - (ii) Authority of the individual to make the request((:));
 - (iii) Violation being investigated((:)); and
 - (iv) Identity of the person about whom the information is requested.
- (10) The department shall use information obtained through the Systematic Alien Verification for Entitlements (SAVE) program only for the purposes of:

(a) Verifying the validity of documentation of alien status presented by an applicant;

(b) Verifying an individual's eligibility for benefits;

(c) Investigating whether participating households received benefits to which they were not entitled, if an individual was previously certified to receive benefits on the basis of eligible alien status; and

(d) Assisting in or conducting administrative disqualification hearings, or criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

(11) The department shall make the household's case file available to the household or household's representative for inspection during regular office hours as provided in chapter 388-320 WAC.

((++)) (12) The department shall make the following program information available to the public upon request during regular office hours:

(a) Federal regulations, federal procedures in FNS notices and policy memos, and the state plan of operation at the state office; and

(b) Washington Administrative Code and the Food Stamp Procedures Manual at the local office.

((+2)) (13) The coupon allotment provided any eligible household shall not be considered income or resources for any purpose under any federal, state, or local laws.

((+3)) (14) The department shall not permit volunteers or other persons not employees of the department to conduct certification interviews or certify food stamp applicants except:

- (a) During a presidential or FNS-declared disaster((:)); or
- (b) Social Security Administration (SSA) employees for Supplemental Security Income (SSI) households as provided in WAC 388-49-040.

((+4)) (15) The provisions of Title 18 of the United States Code, "Crimes and Criminal Procedures," relative to counterfeiting, misuse, and alteration of obligations of the United States are applicable to food coupons.

AMENDATORY SECTION (Amending Order 2662, filed 8/2/88)

WAC 388-49-020 DEFINITIONS. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not an individual committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by department action or failure to act when the household properly and accurately reported all the household's circumstances to the department.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to conduct contested case hearings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult nonhousehold member sufficiently aware of household circumstances designated in writing by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual, except a person described in WAC 388-49-190 (2)(a), (b), (c), or (d), who is:

(a) Residing with the household; and
(b) Paying reasonable compensation to the household for lodging and meals.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone under eighteen years of age and under parental control.

(14) "Collateral contact" means contact with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Dependent care deduction" means costs incurred by a household member for care provided by a nonhousehold member when the care is necessary for a household member to seek, accept, or continue employment, or attend training or education preparatory to employment.

(17) "Destitute household" means a household with migrant or seasonal workers with little or no income at the time of application in need of immediate food assistance.

(18) "Disabled person" means a person who meets one of the following criteria:

(a) Receives supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran with service-connected disability rated or paid as a total under Title 38 of the United States Code (USC), or considered in need of regular aid and attendance, or permanently housebound under such title;

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the USC; or

(e) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act.

(19) "Documentary evidence" means written confirmation of a household's circumstances.

(20) "Documentation" means the process of recording the source, date, and content of verifying information.

(21) "Elderly person" means a person sixty years of age or older.

(22) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

(23) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(24) "Equity value" means fair market value less encumbrances.

(25) "Expedited services" means quick provision of food stamps within five calendar days to an eligible household which:

(a) Has liquid resources of one hundred dollars or less; and
(b) Has gross monthly income under one hundred fifty dollars; or
(c) Has combined gross income and liquid resources which are less than the household's current monthly rent or mortgage and actual utility costs; or

(d) Includes all members who are homeless individuals; or

(e) Includes destitute migrant or seasonal farm workers.

(26) "Fair hearing" means a hearing conducted by the office of administrative hearings at the client's request to decide whether action taken or intended action by the department is correct.

(27) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.

(28) "Food coupon" means food stamps and the two terms are interchangeable.

(29) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.

(30) "Food stamp monthly reporting cycle" means the budget month, the process month, and the payment month.

(31) "Gross income eligibility standards" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.

(32) "Group living arrangement" means a public or private non-profit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.

(33) "Head of household" means:

(a) The person designated by the household to be named on the case file, identification card, and FCA card;

(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:

(i) The employment involves at least twenty hours per week; and
(ii) The person is not living with a parent or a person fulfilling that role who is:

(A) Registered for work,

(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

(34) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.

(35) "Homeless food stamp household" means an eligible food stamp household having no fixed mailing address or not residing in a permanent dwelling.

(36) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized by FNS.

(37) "Household" means the basic client unit in the food stamp program.

(38) "Household disaster" means when food purchased with food stamps are destroyed by a natural disaster, such as flood, fire, etc.

(39) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(40) "Inadvertent household error overissuance" means any overissuance caused by misunderstanding or unintended error on the part of the household.

(41) "Ineligible household member" means ((~~the~~) the member ((~~who~~ is)) excluded from the food stamp household because of:

(a) Disqualification for intentional program violation;

(b) Failure to apply for or provide a Social Security number;

(c) Failure to comply with work registration requirements;

(d) Status as an ineligible alien; ((~~or~~))

(e) Status as an ineligible student; or

(f) Failure to sign the application attesting to the member's citizenship or alien status.

(42) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(43) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admittance to the course.

(44) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended prior to August 8, 1983, consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards; and

(f) Trade or sell coupons or authorization cards.

(45) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(46) "Live-in attendant" means an individual residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(47) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:

(a) Income tax refunds,

(b) Rebates,

(c) Retroactive payments, and

(d) Insurance settlements.

(48) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(49) "Migrant farmworker" means an individual working in seasonal agricultural employment and who is required to be absent overnight from his or her permanent place of residence.

(50) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(51) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as:

(a) A roomer;

(b) A live-in attendant; or

(c) An individual who does not purchase and prepare meals with the food stamp household.

(52) "Nonstriker" means any person:

(a) Exempt from work registration the day prior to the strike for reasons other than their employment;

(b) Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;

(c) Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or

(d) Unable to work because workplace is closed by employer in order to resist demands of employees, e.g., a lockout.

(53) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(54) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(55) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(56) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.

(57) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(58) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.

(59) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.

(60) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(61) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the

household and department are reasonably certain will be received during the month of issuance.

(62) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(63) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.

(64) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(65) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(66) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(67) "Resident of an institution" means a person who resides in an institution that provides the individual with the majority of meals as part of the institution's normal service.

(68) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.

(69) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(70) "Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.

(71) "Seasonal farmworker" means an individual working in seasonal agricultural employment who is not required to be absent from his or her permanent place of residence overnight.

(72) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home including interest on such payments.

(73) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(74) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

(75) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(76) "Sponsored alien" means an alien lawfully admitted for permanent residence.

(77) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(78) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(79) "Student" means any person:

(a) Between eighteen and sixty years of age,

(b) Physically and mentally fit for employment, and

(c) Enrolled at least half time in an institution of higher education.

(80) "Systematic alien verification for entitlements (SAVE)" means the immigration and naturalization service (INS) program whereby the department may verify the validity of documents provided by aliens applying for food stamp benefits by obtaining information from a central data file.

(81) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

~~((81))~~ (82) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an aid to families with dependent children (AFDC) grant as his or her own payee;

(b) Receiving gross income equal to, or exceeding, the AFDC grant payment standard; or

(c) Married.

~~((82))~~ (83) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

~~((83))~~ (84) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

~~((84))~~ (85) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

WSR 89-03-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-49-030 Filing an application.
 Amd WAC 388-49-110 Verification;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is RCW 74.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 7,

1989. The meeting site is in a location which is barrier free.

Dated: January 17, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The Following Sections are Amended: WAC 388-49-030 and 388-49-110.

Purpose of the Rule Change: To implement the provisions of the Immigration Reform and Control Act and federal regulations 7 CFR 273.2(b) to indicate that each adult household member applying for food stamps shall sign the application attesting to his or her citizenship or alien status.

Statutory Authority: RCW 74.04.510.

Rule Change Summaries: WAC 388-49-030 provides that the department require all adult household members to sign the application attesting to their citizenship or alien status; and WAC 388-49-110 directs the department to verify alien status of all household members at initial application. An additional change in subsection (3)(a)(ii) includes verification of the head of household as well as the authorized representatives required by 7 CFR 273.2 (f)(1)(vii) of the Code of Federal Regulations.

Person Responsible for Rule Drafting and Implementation: Mick Determan, Community Services Program Manager, Division of Income Assistance, OB-31C, 234-4005 scan.

This rule change is necessary as a result of federal regulations, 7 CFR 273.2 (f)(1)(vii).

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-030 FILING AN APPLICATION. (1) The department shall:

- (a) Make application forms readily available, and
- (b) Provide an application to any person requesting one.
- (2) A person shall file an application by submitting the form to the CSO:

- (a) In person,
- (b) By mail, or
- (c) Through an authorized representative.
- (3) A household consisting of SSI members may file an application at the Social Security Administration district office (SSADO).
- (4) A person has a right to file an application on the same day he or she contacts the department.
- (5) The department shall accept an incomplete application filed by a responsible household member or authorized representative who:

- (a) Completes the name and address, and
- (b) Signs the application.
- (6) The department shall require the following persons to sign the application attesting to their citizenship or alien status:

- (a) Each adult household member;
- (b) An adult household member for household members under eighteen years of age; and
- (c) The applicant, in the absence of an adult household member, for all household members under eighteen years of age.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-110 VERIFICATION. (1) Sources of verification shall be:

- (a) Documentary evidence((:));
- (b) Collateral contacts((:)); and
- (c) Scheduled home visits.
- (2) The household has primary responsibility for providing documentary evidence. The department shall offer to assist in obtaining

documentary evidence if it would be difficult or impossible for the household to obtain in a timely manner.

