

# Washington State Register

**MARCH 15, 1995**

**OLYMPIA, WASHINGTON**

**ISSUE 95-06**



## IN THIS ISSUE

Agriculture, Department of  
Blind, Department of Services for the  
Community and Technical Colleges, State  
Board for  
Community, Trade and Economic  
Development, Department of  
Convention and Trade Center  
Eastern Washington University  
Ecology, Department of  
Edmonds Community College  
Education, State Board of  
Employment Security Department  
Financial Institutions, Department of  
Fish and Wildlife, Department of  
Gambling Commission  
Governor, Office of the  
Health Services Commission  
Health, Department of  
Higher Education Coordinating Board  
Highline Community College  
Indeterminate Sentence Review Board  
Insurance Commissioner's Office  
Labor and Industries, Department of

Licensing, Department of  
Lower Columbia College  
Maritime Commission  
Noxious Weed Control Board  
Outdoor Recreation, Interagency  
Committee for  
Personnel Resources Board  
Pharmacy, Board of  
Public Employment Relations Commission  
Public Instruction, Superintendent of  
Puget Sound Air Pollution Control Agency  
Revenue, Department of  
Rules Review Committee, Joint  
Administrative  
Secretary of State  
Social and Health Services, Department of  
Supreme Court, State  
Transportation Commission  
Utilities and Transportation Commission  
Washington State Library  
Washington State Patrol  
Washington State University

(Subject/Agency Index at back of Issue)  
This issue contains documents officially  
filed not later than March 1, 1995

## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

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

The maximum allowable interest rate applicable for the month of March 1995 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

---

# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$188.83 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
Olympia, WA 98504-0552

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*

**Dennis W. Cooper**  
*Code Reviser*

**Gary Reid**  
*Chief Assistant Code Reviser*

**Kerry S. Radcliff**  
*Editor*

**Joyce Matzen**  
*Subscription Clerk*

## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence with a section's material.

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

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

### 4. EFFECTIVE DATE OF RULES

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

### 5. EDITORIAL CORRECTIONS

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

## 1994 - 1995

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995
95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
95-10	Apr 5	Apr 19	May 3	May 17	Jun 6
95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
95-12	May 10	May 24	Jun 7	Jun 21	Jul 11
95-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
95-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
95-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

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

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

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

## **REGULATORY FAIRNESS ACT**

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

### **Small Business Economic Impact Statements (SBEIS)**

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

### **Mitigation**

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

### **When is an SBEIS Required?**

When:

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

### **When is an SBEIS Not Required?**

When:

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

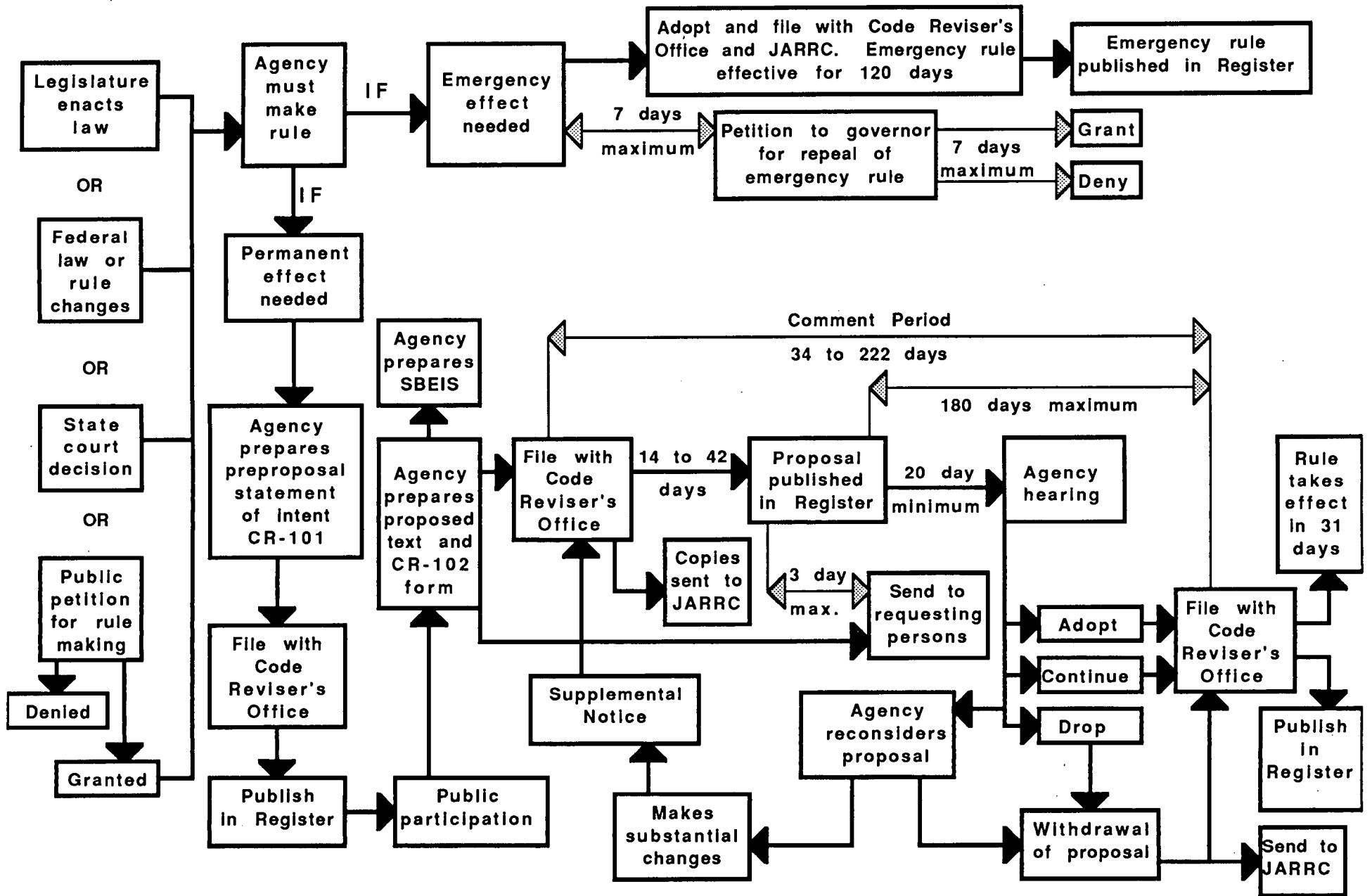
There is less than minor economic impact on business;

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

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS



**WSR 95-06-004**

**PREPROPOSAL STATEMENT OF INTENT  
HIGHLINE COMMUNITY COLLEGE**

[Filed February 16, 1995, 11:15 a.m.]

Subject of Possible Rule Making: To amend chapter 132I-130 WAC, Tuition and fee schedule, with a new section for tuition and fee waivers.

Specific Statutory Authority for New Rule: RCW 28B.50.140(13).

Reasons Why the New Rule is Needed: Legislature and State Board for Community and Technical Colleges have delegated to colleges authority to set tuition waivers for some classes of waivers.

Goals of New Rule: Clarify how tuition waivers are to be set by the college and where they can be found.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Phone or write Dr. Laura Saunders, Vice-President for Administration, Highline Community College, P.O. Box 98000, Des Moines, WA 98198-9800, phone (206) 878-3710 ext. 3203, FAX (206) 870-3754.

February 14, 1995  
Dr. Laura E. Saunders  
Vice-President for Administration

**WSR 95-06-017**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF HEALTH**

[Filed February 21, 1995, 12:59 p.m.]

Subject of Possible Rule Making: Development of denturist program, new chapter 246-812 WAC.

Specific Statutory Authority for New Rule: Chapter 18.30 RCW, Denturists.

Reasons Why the New Rule is Needed: To develop regulations for the conduct of business within the scope of denture technology.

Goals of New Rule: To develop emergency rules in compliance with current legislation.

Process for Developing New Rule: Rules are being adopted under emergency provisions in order to comply with legislative requirements. All rules will be reviewed by the board prior to filing.

How Interested Parties can Participate in Formulation of the New Rule: Connie M. Glasgow, Department of Health, Board of Denture Technology, P.O. Box 47867, Olympia, WA 98504-7867, (360) 664-8681, FAX (360) 664-9077.

February 8, 1995  
Connie M. Glasgow  
Program Manager

**WSR 95-06-015**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF LICENSING**

[Filed February 17, 1995, 2:34 p.m.]

Subject of Possible Rule Making: Addition of assigned identification to vehicle title/licensing application documentation by amending WAC 308-56A-030, 308-93-070, 308-94-030, and 308-96A-035.

Specific Statutory Authority for New Rule: RCA 46.01.110.

Reasons Why the New Rule is Needed: The licensing application migration project (lamp) will utilize personal identification/uniform business identification (PIC/UBI) numbers to positively identify the person/business inquiry.

Goals of New Rule: Authorize assignment of PIC/UBI numbers and their use for identification of vehicles and driver licenses.

Process for Developing New Rule: Pilot rule making (presently being assigned to driver license and uniform business licenses).

How Interested Parties can Participate in Formulation of the New Rule: Contact Jack L. Lince, Department of Licensing, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831.

February 16, 1995  
John Swannack  
Deputy Director

**WSR 95-06-018**

**PREPROPOSAL STATEMENT OF INTENT  
DEPARTMENT OF HEALTH**

[Filed February 21, 1995, 1:02 p.m.]

Subject of Possible Rule Making: Interstate endorsement, licensing of foreign educated nurses and endorsing applicants, WAC 246-838-090 through 246-838-100 and 246-839-080 through 246-839-090.

Specific Statutory Authority for New Rule: RCW 18.79.190.

Reasons Why the New Rule is Needed: The Washington State Nursing Care Quality Assurance Commission must develop rules specific to the commission regarding foreign educated nurses and interstate endorsement applicants.

Goals of New Rule: The commission intends to clarify requirements for foreign educated nurses and interstate endorsement applicants. This rule will combine the current separate WACs for RN and LPN into one section of the new WAC chapter.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Written testimony may be sent to the Washington State Nursing Care Quality Assurance Commission, Attn: Joan Reilly, P.O. Box 47864, Olympia, WA 98504-7864, FAX (360) 586-5935.

February 10, 1995  
Patricia O. Brown, RN, MSN  
Executive Director

**WSR 95-06-024**  
**PREPROPOSAL STATEMENT OF INTENT**  
**STATE BOARD OF EDUCATION**

[Filed February 22, 1995, 10:57 a.m.]

Subject of Possible Rule Making: WAC 180-78-145  
 Evidence of compliance with Professional Education Advisory Board approval standard.

Specific Statutory Authority for New Rule: RCW 28A.410.010.

Reasons Why the New Rule is Needed: To provide for the temporary removal of the required activities of the professional education advisory boards in order to facilitate a review of each preparation program in light of "improvement in student achievement" legislation.

Goals of New Rule: To align professional preparation programs with "improvement in student achievement" legislation.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (206) 586-2357, TDD (206) 664-3631. For telephone assistance contact Theodore E. Andrews, (360) 753-3222.

February 22, 1995  
 Larry Davis  
 Executive Director

**WSR 95-06-033**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 100187—Filed February 22, 1995, 11:51 a.m.]

Subject of Possible Rule Making: WAC 388-522-2230  
 Eligibility reviews.

Specific Statutory Authority for New Rule: RCW 74.08.090.

Reasons Why the New Rule is Needed: Centralized medical eligibility section uses an eligibility review process as opposed to a reapplication process. ACES system will require the use of an eligibility review process.

Goals of New Rule: Use of automated eligibility review mailing and notification for medical program clients.

Process for Developing New Rule: Internal and external review process. Draft material is distributed for review and input. All comments are considered before the final rule is adopted.

How Interested Parties can Participate in Formulation of the New Rule: Contact Joanie Scotson, Program Manager, Eligibility Policy and Program Support, Division of Client Services, Medical Assistance Administration, Mailstop 45530, phone (206) 753-7462, FAX (206) 753-7315, TDD 1-800-848-5429.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

**WSR 95-06-034**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed February 22, 1995, 11:52 a.m.]

Subject of Possible Rule Making: State long-term care ombudsman regulations, chapter 388-18 WAC, Long-term care ombudsman program.

Specific Statutory Authority for New Rule: Chapters 43.190, 70.129, 74.39A RCW; OAA-42 USC 3001 et seq.; 45 CFR 1327.3.

Reasons Why the New Rule is Needed: To update the long-term care ombudsman regulations and to bring them into compliance with the amended Older Americans Act, federal regulations and amended state laws.

Goals of New Rule: Increased clarity and ease of compliance. Provisions for contracting at the state level. Setting out conflict of interest provisions and providing for elder rights.

Process for Developing New Rule: Agency study; and the process of development will include discussion with all stakeholders. The substance of the WAC will be impacted by changes in the laws and federal regulations.

How Interested Parties can Participate in Formulation of the New Rule: E. A. (Hank) Hibbard, Legal Services Developer, AASA, P.O. Box 45600, Olympia, WA 98405-5600 [98504-5600], (360) 493-2543, FAX (360) 438-8633.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

**WSR 95-06-035**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed February 22, 1995, 11:54 a.m.]

Subject of Possible Rule Making: WAC 388-219-3000  
 GA-U Allocation of income.

Specific Statutory Authority for New Rule: RCW 74.08.090 to correct WAC 388-219-3000, filed May 3, 1994, and effective June 3, 1994.

Reasons Why the New Rule is Needed: To correct a recently discovered error in the WAC rewrite affecting GAU allocation of income. With the error, the earned income disregard is allowed along with the work expense disregards when computing the nonapplying spouse's net income. The WAC should have been recodified in the rewrite allowing only the work expense disregards, as existed before the rewrite.

PROPOSED



Goals of New Rule: To reinstate GAU allocation of income policy that was erroneously changed during the WAC rewrite.

Process for Developing New Rule: Agency study; and GAU allocation of income was erroneously changed during the WAC rewrite. The policy in place prior to the rewrite is being reinstated. All comments will be considered prior to the adoption of the final rule.

How Interested Parties can Participate in Formulation of the New Rule: Please contact me by April 1, 1995, to set up an informal meeting/ provide input. Kay Hanvey-Smithson, Adult and Emergency Services Section, Division of Income Assistance, P.O. Box 45400, Olympia, WA 98504-5400, phone non-SCAN 438-8316, SCAN (360) 438-8316, FAX non-SCAN 438-3258, SCAN (360) 438-8258.

February 22, 1995  
Dewey Brock, Chief  
Office of Vendor Services  
by Rosemary Carr

#### WSR 95-06-036

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH (Board of Pharmacy)

[Filed February 22, 1995, 3:08 p.m.]

Subject of Possible Rule Making: WAC 246-858-020.  
Specific Statutory Authority for New Rule: RCW 18.64.080(3).

Reasons Why the New Rule is Needed: To meet increased educational requirements.

Goals of New Rule: Increase hours and graduation date for internship hours.

Process for Developing New Rule: Requested by higher education facilities.

How Interested Parties can Participate in Formulation of the New Rule: Written comments to Board of Pharmacy, Attn: Donald Williams, P.O. Box 47863, Olympia, WA 98504, (360) 753-6834, FAX (360) 586-4359, board meetings.

February 14, 1995  
D. H. Williams  
Executive Director

#### WSR 95-06-039

#### PREPROPOSAL STATE OF INTENT DEPARTMENT OF AGRICULTURE

[Filed February 23, 1995, 3:35 p.m.]

Subject of Possible Rule Making: Requirements for frozen desserts including pasteurization and handling to prevent contamination with pathogenic bacteria.

Specific Statutory Authority for New Rule: RCW 69.04.398(3) and 15.36.021.

Reasons Why the New Rule is Needed: To protect the public from possible harm due to frozen desserts containing pathogenic bacteria because of lack of final pasteurization after handling and adding raw ingredients.

Goals of New Rule: To protect consumers from illness due to consuming frozen desserts containing harmful bacteria.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Letters to companies affected by rule and other health officials, Verne Hedlund, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1860.

February 23, 1995  
John Daly  
Assistant Director

#### WSR 95-06-046

#### PREPROPOSAL STATEMENT OF INTENT LOWER COLUMBIA COLLEGE

[Filed February 24, 1995, 9:10 a.m.]

Subject of Possible Rule Making: Procedures—Adjudicative proceedings.

Specific Statutory Authority for New Rule: RCW 28B.50.140.

Reasons Why the New Rule is Needed: This rule is required by the Administrative Procedure Act if discovery is to be available in adjudicative proceedings.

Goals of New Rule: To provide guidelines governing the frequency and nature of discovery in adjudicative proceedings.

Process for Developing New Rule: Agency study; and recommendation of assistant attorney general advising Lower Columbia College.

How Interested Parties can Participate in Formulation of the New Rule: Virginia Koken, Rules Coordinator, Assistant to President, Lower Columbia College, 1600 Maple Street, Longview, WA 98632, (360) 577-2320.

February 22, 1995  
Dr. Vernon R. Pickett  
President

#### WSR 95-06-049

#### PREPROPOSAL STATEMENT OF INTENT SECRETARY OF STATE

(Corporations Division)

[Filed February 27, 1995, 8:30 a.m.]

Subject of Possible Rule Making: Charities.

Specific Statutory Authority for New Rule: Chapter 19.09 RCW, Charitable solicitations.

Reasons Why the New Rule is Needed: Requests from constituents and to conform to statutes.

Goals of New Rule: Amending WAC 434-120-025 Definitions, clarify current definitions and add others; WAC 434-120-105 Form, redesign and revise information collected on forms; WAC 434-120-125 Financial reporting, simplification, clarification and redesign of financial reporting procedures; WAC 434-120-130 Auditing standards and requirements, require use of state forms for the filing of information and change in financial review standards; WAC 434-120-140 How and when, changes in required renewal dates; WAC 434-120-145 Fees, adjustment of document copying fee; WAC 434-120-210 Who shall register, clarification of those

who are required to register; WAC 434-120-215 Form, require use of state forms for filing information. Changes in requested information; WAC 434-120-240 Contract between a commercial organization and a charitable organization, change wording to match definition; WAC 434-120-255 Auditing standards, clarification of reporting requirements; WAC 434-120-260 Surety bonds, clarification of WAC; and WAC 434-120-265 Exemption from surety bond, technical change.

Process for Developing New Rule: Agency study; and prior to this publication notice the Secretary of State's staff participated in extensive discussions with stakeholders.

How Interested Parties can Participate in Formulation of the New Rule: Karen Dick, Corporations, Office of the Secretary of State, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, (206) 753-7115 x 257 or (206) 586-0393, FAX (206) 664-8781.

February 23, 1995

Donald F. Whiting  
Assistant Secretary of State

#### WSR 95-06-050

#### PREPROPOSAL STATEMENT OF INTENT SECRETARY OF STATE

(Corporations Division)

[Filed February 27, 1995, 8:32 a.m.]

Subject of Possible Rule Making: Charities.

Specific Statutory Authority for New Rule: Chapter 19.09 RCW, Charitable solicitations and chapter 11.110 RCW, Charitable trusts.

Reasons Why the New Rule is Needed: Requests from constituents and to conform to statutes.

Goals of New Rule: Amending WAC 434-120-300 Who shall register, include trust exclusion from another chapter; WAC 434-120-305 When to register, clarification for charitable or mixed purpose trusts. Move exemption to new section WAC 434-120-315; WAC 434-120-310 How to Register—Form, require use of state form. Revised form; WAC 434-120-330 Annual fees, addition of a noncombined filing fee; and WAC 434-120-335 When to file annual reports, additional explanation for filing of annual trust reports.

New sections WAC 434-120-315 Exemption from annual reporting, explains trustees' exemptions from annual reporting requirements; and WAC 434-120-317 Abbreviated reporting for qualifying trusts, requirements which allow for abbreviated reporting of trusts.

Process for Developing New Rule: Agency study; and prior to this publication notice the Secretary of State's staff participated in extensive discussions with stakeholders.

How Interested Parties can Participate in Formulation of the New Rule: Karen Dick, Corporations, Office of the Secretary of State, 505 East Union, P.O. Box 40234, Olympia, WA 98504-0234, (206) 753-7115 x 257 or (206) 586-0393, FAX (206) 664-8781.

February 23, 1995

Donald F. Whiting  
Assistant Secretary of State

#### WSR 95-06-051

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed February 27, 1995, 9:37 a.m.]

Subject of Possible Rule Making: Revise chapter 365-08 WAC.

Specific Statutory Authority for New Rule: RCW 43.17.060.

Reasons Why the New Rule is Needed: To update agency's rule on uniform procedural rules.

Goals of New Rule: To adopt the uniform procedural rules, as written by the Office of Administrative Hearings, which exist at chapter 10-08 WAC.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Debora Brown, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5626, FAX (360) 586-3582.

February 24, 1995

Debora Brown  
Special Assistant

#### WSR 95-06-051A

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

[Filed February 27, 1995, 9:37 a.m.]

Subject of Possible Rule Making: Repealing chapters 130-10, 365-04 and 365-06 WAC, and adopt new chapters on agency's purpose and public records.

Specific Statutory Authority for New Rule: RCW 43.17.060.

Reasons Why the New Rule is Needed: To update agency's purpose and procedures on public records.

Goals of New Rule: To combine and update procedures on public records and agency's purpose for the Department of Community, Trade and Economic Development (formerly the Department of Community Development and the Department of Trade and Economic Development).

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Debora Brown, 906 Columbia Street S.W., P.O. Box 48300, Olympia, WA 98504-8300, (360) 753-5626, FAX (360) 586-3582.

February 24, 1995

Debora Brown  
Special Assistant

#### WSR 95-06-056

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

[Filed February 28, 1995, 8:03 a.m.]

Subject of Possible Rule Making: Farmworker housing also called temporary worker housing also called labor camps.

Specific Statutory Authority for New Rule: RCW 70.54.110 and 43.70.340.

Reasons Why the New Rule is Needed: The Department of Health, under the auspices of the secretary of the Department of Health have been working with the affected communities to resolve the problem of insufficient shelter for farmworkers. The current rules do not provide for the necessary flexibility to achieve various goals identified by the community.