(3) At initial application, the department shall verify:

(a) Identity of:

- (i) The person making the application(;;); or
 (ii) The authorized representative and the head of household.

(b) Immigration status of all alien household members;

(c) Residency(;;);

~~((f))~~ (d) Resources(;;);

~~((f))~~ (e) Loans(;;);

~~((f))~~ (f) Gross nonexempt income(;;);

~~((f))~~ (g) Shelter expenses if the expense could result in a deduction(;;);

~~((g))~~ (h) Utility expenses(;;);

~~((h))~~ (i) Medical care expenses(;;);

~~((i))~~ (j) Dependent care expenses(;;);

~~((j))~~ (k) Household size(;;);

~~((b-k))~~ (l) Household composition(;;); and

~~((h))~~ (m) Disability.

(4) At recertification, the department shall verify a change in income, medical expenses, or actual utility expenses claimed by a household if the source has changed or the amount has changed by more than twenty-five dollars since the verification was completed.

(5) The department shall verify for monthly reporting households the following factors on a monthly basis:

(a) Gross nonexempt income;

(b) Utility expenses unless the standard utility allowance is used;

(c) Medical expenses per WAC 388-49-500(4);

(d) Alien status, Social Security number, residency, and citizenship if changed;

(e) All other questionable information.

(6) The department shall verify questionable information.

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

WSR 89-03-073
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd WAC 388-49-190 Household concept.
 Amd WAC 388-49-310 Citizenship and alien status.
 Amd WAC 388-49-420 Resources—Nonexempt;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 7, 1989. The meeting site is in a location which is barrier free.

Dated: January 18, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-49-190.

Purpose of the Rule Change: To implement the provisions of 7 CFR 273.1 (b)(2)(viii) and define household members who do not sign the application attesting to their citizenship or alien status as ineligible household members.

Subsection (4) has been revised.

Statutory Authority: RCW 74.04.050.

Summary of Rule Change: Expands the definition of ineligible household members to include persons who fail to sign the application attesting to their citizenship or alien status.

Person Responsible for Rule Drafting and Implementation: Joan Wirth, Community Services Program Manager, Division of Income Assistance, 234-5401 scan, OB-31C.

This rule change is necessary as a result of federal regulations, 7 CFR 273.1 (b)(2)(viii).

Re: WAC 388-49-310.

Purpose of the Rule Change: To implement the provisions of 7 CFR 273.2(b) and identify as ineligible an applicant household member who does not sign the application attesting to his or her citizenship or alien status.

New subsections (1) and (2) have been added and the remaining subsections renumbered.

Statutory Authority: RCW 74.04.050.

Summary of the Rule Change: This change identifies an applicant household member as ineligible if he or she fails to sign the application attesting to his or her citizenship or alien status.

Person Responsible for Rule Drafting and Implementation: Jack Hecht, Community Services Program Manager, Division of Income Assistance, OB-31C, 234-4918 scan.

This rule change is necessary as a result of federal regulations, 7 CFR 273.2(b).

Re: WAC 388-49-420.

Purpose of the Rule Change: To implement the provisions of 7 CFR 273.11 (c)(2) and require resources of persons who fail to sign the application attesting to their

citizenship or alien status to be considered as available to the remaining household members.

Subsection (5) has been revised.

Statutory Authority: RCW 74.04.050.

Summary of the Rule Change: Requires resources of persons who fail to sign the application attesting to their citizenship or alien status to be considered as available to the remaining household members.

Person Responsible for Rule Drafting and Implementation: Jack Hecht, Community Services Program Manager, Division of Income Assistance, OB-31C, 234-4918 scan.

This rule change is necessary as a result of federal regulations, 7 CFR 273.11 (c)(2).

AMENDATORY SECTION (Amending Order 2662, filed 8/2/88)

WAC 388-49-190 HOUSEHOLD CONCEPT. (1) The department shall consider the following as households:

- (a) A person who lives alone;
- (b) A person who lives with others and who purchases and prepares meals separate and apart from the others;
- (c) A group of persons who live together and purchase and prepare meals together;
- (d) A permanently disabled and elderly person unable to prepare meals.
 - (i) The person must be living with others.
 - (ii) The person's spouse shall be included in the household.
 - (iii) The income of the other household members, except the spouse, cannot exceed one hundred sixty-five percent of the poverty level.
- (e) A person who is the parent of a child under 18 years of age, along with that person's child and spouse, if the person and the person's child are:
 - (i) Residing with the person's parent or sibling, and
 - (ii) Purchasing and preparing meals separate from the parent or sibling.
- (f) A person who is a parent or sibling living with the person described in WAC 388-49-190 (1)(e) or (h);
- (g) A person living with his or her natural, adoptive, or stepchildren, or such children living with parents when one parent is:
 - (i) Elderly or disabled, and
 - (ii) Purchasing and preparing meals separate from the child.
- (h) A person, living with a sibling, who is:
 - (i) Elderly or disabled, and
 - (ii) Purchasing and preparing meals separately.

- (2) The department shall not grant separate household status to:
 - (a) Children under eighteen years of age under parental control of a member of the household;
 - (b) Parents living with their natural, adoptive, or stepchildren, or such children living with parents unless they qualify as separate households per WAC 388-49-190 (1)(e), (f), or (g);
 - (c) A spouse of a household member;
 - (d) Siblings unless they qualify as separate households per WAC 388-49-190 (1)(e), (f), or (h);
 - (e) A boarder.
- (3) The department shall consider the following persons residing with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:
 - (a) Roomers,
 - (b) Live-in attendants, or
 - (c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household.
- (4) The department shall consider the following persons residing with the household as ineligible household members:
 - (a) Persons disqualified for intentional program violation;
 - (b) Persons disqualified because of noncompliance with work registration requirements;
 - (c) Persons who are ineligible aliens;
 - (d) Persons disqualified for failure to apply for or provide a Social Security number; ((or))
 - (e) Persons who are ineligible students; or
 - (f) Persons who fail to sign the application attesting to their citizenship or alien status.

AMENDATORY SECTION (Amending Order 2666, filed 8/2/88)

WAC 388-49-310 CITIZENSHIP AND ALIEN STATUS. (1) The department shall require applicants to sign the application attesting to their citizenship or alien status as described under WAC 388-49-030(6).

(2) The department shall consider applicants denied benefits for failure to meet the requirements of WAC 388-49-310(1) ineligible household members under WAC 388-49-190(4), 388-49-420(5), and 388-49-480(2).

(3) Except for subsection ((2)) (4) of this section, the department shall require persons participating in the food stamp program ((shall)) to be residents of the United States and either:

- (a) A United States citizen; or
- (b) An alien lawfully admitted for permanent residence; or
- (c) An alien who:
 - (i) Entered the United States prior to January 1, 1972, or some later date as required by law; and
 - (ii) Has continuously maintained residency in the United States since then; and
 - (iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general pursuant to section 249 of the Immigration and Nationality Act.
- (d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion pursuant to sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act;
- (e) An alien ((who qualifies)) qualified for conditional entry prior to March 18, 1980, pursuant to former section 203 (a)(7) of the Immigration and Nationality Act;
- (f) An alien granted asylum through an exercise of discretion by the attorney general pursuant to section 208 of the Immigration and Nationality Act;
- (g) An alien lawfully present in the United States as a result of:
 - (i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212 (d)(5) of the Immigration and Nationality Act; or
 - (ii) A grant of parole by the attorney general.
- (h) An alien living within the United States for whom the attorney general has withheld deportation pursuant to section 243 of the Immigration and Nationality Act because of the judgment of the attorney general that the alien would otherwise be subject to persecution on account of race, religion, or political opinion;
- (i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act.

((2)) (4) The department shall consider aliens legalized under section 245A of the Immigration and Nationality Act ((are)) ineligible for five years after attaining temporary resident status except for those who:

- (a) Attain permanent resident status, and
 - (b) Receive Supplemental Security Income.
- ((3)) (5) The household shall provide verification when:
- (a) Citizenship is questionable, or
 - (b) One or more of its members are aliens.
- (i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

- (A) Withdrawing the application, or
- (B) Participating without the alien member.

((4)) (6) An applicant shall be ineligible until:

- (a) Questionable citizenship is verified, or
- (b) Lawful alien status is verified.

((5)) (7) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:

- (a) The applicant cannot produce acceptable citizenship verification; and
- (b) The household can reasonably explain why the verification is not available.

((6)) (8) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of the Immigration and Nationality Act.

((7)) (9) Lawfully admitted aliens who are ineligible include:

- (a) Alien visitors,
- (b) Tourists,
- (c) Diplomats, or
- (d) Students with temporary status.

AMENDATORY SECTION (Amending Order 2662, filed 8/2/88)

WAC 388-49-420 RESOURCES—NONEXEMPT. (1) The department shall consider the following resources nonexempt:

- (a) Liquid resources;
- (b) Real and personal property not exempted by WAC 388-49-410; and
- (c) Money secured in the form of a lump sum.
- (2) The value of a nonexempt resource, except for licensed vehicles as specified in WAC 388-49-430, shall be its equity value.
- (3) Exempt funds having been commingled in an account with non-exempt funds for more than six months.
- (4) The department shall consider resources owned jointly by separate households available in their entirety to each household, unless it can be verified the resource is inaccessible to one of the households.
- (5) The department shall consider resources of the following persons as available to the remaining household members:
 - (a) Ineligible aliens (~~and persons~~); or
 - (b) Persons disqualified for failure to meet Social Security number requirements; or
 - (c) Persons disqualified for intentional program violation (~~as available to the remaining household members~~); or
 - (d) Persons who fail to sign the application attesting to their citizenship or alien status.
- (6) The department shall consider resources, reduced by one thousand five hundred dollars, of an alien sponsor and spouse, if living together, available to the alien household for three years following the alien's admission to the United States for permanent residence.