Goals of New Rule: 1. To provide the Department of Health with the necessary flexibility to meet the needs identified by the farmworker, grower and health communities. 2. To reflect the changes made to the interagency agreement on farmworker housing and agreed to by all of the signing agencies (Department of Community, Trade and Economic Development, Employment Security Department, Department of Labor and Industries, Department of Health, State Board of Health).

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

How Interested Parties can Participate in Formulation of the New Rule: Call Natalie González, (360) 705-6787.

February 17, 1995

Sylvia I. Beck

Executive Director  
State Board of Health

#### WSR 95-06-060

##### PREPROPOSAL STATEMENT OF INTENT GAMBLING COMMISSION

[Filed February 28, 1995, 10:55 a.m.]

Specific Statutory Authority for New Rule: RCW 9.46.070.

Reasons Why the New Rule is Needed: This rule would allow the director to grant a special sales permit authorizing a manufacturer to sell to a distributor only, on a limited basis, authorized gaming equipment, patented or otherwise restricted gaming scheme or paraphernalia.

Goals of New Rule: The director may grant a special sales permit authorizing a manufacturer to sell to a distributor only, on a limited basis, authorized gambling equipment, patented or otherwise restricted gaming scheme, or paraphernalia.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Patricia Norman-Cole, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, (360) 438-7654 ext. 364, FAX (360) 438-8652.

February 28, 1995

Patricia Norman-Cole  
Rules Coordinator

#### WSR 95-06-063

##### PREPROPOSAL STATEMENT OF INTENT HIGHER EDUCATION COORDINATING BOARD

[Filed February 28, 1995, 11:16 a.m.]

Subject of Possible Rule Making: Expanding access to the state need grant program for students in certain private vocational schools.

Specific Statutory Authority for New Rule: Chapter 28B.80 RCW.

Reasons Why the New Rule is Needed: Student access to the state need grant (SNG) program requires that, at a minimum, they attend an eligible institution. Institutional eligibility is, in part, a condition of accreditation. The board recognizes specific accrediting associations in its SNG program rules. Currently, four schools in Washington accredited by the Accrediting Council for Continuing Education and Training (ACCET) and one school accredited by the Accrediting Bureau of Health Education Schools (ABHES) are not recognized by the board in the SNG program rules. As a result, students attending these institutions are not eligible to be considered for state need grants even though they may otherwise meet the program income and "need" criteria. The board has received a request from representatives of the private vocational sector to expand the list of recognized accrediting associations to include all those associations recognized by the United States Department of Education for participation in federal student aid programs. This proposal has consequences for all other eligible schools and their students. As the base of eligible students is expanded the demand for additional appropriations is increased. If program appropriations do not increase then, service to some currently eligible students will have to be reduced in order to serve other newly eligible students.

Goals of New Rule: Clarify the institutional eligibility criteria for participation in the SNG program and access impact of proposed changes.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Contact Shirley Ort or John Klacik, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504-3430. An ad hoc advisory committee will review the issue. Meetings and work on the issue will begin immediately and conclude with a recommendation for action to the Higher Education Coordinating Board in July 1995.

February 27, 1994 [1995]

Shirley A. Ort

Deputy Director for  
Student Financial Aid

#### WSR 95-06-067

##### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF ECOLOGY

[Order 94-35—Filed February 28, 1995, 4:40 p.m.]

Specific Statutory Authority for New Rule: The Department of Ecology receives its general authority to control air pollution from chapter 70.94 RCW, the Washington Clean Air Act.

RCW 70.94.141 directs ecology to adopt, amend and repeal its own rules and regulations, implementing chapter 70.94 RCW.

RCW 70.94.331(2) directs ecology to adopt rules establishing air quality objectives and air quality standards...adopt emission standards which shall constitute minimum emissions standards throughout the state...adopt by rule air quality standards and emissions standards for the control or prohibition of emissions to the outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof. Ecology is to cooperate with agencies of the United States or other states...to control air pollution and air contamination.

RCW 70.94.510 requires ecology to cooperate with the federal government to coordinate provisions of the federal and state clean air acts, authorizes ecology to implement and enforce these provisions and take all action necessary to secure to the state the benefits of the federal Clean Air Act.

RCW 70.94.152(1) authorizes ecology to charge a fee for processing notice of construction applications.

RCW 70.94.153 authorizes ecology to require reasonably available control technology for replacing or substantially altering emission control technology and reasonable operation and maintenance conditions for the control equipment.

**Reasons Why the New Rule is Needed:** This rule revision effort includes adopting federally promulgated regulations and adjusting, updating, improving or correcting rule language based on the recommendations of field staff, local air authorities, industry and environmental groups.

Specific revisions being considered to chapter 173-400 WAC, General regulations for air pollution sources, include:

- (1) Incorporate new source performance standards under Section 111 of the Federal Clean Air Act, Maximum Achievable Control Technology requirements under Section 112 of the Federal Clean Air Act, and other federal programs, by reference or with modifications as necessary;
- (2) Establish a process where smaller industrial sources can voluntarily accept enforceable emission limits to avoid having to obtain a federal Title V operating permit;
- (3) Revise new source review fees if needed based upon recent amendments to the registration program;
- (4) Revise monitoring provisions in response to United States Environmental Protection Agency requirements for federal enhanced monitoring;
- (5) Evaluate and revise, if necessary, requirements for installing or replacing new air pollution control equipment in response to industry concerns;
- (6) Update nuisance and odor control requirements in response to citizen concerns; and
- (7) Correct references, typographical errors and make other changes, if needed, in response to public comment.

**Goals of New Rule:** Ecology's goal in amending chapter 173-400 WAC is to improve mechanisms for minimizing air pollution from emission sources. Ecology will update the regulation and make it consistent with federal requirements.

**Process for Developing New Rule:** Ecology will meet with an advisory committee and various interest groups to discuss changes being considered and incorporate their

suggestions, if appropriate, into rule language to be proposed.

**How Interested Parties can Participate in Formulation of the New Rule:** Contact Audrey O'Brien, Air Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6875, FAX (360) 407-6802.

February 28, 1995

D. J. Patin  
Assistant Director

#### WSR 95-06-070

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF AGRICULTURE

[Filed March 1, 1995, 8:36 a.m.]

**Subject of Possible Rule Making:** Restrictions relating to the application of desiccants and defoliant in Walla Walla County.

**Specific Statutory Authority for New Rule:** RCW 17.21.030 and 15.58.040.

**Reasons Why the New Rule is Needed:** By limiting the areas where a permit is required for aerial applications during the application season, we believe we can still effectively provide drift protection and at the same time better utilize staff resources. The current rule requires permits for aerial and ground applications.

**Goals of New Rule:** Amending the desiccant and defoliant rules by requiring a permit for only the aerial application of desiccant and defoliant; and modifying the area in Walla Walla County where a permit is required.

**Process for Developing New Rule:** Input and comments will be requested from affected parties.

**How Interested Parties can Participate in Formulation of the New Rule:** Anyone needing additional information, or to provide comments should direct them to Cliff Weed, Program Manager, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, phone (360) 902-2040, FAX (360) 902-2093. Comments should be submitted no later than March 31, 1995, 5:00 p.m.

March 1, 1995  
William E. Brookreson  
Assistant Director

#### WSR 95-06-071

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Medical Assistance Administration)

(Public Assistance)

[Filed March 1, 1995, 9:06 a.m.]

**Subject of Possible Rule Making:** Changes in federal poverty level (FPL) effective April 1, 1995, WAC 388-508-0805, 388-509-0920, 388-509-0960, 388-513-1380, 388-517-1720, 388-517-1740, and 388-517-1760.

**Specific Statutory Authority for New Rule:** RCW 74.08.090.

Reasons Why the New Rule is Needed: The federal poverty level increases effective April 1, 1995.

Goals of New Rule: Update standards.

Process for Developing New Rule: The department internal and external review and approval process. The department will consider all comments.

How Interested Parties can Participate in Formulation of the New Rule: Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

March 1, 1995  
Dewey Brock, Chief  
Office of Vendor Services

### WSR 95-06-073

#### PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF HEALTH

[Filed March 1, 1995, 9:27 a.m.]

Subject of Possible Rule Making: Community based recruitment and retention (CBRR) projects, rural health system development (RHSD) projects, WAC 246-560-001 - 246-560-100.

Specific Statutory Authority for New Rule: RCW 70.185.040 "The department shall adopt rules..." (to carry out CBRR projects) and RCW 70.185.030 "... the secretary shall coordinate... with the Washington rural health system project as authorized under chapter 70.175 RCW to consolidate administrative duties and reduce costs."

Reasons Why the New Rule is Needed: We expect funding to be available in the next biennium to carry out CBRR projects. Rules will allow public clarity on guidelines for applying for funds. Adapting RHSD rules to CBRR projects will allow us to respond to existing thoughtful feedback on how RHSD application process could be more timely and more flexible.

Goals of New Rule: Implement an orderly public process for applying for funds.

Process for Developing New Rule: Draft rules that respond to current feedback on the application process will be circulated to our mailing list of current and prior applicants, and to our rural health partners for comment.

How Interested Parties can Participate in Formulation of the New Rule: Contact Verne A. Gibbs or Callie Wilson, Office of Community and Rural Health, Department of Health, P.O. Box 47834, Olympia, WA 98504-7834, (360) 705-6770 or (360) 705-6766, FAX (360) 705-6706.

February 28, 1995  
Bruce Miyahara  
Secretary

### WSR 95-06-088

#### PREPROPOSAL STATEMENT OF INTENT UTILITIES AND TRANSPORTATION COMMISSION

[Filed March 1, 1995, 11:18 a.m.]

Subject of Possible Rule Making: Possible amendments to WAC 480-09-520 governing procedure for the "Formal

Investigation and Fact Finding" of "FIFF" process set out in RCW 80.36.145. Docket No. A-950242.

Specific Statutory Authority for New Rule: RCW 80.36.145, 80.01.040.

Reasons Why the New Rule is Needed: Experience with limited use of the "FIFF" process and dialogue with affected interests in the commission's "process" notice of inquiry, Docket No. A-940351, demonstrate that expansion of this alternate to formal hearing could assist parties and the commission to deal more efficiently and effectively with contested issues in some proceedings than use of a full oral hearing.

Goals of New Rule: The goal of the amendment is to identify types of proceedings in which the FIFF process may be used to advantage and to set out procedures for using the process.

Process for Developing New Rule: Agency study; and workshop-type meetings with regulated companies and consumer representatives in which information and views are exchanged in an effort to reach consensus.

How Interested Parties can Participate in Formulation of the New Rule: Written comments: Interested persons may submit written comments to the Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, FAX (360) 586-1150. Written comments should be filed not later than the close of business March 22, 1995. Commenters are encouraged to submit specific rule language to accomplish their suggestions and to provide reasoned support for their proposals. Commenters are requested, but not required, to submit an original and fifteen copies of any comment and to submit any included specific proposals in legislative style. Commenters are also requested, but not required, to submit specific proposals, and any comment exceeding two pages, in electronic form, in ASCII or WordPerfect format, on 3.5" or 5.25" IBM-compatible formatted discs.

Workshops: After reviewing the written comments, the commission will hold meetings or workshops to discuss proposals and pursue consensus regarding a proposal to be noticed for adoption. The commission will provide notice of any such meeting to all persons who submit comments and any person who requests to receive such notice. Docket No. A-950242.

March 1, 1995  
Steve McLellan  
Secretary

### WSR 95-06-089

#### PREPROPOSAL STATEMENT OF INTENT UTILITIES AND TRANSPORTATION COMMISSION

[Filed March 1, 1995, 11:21 a.m.]

Subject of Possible Rule Making: Revisions to the commission's procedural rules, chapter 480-09 WAC. Docket No. A-950243.

Specific Statutory Authority for New Rule: RCW 80.01.040, 80.01.060, 80.04.110, and various provisions of chapter 34.05 RCW, including RCW [34.05.]449 and [34.05.]410, [34.05.]413, [34.05.]431, [34.05.]437,

[34.05.]440, [34.05.]446, [34.05.]452, [34.05.]455, [34.05.]464, [34.05.]467, [34.05.]470, and [34.05.]482.

**Reasons Why the New Rule is Needed:** In prior action in Docket No. A-940351, the commission consulted with stakeholders and reached a consensus that improvements and additional flexibility in administrative process are essential to the commission's and to regulated companies' interests in effective regulation. This filing largely reflects broad agreement as to areas to be changed. The commission also intends to make such changes in the existing procedural rules in this docket as are needed to improve the procedural rules generally.

**Goals of New Rule:** To expand procedural options in adjudications, to provide flexibility to use alternative dispute resolution in more situations and with clearer parameters than at present, and to update rules needing corrections to correct or avoid procedural problems for the commission and parties. Specific goals include addressing (1) discovery, and whether limits should be placed on the number of data requests allowed as a matter of right; whether changes should be made to the process for resolving discovery-related disputes; and whether prehearing-type conferences should be available to facilitate discovery; (2) whether broad guidelines should be set out for negotiation and mediation, including whether specific ADR techniques should be identified and whether collaboratives should be specifically identified; (3) whether procedures for motions for summary disposition should be specifically set out; (4) whether the effect of partial settlements should be defined; (5) whether order conferences should be provided for by rule; and (6) whether the commission's evidentiary rules should be modified.

**Process for Developing New Rule:** Agency study; and the agency will solicit comments, engage in workshop-type dialogue sessions with consumer representatives, commission staff, regulated companies, and other interested persons in an effort to explore all consequences of various proposals, to understand available alternatives, and to achieve consensus.

**How Interested Parties can Participate in Formulation of the New Rule:** Commission staff has prepared a discussion paper including some proposed rule changes and identifying some areas for possible changes, based largely on activity in Docket No. A-940351. A copy is available on request from the Commission Secretary, P.O. Box 47250, Olympia, WA 98504-7250.

**Written comments:** Interested persons may submit written comments to the commission at the above address. Comments should be filed not later than the close of business March 22, 1995. Written comments should include: (1) Specific observations based on the discussion paper or on prior dialogue in Docket No. A-940351; or (2) specific suggestions for changes to other existing procedural rules or for new rules, explaining why the change or addition is needed. It is requested, but not required, to submit an original and fifteen copies of any comment and to submit any included specific proposals in legislative style. Commenters are also requested, but not required, to submit specific proposals, and any comment exceeding two pages, in electronic form, in ASCII or IBM-compatible WordPerfect format.

**Workshops:** Interested persons may also attend a workshop beginning at 10:00 a.m. on March 30, at 1300 South Evergreen Park Drive S.W., Olympia. The commis-

sion may hold additional meetings or workshops, and will provide notice of any meeting to persons on the interested person list in Docket No. A-940351 and any person submitting a comment in this docket or requesting to be notified. Docket No. A-950243.

March 1, 1995  
Steve McLellan  
Secretary

**WSR 95-06-090**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed March 1, 1995, 11:26 a.m.]

**Specific Statutory Authority for New Rule:** Chapter 49.17 RCW and OSHA Region X letter dated December 22, 1994.

**Reasons Why the New Rule is Needed:** To comply with OSHA letter dated December 22, 1994, and readopt a standard which was inadvertently repealed, under WAC 296-24-19501, 296-24-19517 and new proposed WAC 296-24-19514.

**Goals of New Rule:** For the state standard to be as effective as the federal standard.

**Process for Developing New Rule:** The OSHA/WISHA state plan agreement requires the department to adopt rules identical or at-least-as effective as federal regulations. The above processes are not applicable.

**How Interested Parties can Participate in Formulation of the New Rule:** Bob Rhimer, Industrial Safety Engineer, Department of Labor and Industries, Division of Consultation and Compliance, Standards Section, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5527, FAX (360) 902-5529.

March 1, 1995  
Mark O. Brown  
Director

**WSR 95-06-091**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed March 1, 1995, 11:27 a.m.]

**Specific Statutory Authority for New Rule:** Chapter 49.17 RCW.

**Reasons Why the New Rule is Needed:** Administrative housekeeping amendments to confined space standards to correct a reference and a spelling error in WAC 296-62-14501, 296-62-14529, and 296-155-20301.

**Goals of New Rule:** Administrative housekeeping amendments to correct a reference and a spelling error.

**Process for Developing New Rule:** The proposed amendments do not affect compliance requirements. The above processes are not applicable.

**How Interested Parties can Participate in Formulation of the New Rule:** Pat Wolhete, Industrial Safety Engineer, Division of Consultation and Compliance, Standards Section,

P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5527, FAX (360) 902-5529.

March 1, 1995  
Mark O. Brown  
Director

**WSR 95-06-092**  
**PREPROPOSAL STATEMENT OF INTENT**  
**DEPARTMENT OF AGRICULTURE**

[Filed March 1, 1995, 11:41 a.m.]

**Subject of Possible Rule Making:** Increasing weights and measures device inspection fees.

**Specific Statutory Authority for New Rule:** RCW 19.94.175 and chapter 16-674 WAC.

**Reasons Why the New Rule is Needed:** Current device inspection fee levels are inadequate and provide insufficient revenues to support program operations.

**Goals of New Rule:** To establish increased fee levels in accordance with I-601 fiscal growth allowances. The proposed fees will provide increased revenues that will assist in achieving program balance.

**Process for Developing New Rule:** The department will convene the weights and measures fee task force to solicit recommendations regarding the proposed increase in fees in accordance with RCW 19.94.175(2).

**How Interested Parties can Participate in Formulation of the New Rule:** Interested parties desiring to participate in this process and/or attend the fee task force meeting should contact the Washington State Department of Agriculture, Attention: Bob Arrington, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1857, for the date and time of the task force meeting and/or to obtain a copy of the proposed rules. Written comments should be submitted to the Washington State Department of Agriculture by no later than 5:00 p.m., May 23, 1995.

March 1, 1995  
Julie C. Sandberg  
Assistant Director





**WSR 95-06-010**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed February 16, 1995, 4:08 p.m.]

**Original Notice.**

Title of Rule: WAC 230-20-130 Operation of bingo upon retail business—Conditions and 230-20-620 Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated.

Purpose: Housekeeping changes to clarify wording of rule.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: Amendments clarify working of rule.

Name of Agency Personnel Responsible for Drafting: Patricia Norman-Cole, Rules Coordinator, Lacey, 438-7654 x 364; Implementation: Frank L. Miller, Director, Lacey, 438-7654 x 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 x 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Housekeeping changes to clarify wording of rules.

Proposal Changes the Following Existing Rules: Amendment clarifies wording of rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North 1st, Yakima, WA 98901, on April 14, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patricia Norman-Cole by April 10, 1995, TDD (360) 438-7638, or (360) 438-7654 x 364.

Submit Written Comments to: Patricia Norman-Cole, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by April 12, 1995.

Date of Intended Adoption: April 14, 1995.

February 16, 1995

Patricia Norman-Cole  
 Rules Coordinator

**AMENDATORY SECTION** (Amending Order 102, 5/12/80)

**WAC 230-20-130 Operation of bingo upon retail business—Conditions.** (1) Bingo games shall not be operated upon a premises part of a retail sales or service business catering to the public except:

(a) When the room or other portion of the premises in which the bingo games are being conducted is separate and apart from the portion being used for the retail sales or service business. The area of the premises being used for bingo shall be separated from the area of the premises being

used for the retail business, at minimum, by a transparent or solid barrier not less than seven feet high with no more than two openings between the two areas. Each such opening shall be no more than six feet in width; or

(b) When the business is closed to the public at all times during which the bingo games are conducted on the premises; or

(c) When the bingo games are being conducted upon the premises of a bona fide charitable or bona fide nonprofit organization which is not also being used for a profit seeking business.

(2) In all cases the bingo operator must have, and exercise, complete control over that portion of the premises being used for bingo, at all times said games are being played: *Provided, however,* That at all times when the sale, service or consumption of intoxicating liquor is permitted in said portion of the premises, the responsibility for compliance with liquor laws and regulations shall also be that of the liquor licensee or permittee.

(3) The operator of a retail sales or service business shall limit his operation of pull tabs to that portion of the premises actually being used for such retail business and open to the public. He shall not operate pull tabs in the area of the premises being used by a bona fide charitable or bona fide nonprofit organization to conduct bingo. The retail operator shall not be deemed to have operated pull tabs in the bingo area solely because the pull tab players may take them into that area, if the tabs are selected and purchased by the players, and prizes determined and paid, in the area used for the retail business.

(4) The owner, manager or any employee of the retail sales or service establishment may not be an officer of the bingo (~~operator~~) operation or participate in the operation of the bingo games on that premises.

**AMENDATORY SECTION** (Amending Order 55, filed 6/25/76)

**WAC 230-20-620 Amusement games—Objects to be thrown to be uniform—Similar games not to use different objects unless designated.** No person licensed to conduct amusement games shall conduct any such game within ~~(the)~~ the state of Washington wherein the winning of a prize depends upon the player's ability to throw or project an object unless all such objects available to any player in said game are uniform in size and weight. No licensee shall conduct more than one game of a similar type on the same premises utilizing similar objects of a different size or weight, unless the difference in such objects is readily apparent or designated by, for example, use of a color scheme.

**WSR 95-06-011**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed February 16, 1995, 4:11 p.m.]

**Original Notice.**

Title of Rule: WAC 230-40-400 Hours limited for card games.

Purpose: Amendment will allow card room licensees to extend hours of operation to 4:00 a.m. with the consent of the director providing local law enforcement does not object.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: New rule will allow card room licensees to extend hours of operation to 4:00 a.m. with the consent of the director providing local law enforcement does not object.

Name of Agency Personnel Responsible for Drafting: Patricia Norman-Cole, Rules Coordinator, Lacey, 438-7654 x 364; Implementation: Frank L. Miller, Director, Lacey, 438-7654 x 301; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 x 369.

Name of Proponent: Recreational Gaming Association, Skyway Bowl, 11819 Renton Avenue South, Seattle, WA 98178, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allow card room licensees to extend hours to 4:00 a.m.

Proposal Changes the Following Existing Rules: Allow card room licensees to extend hours from 2:00 a.m. to 4:00 a.m. with the consent of the director.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North 1st, Yakima, WA 98901, on April 14, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patricia Norman-Cole by April 10, 1995, TDD (360) 438-7638, or (360) 438-7654 x 364.