WSR 89-03-074
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Income—Ineligible household members, amending WAC 388-49-480;

that the agency will at 10:00 a.m., Wednesday, February 22, 1989, in the Auditorium, 12th and Franklin, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 23, 1989.

The authority under which these rules are proposed is RCW 74.04.050.

The specific statute these rules are intended to implement is RCW 74.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 22, 1989.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by February 7, 1989. The meeting site is in a location which is barrier free.

Dated: January 17, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.
 Re: WAC 388-49-480.

Purpose of the Rule Change: To implement the provisions of 7 CFR 273.11 (c)(2) and determine eligibility and benefit level for households containing a person ineligible because of failure to sign the application attesting to his or her citizenship or alien status as follows: A pro rata share of the ineligible person's income shall be counted as income to the remaining household members; the twenty percent earned income deduction shall apply to the ineligible persons earned income attributed to the household; and the portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ineligible member shall be divided evenly among all the members of the household, providing the ineligible member has income.

Subsection (2) has been revised; and subsections (3) have been reordered to subsection (4) and (4) reordered to (3).

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Specifies how income from persons who fail to sign the application attesting to their citizenship or alien status is considered available to remaining household members and used in determining eligibility and benefit level.

Person Responsible for Rule Drafting and Implementation: Judy Finn, Community Services Program Director, Division of Income Assistance, 234-4912 scan, OB-31C.

This rule change is necessary as a result of federal regulations, 7 CFR 273.11 (c)(2).

AMENDATORY SECTION (Amending Order 2662, filed 8/2/88)

WAC 388-49-480 INCOME—INELIGIBLE HOUSEHOLD MEMBERS. (1) The department shall determine eligibility and benefit level for households containing (~~a person~~) persons disqualified for intentional program violation as follows:

- (a) The entire income of the disqualified (~~person~~) persons shall be considered available to the remaining household members; and
- (b) The entire household's allowable earned income, standard deduction, medical, dependent care, and excess shelter deduction shall be considered in their entirety; and
- (c) The household's coupon allotment shall not be increased as a result of the exclusion of one or more persons.

(2) The department shall determine eligibility and benefit level for households containing (~~a person~~) persons ineligible because of alien status (~~or~~), disqualification for refusal to obtain or provide a Social Security number, or failure to sign the application attesting to their citizenship or alien status as follows:

- (a) A pro rata share of the income of the ineligible (~~person~~) persons shall be counted as income to the remaining household members;
- (b) The twenty percent earned income deduction shall apply to the ineligible (~~person's~~) persons' earned income attributed to the household; and

(c) The portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ineligible (~~member~~) members shall be divided evenly among all members of the household, providing the ineligible (~~member has~~) members have income.

(3) ~~((An))~~ The department shall not consider the income of ineligible students or persons disqualified for failure to meet work registration requirements as available to the household with whom they reside.

(4) The department shall exclude ineligible (~~or disqualified person shall not be included~~) household members when determining the household's size for purposes of:

(a) Assigning a benefit level; and

(b) Comparing the household's monthly income to the income eligibility standards.

~~((4)) The department shall not consider the income of ineligible students or persons disqualified for failure to meet work registration requirements as available to the household with whom they reside:))~~

WSR 89-03-075
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed January 18, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules;

that the agency will at 10:00 a.m., Saturday, February 25, 1989, in Wenatchee Valley College, Room 3015, 1300 5th Street, Wenatchee, WA; and in the Foster Auditorium, Clark Community College, 1800 East McLoughlin Boulevard, Vancouver, WA; and in North Seattle Community College, Lecture Hall 1132, 9600 College Way North, Seattle, WA, conduct simultaneous public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 28, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1989.

Dated: January 18, 1989

By: Judith Merchant
 for Joseph R. Blum
 Director

STATEMENT OF PURPOSE

Title: WAC 220-56-100 Definitions—Personal use; 220-56-105 River mouth definitions; 220-56-120 Closed areas—Angling; 220-56-126 Unlawful provisions—Duwamish waterway; 220-56-128 Food fish fishing—Closed areas; 220-56-133 Des Moines public fishing pier; 220-56-180 Bag limit codes; 220-56-185 Marine area codes; 220-56-190 Saltwater seasons and bag limits—Salmon; 220-56-195 Closed areas—Saltwater salmon angling; 220-56-196 Closed areas—Pink salmon angling; 220-56-235 Possession limits—Bottomfish; 220-56-240 Bag limits—Other food fish; 220-56-245 Halibut—Bag and possession limits; 220-56-255 Halibut—Season; 220-56-282 Sturgeon—Lawful gear; 220-

56-295 Sturgeon—Unlawful acts; 220-56-310 Shellfish—Daily bag limits; 220-56-315 Crabs, shrimp, crawfish—Unlawful acts; 220-56-320 Shellfish gear—Unlawful acts; 220-56-325 Shrimp—Areas and seasons; 220-56-345 Clams, oysters—Culling prohibited; 220-56-350 Hardshell clams, cockles, mussels—Areas and seasons; 220-56-355 Clams—Unlawful acts; 220-56-380 Oysters—Areas and seasons; and chapters 220-57 and 220-57A WAC.

Description of Purpose: Modify sport fishing rules.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: WAC 220-56-100, describes scientific research preserves. These areas have been requested by the University of Washington for study; WAC 220-56-105, defines mouth of Kennedy Creek and provides an obvious line; WAC 220-56-120, repealed, sections incorporated into WAC 220-56-128; WAC 220-56-126, provide terminal gear requirements in rule. Clarification only; WAC 220-56-128, incorporates all food fish closures in one section for clarification. Seasonally reduces closed area at Finch Creek to allow harvest of salmon. Changes Elliott Bay closure to allow greater harvest area. Provides for complete closure of Duwamish to prevent accidental snagging; WAC 220-56-133, closes fishing other than from pier to increase recreational opportunity for shore-based anglers; WAC 220-56-180, provides a designation for a four fish bag limit, reduces areas having a spring 30 inch maximum size limit to increase angler opportunity; WAC 220-56-185, eliminates effective dates, housekeeping only; WAC 220-56-190, establishes South Sound four fish—two chinook bag limit, reduces open area in Grays Harbor to increase coho salmon escapement and increases length of Willapa Bay season to increase angler opportunity; WAC 220-56-195, reduce closed period in Skagit Bay and change time and area closures in Bellingham Bay and Carr Inlet to afford chinook salmon protection, reduces Quilcene Bay closed area to increase opportunity and changes seasonal closure in Port Susan to allow coho opportunity; WAC 220-56-196, clarifies that section applies to marine waters only; WAC 220-56-235, reduces true cod possession limit due to declining numbers; WAC 220-56-240, changes sturgeon size limits to conform to Columbia River Compact recommendations; WAC 220-56-245, conforms halibut bag with International Pacific Halibut Commission (IPHC) recommendations; WAC 220-56-255, conforms halibut season with IPHC recommendations; WAC 220-56-282, requires barbless hooks in waters under only Washington control to protect immature sturgeon; WAC 220-56-295, moves hook requirements into previous section; WAC 220-56-310, reestablishes poundage limit to prevent overharvest of butter clams; WAC 220-56-315, clarifies unlawful shellfish acts by putting within one section; WAC 220-56-320, requires telephone number on shellfish pot to facilitate return, establishes maximum perimeter on shrimp pot to prevent wiring several pots together and establishes escape mechanism for shellfish pots to prevent ghost pot fishing; WAC 220-56-325, establishes shrimp districts to mirror commercial regulations, and establishes seasons to prevent overharvest; WAC 220-56-345, repealed. Culling is

already prohibited; WAC 220-56-350, clarifies Kayak Point closures; WAC 220-56-355, makes culling of hardshell clams unlawful; WAC 220-56-380, restricts harvest of oysters in middle and southern Hood Canal due to availability; chapter 220-57 WAC, bag limit changes in freshwater areas reflect anticipated returns based on preseason forecasts. The areas with a C bag limit that have been closed have had undue pressure on adult salmon. The general trend towards increased bag limits reflects an intent to afford additional recreational opportunity; and chapter 220-57A WAC, female chinook retention in Capitol Lake allowed as escapement levels have been met in recent years. The Lake Washington season is delayed as harvestable chinook passage into the lake has shown to be later than previously thought. Ship canal sockeye release conforms the canal with the lake.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Gene DiDonato, Judith Freeman and Mark Pederson, 115 General Administration Building, Olympia, WA, 753-6600; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-100 DEFINITIONS—PERSONAL USE. (1) "Personal-use possession" and "daily bag limits" are defined as the numbers or pounds of food fish or shellfish which may be taken in a single day or held in possession at one time, unless otherwise provided.

(2) A "single hook" is defined as a hook having a single point or barb; a "double hook" as a hook having two points or barbs on a common shank; and a "treble hook" as a hook having three points or barbs on a common shank.

(3) A "lure" is defined as any object made of animal, vegetable or mineral materials which has attached thereto one or more hooks and is used as bait while angling for food fish.

(4) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, or canned fish and is exclusive of iced, frozen, or salted fish.

(5) The term "fresh fish" is defined as salmon or other food fish which has not been processed by heat for human consumption and is inclusive of iced, frozen, or salted fish except that fresh fish as provided in WAC 220-56-180 shall not include frozen.