Submit Written Comments to: Patricia Norman-Cole, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by April 12, 1995.

Date of Intended Adoption: April 14, 1995.

February 16, 1995  
Patricia Norman-Cole  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 118, filed 1/22/82)

**WAC 230-40-400 Hours limited for card games.**

Licensees shall not allow the use of their premises for card playing between the hours of 2:00 a.m. and 6:00 a.m. Provided, a licensee may extend, with the consent of the Director, hours of operation up to 4:00 a.m. upon application to the Commission and so long as no objection is raised by a local law enforcement entity. In any event, a licensee must observe a four hour period of closure before beginning the next period of operation.

No card games shall be allowed in any public card room at any time the profit seeking retail business to be stimulated thereby is not open to the public for business.

At all times during the hours of operation of a Class E card room, the operator or a licensed card room employee must be on duty and in the licensed card room area.

**WSR 95-06-012**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed February 16, 1995, 4:13 p.m.]

Original Notice.

Title of Rule: WAC 230-02-125 Adjusted net gambling receipts defined; and 230-12-075 Commercial stimulant compliance.

Purpose: Net gambling receipts are no longer required to be less than gross food and drink sales. Definition of commercial stimulant compliance has been incorporated into WAC 230-04-080 allowing WAC 230-02-125 and 230-12-075 to be repealed.

Statutory Authority for Adoption: RCW 9.46.070 and 9.46.0217.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-02-125 and 230-12-075 are being repealed due to changes in requirements and consolidation of commercial stimulant compliance definition into WAC 230-04-080.

Name of Agency Personnel Responsible for Drafting: Patricia Norman-Cole, Rules Coordinator, Lacey, 438-7654 x 364; Implementation: Frank L. Miller, Director, Lacey, 438-7654 x 301; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 x 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Packet of amendments filed under WSR 95-04-038 will clarify commercial stimulant in accordance with amendments made to RCW 9.46.0217. Net gambling receipts will no longer be required to be less than gross food and drink sales which allows WAC 230-12-075 to be repealed. WAC 230-02-125 has been incorporated into WAC 230-04-080.

Proposal Changes the Following Existing Rules: Packet of amendments filed under WSR 95-04-038 will allow these two rules to be repealed.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Red Lion Inn, Yakima Valley, 1507 North 1st, Yakima, WA 98901, on April 14, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patricia Norman-Cole by April 10, 1995, TDD (360) 438-7638, or (360) 438-7654 x 364.

Submit Written Comments to: Patricia Norman-Cole, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by April 12, 1995.

Date of Intended Adoption: April 14, 1995.

February 16, 1995  
Patricia Norman-Cole  
Rules Coordinator

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-02-125 Adjusted net gambling receipts defined.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-12-075 Commercial stimulant compliance.

**WSR 95-06-013**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed February 16, 1995, 4:20 p.m.]

Continuance of WSR 95-04-040.

Title of Rule: WAC 230-04-280 (~~Notification to law enforcement~~) Licensees must notify law enforcement and local taxing authorities; WAC 230-04-400 Denial, suspension or revocation of licenses; and WAC 230-50-010 Adjudicated proceedings—Hearings.

Purpose: WAC 230-04-280, sets out the guidelines for notification to law enforcement and local taxing authorities; WAC 230-04-400, to include failure to make required gambling tax payments to local taxing authorities; and WAC 230-50-010, to include hearings held due to failure to pay required gambling taxes.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-04-280, amendment sets out the guidelines for notification to law enforcement and local taxing authorities; WAC 230-04-400, amendment includes failure to make required gambling tax payments to local taxing authorities; and WAC 230-50-010, amendment includes hearings held due to failure to pay required gambling taxes.

Name of Agency Personnel Responsible for Drafting: Patricia Norman-Cole, Rules Coordinator, Lacey, 438-7654 x 364; Implementation: Frank L. Miller, Director, Lacey, 438-7654 x 302; and Enforcement: Ben Bishop, Deputy Director, Lacey, 438-7654 x 369.

Name of Proponent: [Gambling Commission], governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 230-04-280 sets out guidelines for notification to local law enforcement and local taxing authorities; WAC 230-04-400 amendment will include failure to make required gambling tax payments to local taxing authorities; and WAC 230-50-010 amendment includes hearings held for failure to pay required gambling taxes.

Proposal Changes the Following Existing Rules: WAC 230-04-280 amendment sets out guidelines to notifying local law enforcement and local taxing authorities; WAC 230-04-400 amendment includes failure to make required gambling tax payments to local taxing authorities; and WAC 230-50-010 amendment includes hearings held for failure to pay required gambling taxes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there are no economic impacts to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Sheraton Hotel, 1320 Broadway Plaza, Tacoma, WA 98405, on March 10, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Patricia Norman-Cole by March 6, 1995, TDD (360) 438-7638, or (360) 438-7654 x 364.

Submit Written Comments to: Patricia Norman-Cole, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by March 8, 1995.

Date of Intended Adoption: March 10, 1995.

February 16, 1995  
Patricia Norman-Cole  
Rules Coordinator

### AMENDATORY SECTION (Amending Order 5, filed 12/19/73)

**WAC 230-04-280 (~~Notification to~~) Licensees must notify law enforcement and local taxing authorities.** (~~Each licensee for the operation of an authorized gambling activity, within ten days after issuance of the license and before initially conducting any activity under the license, shall notify, in writing, the law enforcement agencies set forth below of the name and address of the licensee, the address where the activity will be conducted, the type of activity licensed, the date the activity shall first be conducted, and if the activity is planned to be conducted on a regular basis, the proposed schedule for the operation of the activity:~~

~~When the activity is to be conducted within a city or town, the local police agency shall be notified, and when the activity is to be conducted within a county, then the sheriff's office shall be notified.~~

~~No activity shall be initially conducted until such notification has been made:)~~ In accordance with RCW 9.46.070, the commission will continue to cooperate, and

share information, with other governmental agencies, including local law enforcement and local taxing authorities.

(1) Before a licensee may operate an authorized gambling activity, it must notify law enforcement and the local taxing authority, in writing, of the following:

(a) Its name and address;

(b) The type of gambling activity it will conduct;

(c) The address where the gambling activity will be conducted;

(d) The date the gambling activity will begin; and

(e) If the gambling activity will be conducted on a regular basis, the proposed schedule for the operation of the gambling activity.

(2) The licensee must provide this information to law enforcement and to the taxing authority within ten days after the commission issues the initial license and before the licensee can conduct the gambling activity. If the licensee is renewing its license for a particular gambling activity and if this information has not changed, it need not provide law enforcement and the taxing authority this information.

(3) If the activity is to be conducted within a city or town, the licensee must notify the local police agency and the local city or town treasurer or the agency responsible for collecting local gambling taxes. If the activity is to be conducted within the county, the licensee must notify the sheriff's office and the county treasurer, finance division, or the agency responsible for collecting local gambling taxes.

(4) The licensee may not conduct a gambling activity until it has notified law enforcement and the local gambling tax authority.

AMENDATORY SECTION (Amending WSR 93-12-082, filed 5/28/93, effective 7/1/93)

**WAC 230-04-400 Denial, suspension or revocation of licenses.** The commission may deny a license or permit to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder, or any other person with any interest in the applicant or holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level. This includes, but is not limited to, failure to make required gambling tax payments to local taxing authorities, as supported by a petition submitted by the local taxing authority;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine

the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding gross misdemeanor or felony arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

(8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within thirty days after receiving a written request therefor from the commission or its staff;

(9) Allows any person to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits;

(11) Has failed to make required gambling tax payments to local taxing authorities as defined by chapter 9.46 RCW and adopted local ordinances.

AMENDATORY SECTION (Amending Order 231, filed 9/18/92, effective 10/19/92)

**WAC 230-50-010 Adjudicated proceedings—Hearings.** (1) Adjudicated proceedings shall be commenced for any and all matters wherein the commission is causing administrative charges to be brought against any applicant, licensee or permittee within the limitations to chapter 34.05 RCW as applicable.

(2) The commission shall afford an applicant for a license an opportunity for an adjudicated proceeding prior to denying such application, and shall afford a licensee the opportunity for an adjudicated proceeding prior to suspending or revoking a license.

(3) The commission will afford a person applying to the commission for approval of a pull tab dispensing device under WAC 230-30-095 an opportunity for an adjudicated proceeding prior to denying approval of such device.

(4) No hearing will be conducted with respect to any adjudicated proceeding unless an application for an adjudicated proceeding and request for hearing is timely filed by the applicant or licensee with the commission in compliance with WAC 230-50-210. The application must be made upon a form to be obtained from the commission, or facsimile

PROPOSED

thereof, and must be received within 20 days following service upon the party affected by the commission or the director of a notice of administrative charges and opportunity for an adjudicated proceeding. Said document shall contain the maximum penalty that may be assessed should an application not be filed by the party affected. An application for an adjudicated proceeding and request for hearing shall accompany all notices of administrative charges.

(5) If an application for an adjudicated proceeding is not timely filed, then the party affected shall have waived the right to a hearing on the allegations set forth in the notice of administrative charges. The party shall be deemed to be in default pursuant to RCW 34.05.440 and the commission and director may take action against the party not to exceed the maximum penalty as stated in the notice of administrative charges and opportunity for an adjudicated proceeding, which action shall be final.

(6) The procedures of RCW 34.05.485, brief adjudicative proceedings, shall be used for the following purposes:

(a) All hearings in which the penalty sought by the commission is for a suspension of seven days or less;

(b) Hearings held pursuant to WAC 230-50-015 (stay of summary suspension);

(c) Hearings held pursuant to WAC 230-04-400(3) (failure to pay required gambling taxes);

(d) Hearings in which the parties have stipulated to facts or the parties have stipulated to charges, and the hearing is limited to a determination of whether facts constitute violations as charged and/or determination of appropriate penalty to be imposed; or

~~((d))~~ (e) Where the parties have stipulated to the use of brief adjudicative proceedings.

**WSR 95-06-019**

**PROPOSED RULES**

**INSURANCE COMMISSIONER'S OFFICE**

[Filed February 21, 1995, 1:36 p.m.]

Continuance of WSR 95-02-075.

Title of Rule: Environmental claims regulation.

Date of Intended Adoption: March 1, 1995.

February 21, 1995

Deborah Senn

Insurance Commissioner

**WSR 95-06-040**

**PROPOSED RULES**

**DEPARTMENT OF REVENUE**

[Filed February 24, 1995, 8:55 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

Purpose: To provide county assessors with the current interest rate and property tax component to be used in valuing agricultural land classified under chapter 84.34 RCW for assessment year 1995.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070.

Statute Being Implemented: RCW 84.34.065.

Summary: The amendments update the interest rate and property tax component that are used in valuing farm and agricultural land classified under chapter 84.34 RCW.

Reasons Supporting Proposal: RCW 84.34.065 requires the department to annually determine the rate of interest and publish a rule for use in the current assessment year.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, Counsel, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 664-0086; Implementation and Enforcement: William Rice, 6004 Capital Boulevard, Tumwater, WA, (360) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-30-262 provides county assessors with information that is used in the current assessment year to value land classified as farm and agricultural land under chapter 84.34 RCW. The rate of interest and property tax component contained in this rule are used to determine the earning and productive capacity of classified farm and agricultural land. This rule must be updated annually to reflect the changes in the interest rate and the factors used by county assessors to determine the value classified farm and agricultural land for the current assessment year.

Proposal Changes the Following Existing Rules: The amendments to this rule change the interest rate and the property tax component for each county that are used to value classified farm and agricultural land classified under chapter 84.34 RCW for assessment year 1995.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact statement is not required because the amended rule does not impose any duty or requirement on small business.

Hearing Location: General Administration Building, Revenue Conference Room 415, 210 11th and Columbia Street, Olympia, WA, on April 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Gwendolyn Kopetsky by March 27, 1995, TTY 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by April 4, 1995.

Date of Intended Adoption: April 14, 1995.

February 24, 1995

William N. Rice

Assistant Director

Property Tax Division

AMENDATORY SECTION (Amending WSR 94-05-062, filed 2/11/94, effective 3/14/94)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year ~~((1994))~~ 1995, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

(1) The interest rate is ~~((9.69))~~ 9.53 percent; and

(2) The property tax component for each county is:

PROPOSED

COUNTY	PERCENT	COUNTY	PERCENT
Adams	1.46	Lewis	1.36
Asotin	1.68	Lincoln	1.54
Benton	1.53	Mason	1.52
Chelan	1.49	Okanogan	1.47
Clallam	1.31	Pacific	1.49
Clark	1.30	Pend Oreille	1.16
Columbia	1.41	Pierce	1.62
Cowlitz	1.22	San Juan	0.92
Douglas	1.48	Skagit	1.17
Ferry	1.11	Skamania	1.08
Franklin	1.62	Snohomish	1.35
Garfield	1.44	Spokane	1.77
Grant	1.46	Stevens	1.21
Grays Harbor	1.53	Thurston	1.51
Island	0.90	Wahkiakum	1.18
Jefferson	1.24	Walla Walla	1.49
King	1.23	Whateom	1.40
Kitsap	1.34	Whitman	1.64
Kittitas	1.32	Yakima	1.49
Klickitat	1.28)		

COUNTY	PERCENT	COUNTY	PERCENT
Adams	1.45	Lewis	1.36
Asotin	1.67	Lincoln	1.59
Benton	1.49	Mason	1.44
Chelan	1.50	Okanogan	1.57
Clallam	1.22	Pacific	1.39
Clark	1.34	Pend Oreille	1.45
Columbia	1.58	Pierce	1.62
Cowlitz	1.23	San Juan	0.85
Douglas	1.46	Skagit	1.15
Ferry	1.13	Skamania	1.02
Franklin	1.66	Snohomish	1.32
Garfield	1.55	Spokane	1.57
Grant	1.53	Stevens	1.22
Grays Harbor	1.48	Thurston	1.51
Island	0.88	Wahkiakum	1.24
Jefferson	1.25	Walla Walla	1.57
King	1.26	Whatcom	1.30
Kitsap	1.32	Whitman	1.56
Kittitas	1.23	Yakima	1.39
Klickitat	1.24		

**WSR 95-06-052  
PROPOSED RULES**

**LOWER COLUMBIA COLLEGE**

[Filed February 27, 1995, 9:39 a.m.]

Original Notice.

Title of Rule: WAC 132M-108-090 Discovery.

Purpose: To provide guidelines for the use of discovery in adjudicative proceedings.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: RCW 34.05.446.

Summary: RCW 34.05.446 requires that agencies which make discovery available shall do so by rule also specifying which forms may be used.

Reasons Supporting Proposal: Requirement of the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting:

Bonnie Terada, Assistant Attorney General, 500 West 8th Street, Suite 110, Vancouver, 98660, (360) 696-6471; Implementation and Enforcement: Vernon R. Pickett, President, 1600 Maple Street, Longview, 98632, (360) 577-2320.

Name of Proponent: Lower Columbia College, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 34.05 RCW, the Administrative Procedure Act requires that agencies adopt rules governing procedures for adjudicative proceedings. RCW 34.05.446 specifically provides that an agency may by rule determine whether or not discovery is to be available and if so, which forms may be used.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Rule has no small business economic impact.

Hearing Location: Student Center Conference Room, Lower Columbia College, 1600 Maple Street, Longview, WA 98632, on April 19, 1995, at 5:00 p.m.

Submit Written Comments to: Ginny Koken, Rules Coordinator, Lower Columbia College, 1600 Maple Street, Longview, WA, by April 18, 1995.

Date of Intended Adoption: April 19, 1995.

February 24, 1995

Vernon R. Pickett

President

**NEW SECTION**

**WAC 132M-108-090 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

**WSR 95-06-054  
PROPOSED RULES  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES**

[Filed February 27, 1995, 11:07 a.m.]

Original Notice.

Title of Rule: Running start program rules respecting high school student attendance at institutions of higher education.

Purpose: Establish policies and procedures governing the running start program whereby high school students attend community college can earn both high school and college credit. The proposed amendments will implement chapter 205, Laws of 1994, by extending running start program attendance to Central, Eastern and Washington State Universities.

Statutory Authority for Adoption: RCW 28A.600.300-.390 [28A.600.300 - 28A.600.390], 28A.150.260, and 28A.-150.290.

Statute Being Implemented: RCW 28A.600.300-28A.-600.400 as amended by chapter 205, Laws of 1994.

Summary: The proposed amendments change the terminology and substance of existing running start program rules which are limited to attendance at community and technical colleges, to extend attendance to Central, Eastern and Washington State Universities.

Reasons Supporting Proposal: To reflect legislative changes amended by chapter 205, Laws of 1994.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: C. Krueger, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, 753-7413.

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

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98512, on April 19, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger by April 1, 1995, TDD (360) 753-3680, or (360) 753-7413.

Submit Written Comments to: Claire Krueger, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by March 15.

Date of Intended Adoption: April 19, 1995.

February 27, 1995

Claire Krueger

Executive Assistant

Administrative Rules Coordinator

**NEW SECTION**

**WAC 131-46-135 Adopting running start rules by reference.** WAC 392-169-005 through 392-169-125, inclusive of the 1995 amendments thereto and the repeal of WAC 392-169-035 are hereby adopted by reference.

**WSR 95-06-055**

**PROPOSED RULES**

**DEPARTMENT OF ECOLOGY**

[Filed February 27, 1995, 3:07 p.m.]

Continuance of WSR 94-23-011.

Title of Rule: Chapter 173-548 WAC, Water resources in the Methow Valley River basin.

Purpose: To change the adoption date to May 15, 1995.

Date of Intended Adoption: May 15, 1995.

February 27, 1995

Mary Riveland

Director

**WSR 95-06-059**

**PROPOSED RULES**

**SUPERINTENDENT OF**

**PUBLIC INSTRUCTION**

[Filed February 28, 1995, 10:53 a.m.]

Original Notice.

Title of Rule: WAC 392-121-106(4) Finance—General apportionment.

Purpose: Definition of enrolled student.

Statutory Authority for Adoption: RCW 28A.150.290.

Summary: To modify school district student count requirements for state basic education allocation purposes.

Reasons Supporting Proposal: To correct unintended negative financial impacts upon school districts due to recent revisions in student reporting requirements.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation: Thomas J. Case, Superintendent of Public Instruction, Olympia, 753-6708; and Enforcement: David Moberly, Superintendent of Public Instruction, Olympia, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allow students to be counted who participate in a school day within the first four school days of a quarter or semester.

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: 4th Floor, Brouillet Conference Room, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on April 11, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by April 4, 1995, TDD (206) 664-3631, or (206) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (206) 753-4201, by April 10, 1995.

Date of Intended Adoption: April 12, 1995.

February 27, 1995

Judith A. Billings

Superintendent of

Public Instruction

**AMENDATORY SECTION** (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

**WAC 392-121-106 Definition—Enrolled student.** As used in this chapter, "enrolled student" means a person residing in Washington state who:

(1) Is eligible to enroll in the school district's education programs because he or she:

(a) Resides in the school district with or without an address (RCW 28A.225.010, 28A.225.160 and 28A.225.215);

(b) Resides on a United States reservation, national park, national forest, or Indian reservation contiguous to the school district (RCW 28A.225.170);

(c) Resides in a school district not offering the grade for which they are eligible to enroll such as a nonhigh district (RCW 28A.225.210);

(d) Has been released from the school district he or she resides in and has been accepted by the school district claiming enrollment (RCW 28A.225.225 and 28A.225.230);

PROPOSED

(e) Will be attending the school district as part of an interdistrict cooperative program (RCW 28A.225.250); or

(f) Will be attending school in a school district in another state per a reciprocity agreement pursuant to RCW 28A.225.260.

(2) After the close of the prior school year has presented himself or herself, or has been presented, to the school district's appropriate official to be entered on the school district's rolls for the purpose of attending school in grades kindergarten through twelve;

(3) Is under twenty-one years of age at the beginning of the school year;

(4) Actually participated on a school day during the first four school days of the current school term (semester or quarter) in a course of study offered by the school district as defined in WAC 392-121-107; and

(5) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

### WSR 95-06-061

#### PROPOSED RULES

### WASHINGTON STATE UNIVERSITY

[Filed February 28, 1995, 11:00 a.m.]

Original Notice.

Title of Rule: Parking rules.

Purpose: To regulate parking on the Washington State University Pullman campus.

Other Identifying Information: Chapter 504-15 WAC.

Statutory Authority for Adoption: RCW 28B.30.095, 28B.30.125, 28B.30.150.

Summary: The university is revising parking rules and fines for violations.

Reasons Supporting Proposal: The current rules are in need of updating in order to effectively manage parking on the university's main campus.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Shaheen, Department of Public Safety, (509) 335-8548.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: WSU recommends adoption of the rules.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The new rules update existing parking rules by addressing management of new parking arrangements, increasing fines, and clarifying appeals procedures. The purpose of these rules is to enable parking services to manage parking areas. Currently, some new areas are not regulated. In addition, current fees are relatively low; thus, they do not provide an incentive to follow parking rules. The anticipated effects correspond to the purpose—the university anticipates the rules will clarify appropriate uses of parking areas and lead to less violation of parking regulations.

Proposal Changes the Following Existing Rules: Some rule changes are editorial. Other rule changes are as follows: Establishment of two advisory committees (versus

one); addition of rules for lots paid for on a cash basis; and clarification of appeals provision.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have no impact on small business.

Hearing Location: Room 3050, Information Technology Building, Washington State University, Pullman, Washington 99164, on April 4, 1995, at 3 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by March 31, 1995, (509) 335-1726.

Submit Written Comments to: John Shaheen, FAX (509) 335-7731, by March 31, 1995.

Date of Intended Adoption: May 12, 1995.

February 27, 1995

Lou Ann Pasquan

Rules Coordinator

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

#### WAC 504-15-060 Advisory and governing bodies.

(1) The parking and traffic (~~((control-sub))~~)committee of the faculty senate and the parking and traffic committee of the staff senate (~~((university planning committee))~~). These (~~((This sub))~~)committees:

(a) Make(~~((s))~~) recommendations on regulations governing campus traffic and parking control;

(b) Review(~~((s))~~) the administration and enforcement of traffic and parking regulations;

(c) Make(~~((s))~~) recommendations for physical improvements in parking facilities;

(d) Consult(~~((s))~~), where appropriate, with Pullman authorities on traffic matters;

(e) Coordinate(~~((s))~~) campus traffic planning with the work of the university planning committee; and

(f) Review(~~((s))~~) alternative modes of transportation.

(2) The parking appeals committee. This presidential standing committee has members representing faculty, staff, and students. The committee:

(a) Establishes and maintains an appeals procedure for parking violations on campus;

(b) Hears appeals as requested and renders decisions; and

(c) Informs parking services of recurring problems related to the enforcement of parking rules and regulations.

(3) Washington State University parking and police services. These departments are responsible for the cooperative administration and enforcement of these regulations. This responsibility also involves recommending the installation of appropriate traffic and parking signs, maintaining a registration record system, issuing permits, patrolling the university campus, and keeping a record of the violations, warnings, court summonses, and arrests.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-100 Definitions.** The definitions in this section are applicable within the context of these regulations.

(1) Campus. Describes all property owned, leased, and/or controlled by Washington State University in Pullman which is or may hereafter be dedicated mainly to the



educational, research, housing, recreational, parking, or other activities of Washington State University.

(2) Commuter student. Any student who does not live in a residence hall (dormitory). All students living in fraternities, sororities, university housing (other than residence halls), and private housing are considered to be commuter students.

(3) Disability zone. A parking zone identified with a sign bearing the international disability symbol that is restricted at all times to use by vehicles bearing a valid WSU disability parking permit or indicator, or any state-issued disability parking permit.

~~((3))~~ (4) Dormitory. See residence hall.

~~((4))~~ (5) Gate card. A plastic card that activates the gates controlling access to certain parking areas.

~~((5) Handicap zone.~~ A parking zone identified with a sign bearing the international handicap symbol that is restricted at all times to use by vehicles bearing a valid WSU handicap parking permit or indicator.)

(6) Holiday or university holiday. A day when all university facilities are generally closed (e.g., Thanksgiving Day, Christmas Day, New Year's Day). Vacation days are not considered holidays. See definition of vacation.

(7) Housing area. Housing units or apartments, and their respective parking areas, that are owned by the university, but are not included as residence halls.

(8) Illegal use of permit. A parking violation in which a citation is issued under the following circumstances:

(a) Use of a ~~((legal))~~ permit/indicator on ~~((the wrong))~~ an unspecified vehicle.

(b) Use of a counterfeit permit/indicator.

(c) Use of a permit/indicator obtained under false pretenses.

(d) Use of a modified permit/indicator.

(e) Use and/or retention of a ~~((resident priority))~~ permit/indicator by ~~((an unauthorized))~~ person(s) ineligible, or no longer eligible, for such permit as described and authorized in this chapter.

~~((f) Use of a visitor permit by a person who is not a visitor. See definition of visitor.~~

~~((g) Use of a University of Idaho parking permit by WSU faculty, staff, or students.)~~

(9) Indicator. A decal displayed adjacent to a parking permit which more clearly defines the parking areas available to a permit holder.

(10) Loading zone. A loading dock, or an area signed "loading zone" adjacent to a facility, in a parking area, or near a residence hall. Such an area is intended for loading and unloading bulky or voluminous material. Loading zones are restricted at all times.

(11) Moped. Any two-wheeled or three-wheeled motor vehicle with an engine displacement of 50 cc or less.

(12) Motorcycle. Any two-wheeled or three-wheeled motor vehicle with an engine displacement greater than 50 cc.

(13) Motor vehicle. All motor-driven conveyances except wheelchairs.

(14) No parking zone. Any area not specifically marked and/or signed for parking. Such areas include, but are not limited to areas with adjacent curbs or rails painted yellow or red.

(15) Park/parking. This refers to the placement or standing of a vehicle, with or without a driver in attendance, and with or without the engine running.

(16) Parking permit. A vinyl, plastic, or paper instrument sanctioned by parking services that is displayed from a vehicle, and authorizes parking in specified areas.

(17) Resident student. A student living in a residence hall.

(18) Residence hall. The following living units are considered residence halls: Streit Hall, Perham Hall, Regents Hall, Scott Hall, Coman Hall, Wilmer Hall, Davis Hall, Duncan-Dunn Hall, Community Hall, Stevens Hall, McCroskey Hall, Gannon Hall, Goldsworthy Hall, McEachern Hall, Orton Hall, Rogers Hall, Stephenson Complex, Stimson Hall, Waller Hall, and Kruegel McAllister Hall.

(19) Service vehicle. A vehicle used to provide a service for the university or a tenant or contractor of the university (e.g., a university-owned vehicle or a privately-owned vehicle with a valid service permit displayed).

(20) Service zone. Parking spaces designated for the use of university vehicles, other government-owned vehicles, and vehicles displaying a service indicator or commercial permit. Authorized vehicles may park in these zones for a maximum of fifteen minutes, except for vehicles that display a commercial permit, or a service indicator issued for an extended time. Service zones are restricted at all times.

(21) Resident priority zone (i.e., gray zone). A parking area close to a residence hall. Parking in these areas is assigned to resident students by residence life personnel, and/or residence hall officers.

(22) Staff. For the purposes of these regulations, "staff" includes all faculty, classified staff, administrative and professional employees, temporary employees, and other support personnel employed by the university, and the personnel of other activities located on campus. Teaching assistants, research assistants, and other students employed by the university are not "staff." They are considered as students for the purpose of these rules.

(23) Student. Any person who has been admitted to the university, and who is either attending classes, or actively pursuing a degree or certificate.

(24) Summer session. The summer session includes all summer school sessions beginning on the first day of the earliest session, and ending on the last day of the latest session.

(25) University holiday. See holiday.

(26) Vacation. A period of time when classes or final exams are not in session. Except for holidays that fall within this period, the business offices of the university are open during this time.

(27) Vehicle. See motor vehicle.

(28) Visitors. Persons who are not staff or students and who only visit the campus on an occasional basis.

(29) Wheel lock. A device used to temporarily immobilize a vehicle (i.e., on-the-spot impoundment).

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-210 Times of enforcement.** Parking regulations are subject to enforcement at all times.

(1) Permit areas: All parking zones are limited to authorized permit holders during specific hours. These hours are posted in each parking zone either at the entrance to parking areas, or along roadways where parking is marked. Restricted spaces are enforced at all times. See subsection (4) of this section, special conditions.

(2) Restricted spaces: These spaces are restricted for their designated purpose at all times (twenty-four hours a day, seven days a week):

- (a) ~~((Handicapped))~~ Disability.
- (b) Gray zones (resident priority areas).
- (c) Load/unload.
- (d) Service.
- (e) Reserved.
- (f) Reserved (bagged) meters.
- (g) Specially signed areas.
- (h) Housing areas.

(3) Metered spaces: Parking meters are in effect during the times posted on each meter. During these times the meter must be paid the posted amount. Additional time cannot be purchased beyond the meter's posted time limit (e.g., a two-hour meter will allow a maximum of two hours to be purchased at one time).

(4) Special conditions: The parking regulations are enforced every day, a twenty-four hours a day. However, during the following periods special conditions exist, and the regulations are modified.

(a) During the following times, permits are not required in blue and gray zones:

(i) At the start of each semester from Monday of registration week through the sixth day of class.

(ii) During vacation periods and between semesters.

(iii) During finals week.

(b) During the summer session, gray zones are open to all valid WSU parking permits, except blue permits, and housing permits.

(c) During the following times, housing permits are not required in housing areas:

(i) At the start of each semester from Monday of registration week through the sixth day of class.

(ii) During finals week.

(d) During the period when the university is officially on summer business hours, all metered spaces and permit areas which are not restricted will be open parking after 4:00 p.m. This period varies from year to year, and does not include periods when individual departments change their business hours outside the university's official summer business hours.

(5) Pay parking facilities: Some areas are provided for limited parking on a cash basis. Hours of operation and a schedule of fees are posted at the facility entrance and at the point of payment. Parking violations are issued to vehicles that are parked over the duration of time that was paid.

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

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-250 Motorcycles, mopeds, and bicycles.** (1) The general traffic regulations applicable to motor vehicles apply equally to motorcycles, mopeds, and bicycles. Motorcycles or mopeds may not be driven on sidewalks or in the mall area. Bicycles may be used on sidewalks, though pedestrians always have the right of way. Owners of motorcycles and mopeds are responsible for all violations including violations issued even if said vehicle is moved by someone else after being legally parked.

(2) The university classifies mopeds and motorcycles by engine displacement (also referred to as engine size). This definition applies only to parking at the university and does not replace or supersede the definitions established by the state of Washington for licensing or traffic purposes.

(3) Mopeds: Mopeds may park only in the following locations with a valid moped permit:

(a) A designated moped parking area marked by signs and/or the letters "MP" on the parking surface.

(b) A bicycle rack unless the rack is signed to exclude mopeds.

Mopeds may not park in marked motorcycle areas at any time.

(4) Motorcycles: Motorcycles may park only in spaces which are marked by signs, or the letter "M" painted on the parking surface. Motorcycles must display a valid WSU motorcycle permit during posted times. During all other times, these spaces are restricted to use by motorcycles only.

Motorcycles may not park in designated moped areas at any time.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-350 Use of areas for emergency, maintenance, or special needs.** The university reserves the right to close any campus parking area at any time it is deemed necessary for maintenance, safety, or to meet special needs. Parking services will provide notice to users when possible.

Public safety and maintenance personnel performing official duties may deviate from these regulations as required to conduct emergency procedures ~~((and/or maintenance activities prescribed by the university))~~.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-450 Replacement permits, indicators, and gate cards.** (1) Sold or traded vehicles. Failure to advise parking services of a sale or trade for registration purposes may result in continued responsibility to the permit holder for citations received on that permit.

The permit holder has responsibility for removing parking permits prior to selling or trading a vehicle. The identifiable remnants of the original permit must be presented to parking services to receive a free replacement. Persons failing to comply with this requirement shall pay the cost of a new permit.

(2) Lost/stolen permits. Permit holders are responsible for the security of their permits. The theft or loss of a

parking permit should be reported to parking services immediately upon discovery. A stolen permit will be replaced once at no cost, but only if a theft report of the permit has been filed in the appropriate police jurisdiction and verified by parking services. The second time the permit is reported stolen, the replacement fee will be ten dollars; the third time, twenty dollars; and thereafter, the original cost of the stolen permit. A lost permit will be replaced once for ten dollars; the second time, twenty dollars; and thereafter at the original cost of the permit. Lost, or stolen permits must be returned to the parking services office immediately if recovered.

(3) Windshield replacements. When a permit-bearing windshield is replaced, the permit replacement fee will be waived if proof of replacement is presented.

(4) Gate card replacement. A lost, stolen, or damaged gate card will be replaced for five dollars.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-460 False information.** No person shall obtain, attempt to obtain, or use in a manner contrary to these regulations, a modified(~~(, stolen, lost,)~~) or counterfeit parking permit or a permit issued upon false information. A violation of this section includes giving a false name, address, Social Security number, and/or other information known to be false. It also includes the mere use of a visitor, conference, and commercial permit by staff or students. Violation of this provision shall constitute the illegal use of a parking permit, and will be subject to citation and fine.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-470 Recall of permits and gate cards.** Parking permits are the property of the university and may be recalled by the parking manager when:

(1) The purpose for which the permit or gate card was issued changes or no longer exists (e.g., a person who no longer lives in a residence hall would be required to hand over their gray permit for refund or credit toward an appropriate permit);

(2) A permit or gate card is used on an unauthorized vehicle or by an unauthorized person;

(3) A parking permit application is falsified;

(4) A counterfeit, modified, lost/stolen permit or gate card is used; or

(5) The parking fee is unpaid.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-540 Zone permits—Availability and use.** The management and assignment of parking zones is designed to provide a reliable parking space to permit holders. However, uncontrolled access to parking areas and unexpected parking demand make it impossible to guarantee a parking space in a permit holder's assigned zone. Every effort will be made via surveys and limits on permit sales, to ensure that permit holders are not displaced from their assigned zones. The only exception to this will be that the sale of blue permits will not be limited.

Staff and students are generally assigned to specific parking areas, called zones. Parking zones are color-coded with respect to their price and numbered with respect to the specific parking area assignment of each permit holder. Permit holders may park in their assigned zone as reflected by the combination of color and number on their permit and corresponding sign, or they may park in other zones as described below.

(1) Orange permits: Orange permit holders may park in their numerically assigned orange zone, or in any green, yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(2) Green permits: Green permit holders may park in their numerically assigned green zone, or in any yellow, red, or blue zone. These permits may be available on a temporary basis during the summer session.

(3) Yellow permits: Yellow permit holders may park in their numerically assigned yellow zone, or in any red or blue zone. These permits may be available on a temporary basis.

(4) Red permits: Red permit holders may park in (~~any~~) their numerically assigned red zone or in any blue zone(s). These permits may be available on a temporary basis.

(5) Gray permits (resident priority parking): Gray permit holders may park in their numerically assigned gray zone, or in any blue zone. These permits may be available on a temporary basis. Gray permit holders must turn in their gray permit for refund or credit toward another permit, if applicable, immediately upon moving out of a residence hall.

(6) Blue permits (peripheral parking): Blue permit holders may park in any blue zone. These permits are available on a temporary basis.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-560 Other permits—Availability and use.** (1) Visitor permits: Visitor permits are available on an annual or daily basis to visitors of the university. Visitor permits may be used only by bona fide visitors as defined by this chapter. Use by any other person constitutes illegal use of a parking permit. Annual visitor permits are valid in green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily visitor permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual visitor permit. Visitor permits are not valid in (~~orange zones~~) pay lots, meters, or restricted spaces.

(2) Golden cougar permits: Golden cougar permits are special visitor permits that are issued to retired faculty and staff free of charge. They are issued on an annual basis and are valid in green, yellow, red, blue zones, and visitor-only parking spaces. Faculty and staff who remain regularly employed by the university after formal retirement are not eligible to use a golden cougar permit in lieu of a regular paid permit.

(3) President's associates decals: President's associate decals are issued to eligible members of WSU foundation. They are valid in green, yellow, red, blue zones, and visitor-only parking spaces. However, WSU faculty, staff, and

students may not use a president's associates decal in lieu of a paid zone permit.

(4) Conference permits: Conference permits are available to visitors who participate in conferences held on the university campus. They are available on a daily basis only. Conference permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in green, yellow, red, blue zones, and visitor-only parking spaces. Conference permits are not valid in orange zones, meters, or restricted spaces.

(5) Motorcycle permits: Motorcycle permits are valid within boundaries of areas specifically posted and/or marked for motorcycle permits. Motorcycle permits are available on an annual and daily basis.

(6) Moped permits: Moped permits are valid within boundaries of areas specifically posted and/or marked for moped permits. Moped permits are available on an annual and daily basis.

(7) Commercial permits: Commercial permits are issued to vendors, suppliers, and service representatives of outside companies performing a service for the university. Commercial permits are available on an annual or daily basis. Annual commercial permits are valid in service zones, and green, yellow, red and blue zones, and parking spaces signed for visitors only. Daily commercial permits may be assigned to specific zones on a space-available basis. If a parking zone is not specified on the permit, it is valid in the same parking areas as an annual commercial permit. Commercial permits are not valid in orange zones, ~~((meters))~~ pay lots, or other restricted spaces.

(8) Construction permits: A construction permit is issued to personnel who are working on a construction ~~((or remodel))~~ site on campus. Construction permits are available on ~~((a temporary))~~ an annual or daily basis ~~((only;))~~ and are assigned to a specific parking area.

(9) Housing permits: A housing permit is issued to eligible residents of university apartments. Housing permits are valid only in specific housing parking areas.

(10) Carpool: Upon completion of application, bona fide carpools with four or more participants will be given preference in the assignment of parking zones, and will be issued a permit instrument that will facilitate the carpool. This includes access to no more than two zones of the same fee level. If the carpool requires access to zones of various fee rates, the highest fee rate will be charged for use of the carpool permit. Obtaining or using a carpool permit under false pretenses constitutes the illegal use of a permit.

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

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-580 Special indicator decals/hangers.** Special indicator decals or hangers may be issued to staff and student permit holders who have otherwise valid parking permits in the following cases:

(1) Service indicator decals/hangers which are valid for a maximum of fifteen minutes in a marked service zone. A separate mall service indicator allows a maximum of fifteen-minute parking in the pedestrian mall. These are available

to staff or students who must use a private vehicle for university business. They are issued on an annual or daily basis after the approval of the parking manager or his/her designee.

~~(2) ((Resident priority indicator decals/hangers which are valid for a specific parking area within the gray parking zones. These are issued to eligible resident students who have been assigned to priority parking.~~

~~(3))~~ Night parking indicator decals/hangers which are valid in parking zones up to thirty minutes after the permit times begin, and thirty minutes before the permit times end. For example, if permits are required in a parking zone from 7:00 a.m. to 5:00 p.m., the night parking indicator is valid in that zone from 4:30 p.m. until 7:30 a.m. Night parking indicators are not valid at any time in gray zones, meter spaces, restricted spaces, or parking zones that require a parking permit at all times.

~~((4))~~ (3) Reserved parking indicator decals/hangers which are valid in parking spaces that are signed for the corresponding permit and indicator.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-600 ((Handicapped)) Disability permits.** The university and parking services strongly supports the provision of ~~((designated handicapped))~~ disability parking spaces at a reasonable proximity to campus buildings for people of disability.

There are two types of ~~((handicapped))~~ disability permits:

(1) Permanent physical disability. An annual ~~((handicapped))~~ disability permit is available to permanently disabled university employees and students at the established fee. Holders of annual permits may park in orange, green, yellow, red, gray and blue zones, and meter spaces ~~((and for unlimited periods of time in parking zones with time limitations))~~. They may not park in ~~((gray zones;))~~ service zones ~~((;))~~ or reserved spaces. The fee for an annual ~~((handicapped))~~ disability permit is equal to the blue zone fee. Payment of regular posted fees is required in pay lots.

(2) Temporary physical disability. Temporary ~~((handicapped))~~ disability permits will be issued to temporarily disabled staff and students for a maximum of six weeks, although they may be renewed. ~~((Holders may park in assigned areas as determined by parking services.))~~

Employees and students must obtain a temporary disability form from parking services. These disabled parking privileges will be granted only after submission of the form that shows the applicant meets established physical limitations. The form must be completed by a health care provider. Parking services will not accept substitute forms or letters.

**AMENDATORY SECTION** (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-650 Permit fees.** (1) Schedules for parking fees, parking administrative fees, meter rates, prorate and refund schedules, and the effective date thereof will be submitted to the president or his/her designee and to the board of regents for approval by motion and will thereafter

PROPOSED

be proofed in the public area of the parking services office, and filed with the university rules coordinator.

(2) (~~Handicap~~) Disability permits will be issued free of charge to those who have their vehicle identified with a state disability license plate or other indicator in accordance with RCW 46.16.380.

(3) Payments: Fees may be paid at parking services by cash, check, or money order. A payroll deduction plan is available for permanent university employees and eligible graduate students during the fall semester only.

(4) The annual fee for any shorter period relative to all permits shall be prorated.

(5) The proper fee must be paid for all vehicles parked in metered areas unless otherwise authorized.

(6) Staff members whose work schedules qualify them for night time differential pay may purchase a permit for one-half the regular fee. Verification will be required.

(7) Refunds: Annual permits being relinquished may be returned to parking services for a prorata refund. Identifiable remnants of the permit must be returned. Provision of the permit holder's copy of the permit receipt will facilitate the refund process. A minimum ten-dollar service charge will be retained by parking services. Further, the balance of any fees and fines owed parking services will be deducted from any refund due. No refunds will be granted after 5:00 p.m. Friday of the third week of the spring semester. Refunds for temporary permits will not be granted.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-750 WSU/UI reciprocal agreement.** (1)

Purpose: Washington State University and the University of Idaho have developed a cooperative parking agreement for the purpose of enhancing the accessibility to either campus for faculty, staff, and students participating in cooperative programs. Selected parking permits from each university have been deemed valid in specific parking areas.

(2) University of Idaho permit holders at WSU: The following applies to University of Idaho permit holders who wish to park at Washington State University:

(a) UI gold and retiree permits are valid in WSU green, yellow, red, and blue zones.

(b) UI red permits are valid in WSU yellow, red, and blue zones.

(c) UI blue and silver permits are valid in WSU blue zones.

(d) UI green permits (housing, visitor permits, or (~~commercial~~) vendor permits) are not valid at Washington State University.

(e) UI parking permits are not valid in WSU orange zones, gray zones, or housing areas.

(f) Annual or temporary permits may be available for other parking areas on a space-available basis, and for an additional fee.

(3) WSU faculty, staff, and students assigned to, enrolled at, or who pay fees to Washington State University or employees of other activities or agencies located on the Pullman campus must display a WSU parking permit when parking at WSU. Any attempt by the above personnel to use a UI parking permit in lieu of a WSU permit may result in a (~~fifty dollar~~) fine for illegal use of a parking permit.

(4) WSU permit holders at UI: The following applies to Washington State University permit holders who wish to park at the University of Idaho. It is provided for information only, and is subject to change by the UI. WSU permit holders are subject to all UI parking and traffic regulations.

(a) WSU orange, green, and golden cougar permits are valid in UI gold, red, and blue areas.

(b) WSU yellow, red, blue, and gray permits are valid in UI red and blue areas.

(c) WSU housing permits and visitor permits are not valid at the University of Idaho.