(6) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with one lure in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than one lure. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(7) The term "snag or snagging" is defined as any method of taking or attempting to take food fish with one or more hooks in such a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(8) The term "underwater spearfishing" is defined as any method of taking or attempting to take food fish by using any object or objects to impale or hook fish while the fisherman is swimming or floating in the water.

(9) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisherman is above the surface of the water.

(10) The term "natural bait," unless otherwise provided, is defined as a lure consisting of an animal or part of an animal with one single hook.

(11) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

(12) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island.

(13) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 near the mouth of the Columbia River.

(14) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

(15) The following areas are defined as scientific research preserves, and in order to increase the understanding of the relation between food fish and shellfish and their habitats it is unlawful to fish for or possess food fish or shellfish, except salmon or herring, taken from these preserves.

(a) Point Caution - all waters within 500 yards of shore (mean high tide) from the dock at the University of Washington Friday Harbor Laboratory to Point Caution on San Juan Island;

(b) Point George - all waters within 500 yards of shore (mean high tide) from Hicks Bay to Point George, including Parks Bay on Shaw Island;

(c) Squaw Bay - all waters within 500 yards of shore (mean high tide) from Squaw Bay to Hoffman Bay on Shaw Island;

(d) Argyle Lagoon - all waters within 500 yards of shore (mean high tide) from a point 0.3 miles east of Little Island in Griffin Bay, San Juan Island, and proceeding east for 0.2 miles;

(e) False Bay - all waters within 500 yards of shore (mean high tide) from the west entrance to the east entrance of False Bay.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-105 RIVER MOUTH DEFINITIONS. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.

Bear River - Highway 101 Bridge.

Bone River - Highway 101 Bridge.

Chehalis River - U.P. Railway Bridge in Aberdeen.

Chinook River - The tide gates at the Highway 101 Bridge.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

Duwamish River - First Avenue South Bridge.

Elk River - Highway 105 Bridge.

Entiat River - Highway 97 Bridge.

Germany Creek - Highway 4 Bridge.

Hoquiam River - Highway 101 Bridge.

Humtulsips River - Mouth of Jessie Slough.

Johns River - Highway 105 Bridge.

Kennedy Creek - Highway 101 Bridge.

Lake Washington Ship Canal - Line 400 feet below the fish ladder at the Chittenden Locks.

Lewis River - A straight line running from a marker on Austin Point south across the Lewis River to a marker on the opposite shore.

Methow River - Highway 97 Bridge.
 Mill Creek - Highway 4 Bridge.
 Naselle River - Highway 101 Bridge.
 North Nemah River - Line from markers approximately one-half mile below the Highway 101 Bridge.
 Niawiakum River - Highway 101 Bridge.
 North River - Highway 105 Bridge.
 Palix River - Highway 101 Bridge.
 Puyallup River - 11th Street Bridge.
 Samish River - The Samish Island Bridge (Bayview-Edison Road).
 Sammamish River - Kenmore Highway Bridge.
 Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
 Skamokawa Creek - Highway 4 Bridge.
 Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
 South Nemah River - Lynn Point 117 degrees true to the opposite shore.
 Tucannon River - State Highway 261 Bridge.
 Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
 White Salmon River - Highway 14 Bridge.
 Little White Salmon River - At boundary markers on river bank downstream from the federal salmon hatchery.
 Willapa River - Highway 101 Bridge.
 Yakima River - Highway 240 Bridge.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-126 UNLAWFUL PROVISIONS—DUWAMISH WATERWAY. During the period September 1 through October 15, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crosses Harbor Island:

(1) It is unlawful to take, fish for or possess salmon using any gear other than that ~~((specified in WAC 220-56-205 (freshwater salmon angling gear)))~~ gear that meets the requirements of this subsection:

(a) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(b) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(c) No leads, weights, or sinkers may be attached below or less than 12 inches above a nonbuoyant lure.

(d) All hooks must be attached within 3 inches of the bait or lure.

(2) It is unlawful to take, fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

AMENDATORY SECTION (Amending Order 88-14, filed 4/26/88)

WAC 220-56-128 FOOD FISH FISHING ~~((CLOSURES))~~—CLOSED AREAS ~~((AND SEASONS))~~. It is unlawful to fish for or possess food fish taken from the following areas during the times indicated.

(1) It is unlawful at all times to fish for or possess food fish taken for personal use in waters lying within one mile below any fish rack, fishway, dam or other artificial or natural obstruction, either temporary or permanent, unless otherwise provided.

(2) ~~((It is unlawful to fish for or possess food fish taken for personal use in waters inside of or upstream from the following described Puget Sound marine water lines:~~

~~((a)) Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed at all times.~~

~~((3) The waters of Percival Cove are closed at all times.~~

~~((4) Those waters of Hood Canal((:~~
~~((i) Waters)) within a radius of one hundred feet from the confluence of Finch Creek with tidewater adjacent to the Hood Canal Salmon Hatchery are closed December 1 through October 31. Those waters within 50 feet of the confluence are closed from November 1 through November 30.~~

~~((iii)) ((5) Waters within a radius of 100 yards from the Enetai Hatchery Outfall Creek where it enters saltwater are closed at all times.~~

~~((b)) ((6) Those waters of Sinclair Inlet((-A)) inside a line fifty yards from the pierhead line of the Puget Sound Naval Shipyard at Bremerton are closed at all times.~~

~~((c) Budd Inlet: The Fourth Avenue Bridge at Olympia.~~

~~((d)) ((7) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed August 1 through November 30.~~

~~((8) In Shilshole Bay((-:)) for salmon, the ((time shall be)) closed waters are the waters below the Burlington Northern Railroad Bridge. For bottomfish or other food fish, the ((time shall be)) closed waters are those waters 400 feet below the fish ladder at the Chittenden Locks from October 1 through May 31; and below the Burlington Northern Railroad Bridge all year.~~

~~((e)) ((9) Those waters of the Chinook River((-The)) upstream from tide gate at the Highway 101 Bridge are closed at all times.~~

~~((3) It is unlawful to fish for or possess food fish taken for personal use from)) ((10) Those waters of the Columbia River((:~~

~~((a)) between the Vernita Bridge and the Hanford power line crossing (wooden towers at S24, T13N, R27E) ((from October 16)) are closed November 1 through June ((30)) 15.~~

~~((b)) ((11) Those waters of the Columbia River between the upstream line of Bonneville Dam to a point 600 feet below the fish ladder at the new Bonneville Dam Powerhouse are closed at all times.~~

~~((12) Those waters of Elliott Bay southerly and upstream from lines described as a 1,000 foot radius north of a point midway between Port of Seattle Pier 37 and the Crowley Maritime Corporation Pier 18 and a 1,000 foot radius north of a point midway between the Todd Shipyard Pier 13 and the Lockheed Shipyard Pier 4 to the First Avenue South Bridge are closed August 1 through September 30.~~

~~((13) Those waters of the Duwamish River downstream from the Highway 99 Bridge (the Pacific Highway South Bridge) to the First Avenue South Bridge are closed July 1 through September 30.~~

NEW SECTION

WAC 220-56-133 DES MOINES PUBLIC FISHING PIER. It is unlawful to fish for or possess food fish or shellfish taken within 100 yards of the Des Moines public fishing pier except while fishing from the Des Moines public fishing pier.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the bag limit in any one day is two salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April ~~((+5))~~ 16 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code G: In waters having this code designation, the bag limit is four salmon, not more than two of which may be chinook salmon and the minimum size for chinook salmon is 22 inches in length.

(6) Code H: In waters having this code designation, the bag limit in any one day is three salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April ((+5)) 16 through June 15 in Catch Record Card Areas 5, 6, and 7, ((9, 10, 11, and 13,)) it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except the daily bag limit in Catch Record Card Area 12 is three salmon of any species.

((6)) (7) Code I: In waters having this code designation, the bag limit, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington wildlife commission. Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

((7)) (8) The possession limit in all waters regulated under Bag Limits A, C, D, F, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington wildlife commission.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-185 MARINE AREA CODES. The term "marine area code numbers" is defined as the catch area for the salmon catch record card. The following is a list of the catch areas:

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Effective January 1, 1989, Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Effective January 1, 1989, Area 2-1: Willapa Bay.

(c) Effective January 1, 1989, Area 2-2: Grays Harbor east of a north-south line through Grays Harbor Channel Marker 13.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) ((Effective January 1, 1989,)) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.).

(c) ((Effective January 1, 1989,)) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS-SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound ((contiguous marine waters east of the mouth of the Sekiu River));

(a) Catch Record Card Areas 5, 6, 7, 8, 9, and 12 - Bag Limit H - open the entire year((,-except)).

(b) Catch Record Card Areas 10, 11, and 13 - Bag Limit G - open the entire year.

(c) In the above waters there are specified closures as provided for in WAC ((220-56-120,)) 220-56-128, 220-56-130, and 220-56-195.

(2) Strait of Juan de Fuca from the mouth of the Sekiu River to the Bonilla-Tatoosh Line - Bag Limit F except during the period April 15 through June 15 maximum size limit of 30 inches on chinook salmon if the waters described in this subsection are open - open concurrently with the ocean, and these waters will remain open through October 31 or until the ocean salmon quota for any species is taken.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 - Bag Limit F - open on the Saturday preceding Memorial Day through Labor Day.

(4) Grays Harbor (waters east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty including the waters of the Westport Boat Basin) - (a) Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean, but not to extend beyond August 15, unless otherwise provided, (b) Bag Limit A - ((September)) August 16 through ((November-30)) January 31: Waters ((east)) of the ((Buoy 13 line - barbless hooks and handheld poles required; chinook salmon greater than 28 inches in length must be released)) Westport Boat Basin only.

(5) Willapa Harbor (waters east of a line from Leadbetter Point to Cape Shoalwater Light and downstream from river mouths as defined in WAC 220-56-105) - (a) Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean, (b) ((special)) Bag Limit A - ((six salmon not less than 10 inches in length not more than two of which may be any combination of the following: Chinook over 24 inches in length, coho over 20 inches in length, pink, chum, or sockeye over 10 inches in length - open September 1)) August 16 through ((November-30)) January 31.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-195 CLOSED AREAS-SALTWATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of a line between the south end of McGlenn Island and the light at the south end of Fidalgo Island (Qk Fl) at the south end of Swinomish Slough shall be closed to salmon angling April ((+5)) 16 through ((June-30)) May 31.

(2) Bellingham Bay: Those waters of Bellingham((- Samish and Padilla)) Bay((-s southerly)) north of a line projected from ((the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island following the

shoreline to Southeast Point on Guemes Island thence to March Point on Fidalgo Island and north of the Burlington Railroad Bridges at the north end of Swinomish Slough)) Point Francis to Post Point shall be closed to salmon angling April ((+5)) 16 through July 15.

(3) Carr Inlet:

(a) Those waters north of a line from ((Green Point to Penrose Point)) a marker on the Longbranch Peninsula to the northernmost point at the south entrance to Horsehead Bay are closed to salmon angling from ((June)) April 16 through August ((+5)) 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling ((March +5)) April 16 through ((August 31)) September 30.

((c) Those waters of Carr Inlet and Haic Passage north of a line from Penrose Point to the Carr Inlet Acoustic Range Naval Facility Pier and northwesterly of the Fox Island Bridge shall be closed to salmon angling from April 15 through June 15.))

(4) Quilcene Bay: Those waters ((north)) northwesterly of a line ((projected true east)) from ((Palati Point)) Whitney Point true north to the Bolton Peninsula are closed to salmon angling April ((+5)) 16 through August 15.

(5) Dungeness Bay: Those waters westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulo Kala Point are closed to salmon angling April ((+5)) 16 through June 30.

(6) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 14.

(7) Elliott Bay:

(a) Waters easterly of a line projected 187 degrees true from Pier 91 through the Duwamish Head Light to Duwamish Head are closed to salmon angling August 1 through September 9.

(b) Waters easterly and southerly of a line running approximately 72 degrees true from the Armeni Public Boat Ramp in West Seattle to the Columbia Sea-First Center in downtown Seattle are closed to salmon angling September 10 through September 11.

(8) Port Susan: Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed to salmon angling ((June +6)) July 1 through ((September 30)) August 31.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-56-196 CLOSED AREAS—PINK SALMON ANGLING. It is unlawful to take or possess pink salmon taken for personal use from the following marine waters: None.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-235 POSSESSION LIMITS—BOTTOMFISH. It is unlawful, unless otherwise provided, for any one person to take in any one day more than the following quantities of bottomfish for personal use. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh bottomfish. Additional bottomfish may be possessed in a frozen or processed form.

(1) Coastal (Punch Card Areas 1 through 4):

(a) Lingcod:

(i) 3 fish in Punch Card Areas 1 through 3 and Area 4 west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point;

(ii) 2 fish in Punch Card Area 4 east of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island light, thence to Bonilla Point.

(b) Rockfish - 15 fish.

(c) All other species - no limit.

(2) Puget Sound:

(a) East of the mouth of the Sekiu River and west and north of a line from Point Partridge to Point Wilson and west of a line between west point on Whidbey Island and Reservation Head on Fidalgo Island. (Punch Card Areas 5 through 7) - 15 fish in the aggregate of all species of bottomfish, no more than 2 of which may be lingcod and no more than 10 of which may be rockfish or surfperch. It is unlawful to possess lingcod less than 22 inches in length taken by angling. The daily bag limit taken by spear fishing may include no more than one lingcod in the 15 fish aggregate, with no size restriction.

(b) All contiguous marine waters east and south of a line from Point Partridge to Point Wilson and east of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island (Punch Card Areas 8 through 13) - 15 fish in the aggregate of all species of bottomfish, no more than 1 of which may be lingcod, no more than 5

of which may be rockfish and no more than 10 of which may be surfperch or Pacific cod. It is unlawful to possess lingcod less than 22 inches in length taken by angling. There is no size restriction on the one lingcod allowed in the daily bag limit if taken by spear fishing.

AMENDATORY SECTION (Amending Order 88-14, filed 4/26/88)

WAC 220-56-240 ((DAILY)) **BAG LIMITS—OTHER FOOD FISH.** It is unlawful for any one person to take in any one day more than the following quantities and sizes of food fish taken for personal use:

(1) Sturgeon: 2 fish not less than 36 inches nor more than 72 inches in length state-wide, except:

(a) ((2)) 1 fish not less than 48 inches nor more than ((72)) 66 inches in length in the Columbia River and mainstem impoundments upstream from a line perpendicular to the river flow where the river ceases to be the Oregon/Washington boundary approximately 17.3 miles above McNary Dam to the United States/Canada border and those waters of the Snake River from its mouth upstream to the powerline crossing below Highway 12 Bridge at Clarkston.

(b) ((Effective April 30, 1988;)) 2 fish not less than 40 inches nor more than 66 inches in length in Grays Harbor and Willapa Harbor and all rivers and streams draining into each.

(c) 2 fish not less than 40 inches nor more than 72 inches in length in the Columbia River ((between Bonneville Dam and)) downstream from a line perpendicular to the river flow where the river becomes the Oregon/Washington boundary approximately 17.3 miles above McNary Dam.

((c)) (d) The possession limit is two daily bag limits of fresh sturgeon. Additional sturgeon may be possessed in a frozen or processed form.

((d) Effective January 1, 1989;)) (e) There is an annual personal use bag limit of 15 sturgeon.

(2) Smelt: 20 pounds. The daily bag limit and the possession limit are the same. It is unlawful for any person to possess more than 20 pounds of smelt at any time.

(3) Herring: 20 pounds fresh. Additional herring may be possessed in a frozen or processed form.

(4) All other food fish not otherwise provided for in this chapter: No limit.

AMENDATORY SECTION (Amending Order 88-14, filed 4/26/88)

WAC 220-56-245 HALIBUT—BAG AND POSSESSION LIMITS. (1) It is unlawful to fish for or possess more than:

(a) ((2)) 1 halibut taken from Catch Record Card Areas 1((;)) or 2((, 3, or those waters of Area 4 west of the Bonilla-Tatoosh Line)) in any one day.

(b) ((+)) 2 halibut taken from those waters of Catch Record Card ((Area 4 east of the Bonilla-Tatoosh Line or)) Areas ((5)) 3 through 13 in any one day.

(2) The possession limit shall not exceed one daily bag limit of fresh halibut.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-255 HALIBUT—SEASON. It is unlawful to fish for or possess halibut taken for personal use except from:

(1) ((April 1 through September 30 in)) Catch Record Card Areas 1 and 2 April 1 through September 30 - open seven days per week.

(2) ((May 1 through June 30 in)) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line May 6 through June 27 - Tuesday through Saturday; June 30 through July 29 - Friday and Saturday; September 1 through September 10 - open seven days per week.

(3) ((March 1 through June 15 in those waters of)) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13 April 8 through June 15 - open seven days per week; June 16 through August 11 - Fridays only.

NEW SECTION

WAC 220-56-282 STURGEON—LAWFUL GEAR. (1) It is unlawful to fish for sturgeon with other than natural bait, using no more than two single hooks.

(2) It is unlawful to fish for sturgeon using barbed hooks in Grays Harbor and Willapa Harbor and all rivers and streams draining into each, and in those waters of the Columbia River upstream from a line perpendicular to the river flow where the river ceases to be the

Oregon/Washington boundary approximately 17.3 miles above McNary Dam.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-56-295 STURGEON—UNLAWFUL ACTS. (1) It is unlawful to possess in the field or transport for personal use any sturgeon from which either the head or tail or both have been removed or to possess sturgeon eggs without having retained the carcass of the fish from which the eggs have been removed.

(2) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing any sturgeon.

(3) It is unlawful to fail to immediately return to the water any sturgeon that is not of legal size.

~~((4) It is unlawful to fish for sturgeon with other than natural bait, using no more than two single hooks.))~~

AMENDATORY SECTION (Amending Order 88-28, filed 5/25/88, effective 8/22/88)

WAC 220-56-310 SHELLFISH—DAILY BAG LIMITS. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

- (2) Razor clams: 15 clams.
- (3) Geoduck clams: 3 clams.
- (4) Horse clams: First 7 clams taken.
- (5) Oysters: 18 oysters.
- (6) Rock scallops: 12 scallops.
- (7) Sea scallops: 12 scallops (over 4 inches).
- (8) Common or pink scallops: 20 pounds or 10 quarts in the shell.
- (9) Shrimp: 10 pounds, whole in the shell.
- (10) Octopus: 2 octopus.
- (11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.
- (12) Crawfish: 10 pounds in the shell.
- (13) Squid: 10 pounds or 5 quarts.
- (14) Sea cucumbers: 25 sea cucumbers.
- (15) Red sea urchins: 18 sea urchins.
- (16) Purple sea urchins: 18 sea urchins.
- (17) Green sea urchins: 36 sea urchins.
- (18) Dungeness crabs: 6 male crabs.
- (19) Red rock crabs: 12 crabs.
- (20) Blue mussels and sea mussels: 10 pounds in the shell.
- (21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.
- (22) Ghost and mud shrimp: 10 dozen.