AMENDATORY SECTION (Amending 90-1, filed 5/16/90)

**WAC 504-15-810 Violations, fines, and sanctions.**

(1) Violations and fines: Parking violations will be processed by the University. Fines must be paid at parking services in the public safety building, or other authorized locations, at the following rates:

(a) <u>Overtime/nonpayment at meter</u> ( <del>(violation)</del> )	<del>(\$ 5.00)</del>
	\$ 10.00
(b) Overtime in time zone	<del>(\$ 5.00)</del>
	\$ 10.00
(c) No parking permit	<del>(\$ 15.00)</del>
	\$ 25.00
(d) No parking permit for this area	<del>(\$ 10.00)</del>
	\$ 12.00
(e) No parking zone	<del>(\$ 10.00)</del>
	\$ 12.00
(f) Improper display of permit/indicator	<del>(\$ 3.00)</del>
	\$ 5.00
(g) Blocking traffic	<del>(\$ 15.00)</del>
	\$ 25.00
(h) ( <del>Handicap</del> ) <u>Unauthorized parking in a disability</u> ( <del>(+zone)</del> ) <u>space</u>	<del>(\$ 25.00)</del>
	\$ 50.00
(i) <u>Parking in fire zone</u>	<del>(\$ 25.00)</del>
	\$ 50.00
(j) <u>Unauthorized parking in reserved area</u>	<del>(\$ 25.00)</del>
	\$ 40.00
(k) Illegal use of permit	<del>(\$ 50.00)</del>
	\$ 65.00
(l) Display of lost or stolen permit	<del>(\$ 100.00)</del>
	\$ 200.00
(m) Wheel lock fee	<del>(\$ 25.00)</del>
	\$ 50.00
(n) <u>Unauthorized/overtime parking in service space</u>	\$ 25.00
(o) <u>Unauthorized/overtime parking on the pedestrian mall</u>	\$ 50.00
(p) <u>Overtime/non-payment in a pay lot</u>	\$ 10.00
(q) All other parking violations	<del>(\$ 10.00)</del>
	\$ 20.00

(2) Reduction of fines: Fines for violations in subsection (1)(a) and (b) of this section paid within twenty-four hours will be reduced by one-half. Eligible violations received on Friday or Saturday can be paid on the following Monday to satisfy the twenty-four hour requirement. Mailed fines must be postmarked within twenty-four hours to receive the one-half reduction. If a permit holder of record neglects to display his/her permit and receives a notice of

violation for No parking permit, (subsection (1)(c) of this section), that fine will be reduced to ~~((three))~~ five dollars when possession of a valid parking permit for the location is verified by the parking services within twenty-four hours.

(3) Visitors: The first violation of the notices listed in subsection (1)(c) of this section, No parking permit, and subsection (1)(d) of this section, No parking permit for this area, issued to visitors are considered warning notices upon presentation to the parking services office.

(4) Inoperable vehicles: It is the owner's responsibility to immediately contact parking services in the event that their vehicle becomes inoperable.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-830 Other violations and sanctions.**

(1) Late payment of fines: Forty-five days after issuance of a notice of violation a ~~((five))~~ ten-dollar charge shall be added to all unpaid parking violations. If a student or staff member fails to pay the fine assessed for any violation, the fine will be referred to the WSU controller's office for collection. The controller may, if other collection efforts fail, deduct outstanding fines from the salary warrants of employees or withhold the amount of the outstanding fines from damage deposits or other funds held for any student in order to secure payment. Where collection efforts are unsuccessful, the controller may notify the registrar to refrain from issuing student transcripts or to withhold permission to reenroll for a subsequent term until outstanding fines are paid. The procedures discussed above are not exclusive, however, and failure by anyone to pay fines may lead to towing or use of the wheel lock device described in these regulations. Nor are the procedures discussed above a precondition to towing or use of the wheel lock.

(2) Impound by wheel lock or towing:

(a) Any vehicle with an accumulation of three or more unpaid parking violations, or any vehicle displaying a lost or stolen permit may be temporarily immobilized by use of a wheel lock device placed on a wheel. A ~~((thirty-five))~~ fifty dollar fee will be assessed on vehicles which are immobilized with a wheel lock.

(b) Any vehicle may be towed away at owner's/operator's expense if the vehicle:

(i) Has been immobilized by wheel lock more than twenty-four hours; or

(ii) Is illegally parked in a marked tow-away zone; or

(iii) Is a hazard or obstruction to vehicular or pedestrian traffic (including, but not limited to, vehicles parked at curbs or rails painted yellow or red or in crosswalks); or

(iv) Cannot be impounded with a wheel lock device.

(v) Illegally parked in a disability space.

(c) The driver and/or owner of a towed vehicle shall pay towing and storage expenses.

(d) Any vehicle immobilized by use of the wheel lock device in excess of twenty-four hours ~~((in a location where towing away is impossible or impractical))~~ will be assessed a storage fee of ~~((five))~~ ten dollars for each calendar day or portion thereof, beyond the first twenty-four hours.

(e) The university assumes no responsibility in the event of damages resulting from towing, use of wheel lock

devices, storage, or attempts to move a vehicle with a wheel lock device installed.

(f) No vehicle impounded by towing or wheel lock devices, shall be released until the following fines are paid in cash:

(i) All unpaid parking violation penalties against said vehicle and any other vehicle registered to the violator;

(ii) A ~~((thirty-five))~~ fifty dollar wheel lock fee;

(iii) All towing and storage fees.

(g) Any vehicle impounded pursuant to these regulations in excess of thirty calendar days shall be considered an abandoned vehicle and shall be disposed of in accordance with chapter 46.55 RCW.

(h) A person wishing to challenge the validity of any fines or fees imposed under this subsection may appeal such fines or fees as elsewhere provided in these regulations. However, in order to secure release of the vehicle, such person must pay the amount of such fines or fees as a bond which will be refunded to the extent the appeal is successful.

(i) An accumulation of six unpaid violations during any twelve-month period, exclusive of meter violations, and overtime in time zone violations, will subject the violator to revocation or denial of parking privileges. Vehicles without permits which accumulate the above number of violations may be prohibited from parking on university property.

(3) Failure to pay fines: Failure to pay a fine or comply with other penalties assessed pursuant to these regulations, after exhausting or failing to exercise appeals provided for in these regulations, constitutes a violation of RCW 28B.10.560. A citation or complaint for such violation may be issued and filed with the district court. Upon request of the university, the department of licensing may withhold vehicle registration pending the payment of outstanding parking fines.

AMENDATORY SECTION (Amending Order 90-1, filed 5/16/90)

**WAC 504-15-860 Appeals procedure.** (1) Purpose: The parking appeals committee serves two primary functions:

(a) To assure an impartial evaluation of the circumstances relating to a particular parking violation; and

(b) To aid in the appraisal of parking and traffic problems.

(2) Procedure: Any person who has received notice of a parking violation may appeal the alleged violation. The appellant may request more information from parking services. The appeal must be in writing and received at parking services in the safety building within ten calendar days after receipt of notice of the violation. Forms for this purpose are available from parking services. The parking appeals committee will make an initial decision on the appeal within twenty calendar days during the academic year and forty-five calendar days during the summer months after receipt of the appeal. The committee will serve a brief statement of the reasons for its decision on appellant within ten days of the decision.

(3) Review of initial decision: If the appellant is dissatisfied with the initial decision, he/she may request a hearing before a hearing officer or appeals committee. Such request must be made within ten calendar days of service of

the notice of the initial decision. If no such request is received, the initial decision shall be final. During the review hearing the appellant and representatives of parking services may present and cross-examine witnesses. The hearing officer or appeals committee shall render a decision in writing and serve appellant with the decision within five calendar days after the review hearing.

(4) Appeal to district court: RCW 28B.10.560 provides that a person who is not satisfied with the final decision of the university may appeal to district court. The application for appeal to district court shall be in writing and must be filed at the parking services office in the safety building within ten calendar days after service of written notice of the final decision. Parking services will forward the documents relating to the appeal to the district court.

#### NEW SECTION

**WAC 504-15-930 Bicycles, skateboards, and rollerskates.** (1) The riding and use of bicycles, skateboards, and rollerskates is prohibited from the Terrell Mall, and all building plazas, interior building spaces, parking structures, and parking structure ramps.

(2) Bicycles, skateboards, and rollerskates may be ridden and used on sidewalks when a bike path is not provided. Operators must move at a safe speed and yield to pedestrians at all times.

(3) Bicycles, skateboards, and rollerskates may not be ridden on or over stairways, steps, ledges, benches, planting areas, or any other fixtures.

(4) Bicyclists must obey all traffic rules of the road when operating a bicycle in roadways.

(5) Bicycles may be secured only at bicycle racks and facilities designed for such purpose.

#### **WSR 95-06-062 PROPOSED RULES**

#### **WASHINGTON STATE UNIVERSITY**

[Filed February 28, 1995, 11:03 a.m.]

Original Notice.

Title of Rule: Social policies and procedures.

Purpose: To regulate living groups.

Other Identifying Information: WAC 504-24-020.

Statutory Authority for Adoption: RCW 28B.30.095, 28B.30.125, 28B.30.150.

Summary: The university wishes to repeal the rules governing visitation.

Reasons Supporting Proposal: The university has determined that visitation of guests is an area most appropriately handled by internal policy and residential hall contracts.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gus Kravas, French Administration Building, Room 332, Pullman, Washington 99164-1032, (509) 335-4531.

Name of Proponent: Washington State University, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: WSU recommends repealing the rule.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The university wishes to repeal the rule regarding visitation because placement of this policy in the administrative code is inappropriate. The university will be much better equipped to implement appropriate visitation guidelines through internal policies and housing contracts. The university anticipates that by repealing this housing WAC it can develop internal policies for various living situations. The needs of various living groups vary, sometimes from year-to-year, and this rule change will allow determination of the most appropriate visitation guidelines.

Proposal Changes the Following Existing Rules: The proposal repeals a WAC.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule change will have no impact on small business.

Hearing Location: Room 3050, Information Technology Building, Washington State University, Pullman, Washington 99164, on April 4, 1995, at 2 p.m.

Assistance for Persons with Disabilities: Contact Marshall Mitchell by March 31, 1995, (509) 335-1726.

Submit Written Comments to: Gus Kravas, FAX (509) 335-1208, by March 31, 1995.

Date of Intended Adoption: May 12, 1995.

February 27, 1995

Lou Ann Pasquan

Rules Coordinator

#### REPEALER

The following section of the Washington Administrative code is repealed:

WAC 504-24-020 Social policies and procedures.

#### **WSR 95-06-064**

#### **PROPOSED RULES**

#### **STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

[Filed February 28, 1995, 11:20 a.m.]

Original Notice.

Title of Rule: Repealer WAC 131-16-005 Mandatory retirement age defined.

Purpose: Bring into conformance with federal law.

Statutory Authority for Adoption: RCW 28B.10.400.

Statute Being Implemented: RCW 28B.10.400.

Summary: Repeal WAC 131-16-005 to bring into compliance with the federal Age Discriminatory and Employment Act which states that it is illegal to have mandatory retirement due to age.

Reasons Supporting Proposal: Bring into compliance with federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: L. Lael, State Board for Community and Technical Colleges, 319 7th Avenue, Olympia, WA, 753-3661.

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

Rule is necessary because of federal law, 29 United States Code, Section 630(d).

Explanation of Rule, its Purpose, and Anticipated Effects: Repeal WAC 131-16-005 to bring into compliance with federal law making it illegal to mandate retirement due to age.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Minimal or no small business economic impact. This federal law has been in effect for quite some time.

Hearing Location: South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA, on April 19, 1995, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger, State Board for Community and Technical Colleges by April 15, 1995, TDD (360) 753-3680, or (360) 753-7413.

Submit Written Comments to: Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504, FAX (360) 586-6440, by April 15, 1995.

Date of Intended Adoption: April 19, 1995.

February 28, 1995

Claire C. Krueger

Executive Assistant

Administrative Rules Coordinator

#### WSR 95-06-065

#### PROPOSED RULES

#### WASHINGTON STATE PATROL

[Filed February 28, 1995, 1:49 p.m.]

Original Notice.

Title of Rule: WAC 204-41-030 Seat belting of prisoners.

Purpose: Exemption for law enforcement officers. They can choose whether to seat belt a prisoner riding in their vehicle.

Statutory Authority for Adoption: RCW 46.61.688.

Statute Being Implemented: RCW 46.61.688.

Summary: Change will remove the exemption that law enforcement currently has as to belting in a subject riding in the patrol vehicle.

Reasons Supporting Proposal: Bring the rule in line with current statute requiring all persons to use seat belts if the vehicle is equipped with them. Increase safety of passengers.

Name of Agency Personnel Responsible for Drafting: Captain Tim Erickson, General Administration Building, 210 11th Avenue S.W., Olympia, (360) 753-5262; Implementation and Enforcement: Deputy Chief John Batiste, General Administration Building, 210 11th Avenue S.W., Olympia, (360) 586-2340.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Current rule gives law enforcement officers the option whether to belt a subject riding in their vehicles. This

change will remove that option and require law enforcement personnel to follow the statute for using seat belts if the vehicle is equipped with a seat belt system. This change will bring the current rule into line with existing statutes. Seat belting subjects will increase safety.

Proposal Changes the Following Existing Rules: Change would remove exemption for law enforcement as to belting subjects riding in law enforcement vehicles.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Only those vehicles already equipped with a seat belt system will now be required to use them. No special requirements to equip vehicles with seat belts.

Hearing Location: General Administration Building Auditorium, 210 11th Avenue S.W., Olympia, WA 98504, on April 10, 1995, at 10 a.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Bart by April 5, 1995, (360) 753-4453.

Submit Written Comments to: Captain Tim Erickson, FAX (360) 664-0663, by April 5, 1995.

Date of Intended Adoption: April 14, 1995.

February 22, 1995

R. W. Bruett

Chief

AMENDATORY SECTION (Amending Order 86-1, filed 9/25/86)

**WAC 204-41-030 Seat belting of prisoners.** If the patrol vehicle is equipped with a seat belt system, it is intended that all prisoners being transported in a passenger style patrol vehicle wear a seat belt. ((However, if the prisoner is combative or for any other reason, the officer in charge of the prisoner has the option to not place the prisoner in a seat belt system.))

Prisoners that are transported in the front seat of a patrol vehicle should be placed in a seat belt assembly.

#### WSR 95-06-072

#### PROPOSED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 1, 1995, 9:17 a.m.]

Original Notice.

Title of Rule: WAC 388-511-1105 SSI-related eligibility requirements, 388-511-1130 SSI-related income availability, 388-511-1140 SSI-related income exemptions, and 388-511-1160 SSI-related resource exemptions.

Purpose: This amendment now complies with federal regulations. WAC 388-511-1105 corrects definition of "disabled" and adds a cross reference; WAC 388-511-1140 is exempt as income, WUV payments, individual interest in tribal lands, and essential expense to receive unearned income; WAC 388-511-1160 exempts as a resource interest on Japanese relocation payment, WUV payments; and WAC 388-511-1130 changes treatment of garnishment of unearned income.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.



Summary: See Purpose above.

Reasons Supporting Proposal: This amendment is to comply with federal regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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

Rule is necessary because of federal law, Public Law 100-383, AFDC Transmittal Memo, POMS 830.100, 830.115, 830.725, and 1130.605.

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

Proposed Changes the Following Existing Rules: See above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This amendment concerns eligibility. It neither impacts small businesses economically nor regulates small business.

Hearing Location: OB-2 Auditorium, 14th and Jefferson, Olympia, Washington, on April 4, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Office of Vendor Services by March 23, 1995, TDD (206) 753-4542, or SCAN 234-4542.

Submit Written Comments to: Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, 14th Avenue and Jefferson Street, Olympia, Washington 98504, please identify WAC numbers, FAX (206) 586-8487, by March 30, 1995.

Date of Intended Adoption: April 5, 1995.

March 1, 1995  
Dewey Brock, Chief  
Office of Vendor Services

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

**WAC 388-511-1105 SSI-related eligibility requirements.** (1) For the purposes of SSI-related medical assistance, the client shall be:

- (a) Sixty-five years of age or over; or
- (b) Blind with:

(i) Central visual acuity of 20.200 degrees or less in the better eye with the use of a correcting lens; or

(ii) A limitation in the fields of vision so the widest diameter of the visual field subtends an angle no greater than twenty degrees; or

- (c) Disabled.

(i) Decisions on SSI-related disability are the responsibility of the medical assistance administration (MAA) and shall be subject to the authority of:

(A) Federal statutes and regulations codified at 42 U.S.C. Sec 1382c and 20 C.F.R. Parts 404 and 416, as amended; or

(B) Controlling federal court decisions which define the OASDI and SSI disability standard and determination process.

(ii) For MAA's purposes, "disabled" means unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which:

- (A) Can be expected to result in death; or

(B) Has lasted or can be expected to last for a continuous period of not less than twelve months.

(iii) In the case of a child seventeen years of age or younger, if the child suffers from any medically determinable physical or mental impairment of comparable severity.

(2) When a person has applied for Title II or Title XVI benefits and the SSA has denied the person's application solely because of a failure to meet Title II and Title XVI blindness or disability criteria, the SSA denial shall be binding on the department, unless the applicant's:

(a) SSA denial is under appeals in the reconsideration stage, the SSA's administrative hearing process, or the SSA's appeals council; or

(b) Medical condition has changed since the SSA denial was issued.

(3) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse shall not be eligible for Medicaid as categorically needy. Such ineligible spouse may be eligible for medically needy.

(4) The client shall be resource eligible under WAC 388-511-1110 on the first day of the month to be eligible for any day or days of that month. The department shall make a resource determination of the first moment of the first day of the month. The department shall determine changes in the amount of a client's countable resources during a month do not affect eligibility or ineligibility for that month. Refer to WAC 388-513-1395 for an institutionalized client.

(5) The department shall consider a client under 1619(b) of the Social Security Act as eligible for SSI.

(6) The department shall provide a resident of Washington requiring medical assistance outside the United States care according to WAC 388-501-0180.

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

**WAC 388-511-1130 SSI-related income availability.** The department shall:

(1) Consider client checks received in advance of the month the checks are normally received as income in the month of normal receipt;

(2) Consider electronically transferred client funds available as income in the month of normal receipt, regardless of whether the banking institution posted the funds to the client's bank account before or after the month the funds are payable;

(3) Include as ~~((earned))~~ income the earned and unearned income amounts withheld due to garnishment ~~((--See WAC 388-511-1140(4) for garnishment of unearned income))~~ under a court, administrative, or agency order; and

(4) As a condition of eligibility, require a client to take all necessary steps to obtain any annuities, pensions, retirement, and disability benefits to which the client is entitled, unless the client can show good cause for not doing so. Annuities, pensions, retirement, and disability benefits include, but are not limited to, veteran's compensation and pensions, OASDI benefits, railroad retirement benefits, and unemployment compensation.

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

**WAC 388-511-1140 SSI-related income exemptions.**

(1) The department shall exempt:

- (a) Any public agency's refund of taxes paid on real property or on food;
- (b) State public assistance and supplemental security income (SSI) based on financial need;
- (c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expense at an educational institution;
- (d) Income that a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;
- (e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit child placement or child care agency;
- (f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;
- (g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;
- (h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;
- (i) Tax rebates or special payments exempted under other statutes;
- (j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;
- (k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse does not have income, an amount to meet the needs of an ineligible minor child living in the household of SSI-related parent. See WAC 388-506-0630 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;
- (l) Veteran's benefits designated for the veteran's:
- (i) Dependent; or
- (ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-513-1345;
- (m) Title II Social Security Administration benefits. The department shall:
- (i) Determine current client eligibility for categorically needy medical assistance under WAC 388-503-0310(4), including all Title II cost-of-living adjustment (COLA) benefit increases received by the:
- (A) Client since termination from SSI/SSP; or
- (B) Client's spouse and/or other financially responsible family member living in the same household during the time period under (m)(i) of this subsection ~~((+ and))~~;
- (ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in

computing the client's participation in the cost of the institutionalized client's care ~~((:))~~;

(n) A fee a guardian charges as reimbursement for providing services, when such guardianship services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment and any interest earned from such payment to a ~~((civilian))~~ person of Japanese or Aleut ancestry under P.L. 100-383 ~~((and any interest earned from such payment))~~;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(aa) Payments from the Dutch government, under the Netherlands' Act on Benefits for Victims of Persecution (WUV). The department shall consider interest earned on such payments as countable income; and

(bb) Up to two thousand dollars per year derived from an individual interest in Indian trust or restricted land.

(2) Unless income is contributed to the client, the department shall exempt all earned income of an ineligible or nonapplying person twenty years of age and under who is a student regularly attending a school, college, university, or pursuing a vocational or technical training designed to prepare the student for gainful employment.

(3) For the SSI-related client, the department shall exempt the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

(4) The department shall exempt as income the unearned income amounts ~~((withheld due to garnishment under a court, administrative, or agency order))~~ which represent an essential expense incurred in receiving the unearned income.

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

**WAC 388-511-1160 SSI-related resource exemptions.**

(1) The department shall exempt the following resources in determining eligibility for medical care programs:

(a) Home;

(i) "Home" means any shelter:

(A) In which a client has ownership interest; and

(B) The client uses as the principal place of residence.

The department shall only consider one home as the client's principal place of residence.

(ii) The client's absence from the home shall not affect the home exemption. The client's home shall remain the principal place of residence as long as:

(A) The client intends to return home. The department shall accept the client's statement of intent without challenge; or

(B) A client's spouse or dependent relative uses the home during the client's absence. The department shall:

(I) Consider a person a dependent relative when such a person is either financially or medically dependent on the client; and

(II) Accept the client's or dependent relative's written statement of dependency or relationship unless the department has reason to question such statement.

(iii) The department shall exempt the proceeds from the sale of the home providing the client uses the proceeds to purchase another home within three months of the receipt of the proceeds. Proceeds include real estate contracts, or any similar home financing arrangements, and the income produced.

(iv) The department shall evaluate transfers of the home by an institutional client or client's spouse under WAC 388-513-1365;

(b) Household goods and personal effects;

(c) Vehicle; the department shall:

(i) Exempt one vehicle regardless of its value if, for the client or a member of the client's household, the vehicle is:

(A) Necessary for employment; or

(B) Necessary for the treatment of a specific or regular medical problem; or

(C) Modified for operation by, or transportation of, a handicapped person; or

(D) Necessary due to climate, terrain, distance, or similar factors to provide the client transportation to perform essential daily activities((?)).

(ii) Exempt one of the client's vehicles to the extent its current market value does not exceed four thousand five hundred dollars;

(iii) Count any excess against the resource limit;

(iv) Exempt a vehicle under this subsection only if a vehicle is not exempt under (c)(i) of this subsection;

(v) Treat the client's ownership of other vehicles as nonexempt resources and count the equity value toward the resource limit((?)).

(d) Property essential to self-support. The department shall exempt:

(i) Property regardless of value, when the client uses the property:

(A) In a trade or business;

(B) As an employee for work; or

(C) As authorized by the government for income-producing activity((?)).

(ii) Nonbusiness property up to six thousand dollars equity, when the client uses the property for producing goods or services essential to daily activities, solely for the client's household;

(iii) Nonbusiness property up to six thousand dollars equity, when the client uses the property to produce an annual income return of six percent or more of the exempt equity or is expected to produce at least a six percent return within a twenty-month period as long as the client:

(A) Currently uses the property in the activities described in subsection (1)(d) of this ~~((subsection))~~ section; or

(B) Is expected to resume using the property in the activities described in subsection (1)(d) of this ~~((subsection))~~ section within twelve months;

(e) Resources necessary to fulfill an approved plan for a blind or disabled client to achieve self-support as long as such plan remains in effect;

(f) Alaska Native Claims Settlement Act;

(i) Shares of stock held in a regional or village corporation;

(ii) Cash received from a native corporation, including cash dividends on stock received from a native corporation to the extent the cash does not exceed two thousand dollars per person per year;

(iii) Stock issued or distributed by a native corporation as a dividend or distribution on the stock;

(iv) A partnership interest;

(v) Land or an interest in land, including land or an interest in land received from a native corporation, as a dividend or distribution on stock;

(vi) An interest in a settlement trust((?)).

(g) Life insurance:

(i) The department shall exempt the total cash surrender value when the total face value of all policies held by each person is one thousand five hundred dollars or less((?)).

(ii) The cash surrender value applies to the resource limit under WAC 388-511-1110 if the face value of all policies held by each person is over one thousand five hundred dollars((-)); and

(iii) When determining total face value in subsection (1)(g)(i) of this ~~((subsection))~~ section, the department shall not include term or burial insurance with no cash surrender value((?)).

(h) Restricted allotted land owned by an enrolled tribal member and spouse, if married, if such land cannot be sold, transferred, or otherwise disposed of without the permission of other persons, the tribe, or an agency of the federal government;

(i) Insurance settlements the client receives from an insurance company for purposes of repairing or replacing a resource providing the client uses the total amount of the cash to repair or replace the exempt resource within nine months. The department may extend the nine-month period based on circumstances beyond the control of the client to a maximum of nine additional months. The department shall consider any cash not used within the time period as an available resource;

(j) Burial spaces for the client, the client's spouse, or any member of the client's immediate family.

(i) ~~The department shall consider burial spaces ((shall))~~ includes conventional grave sites, crypts, mausoleums, urns, and other repositories customarily and traditionally used for the remains of deceased persons.

(ii) ~~The department shall consider burial spaces ((include))~~ as including a burial space purchase agreement as well as any interest accrued on and left to accumulate as part of the value of the burial space purchase agreement.

(iii) For purposes of ~~subsection (1)(j) and (k) of this ((subsection))~~ section, "immediate family" means a client's minor and adult children, including adopted children and stepchildren; a client's brothers, sisters, parents, adoptive parents, and the spouses of those persons. The department shall not consider dependency or living-in-the-same-household as factors in determining whether a person is an immediate family member;

(k) Burial funds:

(i) The department shall ensure funds specifically set aside for the burial arrangements of a client or the client's spouse not exceed one thousand five hundred dollars for each spouse. The department shall count burial funds in excess of this limit toward the resource limit in WAC 388-511-1110.

(ii) The department shall require funds set aside for burial expenses to be kept separate from all other resources and separately identified and designated as set aside for burial. If the exempt burial funds are mixed with other resources, the department shall not apply this exemption to any portion of the funds unless the client intends to use the nonexempt funds for burial-related items or services. The department may exempt designated burial funds retroactively back to the first day of the month in which the person intended the funds to be set aside for burial.

(iii) Funds set aside for burial include revocable burial contracts, burial trusts, other burial arrangements, cash, accounts, or other financial instruments with a definite cash value the person clearly designates as set aside solely for the person's or spouse's burial expenses.

(iv) The department shall reduce the one thousand five hundred dollar exemption by:

(A) The face value of the client's insurance policies owned by the person or spouse on the life of the person if the policies have been exempted as provided in subsection (1)(g) of this ((subsection)) section; and

(B) Amounts in an irrevocable burial trust.

(v) The department shall exempt the interest earned on exempt burial funds and appreciation in the value of exempt burial arrangements if the exempt interest and appreciation are left to accumulate and become part of the separately identified burial fund.

(vi) When used for other purposes, the department shall consider as available income any exempt burial funds, interest, or appreciated values set aside for burial expenses if, at the first of the month of use, when added to other nonexempt resources, the total exceeds the resource limit;

(l) Other resources considered exempt by federal statute;

(m) Retroactive SSI payments, including benefits a client receives under the interim assistance reimbursement agreement with the Social Security Administration, or OASDI payments for six months following the month of receipt. This exemption applies to:

(i) Payments received by the client, spouse, or any other person received that the department considers available to meet the client's needs;

(ii) SSI payments made to the client for benefits due for a month before the month of payment;

(iii) OASDI payments made to the client for benefits due for a month that is two or more months before the month of payment; and

(iv) Payments that remain in the form of cash, checking accounts, or saving accounts. The department shall not apply this exemption once the retroactive payment has been converted to any other form((+)).

(n) Payments for medical or social services, for one-calendar month following the month of receipt, certain cash payments an SSI person receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(o) Restitution payment((+)) and any interest earned from such payment to persons of Japanese or Aleut ancestry ~~((for restitution to civilians))~~ relocated and interned during war time, under P.L. 100-383;

(p) The annuity payment of trust funds to Puyallup Tribal Indians received under P.L. 101-41;

(q) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(r) Payments from the Dutch government under the Netherlands' Act on Benefits for Victims of Persecution (WUV). See WAC 388-511-1140 (1)(aa) for the treatment of interest earned on such payment.

(s) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;

~~((+))~~ (t) Unspent assistance payments the client receives because of a presidential declaration of a major disaster, under P.L. 93-288, are exempt for nine months from the date of receipt.

(i) The department shall determine the exemption may extend an additional nine months, if circumstances beyond the client's control:

(A) Prevents the client from repairing or replacing the damaged or destroyed property; or

(B) Keeps the client from contracting for such repair or replacement.

(ii) Interest earned on the exempt resource is exempt for the period the exemption applies;

~~((+))~~ (u) Earned income tax credit refunds and payments are exempt during the month of receipt and the following month;

~~((+))~~ (v) Payments from a state administered victim's compensation program for a period of nine calendar months after the month of receipt;

~~((+))~~ (w) Payments, or interest accrued on payments received under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

~~((+))~~ (x) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall:

(i) Not consider such payments as income or resources for determining eligibility or post-eligibility((-)); and

(ii) Count the (~~earned~~) interest from such payments as unearned income for the client.

(2) The department shall consider a sales contract:

(a) An exempt resource when the current market value of the contract:

(i) Is zero or the contract is unsalable; or

(ii) When combined with other resources, exceeds the resource limit(~~(?)~~), and the sales contract was executed:

(A) (~~The sales contract was executed~~) On or before November 30, 1993; or

(B) (~~The sales contract was executed~~) On or after December 1, 1993(~~(?)~~), and:

(I) Was received as compensation for the sale of the client's principal place of residence. For an institutionalized client, this rule shall apply only to the client's principal place of residence before institutionalization of the client; and

(II) Provides for an interest rate within prevailing rates at the time of the sale; and

(III) Requires the repayment of a principal amount equal to the fair market value of the property; and

(IV) Payment on the amount owed does not exceed thirty years(~~(?)~~).

(iii) The department shall consider payment of principal and interest on a sales contract meeting the criteria of subsection (2)(a)(i) or (ii) of this (~~subsection~~) section under WAC 388-505-0590 (3)(b);

(b) An available resource when the current market value of a sales contract does not meet the requirements in subsection (2)(a)(i) or (ii) of this (~~subsection~~) section. For a sales contract the department determines to be an available resource, the department shall consider the payment that represents:

(i) Principal, an available resource(~~(?)~~); and

(ii) Interest, under WAC 388-505-0590 (3)(c)(~~(?)~~).

(c) An available resource when transferred by the client to a person other than the client's spouse. See WAC 388-513-1365(~~(?)~~); and

(d) An exempt resource to the extent the proceeds from the sale of a home are used to purchase another home. The department shall not consider payments received under such sales contract (~~shall not be considered~~) as income as described under subsection (1)(a)(iii) of this section.

(3) The department shall consider cash received from the sale of an exempt resource as a nonexempt resource to the extent that the cash is not:

(a) Used to replace an exempt resource; or

(b) Invested in an exempt resource within the same month, unless specified differently under this section.

#### WSR 95-06-074

#### PROPOSED RULES

#### HEALTH SERVICES COMMISSION

[Filed March 1, 1995, 9:31 a.m.]

Original Notice.

Title of Rule: Uniform benefits package—Community-rated maximum premium.

Purpose: The purposes of the rules are to define community-rating and specify how the commission will establish the initial maximum premium amount as required by RCW 43.72.040(6).

Statutory Authority for Adoption: RCW 43.72.040(6). Statute Being Implemented: RCW 43.72.040(6).

Summary: Creates a new section in chapter 245-03 WAC to implement RCW 43.72.040(6). Establishes how community-rating will be defined for certified health plans offering the uniform benefits package and specifies how the community-rated maximum premium will be established.

Reasons Supporting Proposal: These rules are necessary to implement RCW 43.72.040(6) and to direct certified health plans in setting community-rated premiums for their uniform benefits package offerings.

Name of Agency Personnel Responsible for Drafting: Lance Heineccius, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, (360) 407-0049; Implementation and Enforcement: Don Brennan, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, (360) 407-0039.

Name of Proponent: Washington Health Services Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the full reports may be obtained by calling the Health Services Commission at (360) 407-0039.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule making creates a new section in chapter 245-03 WAC to implement RCW 43.72.040(6). The rules will establish how community-rating will be defined for certified health plans that offer the uniform benefits package. The rules also specify how the community-rated maximum premium will be established by the commission. No certified health plan shall be permitted to charge a premium for the uniform benefits package that is greater than the maximum premium. These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the full reports may be obtained by calling the Health Services Commission at (360) 407-0039. These proposed rules are being published in the Washington State Register to facilitate public access to the current version of the rules. The previous proposed rules, filed on September 7, 1994, expire after six months, and have been significantly revised. Since the legislature is considering many proposals that would require modification of these rules, the commission anticipates that additional revision and/or adoption of these rules will occur after completion of the legislative session. Public hearings and receipt of written comments have been delayed until after the scheduled adjournment of the legislature.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, phone (360) 407-0039, or FAX (360) 407-0069.

Hearing Location: Southwestern Washington Medical Center Auditorium, 400 N.E. Mother Joseph Way, Vancouver, WA, on June 22, 1995, at 1:00 p.m. - 5:00 p.m.; and at

the St. Luke's Community Health Education Center, 3333 Squalicum Parkway, Bellingham, WA, on July 27, 1995, at 1:00 p.m. - 5:00 p.m.

Assistance for Persons with Disabilities: Contact Terry Taylor by June 1, 1995, (360) 407-0152.

Submit Written Comments Beginning June 1, 1995, to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41190, Olympia, WA 98504-1190, by July 7, 1995.

Date of Intended Adoption: August 24, 1995.

February 28, 1995  
Bernadene Dochnahl  
Commission Chair

## WASHINGTON HEALTH SERVICES COMMISSION

### Chapter 245-03 WAC UNIFORM BENEFITS PACKAGE

#### COMMUNITY-RATED MAXIMUM PREMIUM<sup>1</sup>

<sup>1</sup> The draft rules presented in this section reflect requested amendments to the Health Services Act of 1993 that will allow adjustments to community rating as defined in the Act for age differences of subscribers and also allow certified health plans to offer premiums that can be as much as ten percent above or ten percent below the age-adjusted community rate. The Act currently allows community rated premiums to differ only for differences in family size and geographic region.

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

#### NEW SECTION

**WAC 245-03-810 Policy statement.** RCW 43.72.040 (6)(a) requires the commission to establish for each year a community-rated maximum premium for the uniform benefits package. The commission intends to set the maximum premium above the actuarial cost of the uniform benefits package to encourage market competition as the primary cost containment mechanism. The maximum premium is intended as a long-run cost control mechanism. The maximum premium for the uniform benefits package in 1995 shall be established upon an actuarial determination of the costs of providing the uniform benefits package and such other cost factors as may be deemed relevant by the commission.

#### NEW SECTION

**WAC 245-03-820 Definitions.** Unless the context requires otherwise, the definitions contained in WAC 245-03-820 apply to the provisions set forth in WAC 245-03-810 through WAC 245-03-880. (1) "Uniform benefits package product" means a certified health plan's offering of the uniform benefits package to all residents of a geographic area. All uniform benefits package products must cover the uniform benefits package as specified in WAC 245-03-010 through WAC 245-03-680. A certified health plan may offer different uniform benefits package products but the differences can only vary based on the size, composition and

breadth of the provider network and on plan design features such as point-of-service cost sharing including copayments, coinsurance and deductibles, referral requirements, or methods of provider reimbursement. Henceforth, these shall be referred to as multiple uniform benefits package products.

(2) "Premium" means the dollar amount charged by a certified health plan for a uniform benefits package product and approved by the insurance commissioner.

(3) "Age-banded community-rate" means a premium for a uniform benefits package product which: (a) begins with an identical per member per month rate for all purchasers in a geographic area; (b) is then converted into the five coverage tiers as defined in WAC 245-03-840 using multipliers defined by the commission; (c) and is then adjusted into age-banded premiums based on fixed age band ratios defined by the commission and applied to subscribers based on their age.

#### NEW SECTION

**WAC 245-03-830 Multiple uniform benefits package products.** (1) If a certified health plan offers more than one uniform benefits package product within a geographic area, the package can only differ by those factors specified in WAC 245-03-820(1).

(2) If a certified health plan offers more than one uniform benefits package product within a geographic area, each product must be offered at a premium that cannot be above the maximum premium nor more than ten percent above nor more than ten percent below the age-banded community-rate as defined in WAC 245-03-820(3).

#### NEW SECTION

**WAC 245-03-840 Five required coverage tiers or composite rating.** (1) The premium offered by a certified health plan within a county shall be composed of five coverage tiers defined as follows and with fixed ratios between coverage tiers as defined by the commission:

(a) Tier 1, subscriber only coverage, defined as an employee or individual;

(b) Tier 2, subscriber and dependent spouse coverage, where dependent spouse is defined as in WAC 245-03-580(1);

(c) Tier 3, subscriber and child(ren) coverage; and

(d) Tier 4, subscriber, spouse and child(ren) coverage.

(e) Tier 5, child(ren) only coverage without the need for an adult subscriber, defined as the difference in premium between the Tier 3 and Tier 1 premiums.

(2) At the request of a purchaser of group coverage, a certified health plan may offer the purchaser a composite premium which is the actuarial equivalent of the total premiums for the purchaser based on the five coverage tiers defined in WAC 245-03-840(1).

#### NEW SECTION

**WAC 245-03-860 Setting the maximum premium.** (1) No certified health plan premium for the uniform benefits package shall be approved by the insurance commissioner which is greater than the maximum premium, regardless of the cost sharing requirements of the package. The maximum premium shall be established annually by the commission,

and applied to each certified health plan's age-banded community-rate premiums for each county using the five rating tiers defined in WAC 245-03-840(1). Any adjustments made to the age-banded community rate as allowed under WAC 245-03-830(2) must still result in premiums that are below the maximum premium.

(2) In setting the initial maximum premium, and in redetermining the maximum premium as specified under WAC 245-03-880(3), the commission will use the following methodology:

(a) The expected average premium of the uniform benefits package for each coverage tier and age-band shall be actuarially determined by geographic area for January 1, 1996, based on the most recent data available for state residents, under the assumption of current managed care effectiveness and the standard cost sharing levels defined in WAC 245-03-630 and 245-03-640. If the actuarial determination is expressed as a range of expected premiums, the midpoint of the range shall be used as the expected average premium for each coverage tier.

(b) An expected annual growth rate in the expected average premium will be determined based on the most recent five year trend in the medical component of the consumer price index for the state, actuarially adjusted if needed to reflect expected future trends in the costs of health services.

(c) The expected average premium of the uniform benefits package for each coverage tier and age band as specified in WAC 245-03-860 (2)(a) will be inflated by ten percent and then also increased to reflect those specific policy factors which the commission determines to be appropriate to include in setting a premium cap. These factors will include, at a minimum, consideration of the need for explicit additional financial support for adequate funding of medical research costs and health professions training costs, consideration of potential adverse selection from populations which may voluntarily participate or remain outside the uniform benefits package, and expected new costs to certified health plans for complying with quality improvement and health information reporting requirements. This adjusted expected average premium for each coverage tier will be used in subsequent steps.

(d) A compliance period will be determined, by the end of which it is reasonable to expect that the majority of effectively managed health plans in Washington will be able to deliver quality health services for a premium that increases annually at a rate no greater than the most recent five-year rolling average of growth in Washington per capita income. In establishing this compliance period, the commission will consider the effectiveness of best practice managed care systems in containing costs in Washington and other states, the expected benefits of health promotion and wellness programs, improvements in health status of the enrolled populations, and the current capabilities of existing managed care organizations in Washington.

(e) The adjusted expected average premium for each tier as determined in WAC 245-03-860 (2)(c) and age-band as defined in WAC 245-03-820(3) shall be inflated forward from January 1, 1996 until the end of the compliance period, using the expected annual growth rate as determined in WAC 245-03-860 (2)(b). This result shall be defined as the target maximum for each tier and age band.

(f) The formula for increasing the maximum premium, as defined in RCW 43.72.040 (6)(a), shall be applied to determine the number which, when inflated according to the formula defined in RCW 43.72.040 (6)(a), results in the target maximum for each tier and age band. This number shall be the maximum premium for each coverage tier for the period July 1, 1995 through June 30, 1996.

#### NEW SECTION

**WAC 245-03-880 Changes in the maximum premium over time.** (1) The maximum premium will increase annually according to the formula defined in RCW 43.72.040 (6)(a). Beginning in 1996, the maximum premium for the next annual period of July 1 through June 30 will be announced each year by the commission on or before April 1, unless there are changes in the maximum premium as described in the following WAC 245-03-880 (2) and (3).

(2) If the commission adds or deletes services or benefits to the uniform benefits package in any year, the maximum premium will be actuarially increased or decreased accordingly to reflect the actual cost experience of a broad sample of providers of that service in the state. The addition or deletion of a service or benefit from the uniform benefits package shall not result in a redetermination of the entire cost of the uniform benefits package.

(3) If the population base covered under the uniform benefits package will change significantly in any year due to the inclusion of new programs, such as Medicaid or Medicare, the maximum premium will be redetermined to reflect the inclusion of these new populations in the community rate. This redetermination shall be limited to recalculating the expected average premium of the uniform benefits package as described in WAC 245-03-860 (2)(a) and then applying the same methodology as specified in the remaining sections of WAC 245-03-860(2).

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

**WSR 95-06-075  
PROPOSED RULES  
HEALTH SERVICES COMMISSION**

[Filed March 1, 1995, 9:34 a.m.]

Original Notice.

Title of Rule: Uniform benefits package.

Purpose: The purpose of the new rules is to define the health benefits that shall be included in the uniform benefits package offered by all certified health plans, as required by RCW 43.72.130.

Statutory Authority for Adoption: RCW 43.72.040(5), 43.72.130.

Statute Being Implemented: RCW 43.72.130.

Summary: Creates a new chapter in Title 245 WAC to implement RCW 43.72.130. Establishes the health benefits that must be offered by certified health plans as the uniform benefits package.

Reasons Supporting Proposal: These rules are necessary to implement RCW 43.72.130 and to direct certified health plans in offering health services coverage.

Name of Agency Personnel Responsible for Drafting: Kirsten Iversen, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, (360) 407-0211; Implementation and Enforcement: Don Brennan, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, (360) 407-0039.

Name of Proponent: Washington Health Services Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039. These proposed rules are being published in the Washington State Register to facilitate public access to the current version of the rules. The previous proposed rules filed on September 7, 1994, expire after six months, and have been significantly revised. Since the legislature is considering many proposals that would require modification of these rules, the commission anticipates that additional revision and/or adoption of these rules will occur after completion of the legislative session. Public hearings and receipt of written comments have been delayed until after the scheduled adjournment of the legislature. This rule making creates a new chapter in Title 245 WAC for the purposes of implementing RCW 43.72.130 Uniform benefits package design. It establishes the health benefits that must be offered by certified health plans as the uniform benefits package. These rules are necessary to direct certified health plans in offering health services coverage.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, phone (360) 407-0039, or FAX (360) 407-0069.

Hearing Location: HECL Auditorium, Southwestern Washington Medical Center, 400 Northeast Mother Joseph Way, Vancouver, WA, Thursday, at 1 p.m. to 5 p.m., on June 22, 1995; and at the St. Luke's Community Health Education Center, 3333 Squalicum Parkway, Bellingham, WA, Thursday, at 1 p.m. to 5 p.m., on July 27, 1995.

Assistance for Persons with Disabilities: Contact Terry Taylor, (360) 407-0152.

Submit Written Comments Beginning June 1, 1995, and No Later Than July 7, 1995, to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, by July 7, 1995.

Date of Intended Adoption: August 24, 1995.

February 28, 1995  
Bernadene Dochnahl  
Commission Chair

## WASHINGTON HEALTH SERVICES COMMISSION

### Chapter 245-03 WAC UNIFORM BENEFITS PACKAGE

#### NEW SECTION

**WAC 245-03-010 Definitions.** (1) Unless the context requires otherwise, the definitions contained in this section apply throughout this chapter.