AMENDATORY SECTION (Amending Order 81-13, filed 2/17/81, effective 4/1/81)

WAC 220-56-315 CRABS, SHRIMP, CRAWFISH—((GEAR)) UNLAWFUL ACTS. (1) It is ~~((lawful))~~ unlawful to take ~~(- fish for)~~ and possess crabs, shrimp, and crawfish taken for personal use except by hand or with hand dip nets, ring nets, shellfish pots, and any hand-operated instrument that will not penetrate the shell.

(2) It is unlawful to use more than two units of gear at any one time except that in Puget Sound waters it is unlawful to use at any one time more than two units of gear for the purpose of taking crabs and two additional units of gear for the purpose of taking shrimp. One unit of gear is equivalent to one ring net or one shellfish pot.

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

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

(5) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes except from one hour before official sunrise to one hour after official sunset.

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

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

AMENDATORY SECTION (Amending Order 88-28, filed 5/25/88, effective 8/22/88)

WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS. (1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name, telephone number, and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the ~~((shrimp license))~~ recreational license form. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

~~((It is unlawful for any person using shellfish traps for personal use shellfishing to allow said traps to become uncovered by water))~~ The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

~~((Effective January 1, 1985;))~~ The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

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

~~((It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes except from one hour before official sunrise to one hour after official sunset.~~

~~((It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or~~

Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset:

(b) It is unlawful to dig for or possess ghost or mud shrimp taken for personal use by any method except hand-operated suction devices or dug by hand. It is unlawful to fish for or possess crab or shrimp taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-325 SHRIMP—AREAS AND SEASONS. (1) The following areas shall be defined as personal use shrimp fishing Districts 1 through 6:

(a) Shrimp District 1 - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Shrimp District 2 - All waters of Griffin Bay south of a line projected east-west through Turn Rock Light from San Juan Island to Lopez Island, and north of a line projected east from Cattle Point on San Juan Island to Lopez Island;

(c) Shrimp District 3 - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(d) Shrimp District 4 - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(e) Shrimp District 5 - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(f) Shrimp District 6 - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use ((except from May 15 through September 15 unless otherwise provided for in this section):

(2) It is unlawful to fish for or possess shrimp taken for personal use from all waters of Hood Canal south of the Hood Canal Floating Bridge except from 9:00 a.m. on the third Saturday in May through June 30.

(3) It is unlawful to fish for or possess shrimp taken for personal use from the waters of Carr Inlet inside and northerly of a line projected from Penrose Point to Green Point)) from the following areas, except as provided in this subsection:

(a) District 1 - May 16 through September 15;

(b) District 2 - May 16 through September 15;

(c) District 3 - May 16 through September 15;

(d) District 4 - Closed to all shrimp fishing;

(e) District 5 - 9:00 a.m. on the third Saturday in May until closed by emergency regulation;

(f) District 6 - Closed to all shrimp fishing;

(g) All other areas - April 16 through October 15.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-350 HARDSHELL(S) CLAMS, COCKLES, MUSSELS—AREAS AND SEASONS. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that it is unlawful to take, dig for or possess such shellfish taken for personal use:

(a) West of the tip of Dungeness Spit from April 1 through October 31.

(b) Garrison Bay: All state-owned and federally-owned tidelands of Guss Island and those tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above-described boundary marker are open to harvest the entire year.

(c) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.

(d) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.

(e) Kayak Point County Park—All county-owned tidelands at Kayak Point County Park are closed ((the entire year)) except county tidelands north of the county fishing pier are open ((April)) January 1 to June 15((-1988)) of even-numbered years and county tidelands south of the pier are open January 1 to June 15((-1989)) of odd-numbered years.

(f) State oyster reserves are closed to clam digging the entire year.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-56-355 CLAMS—UNLAWFUL ACTS. (1) It shall be unlawful for any person digging hardshell clams for personal use to fail to fill in holes created during the digging operation. Beach terrain must be returned to approximately its original condition by clam diggers before leaving the scene.

(2) ((All broken hardshell clams must be retained as part of the bag limit:

((3)) It shall be unlawful to maim, injure or attempt to capture a geoduck by thrusting any instrument through its siphon or to possess only the siphon or neck portion of a geoduck.

((4) Except as otherwise provided for in this section,)) (3) It is unlawful to possess Manila, native, or butter clams taken for personal use which measure less than 1-1/2 inches across the longest dimension of the shell((-except prior to culling it is lawful to possess smaller clams on the intertidal beach where the clams were taken. All unbroken undersized clams must be returned to the beach at the same tide height where taken)).

AMENDATORY SECTION (Amending Orders 88-14 and 88-15, filed 4/26/88)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) It is unlawful to take or possess oysters for personal use from public tidelands from July ((15)) 16 through September 15. In addition, it is unlawful to take or possess oysters taken from the following areas except during the periods indicated:

(a) Hood Canal south of a line from Misery Point to Quatsap Point - October 1 through June 30.

((3) It is unlawful to take or possess oysters for personal use from federally-owned tidelands at)) (b) Seal Rock Forest Service campground ((except during the period)) - May 16 through July 14.

((4) It is unlawful to take or possess oysters for personal use from tidelands of)) (c) Kitsap Memorial State Park ((except during the period)) - May 16 through June 15.

((5) It is unlawful to take or possess oysters for personal use from tidelands at)) (d) Scenic Beach State Park ((through)) April ((14; 1989)) 16 through May 15.

((6) It is unlawful to take or possess oysters for personal use from)) (e) Department of fisheries tidelands at Hoodsport Salmon Hatchery ((except during the period)) - May ((16)) 1 through ((July 14)) June 30.

((7) It is unlawful to take or possess oysters for personal use from)) (f) State tidelands at Bywater Bay ((except during the period)) - May 16 through July 14.

((8)) (3) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-56-120 CLOSED AREAS—ANGLING.

WAC 220-56-345 CLAMS, OYSTERS—CULLING PROHIBITED.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-120 BEAR RIVER. Bag Limit A - July 1 through ~~((November 30))~~ January 31: Downstream from the lime quarry road to Highway 101 Bridge (a distance of approximately 2 stream miles).

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-130 BOGACHIEL RIVER. ~~((+))~~ Bag Limit ~~((€))~~ A - July 1 through ~~((August 31))~~ November 30: Downstream from the Highway 101 Bridge.

~~((2) Bag Limit A - September 1 through November 30: Downstream from the Highway 101 Bridge.))~~

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-135 CALAWAH RIVER. ~~((+))~~ Bag Limit ~~((€))~~ A - July 1 ~~((through August 31: Downstream from the Highway 101 Bridge.))~~

~~((2) Bag Limit A - September 1))~~ through November 30: Downstream from the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-137 CARBON RIVER. Bag Limit A - October 1 through November 30: Downstream from old bridge abutments near the east end of Bridge Street in Orting to confluence with Puyallup River. ~~((Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.))~~

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-140 CHEHALIS RIVER. (1) ~~((Special))~~ Bag Limit A - ~~((Six salmon not less than ten inches in length, not more than two of which may be chum salmon, or chinook salmon greater than 24 inches in length, in the aggregate. Chinook salmon greater than 28 inches in length and coho salmon greater than 20 inches in length must be released immediately - September))~~ May 1 through ~~((January 31))~~ June 30: Downstream from the Porter Bridge ~~((to the Fuller Bridge)).~~

(2) ~~((Special))~~ Bag Limit A - ~~((Six salmon not less than ten inches in length, not more than two of which may be adult chinook, coho, or chum salmon, in the aggregate, defined as chinook greater than 24 inches in length, coho greater than 20 inches in length, and chum greater than 10 inches in length - September 1 through January 31: Downstream from the Fuller Bridge to the Union Pacific Railroad Bridge in Aberdeen except during the period October 16 through January 31))~~ September 1 through September 30: Downstream from Porter Bridge. Coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-150 CLALLAM RIVER. ~~((Bag Limit € - July 1 through November 30: Downstream from the confluence of Blowder Creek, located approximately one mile upstream of the uppermost Highway 12 Bridge))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-155 CLEARWATER RIVER (JEFFERSON COUNTY). ~~((+))~~ Bag Limit ~~((€))~~ A - July 1 through ~~((August 31: Downstream from the mouth of the Snahapish River.))~~

~~((2) Bag Limit A - September 1 through))~~ November 30: Downstream from the mouth of the Snahapish River ~~((except coho salmon over 20 inches must be released immediately)).~~

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam and a point 400 feet below the spawning channel discharge stream.

(2) Rocky Reach Dam to Priest Rapids Dam: Bag Limit D - June 1 through September 15; Bag Limit A September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and

Wanapum Dams - waters between the upstream lines of these dams and points 400 feet downstream.

(3) Priest Rapids Dam to the Vernita Bridge: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through October 31; Bag Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 400 feet downstream.

(b) Jackson (Moran) Creek - waters out to midstream between markers located approximately 500 feet both upstream and downstream of the mouth.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Bag Limit D - June 16 through August 15; Bag Limit A - August 16 through October ~~((15))~~ 31.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through December 31.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: Bag Limit A - January 1 through March 15; Bag Limit C - March 16 through March 31; Bag Limit D - June 16 through July 31; Bag Limit A - August 1 through December 31.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(e) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: Bag Limit A - January 1 through March 31; Bag Limit D - May 16 through July 31; Bag Limit A - August 1 through December 31. During the month of September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek.