(2) "Appropriate" covered service is defined as one that is determined by the certified health plan or its representative to be of a type, and delivered in a setting, that is consistent with:

- (a) the patient's needs, capabilities, symptoms, culture, language, age, gender, and development;
- (b) accepted health care professional standards; and
- (c) the obligations of the certified health plan to provide covered services to its enrolled members.

(3) "Case management" is a process of individual treatment planning and utilization review based on medical benefit which may involve individuals, families, certified health plan providers, and community-based caregivers. Case management assists plan enrollees to understand, select, and access appropriate services available within the plan and elsewhere in the community to promote cost-effective care. Core functions of case management include advocacy, assessment, care planning, implementation, service coordination, monitoring, reassessment, and evaluation of service options appropriate for each individual. While a multi-disciplinary approach may be followed, there should be, to the extent possible, a single point of accountability for case management within the certified health plan. This accountability may reside with a provider at the level of service delivery or with another designated certified health plan case manager.

(4) "Certified health plan representative" and "designated provider" refer to a health care provider or other personnel designated by the certified health plan to make coverage determinations in accordance with WAC 245-03-040.

(5) "Covered service" refers to a health care service included in the uniform benefits package as defined in WAC 245-03-010 to WAC 245-03-390.

(6) "Effective" covered service is defined as one that is determined by the certified health plan or its representative to be likely to achieve the desired health care outcome, while minimizing both the adverse effects on the patient and the use of resources by the certified health plan.

(7) "Emergency" is defined as a condition manifesting itself by acute symptoms so severe that the absence of immediate attention could reasonably be expected by a lay person to result in:

- (a) placing the enrollee's physical and/or mental health in serious jeopardy;
- (b) serious impairment to bodily functions; or
- (c) serious dysfunction of any body organ or part.

(8) A "medically beneficial" covered service is defined as one that is effective at restoring or preventing decline in health status and is determined by the certified health plan according to procedures described in WAC 245-04-050 (1)(d) and WAC 245-04-050 (1)(e) to be:

- (a) consistent with the symptoms, diagnosis and treatment of the patient's condition;



(b) appropriate with regard to standards of good clinical practice; and

(c) not primarily for the convenience of the patient, the patient's family or the provider of the service.

(9) "Pre-existing condition" is defined as an illness or injury that was diagnosed or treated, in the three months prior to the date of enrollment.

(10) "Urgent" services are defined as those services which are required in order to prevent serious deterioration of an enrollee's health that results from unforeseen illness or injury.

#### NEW SECTION

**WAC 245-03-020 Policy statement.** (1) RCW 43.72.130 directs the commission to define a uniform benefits package that includes those health services that are effective and necessary on a societal basis for the maintenance of the health of the residents of Washington, balanced with the need to control health services expenditures.

(2) The uniform benefits package emphasizes preventive services that improve or maintain the health of all segments of the population by promoting early detection and intervention; ensuring access to effective screening, assessment, and intervention services; and assuring that children receive a broad array of preventive services. At the same time, the uniform benefits package attempts to protect the residents of the state from financial ruin due to illness or injury.

(3) The uniform benefits package promotes consumer awareness and responsibility by requiring consumers to share in the cost of most of the health services they receive. Access to needed health care is enhanced by eliminating cost-sharing requirements for preventive services and by considering differences in income levels in establishing cost-sharing requirements.

(4) The uniform benefits package represents a deliberate balance by the commission between comprehensiveness and affordability of services covered. The design of the uniform benefits package strives to assure that the health care needs of state residents are met and that undue financial burdens are not placed on individuals, employers, and the economy.

#### NEW SECTION

**WAC 245-03-040 Coverage determinations.** The services in the uniform benefits package shall be covered when provided, prescribed, ordered, or otherwise authorized by a designated provider or other plan representative for an enrolled member. In making coverage determinations, certified health plans and their representatives shall employ the concepts of medical benefit, appropriateness, and effectiveness as defined in WAC 245-03-010. The fact that a provider prescribes, orders, recommends, or approves a service or supply does not, in itself, make it medically beneficial. All covered services shall be obtained from certified health plan participating providers and facilities except in the case of a medical emergency as described in WAC 245-04-200(3) or when otherwise permitted by the certified health plan.

#### NEW SECTION

**WAC 245-03-050 Pre-existing conditions.** The uniform benefits package may exclude coverage for a period of three months from the date of enrollment for health conditions for which an enrollee sought treatment during the three months prior to the date of enrollment in a plan. If a new enrollee in a plan has had health care coverage during the three months prior to enrollment, any portion of the three-month waiting period which has been fulfilled while enrolled with previous health plans will be credited toward the waiting period of the new plan. If the enrollee has not had any health care coverage within the prior three months the three-month waiting period may be imposed by the new plan. No waiting period shall apply to enrollees changing from a plan that does not cover specific uniform benefits package health services for reasons of conscience or religion to another plan, as long as the enrollee switches plans without a gap in coverage of more than three months.

#### NEW SECTION

**WAC 245-03-080 No annual or lifetime maximum benefit limitations.** The uniform benefits package shall not include any provisions which place total dollar limitations on the maximum amount of benefits an enrollee can receive during a calendar year or during the enrollee's lifetime, except for services limits as specified in WAC 245-03-120 to WAC 245-03-390.

#### NEW SECTION

**WAC 245-03-120 Primary and specialty health services.** The following primary and specialty health services shall be covered in the uniform benefits package:

(1) Preventive health services, which include periodic, age- and risk-appropriate exams, including comprehensive preventive services, such as screening, assessment, and intervention. Generally accepted guidelines, such as those developed by the United States Preventive Services Task Force and the American Academy of Pediatrics, must be used by a certified health plan as a basis to define the content and periodicity of coverage of preventive services. Preventive screening, assessment, and intervention services shall include verbal interaction with individuals, family members, and/or appropriate others. They shall include appropriate history and physical exams, with careful attention to age-, gender-, cultural-, linguistic-, sexual orientation- and risk-specific needs.

(a) Examples of screening and assessment services include those services which address: growth and development for children; vision; hearing; nutrition; cardiovascular risk, including physical activity; cancer risk, including mammograms and Pap smears; tuberculosis; reproductive health, including sexually transmitted diseases; oral health; mental health; and substance abuse.

(b) Examples of preventive interventions include immunizations; counseling, including anticipatory guidance; and individual, family, and group education.

(c) Currently covered immunizations must include diphtheria, pertussis, tetanus, measles, mumps, rubella, poliomyelitis, hepatitis B and HIB. Additionally, currently

covered vaccines for high risk groups must include those for influenza and pneumococci.

(d) Genetic screening, assessment, and counseling for congenital abnormalities and birth defects; and

(e) Preventive dental services for children, defined as enrollees under age 18, shall include exams, x-rays, diagnosis, cleanings, topical fluoride treatment, and sealants.

(2) Surgical services.

(3) Radiology, nuclear medicine, ultrasound, laboratory, and other diagnostic services.

(4) Dressings, casts, and use of cast room.

(5) Anesthesia and oxygen services.

(6) Blood components, synthetic factors, plasma expanders and their administration, including autologous and family blood transfusion when indicated and cost-effective.

(7) Provider visits, including diagnosis, treatment, consultations, management, and second opinions in the hospital, office, home, or other appropriate setting.

(8) Radiation therapy and chemotherapy.

(9) Plastic and reconstructive services to correct a physical functional disorder due to a congenital disease or anomaly, injury, covered surgery, or mastectomy. Orthodontia is covered for children, defined as enrollees under age 18, to correct a functional congenital anomaly.

(10) Internal breast prostheses required incidental to surgery, as well as all stages of one reconstructive breast reduction on the non-diseased breast to make it equivalent in size with the diseased breast after up to three definitive reconstructive surgical operations on the diseased breast have been performed. An external breast prosthesis may be covered instead of an internal one.

(11) Up to 20 visits per calendar year for acute conditions, such as those requiring orthopedic treatment, and up to 90 visits per calendar year for intensive treatment of serious conditions, such as neurological conditions, needing physical therapy, occupational therapy, speech therapy, and other medical rehabilitation services provided in non-inpatient settings. The service limits apply to the combined calendar year total of all types of covered rehabilitative therapy.

(12) Mental health medication management.

(13) Vision exams related to diseases of or injuries to the eye, and eyeglasses and/or contact lenses used to replace the human lens as a result of cataract removal or to treat ocular disease.

(14) Hearing exams related to diseases of or injuries to the ear.

(15) In-service-area emergency and urgent services, as defined in WAC 245-03-010 (7) and (10) according to procedures described in WAC 245-04-200(3).

(16) Out-of-service-area emergency services, as defined in WAC 245-03-010(7) according to procedures described in WAC 245-04-200(3).

(17) Out-of-service-area urgent services, as defined in WAC 245-03-010(10) according to procedures described in WAC 245-04-200(3), for a period of 90 days. Out-of-service-area urgent services may be authorized at the certified health plan's discretion when an enrollee lives or visits out of the service area for longer than 90 days.

(18) Ambulance services shall be covered in the uniform benefits package for emergency conditions, when other transport is not appropriate, and when authorized by the

certified health plan. Air ambulance shall be covered in the uniform benefits package only if ground transportation is not available to serve the same purpose.

(19) Prescribed durable medical equipment, including hearing aids for children, defined as enrollees under age 18, with the provision that certified health plans may limit durable medical equipment coverage to those items on a formulary, if a mechanism is in place to allow approval of non-formulary items, including newly developed or released items, when a formulary item will not suffice.

(20) Prescribed prostheses and orthoses, with the provision that certified health plans may limit prostheses and orthoses coverage to those items on a formulary, if a mechanism is in place to allow approval of non-formulary items, including newly developed or released items, when a formulary item will not suffice.

(21) Prescribed disposable medical supplies, with the provision that certified health plans may limit disposable medical supply coverage to those items on a formulary, if a mechanism is in place to allow approval of non-formulary items, including newly developed or released items, when a formulary item will not suffice.

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

#### NEW SECTION

**WAC 245-03-140 Inpatient and outpatient hospital services.** (1) The following hospital services shall be covered in the uniform benefits package in the appropriate setting:

(a) Semi-private room and board, including meals; private room and special diets when prescribed as medically beneficial.

(b) General nursing services.

(c) Hospital services, including use of operating room and related facilities; intensive care unit and services; labor and delivery room; anesthesia; radiology; laboratory and other diagnostic services.

(d) Physical therapy, occupational therapy, speech therapy, and other medical rehabilitation services.

(e) Drugs and medications administered while an inpatient.

(f) Special duty nursing when prescribed as medically beneficial.

(g) Dressings, casts, equipment, supplies, oxygen services, radiation and inhalation therapy.

(h) Implants serving a functional purpose for procedures determined by the commission to be safe and effective. Currently covered implants include cardiac devices, artificial joints and intraocular lenses.

(i) Transplants and the reasonable, directly related medical and hospital expenses of the donor, including those for complications, for those transplantation procedures determined by the commission to be safe and effective. Currently covered transplants include kidney, heart, lung, heart-lung, liver, cornea, bone marrow, and simultaneous kidney-pancreas transplants.

(j) In-service-area emergency and urgent services, as defined in WAC 245-03-010 (7) and (10) according to procedures described in WAC 245-04-200(3).

(k) Out-of-service-area emergency services, as defined in WAC 245-03-010(7) according to procedures described in WAC 245-04-200(3).

(l) Out-of-service-area urgent services, as defined in WAC 245-03-010(10) according to procedures described in WAC 245-04-200(3), for a period of 90 days. Out-of-service-area urgent services may be authorized at the certified health plan's discretion when an enrollee lives or visits out of the service area for longer than 90 days.

(2) If an enrollee is hospitalized in a non-participating facility for emergency or non-emergency care, the plan may require transfer and/or follow-up care in a plan-participating facility at the plan's expense, upon consultation with the primary care provider or other designated provider. If the enrollee refuses to transfer to a participating facility, all further costs incurred during hospitalization shall be the responsibility of the enrollee.

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

#### NEW SECTION

**WAC 245-03-160 Prescription drugs and medications.** Drugs and medications prescribed by a plan provider shall be covered in the uniform benefits package for a 31-day supply per prescription or renewal thereof, except for contraceptives which may have up to a six month supply and in instances when the plan determines a longer period is appropriate and cost-effective. Medical foods to treat inherited metabolic disorders, such as phenylketonuria (PKU), are covered. Insulin, needles, syringes, diabetic testing strips, and ostomy supplies are covered. Nicotine addiction treatment drugs when used in conjunction with a plan-authorized smoking cessation program are covered. Certified health plans may limit coverage to those items on a formulary, if a mechanism is in place to allow approval of non-formulary items, including newly developed or released items, when a formulary item will not suffice.

#### NEW SECTION

**WAC 245-03-180 Reproductive and maternity services.** (1) Reproductive services shall be covered in the uniform benefits package, including, but not limited to:

- (a) Reproductive health screening, assessment/exam and treatment;
- (b) Pregnancy diagnosis;
- (c) Sterilization;
- (d) Termination of pregnancy and exams following termination of pregnancy;
- (e) Counseling for reproductive health risk, birth control, pregnancy options, preconception care, and sterilization; and
- (f) Contraceptive supplies and devices.

(2) Maternity services shall be covered in the uniform benefits package, including, but not limited to:

- (a) Pregnancy diagnosis;
- (b) Prenatal care;
- (c) Postpartum care;
- (d) Care for complications of pregnancy;
- (e) Professional and facility services, including labor and delivery in home, birth center, or hospital;

- (f) Lactation management;
- (g) Newborn and nursery services; and
- (h) Prenatal counseling and education.

#### NEW SECTION

**WAC 245-03-200 Well-child care services.** Well-child care services shall be covered in the uniform benefits package as preventive services as defined in WAC 245-03-120(1).

#### NEW SECTION

**WAC 245-03-220 Preventive dental services for children.** Preventive dental services for children shall be covered in the uniform benefits package as preventive services as defined in WAC 245-03-120 (1)(e).

#### NEW SECTION

**WAC 245-03-240 Case-managed chemical dependency services.** Case-managed inpatient, outpatient, and residential chemical dependency treatment, including plan-approved outpatient nicotine addiction treatment programs, shall be covered in the uniform benefits package up to 30 inpatient or residential days and 30 outpatient visits per calendar year. The service limits do not apply to nicotine addiction treatment visits. Plans should use generally accepted patient placement criteria, such as those of the American Society of Addiction Medicine. Coverage for up to 10 inpatient chemical dependency treatment days may be converted to equivalent intensive outpatient coverage only.

#### NEW SECTION

**WAC 245-03-260 Case-managed mental health services.** Case-managed inpatient and outpatient mental health treatment shall be covered in the uniform benefits package up to 30 inpatient days and 30 outpatient visits per year. Coverage for inpatient mental health days may be converted to equivalent coverage for other intensive mental health treatment only. The use of generally accepted patient placement and treatment criteria are encouraged.

#### NEW SECTION

**WAC 245-03-280 Case-managed skilled nursing facility services.** Case-managed skilled nursing facility services shall be covered in the uniform benefits package only when they reduce utilization of more costly care. Coverage for skilled nursing facility services shall not require prior hospitalization.

#### NEW SECTION

**WAC 245-03-300 Case-managed home health services.** Case-managed home health services, when determined to be medically beneficial by activities of daily living or other appropriate measures, shall be covered in the uniform benefits package when they reduce utilization of more costly care. Coverage for home health services shall not require prior hospitalization or admission to a skilled nursing facility.

NEW SECTION**WAC 245-03-320 Case-managed hospice services.**

Case-managed hospice services shall be covered in the uniform benefits package when the patient is deemed by the certified health plan to be in the last six months of life due to a terminal illness or condition. If, after six months, the patient's prognosis has not changed, continued coverage for hospice care shall be authorized by the plan.

NEW SECTION

**WAC 245-03-390 Exclusions.** The following services shall be excluded from coverage in the uniform benefits package:

(1) Dental services, and services for temporomandibular joint problems, except for repair necessitated by accidental injury to sound natural teeth not caused by biting or chewing, provided that such repair is commenced within 90 days of the occurrence of injury, or as soon thereafter as is medically feasible, and provided the individual is eligible for coverage at the time that services are provided, except as specifically indicated in WAC 245-03-120 (1)(e).

(2) Cosmetic surgery, including treatment for complications of cosmetic surgery, except as otherwise specifically indicated in WAC 245-03-120(9).

(3) Orthopedic shoes.

(4) Corrective lenses, frames, and contact lenses, except as specifically indicated.

(5) Hearing aids, except as otherwise specifically indicated in WAC 245-03-120(19).

(6) Routine hearing and vision examinations, except as specified in WAC 245-03-120.

(7) Private rooms and personal comfort items such as telephone, guest trays and television, unless specifically authorized by the certified health plan.

(8) Experimental and investigational services.

(9) Implants and transplants, except as specifically indicated in WAC 245-03-140 (1)(h) and (i).

(10) Sex change operations.

(11) Use of emergency room for non-emergency care, unless other 24-hour emergency and urgent coverage is not available through the certified health plan as required by WAC 245-04-200 (3)(c).

(12) Transportation services, except as specifically indicated in WAC 245-03-120(18).

(13) Treatment for infertility, reversal of sterilization, artificial insemination, and other assistive reproductive technology, including but not limited to in-vitro fertilization, and injectable infertility drugs.

(14) Chemical dependency or related services except as specifically provided elsewhere in this chapter.

(15) Mental health or related services except as specifically provided elsewhere in this chapter.

(16) Custodial care.

(17) Inpatient nicotine addiction treatment.

(18) Medical or surgical obesity treatment and weight-loss programs, unless provided as part of a certified health plan-approved program for specific diagnoses.

(19) Benefits payable under the terms of any contract or insurance offering automobile medical, personal injury protection, automobile no-fault, underinsured, or uninsured motorist, homeowner, commercial premises, or similar

contract of insurance when such contract or insurance is issued to or makes benefits available to the member, whether or not application is duly made for those benefits.

(20) Conditions resulting from military service or acts of war, declared or undeclared.

(21) Medical services received from or paid for by federal, state, or local government programs where such programs have primary responsibility for reimbursement. So as not to preclude plans from contracting with government supported entities, uniform benefits package coverage will include services in specific accordance with contracts between plans and government or government-supported entities.

(22) Services related to occupational injuries or illnesses.

(23) Injuries sustained while practicing for or in competition in a professional or semi-professional athletic contest.

(24) Treatment or surgery for sexual dysfunction or transsexualism.

(25) Any service or supply not specifically listed as a covered service or otherwise authorized by the certified health plan. Certified health plans may elect to cover otherwise excluded services where they are deemed to be the most appropriate, cost-effective interventions available.

**WSR 95-06-076****PROPOSED RULES****HEALTH SERVICES COMMISSION**

[Filed March 1, 1995, 9:36 a.m.]

## Original Notice.

Title of Rule: Uniform benefits package—Enrollee cost-sharing and maximum enrollee financial participation.

Purpose: The purpose of the new rules is to establish enrollee point-of-service cost-sharing and the maximum enrollee financial participation for the uniform benefits package, as required by RCW 43.72.130(4) and 43.72.-040(12), respectively.

Statutory Authority for Adoption: RCW 43.72.130(4), 43.72.040(12).

Statute Being Implemented: RCW 43.72.130, 43.72.-040(12).

Summary: Creates a new chapter in Title 245 WAC to implement RCW 43.72.130 and 43.040(12) [43.72.040(12)]. Establishes the amounts which enrollees are required to pay for the health services.

Reasons Supporting Proposal: These rules are necessary to implement RCW 43.72.130 and 43.040(12) [43.72.-040(12)] and to ensure that the uniform benefits package provides for moderate point-of-service cost-sharing, that financial considerations are not a barrier to access, and that limits are placed on the amount of income residents are expected to pay for health care.

Name of Agency Personnel Responsible for Drafting: Kirsten Iversen, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, (360) 407-0211; Implementation and Enforcement: Don Brennan, 605 Woodland Square Loop S.E., Olympia, WA 98504-1185, (360) 407-0039.

Name of Proponent: Washington Health Services Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039. These proposed rules are being published in the Washington State Register to facilitate public access to the current version of the rules. The previous proposed rules filed on September 7, 1994, expire after six months, and have been significantly revised. Since the legislature is considering many proposals that would require modification of these rules, the commission anticipates that additional revision and/or adoption of these rules will occur after completion of the legislative session. Public hearings and receipt of written comments have been delayed until after the scheduled adjournment of the legislature. This rule making creates a new chapter in Title 245 WAC for the purposes of implementing RCW 43.72.130 Uniform benefits package design. Cost sharing shall be established for nonpreventive health services such that financial considerations are not a barrier to access to low-income persons, and to ensure that enrollees are protected from becoming impoverished due [to] health care expenditures, pursuant to RCW 43.72.130(4). The maximum enrollee financial participation levels shall establish income-related total annual payments for enrollees who choose the lowest priced uniform benefits package in a geographic region and shall include both point-of-service cost-sharing and premium-sharing, as specified in RCW 43.72.010(17) and 43.72.040(12).

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, phone (360) 407-0039, or FAX (360) 407-0069.

**Hearing Location:** HECL Auditorium, Southwestern Washington Medical Center, 400 Northeast Mother Joseph Way, Vancouver, WA, Thursday, at 1 p.m. to 5 p.m., on June 22, 1995; and at the St. Luke's Community Health Education Center, 3333 Squalicum Parkway, Bellingham, WA, Thursday, at 1 p.m. to 5 p.m., on July 27, 1995.

**Assistance for Persons with Disabilities:** Contact Terry Taylor, (360) 407-0152.

Submit Written Comments Beginning June 1, 1995, and No Later Than July 7, 1995, to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, by July 7, 1995.

Date of Intended Adoption: August 24, 1995.

February 28, 1995  
Bernadene Dochnahl  
Commission Chair

## WASHINGTON HEALTH SERVICES COMMISSION

### Chapter 245-03 WAC UNIFORM BENEFITS PACKAGE

#### ENROLLEE COST SHARING AND MAXIMUM ENROLLEE FINANCIAL PARTICIPATION

##### NEW SECTION

**WAC 245-03-610 Definitions.** (1) Unless the context requires otherwise, the definitions in this section apply throughout this chapter:

(2) "Balance billing" is defined as the practice of billing patients in excess of the amount approved by the plan. RCW 43.72.100(9) and 43.72.120(9) prohibit balance billing by certified health plan and registered employer health plan providers and facilities.