(8) Megler-Astoria Bridge to the Buoy 10 Line: Bag Limit A - August 16 through March 31, except that during the period August 16 through September 30 size and bag limit regulations shall conform with the most recent ocean fishing regulations for adjacent waters of Punch Card Area 1.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only concurrent with the Buoy 10 fishery. Bag limit and gear requirement will be identical with those in the Buoy 10 fishery.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-165 COPALIS RIVER. Bag Limit A - July 1 through ~~((November 30))~~ January 31: Downstream from the Carlisle Bridge.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-180 CURLEY CREEK (KITSAP COUNTY). ~~((Bag Limit € - July 1 through November 30))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-181 DAKOTA CREEK. Bag Limit A - October 1 through December 31: Downstream from the Giles Road Bridge. ~~((Chinook salmon greater than 24 inches must be released.))~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-185 DEEP CREEK (CLALLAM COUNTY). ~~((Bag Limit C - July 1 through November 30))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-190 DESCHUTES RIVER. Bag Limit A - July 1 through November 30: Upstream from Interstate 5 Bridge except closed from a point 400 feet below the lower fish ladder at Tumwater Falls upstream to the Old Highway 99 Bridge immediately upstream from Tumwater Falls. ~~((Female chinook salmon must be released:))~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-195 DEWATTO CREEK. Bag Limit ~~((€))~~ A - ((July)) August 1 through November 30: Downstream from Dewatto Bay Road Bridge.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-200 DICKEY RIVER. ~~((+++))~~ Bag Limit ~~((€))~~ A - July 1 through ((August 31: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.

~~((2))~~ Bag Limit A - ~~September 1 through))~~ November 30: Downstream of the mouth of east fork of the Dickey River to the National Park boundary.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-205 DOSEWALLIPS RIVER. Bag Limit A - ~~((October 15))~~ August 1 through January 31: Downstream from the Highway 101 Bridge. ~~((Closed to the taking of pink salmon in odd-numbered years:))~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-210 DUCKABUSH RIVER. Bag Limit A - ~~((October 15))~~ August 1 through January 31: Downstream from the Highway 101 Bridge. ~~((Closed to the taking of pink salmon in odd-numbered years:))~~

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-215 DUNGENESS RIVER. ~~((Special))~~ Bag Limit ~~((= six salmon per day not less than 10 inches in length))~~ A except that up to six coho salmon may be retained in the daily bag limit. Chinook salmon greater than 24 inches in length and pink salmon must be released immediately - October 1 through December 31: Downstream from markers at Duncan Road, the former Taylor Bridge site, approximately one mile below the state salmon hatchery rack. ~~((Chinook salmon over 24 inches must be released. Closed to the taking of pink salmon in odd-numbered years:))~~

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-220 DUWAMISH RIVER. ~~((+++))~~ Bag Limit A - ~~((July))~~ October 1 through November 30: ~~((Upstream from the Highway 99 Bridge (Pacific Highway South Bridge) to the Highway 405 Bridge except that))~~ All chinook salmon greater than 24 inches in length must be released immediately.

~~((2))~~ Bag Limit A - ~~October 6 through November 30: Upstream from the First Avenue South Bridge to the Oxbow Bridge except that all chinook salmon greater than 24 inches in length must be released:))~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-225 EAST TWIN RIVER. ~~((Bag Limit C - July 1 through November 30))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-230 ELK RIVER. Bag Limit ~~((€))~~ A - July 1 through ((November 30: Downstream from the confluence of the west and the middle forks to the Highway 105 Bridge. Bag Limit A - October 1 through)) January 31: Downstream from the confluence of the west and middle forks to the Highway 105 Bridge ~~((except that chinook salmon greater than 28 inches in length must be released:))~~

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-240 ELWHA RIVER. (1) ~~((Special))~~ Bag Limit ~~((=))~~ A except that up to six coho salmon ((per day not less than ten inches in length except that)) may be retained in the daily bag limit. Chinook salmon greater than 28 inches in length and pink salmon must be released - October 1 through December 31.

(2) It is unlawful to fish for or possess salmon from the waters of the Elwha River between markers located approximately 50 yards upstream and downstream from the tribal hatchery outfall or from the slough connecting the hatchery outfall to the mainstem of the river.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-260 GREEN RIVER (KING COUNTY). ~~((++))~~ Bag Limit A - ~~July 1 through October 15: Downstream from the Porter Bridge (Auburn Eighth Street NE Bridge) to Highway 405 Bridge except that all chinook salmon greater than 24 inches in length must be released immediately.~~

~~((2))~~ Bag Limit A - ~~October ((+6)) 1 through November 30: Downstream from the downstream side of the Highway 18 Bridge ((to the Highway 405 Bridge except that)).~~ All chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-265 HAMMA HAMMA RIVER. Bag Limit A - ~~((October 15))~~ August 1 through January 31: Downstream from the Highway 101 Bridge. ~~((Closed to the taking of pink salmon in odd-numbered years:))~~

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-270 HOH RIVER. (1) Bag Limit C - ~~((last Saturday in))~~ May 16 through November 30: Downstream from the mouth of the south fork to the mouth of Willoughby Creek.

(2) Bag Limit A - ~~((last Saturday in))~~ May 16 through November 30: Downstream from the mouth of Willoughby Creek ~~((except all coho salmon over 20 inches in length must be released immediately)).~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-275 HOKO RIVER. ~~((Bag Limit C - July 1 through November 30: Downstream from the Ozette Highway Bridge))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-280 HOQUIAM RIVER. Main Hoquiam River, west fork of Hoquiam River downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the abandoned flat car bridge below the mouth of Berryman Creek ~~((:~~

~~((+))~~ - Bag Limit ~~((€))~~ A - July 1 through ((September 30; ((2)) Bag Limit A - October 1 through)) January 31 ~~((except that chinook salmon greater than 28 inches in length must be released immediately)).~~

AMENDATORY SECTION (Amending Order 85-33, filed 4/16/85)

WAC 220-57-285 HUMPTULIPS RIVER. (1) Bag Limit C - July 1 through ~~((August 31: Downstream from confluence of east and west forks:~~

~~((2))~~ Bag Limit C - ~~September 1 through))~~ January 31: Downstream of confluence of east and west forks to Highway 101 Bridge.

~~((3))~~ (2) Bag Limit A - ~~((September))~~ July 1 through January 31: Downstream from the Highway 101 Bridge. ~~((Chinook salmon over 28 inches in length must be released immediately:))~~

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-290 ICICLE RIVER. Special bag limit ((★)) of one salmon per day - May ((+6)) 1 through June 30: Downstream from a point 400 feet below the Leavenworth National Fish Hatchery rack to a set of fishing boundary markers located at the mouth.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-300 JOHNS RIVER. ~~((Open area))~~ Bag Limit A - July 1 through January 31: Downstream from Old M&B Logging

Camp Bridge at upper boundary of Johns River Habitat Management Area to Highway 105 Bridge.

~~((1) Bag Limit C - July 1 through September 30.~~

~~(2) Bag Limit A - October 1 through January 31 except that chinook salmon greater than 28 inches in length must be released immediately.))~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-325 LYRE RIVER. ~~((Bag Limit C - July 1 through November 30))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-326 MCALLISTER CREEK. Bag Limit A - ~~((October))~~ July 1 through November 30: Downstream from the downstream side of the Olympia-Steilacoom Road Bridge.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-327 MCLANE CREEK. Bag Limit A - July 1 through ~~((October 31))~~ November 30: Open from a line 100 feet upstream and parallel to the south bridge of Highway 101 at Mud Bay to a line 50 feet north of and parallel to the Mud Bay Road Bridge, except waters within 400 feet of the outfall of the Allison Springs chinook rearing pond are closed to salmon angling.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-330 MORSE CREEK (CLALLAM COUNTY). ~~((Bag Limit C - October 1 through November 30))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-335 NASELLE RIVER. (1) Bag Limit A - July 1 through ~~((September 30))~~ January 31: Downstream from the Highway 4 Bridge to Highway 101 Bridge ~~((except only one chinook salmon greater than 28 inches in length may be retained as part of the daily bag limit)).~~

~~(2) ((Special bag limit - six salmon per day not less than 10 inches in length, not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length and chum salmon greater than 10 inches in length. All chinook salmon over 28 inches in length must be released immediately - October 1 through October 14. Downstream from the Highway 4 Bridge to the Highway 101 Bridge.~~

~~(3) Special bag limit - six salmon per day not less than 10 inches in length, not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length and chum salmon greater than 10 inches in length. All chinook salmon greater than 28 inches in length must be released immediately - October 15 through November 30. Downstream from the Big Hill Bridge to the Highway 101 Bridge.~~

~~((4)) Bag Limit A - ~~((December 1))~~ October 16 through January 31: Downstream from the Big Hill Bridge to the Highway ~~((101))~~ 4 Bridge.~~

~~((5)) (3) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.~~

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-340 NEMAH RIVER. (1) Middle Nemah, Bag Limit ~~((C))~~ A - July 1 through ~~((November 30))~~ January 31: Downstream from the department of natural resources bridge on the Middle Nemah A Line Road.

(2) North Nemah - Bag Limit A - ~~((November 1))~~ October 16 through January 31: Downstream from lower bridge on dead end Lower Nemah Road to the mouth. ~~((Chinook salmon over 28 inches must be released immediately.))~~

(3) South Nemah - Bag Limit A - July 1 through ~~((November 30))~~ January 31: Downstream from the confluence of the Middle Nemah to the mouth.

NEW SECTION

WAC 220-57-342 NIAWIAKUM RIVER. Bag Limit A - July 1 through January 31: Downstream from the South Bend-Palix Road Bridge to the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-350 NOOKSACK RIVER. (1) ~~((Special daily))~~ Bag Limit ~~((of))~~ A except that up to six coho salmon ~~((per day))~~ may be retained in the daily bag limit - August 1 through December 31: Downstream from the confluence of north and south forks to Lummi Indian Reservation boundary.

(2) North Fork - Bag Limit ~~((C))~~ A - ~~((September))~~ October 1 through ~~((October))~~ December 31: ~~((North fork))~~ Downstream from Maple Creek to mouth of north fork.

(3) ~~((The entire Nooksack River is closed to the taking of pink salmon in odd-numbered years.))~~ South Fork - Bag Limit A - October 1 through December 31: Downstream from the Saxon Bridge to mouth of south fork.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-365 PALIX RIVER. Bag Limit A - July 1 through ~~((November 30))~~ January 31: Downstream from the confluence of the south and middle forks to the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-370 PUYALLUP RIVER. Bag Limit A - July 1 through November 30: Downstream from the mouth of the Carbon River to the 11th Street Bridge. ~~((Closed to the taking of pink salmon in odd-numbered years.))~~

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-375 PYSHT RIVER. ~~((Bag Limit C - July 1 through November 30. Downstream from the confluence of Green Creek))~~ Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 88-14, filed 4/26/88)

WAC 220-57-380 QUILCENE (BIG QUILCENE) RIVER. Bag Limit A - September 1 through January 31: Downstream from Highway 101 Bridge. ~~((During the month of September chinook salmon greater than 24 inches in length must be released immediately.))~~

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-385 QUILLAYUTE RIVER. Bag Limit A - May ~~((1))~~ 16 through November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters. ~~((Terminal fishing gear is restricted to a single barbless hook during the month of May.))~~

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-400 SALMON RIVER (JEFFERSON COUNTY). Bag Limit A - September ~~((15))~~ 16 through October 31: Downstream from the Q 1000 Road Bridge including waters within Olympic National Park outside the boundaries of the Quinalt Indian Reservation. ~~((Chinook salmon greater than 24 inches in length must be released immediately.))~~

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-405 SAMISH RIVER. Bag Limit A - October ~~((15))~~ 16 through November 30: Downstream from Interstate 5 Bridge to markers located approximately one-quarter mile downstream from Samish Island Bridge. Chinook salmon over 24 inches in length must be released.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-410 SAMMAMISH RIVER (SLOUGH). (1) Bag Limit A - August ~~((1))~~ 16 through December 31: Downstream from the 102 Avenue NE Bridge to the Kenmore Highway Bridge. All sockeye salmon must be released.

(2) Bag Limit A - October ~~((15))~~ 16 through December 31: Upstream from the 102 Avenue NE Bridge to Lake Sammamish. All sockeye salmon must be released immediately.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-415 SATSOP RIVER. ~~((1) Bag Limit C - July 1 through September 30. Downstream from the bridge at Schafer State Park on east fork.~~

~~(2))~~ Bag Limit A - (~~October 1~~) September 16 through January 31: Downstream from the bridge at Schafer State Park on east fork. Chinook salmon (~~over 28 inches in length~~) must be released.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-420 SEKIU RIVER. (~~Bag Limit C - July 1 through November 30~~) Downstream from the confluence of the north and south forks) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-425 SKAGIT RIVER. (1) Bag Limit ((€)) A - ((July)) August 1 through December 31: Downstream from the mouth of the Cascade River to Gilligan Creek. Chinook salmon greater than 24 inches in length must be released immediately.

(2) ((Special)) Bag Limit A - June 1 through December 31: Downstream from Gilligan Creek ((bag limit C from July 1 through December 31 except the six salmon daily bag limit may include no more than one chinook salmon greater than 24 inches in length)).

((3)) The entire Skagit River is closed to the taking of pink salmon in odd-numbered years.))

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-430 SKOKOMISH RIVER. Bag Limit A - ((July 15)) August 1 through January 31: Downstream from the mouth of Vance Creek. Terminal gear on the Skokomish River is limited to one bait or lure with one single-pointed hook only, measuring no more than 1/2 inch from point to shank.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-435 SKYKOMISH RIVER. Bag Limit A (~~except that the daily bag limit may contain up to 6 adult coho salmon~~) - July 1 through December 31: Downstream from the confluence of north and south forks. ((Closed to the taking of pink salmon in odd-numbered years.))

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-440 SMITH CREEK (PACIFIC COUNTY). ((+)) Bag Limit A - July 1 through ((November 30)) January 31: ((From mouth to a marker located approximately one mile upstream.

(2) Bag Limit C - July 1 through November 30:)) Downstream from Highway 101 Bridge to ((marker approximately one mile upstream from)) the mouth.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-445 SNAKE RIVER. Bag Limit ((A)) C - September 1 through November 30: Downstream from a point 400 feet below Little Goose Dam to ((Lower Monument Dam)) the mouth, except waters within 400 feet of the Lyons Ferry hatchery fishway and waters at both Lower Monumental Dam and Ice Harbor Dam between the upstream line of each dam and points 400 feet below each dam are closed to salmon angling. ((Chinook salmon greater than 28 inches in length must be released immediately.))

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-450 SNOHOMISH RIVER. Bag Limit A (~~except that the daily bag limit may contain up to 6 adult coho salmon~~) - July 1 through December 31: Downstream from confluence of Skykomish and Snoqualmie rivers. ((Closed to the taking of pink salmon in odd-numbered years.))

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-455 SNOQUALMIE RIVER. Bag Limit A (~~except that the daily bag limit may contain up to 6 adult coho salmon~~) - July 1 through December 31. ((Closed to the taking of pink salmon in odd-numbered years.))

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57-460 SOLEDUCK RIVER. Bag Limit A - May ((2)) 16 through November 30: Downstream from the concrete pump station at the Soleduck Hatchery. ((Terminal fishing gear is restricted to a single barbless hook during the month of May.))

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-465 STILLAGUAMISH RIVER. Bag Limit A - ((October)) August 1 through January 31: Downstream from confluence of north and south forks. ((Closed to the taking of pink salmon in odd-numbered years.)) Chinook salmon greater than 24 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-470 TAHUYA RIVER. Bag Limit ((€)) A - ((July)) August 1 through November 30: Downstream from a marker approximately one mile above the North Shore Road Bridge.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-475 TOLT RIVER. ((Bag Limit C - July 1 through November 30: Downstream from the forks)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-490 UNION RIVER. Bag Limit ((€)) A - ((July)) August 1 through November 30: Downstream from the North Shore Road Bridge.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-500 WEST TWIN RIVER. ((Bag Limit C - July 1 through November 30)) Closed to salmon angling the entire year.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-502 WHATCOM CREEK. Bag Limit ((€)) A - August 1 through December 31: Downstream from the footbridge below Dupont Street in Bellingham.

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-510 WILLAPA RIVER. (1) Bag Limit A - July 1 through ((September 30)) January 31: Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the Highway 101 Bridge.

(2) Bag Limit A - October ((15)) 16 through January 31: Downstream from mouth of Fork Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek. ((Chinook salmon greater than 28 inches in length must be released immediately.

(3) Special bag limit - six salmon per day, not more than four of which may be any combination of chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length, or chum salmon greater than 10 inches in length and all chinook salmon greater than 28 inches in length must be released immediately - October 1 through January 31: Downstream from the Highway 6 Bridge approximately two miles below the mouth of Trap Creek to the Highway 101 Bridge.))

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-520 WISHKAH RIVER. ((+)) Bag Limit ((€)) A - July 1 through ((September 30: Downstream from the mouth of the west fork.

(2) Bag Limit A - October 1 through)) January 31: Downstream from the mouth of the west fork. ((Chinook salmon greater than 28 inches in length must be released immediately.))

AMENDATORY SECTION (Amending Order 87-16, filed 4/21/87)

WAC 220-57-525 WYNOOCHEE RIVER. ((+)) Bag Limit ((€)) A - July 1 through ((September 30: Downstream from the mouth of Schafer Creek.

(2) Bag Limit A - October 1 through)) January 31: Downstream from the mouth of Schafer Creek. ((Chinook salmon greater than 28 inches in length must be released immediately.))

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57A-030 CAPITOL LAKE. Bag Limit A - July 1 through November 30: Downstream from the Interstate 5 Bridge to the shear boom at the north end of the lake. ((Female chinook salmon must be released.)) Percival Cove shall be defined as those waters of

Capitol Lake lying westerly of a set of markers on the western shoreline of the south basin of Capitol Lake. Percival Cove is closed to food fish angling the entire year.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57A-175 LAKE WASHINGTON. (1) Waters north of the Evergreen Point Floating Bridge - Bag Limit A - August ((+)) 16 through December 31. Sockeye salmon must be released immediately.

(2) Waters south of the Evergreen Point Floating Bridge - Bag Limit A - October ((+5)) 16 through December 31. Sockeye salmon must be released immediately.

Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 88-15, filed 4/26/88)

WAC 220-57A-180 WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). Bag Limit A - August ((+)) 16 through December 31: West of University Bridge, to a line perpendicular to the north wing wall located 400 east of the eastern end of the north wingwall of the Chittenden Locks. Sockeye salmon must be released immediately. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge and waters between the line 400 east of eastern end of the north wingwall of the Chittenden Locks and the railroad bridge west of the locks are closed to salmon angling at all times.

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