(3) "Co-insurance" is defined as a type of cost sharing where the enrollee and the plan share payment of the expenses of covered services. Costs are divided according to a specified percentage, such as 20 percent payment by the enrollee and 80 percent payment by the plan. A co-insurance of 20% means the enrollee pays 20% of allowed charges and the plan pays 80% of allowed charges.

(4) "Co-payment" is defined as a type of cost sharing where the enrollee pays a fixed dollar amount per service, for example, \$15 per provider visit.

(5) "Cost sharing" is defined as a general term for a health care coverage policy provision that requires an enrollee to pay part of the costs of his or her health services at the time the service is delivered. Payment can be made either at the time the service is delivered or it can be made after delivery of service, when the enrollee is billed. This financial participation could be through paying deductibles, co-insurance, and/or co-payments. Premium sharing is not included in the term "cost sharing" as used in this chapter.

(6) "Deductible" is defined as a type of cost sharing where the enrollee pays a specified amount, for example, the first \$100 or \$500, of health care expenses for covered services before the plan assumes responsibility for all or part of the remaining covered services.

(7) "Maximum enrollee financial participation" is defined to include two components as they relate to the uniform benefits package: maximum out-of-pocket limits and maximum premium sharing.

(8) "Out-of-pocket limit" is defined as the total cost sharing amounts associated with the uniform benefits package, that an enrolled individual or family shall pay in a calendar year. Premium sharing and the costs of uncovered services are not included. Deductibles less than the out-of-pocket limits defined in WAC 243-03-660 are included. Higher deductibles become the out-of-pocket limit for individual policies. One out-of-pocket limit is established for individuals, and a higher limit is established for families. The out-of-pocket limit applies only to cost sharing related to services obtained from core network providers. Cost sharing related to extended network or non-contracted providers does not accrue toward the out-of-pocket limit.

(9) "Premium sharing" is defined as the amount of the monthly premium for uniform benefits package coverage that is paid by the enrollee or enrolled family, with the remainder

of the premium being paid by the employer or the government. A sliding scale shall be applied to low-income enrollee premium sharing levels for those residents who enroll in a publicly subsidized health care program, so that the percentage of the premium paid by the enrollee varies according to individual or family income.

(10) "Publicly subsidized health care program" is a state and/or federally funded health care program that makes uniform benefits package coverage more affordable to low-income residents. Examples include the Health Care Authority Basic Health Plan and the Department of Social and Health Services Medical Assistance programs.

(11) "Standard cost sharing" is defined as the schedule of cost sharing provisions defined in WAC 245-03-630 and WAC 245-03-640. Plans must offer the uniform benefits package with standard cost sharing, in addition to other cost sharing arrangements they offer.

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

#### NEW SECTION

**WAC 245-03-620 Flexible cost sharing options.** (1) Plans may offer, in addition to the standard cost sharing for the uniform benefits package, alternative cost sharing options, subject to the following requirements:

(2) Deductibles may be applied, up to any level, although deductibles for group coverage may not exceed the maximum out-of-pocket limits specified in WAC 245-03-660;

(3) Deductibles shall not be applied to specific health care services. If used, deductibles shall apply to all uniform benefits package services delivered by core network providers. Higher deductibles may be applied to services delivered by extended networks or point-of-service options;

(4) Co-insurance or co-payments other than those defined in WAC 245-03-640 may be applied, up to a maximum of 30% of the value of the covered service delivered by core network providers;

(5) Plans may develop any level of cost sharing for extended networks and point-of-service options, as long as such cost sharing features are filed with the office of the insurance commissioner, and the enrollees' costs and administrative procedures for obtaining and paying for extended network and point-of-service option coverage are fully disclosed to enrollees;

(6) Deductibles, co-insurance and/or co-payments shall not be designed to avoid high risk enrollees;

(7) As required by RCW 43.72.130, cost sharing shall not apply to preventive services;

(8) The minimum cost sharing levels plans shall apply are those defined in WAC 245-03-650; and

(9) Plans shall apply the low-income cost sharing features defined in WAC 245-03-650 and WAC 245-03-660 to low-income residents who enroll in publicly subsidized health care programs.

#### NEW SECTION

**WAC 245-03-630 No deductible.** Standard cost sharing for the uniform benefits package required to be offered by all plans shall not include a deductible, as defined in WAC 245-03-610(6), for services obtained from core network providers. A deductible may be applied to services obtained from extended networks or point-of-service options.

#### NEW SECTION

**WAC 245-03-640 Standard enrollee cost sharing tiers.** (1) Residents with individual or family incomes greater than 250% of the federal poverty level and residents with lower individual or family incomes who are not enrolled in a publicly subsidized health care program shall be subject to the following standard cost sharing levels:

(2) Primary and specialty care services delivered in ambulatory care settings shall be subject to a co-payment of \$15 per provider visit, except as specified below or in subsequent sections of WAC 245-03-640:

(a) Preventive health services shall be subject to no cost sharing;

(b) Diagnostic services, including radiology, nuclear medicine, ultrasound, and laboratory services, shall be subject to no cost sharing when provided in conjunction with an office visit;

(c) Blood components, synthetic factors, plasma expanders and their administration shall be subject to no cost sharing;

(d) Outpatient physical therapy, occupational therapy, speech therapy, and other rehabilitation services shall be subject to a \$15 per day co-payment, rather than a per visit co-payment;

(e) Emergency services, as defined in WAC 245-03-010(7), shall be subject to the following cost-sharing requirements, which shall be waived if the enrollee is admitted:

(i) Emergency room visits to a facility participating in the plan network shall be \$50 per visit;

(ii) Emergency room visits to a non-participating facility shall be \$100 per visit;

(iii) Enrollees shall not be billed the co-payment under WAC 245-03-640 (2)(e)(ii) if they are appropriately triaged to state-designated regional centers for emergency and highly specialized services. In this case, the co-payment shall be the same as in WAC 245-03-640 (2)(e)(i).

(iv) The provider visit co-payment under WAC 245-03-640(2) shall apply to urgent services received at a hospital emergency room if other 24-hour urgent care is not available through the certified health plan.

(f) Ambulance transport shall be subject to a co-payment of \$50 per trip.

(g) Durable medical equipment shall be subject to a co-insurance of 20%.

(h) Prosthetic and orthotic devices shall be subject to a co-insurance of 20%.

(i) Disposable medical supplies shall be subject to a co-payment of the lesser of the cost of the item or \$20 per item.

(3) Inpatient hospital stays shall be subject to a co-payment of \$150 per day up to a maximum of five days per admission. Transferred patients shall be considered to

have one admission for the purposes of determining co-payments. No additional professional, prescription drug, equipment, supply, or other cost sharing shall be applied for services received while an inpatient. Inter-facility transport shall not be subject to any cost sharing, if approved by the plan.

(4) Outpatient surgical or invasive procedures conducted in an operating room or special procedure room of a hospital or licensed ambulatory surgery center shall be subject to a co-payment of \$100 per visit. No additional professional, prescription drug, equipment, supply or other cost sharing shall be applied.

(5) Prescription drugs and medications shall be subject to a co-payment of the lesser of the cost of the prescription or \$20 per prescription for a 31-day supply. Contraceptives shall be subject to the same cost sharing as prescription drugs, except:

- (a) cost sharing shall apply to a six-month supply;
- (b) Norplant shall be subject to a co-payment of \$100;
- (c) intrauterine devices (IUDs) shall be subject to a co-payment of \$100.

(6) Family planning and prenatal care services shall be subject to no cost sharing, but, otherwise, standard provider visit, inpatient, outpatient, and prescription drug cost sharing shall apply.

(7) Preventive dental services for children shall be subject to no cost sharing.

(8) Case-managed chemical dependency inpatient hospital stays shall be subject to a co-payment of \$150 per day, up to a maximum of five days. Chemical dependency residential and intensive outpatient treatment shall be subject to a co-payment of \$30 per day up to a maximum five days per admission. Chemical dependency outpatient visits shall be subject to a co-payment of \$15 per visit, although co-payments may be reduced for group sessions at plan discretion.

(9) Case-managed mental health inpatient hospital stays shall be subject to a co-payment of \$150 per day, up to a maximum of five days per admission. Mental health outpatient services shall be subject to a co-payment of \$15 per visit, although co-payments may be reduced for group sessions at plan discretion.

(10) Case-managed skilled nursing facility services shall be subject to a co-payment of \$30 per day, up to a maximum of five days per admission.

(11) Case-managed home health services shall be subject to no cost sharing, except for prescription drugs, durable medical equipment, prostheses and orthoses, and disposable medical supplies, which shall be subject to standard cost sharing; and home infusion therapy, which shall be subject to a co-insurance of 20%.

(12) Case-managed hospice services shall be subject to no cost sharing.

#### NEW SECTION

**WAC 245-03-650 Low-income cost sharing.** (1) Residents with individual or family incomes less than or equal to 250% of the federal poverty level who enroll in publicly funded health care programs and residents who have the minimum allowable cost sharing for the uniform benefits package shall be subject to the following cost sharing levels:

(2) No deductibles shall be applied.

(3) Primary and specialty care services shall be subject to a co-payment of \$5 per provider visit, except:

(a) Preventive health services shall be subject to no cost sharing.

(b) Diagnostic services, including radiology, nuclear medicine, ultrasound, and laboratory services, shall be subject to no cost sharing when provided in conjunction with an office visit.

(c) Blood components, synthetic factors, plasma expanders and their administration shall be subject to no cost sharing.

(d) Outpatient physical therapy, occupational therapy, speech therapy, and other rehabilitation services shall be subject to a \$5 per day co-payment, rather than a per visit co-payment;

(e) Emergency services, as defined in WAC 245-03-010(7), shall be subject to the following cost sharing requirements, which shall be waived if the enrollee is admitted:

(i) Emergency room visits to a facility participating in the certified health plan network shall be \$25 per visit.

(ii) Emergency room visits to a non-participating facility shall be \$50 per visit.

(iii) Enrollees shall not be billed the co-payment under WAC 245-03-650 (3)(e)(ii) if they are appropriately triaged to state-designated regional centers for emergency and highly specialized services. In this case, the co-payment shall be the same as in WAC 245-03-650 (3)(e)(i).

(iv) The provider visit co-payment under WAC 245-03-650(3) shall apply to urgent services received at a hospital emergency room if other 24-hour urgent care is not available through the certified health plan.

(f) Ambulance transport shall be subject to a co-payment of \$25 per trip.

(g) Durable medical equipment shall be subject to a co-insurance of 20%.

(h) Prosthetic and orthotic devices shall be subject to a co-insurance of 20%.

(i) Disposable medical supplies shall be subject to a co-insurance of 20%, up to a maximum of \$25.

(4) Inpatient hospital stays shall be subject to a co-payment of \$50 total per admission. Transferred patients shall be considered to have one admission for the purposes of determining co-payments. No additional professional, prescription drug, equipment, supply or other cost sharing shall be applied. Inter-facility transport shall not be subject to any cost sharing, if approved by the plan.

(5) Outpatient surgical or invasive procedures conducted in an operating room or special procedure room of a hospital or licensed ambulatory surgery center shall be subject to a co-payment of \$25 per visit. No additional professional, prescription drug, equipment, supply or other cost sharing shall be applied.

(6) Prescription drugs and medications shall be subject to the following cost-sharing features:

(a) Drugs and medications determined by the administrator of the Washington health care authority to be clearly cost-effective shall be subject to a co-payment of \$1.00 per prescription for up to a 31-day supply;

(b) Drugs and medications contained in the certified health plan's formulary, except those in WAC 245-03-650

(6)(a), shall be subject to a co-payment of \$3.00 per prescription for up to a 31-day supply;

(c) Drugs and medications not included in the certified health plan's formulary shall be subject to a co-insurance of 50%, up to a maximum co-payment of \$25.

(7) Family planning and prenatal care services shall be subject to no cost sharing, otherwise, standard provider visit, inpatient, outpatient, and prescription drug cost sharing shall apply.

(8) Preventive dental services for children shall be subject to no cost sharing.

(9) Case-managed chemical dependency inpatient hospital stays shall be subject to a co-payment of \$50 total per admission. Chemical dependency residential treatment and intensive outpatient treatment shall be subject to a co-payment of \$10 per day, up to a maximum of five days per admission. Chemical dependency outpatient visits shall be subject to a co-payment of \$5 per visit, although co-payments may be reduced for group sessions at plan discretion.

(10) Case-managed mental health inpatient hospital stays shall be subject to a co-payment of \$50 total per admission. Mental health outpatient services shall be subject to a co-payment of \$5 per visit, although co-payment may be reduced for group sessions at plan discretion.

(11) Case-managed skilled nursing facility services shall be subject to a co-payment of \$10 per day, up to a maximum of five days per admission.

(12) Case-managed home health services shall be subject to no cost sharing, except for prescription drugs, durable medical equipment, prostheses and orthoses, and disposable medical supplies, to which cost sharing shall apply; and home infusion therapy, which shall be subject to a co-insurance of 20%.

(13) Case-managed hospice services shall be subject to no cost sharing.

(14) When the state seeks a waiver from the provisions of the medical assistance statute, Title XIX of the federal social security act, to incorporate medical assistance enrollees into the reformed health system, the commission intends to recommend two tiers of cost sharing schedules for residents below 250% of the federal poverty level.

#### NEW SECTION

##### **WAC 245-03-660 Maximum out-of-pocket limits.**

(1) There shall be two schedules of maximum out-of-pocket limits per calendar year in the uniform benefits package.

(2) Uniform benefits packages sold to employers and other groups shall be subject to a maximum out-of-pocket limit, including deductibles, up to \$2,000 for an individual and \$3,000 for a family;

(3) Uniform benefits package products sold to individuals shall be subject to the following out-of-pocket limits:

(a) Residents with individual or family incomes greater than 250% of the federal poverty level shall be subject to an individual maximum out-of-pocket limit of the greater of \$2,000 or the deductible or a family maximum out-of-pocket limit of the greater of \$3,000 or the deductible.

(b) Residents with individual or family incomes less than or equal to 250% of the federal poverty level and enrolled in a publicly funded health care program shall be

subject to an individual maximum out-of-pocket limit of \$600 or a family maximum out-of-pocket limit of \$1,200.

#### NEW SECTION

**WAC 245-03-670 Maximum premium sharing.** The commission recommends that publicly funded health programs use a sliding scale to determine premium subsidies. Subject to the availability of public funds, the sliding scale should be developed to require 0% of income for enrollees with incomes less than 125% of the federal poverty level, 3.4% of income for enrollees with incomes at or near 150% of the federal poverty level, and 5% of income for enrollees with incomes at or near 200% of the federal poverty level. Publicly funded health care programs are encouraged to use a sliding scale to determine premium subsidies that requires no more than 5% of enrollees' income to pay premium sharing.

#### NEW SECTION

**WAC 245-03-680 Maximum enrollee financial participation.** (1) The commission is authorized to establish maximum enrollee financial participation levels, which the Act defines to include both cost sharing and premium sharing. In developing rules, the commission was guided by the following principles:

(a) required financial participation in health care costs should be affordable;

(b) subsidy programs currently in existence should be used to the extent feasible, rather than creating new ones; and

(c) administration should be kept as simple as possible.

(2) The two components of maximum enrollee financial participation, as defined in WAC 245-03-610(7), shall be added together to establish an overall maximum enrollee financial participation level, but the two parts shall not be interchangeable. For example, if an individual pays more than 5% of income on premium sharing, his or her out-of-pocket limit is not reduced. Instead, separate policies shall address each component:

(a) Out-of-pocket limits, as specified in WAC 245-03-660, shall determine enrollees' maximum cost sharing financial participation.

(b) A sliding scale to determine enrollee premium sharing shall establish enrollees' maximum premium sharing level. As specified in WAC 245-03-670, the commission recommends that enrollee premium sharing not exceed 5% of income.

(3) The maximum enrollee financial participation level for cost sharing and premium sharing shall apply only to residents who enroll in publicly funded health care programs. The limits shall not apply to residents who meet the income eligibility requirements, but who are not enrolled in a publicly funded health care program.

**WSR 95-06-077  
PROPOSED RULES  
HEALTH SERVICES COMMISSION**

[Filed March 1, 1995, 9:38 a.m.]

Original Notice.

PROPOSED



**Title of Rule:** Certified health plans and registered employer health plans—Standards for certification and general requirements.

**Purpose:** The purpose of these proposed rules is to establish the standards for certifying certified health plans and registered health plans and to establish enrollment standards, rules for offering the uniform benefits package and supplemental benefits and other requirements.

**Statutory Authority for Adoption:** RCW 43.72.040 (3)(14)(21), 43.72.100 (1)(2)(6), 43.71.120 (1)(2)(3)(7), and 48.43.020(3).

**Statute Being Implemented:** RCW 43.72.040 (3)(14)(21), 43.72.100 (1)(2)(6), 43.71.120 (1)(2)(3)(7), 43.72.200, and 48.43.020(3).

**Summary:** Creates a new chapter than establishes standards for determining whether an applicant should be certified to offer uniform benefits package (UBP) and supplemental benefits products, and establishes enrollment standards, rules for offering the UBP and ongoing requirements to be met by plans, including providing linguistically and culturally appropriate services, offering health promotion programs and coordinating with public health efforts.

**Reasons Supporting Proposal:** These rules are necessary to implement sections of RCW 43.72.040, 43.72.100, and 43.72.120, and chapter 48.43 RCW.

**Name of Agency Personnel Responsible for Drafting:** Nancy Long, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (360) 407-0154; Implementation and Enforcement: George Schneider, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (360) 407-0045.

**Name of Proponent:** Washington Health Services Commission, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** These rules, as filed, are identical to the proposed rules included in the commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039. These proposed rules are being published in the Washington State Register to facilitate public access to the current version of the rules. The previous proposed rules filed on September 7, 1994, expire after six months, and have been significantly revised. Since the legislature is considering many proposals that would require modification of these rules, the commission anticipates that additional revision and/or adoption of these rules will occur after completion of the legislative session. Public hearings and receipt of written comments have been delayed until after the scheduled adjournment of the legislature. The purpose of these regulations is to establish standards and guidelines that certified health plans and registered employer health plans (plans) wishing to offer uniform benefits package (UBP) products must meet that assure the availability, accessibility and quality of health services. These rules

define the requirements for certifying plans to offer the UBP and supplemental benefits as well as enrollment standards, rules for offering the UBP and supplemental benefits and other requirements applied to plans on an ongoing basis.

Proposal does not change existing rules.

**Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW?** Yes. A copy of the statement may be obtained by writing to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, phone (360) 407-0039, or FAX (360) 407-0069.

**Hearing Location:** Southwestern Washington Medical Center Auditorium, 400 Northeast Mother Joseph Way, Vancouver, WA, on June 22, 1995, at 1:00 p.m. to 5:00 p.m.; and at the St. Luke's Community Health Education Center, 3333 Squalicum Parkway, Bellingham, WA, on July 27, 1995, at 1:00 p.m. to 5:00 p.m.

**Assistance for Persons with Disabilities:** Contact Terry Taylor by June 1, 1995, (360) 407-0152.

**Submit Written Comments Beginning June 1, 1995,** to Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, by June 7, 1995.

**Date of Intended Adoption:** August 24, 1995.

March 1, 1995  
Bernadene Dochnahl  
Commission Chair

## WASHINGTON HEALTH SERVICES COMMISSION

### Chapter 245-04 WAC CERTIFIED HEALTH PLANS AND REGISTERED EMPLOYER HEALTH PLANS

#### STANDARDS FOR CERTIFICATION AND GENERAL REQUIREMENTS

#### NEW SECTION

**WAC 245-04-010 Definitions.** (1) Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(2) "Applicant" means a new entity applying for a certificate of authority as a certified health plan or registered employer health plan and for certification to offer the uniform benefits package<sup>1</sup> or an entity currently registered as a disability insurer, health care service contractor, or health maintenance organization applying for certification to offer the uniform benefits package.

(3) "Accessible" means services are provided in a way that is suitable to meet the needs of the individual, appropriate to the individual's health condition and in conformance with plan policies and procedures, requirements of WAC 245-04-200 and other provisions of this chapter.

(4) "Approved quality review organization" means an independent accreditation organization approved by the state of Washington that reviews the policies, procedures, and processes used by plans to improve and assure the provision of quality care and excellent service.

(5) "Available" means sufficient capacity is provided to assure that services can be used by enrollees in a manner

that is consistent with community standards, as assessed by the plan, as provided for in WAC 245-04-200 and other provisions of this chapter and consistent with determinations of which services are medically necessary based on the individual's health condition

(6) "Certification" means the process by which the insurance commissioner approves an entity in accordance with these rules to offer the uniform benefits package.

(7) "Disenroll" means termination of group or individual coverage with a plan.

(8) "Registration" means the process of gaining a certificate of authority from the office of the insurance commissioner to operate as a certified health plan under Ch. 48.43 RCW, a health care service contractor under Ch. 48.44 RCW, a disability insurer under Ch. 48.20 or Ch. 48.21 RCW or a health maintenance organization under Ch. 48.46 RCW. All registered entities must be certified in accordance with these rules before offering the uniform benefits package.

(9) "Timely" means available in a manner which is consistent with community standards as assessed by the plan and meets the reasonable requirements and expectations of the customer.

<sup>1</sup> These rules apply to plans offering the uniform benefits package only. The Commission is requesting a statutory change that would eliminate the requirement in RCW 43.72.100 that plans offer supplemental benefits and the requirement in RCW 43.72.170 that supplemental benefits be offered on a community rated basis. As a result, there is no reference to supplemental benefits in these rules

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

#### NEW SECTION

**WAC 245-04-020 Purpose.** (1) The purpose of these regulations is to implement sections of RCW 43.72.040, RCW 43.72.070, RCW 43.72.100, RCW 43.72.120 and Ch. 48.43 RCW by establishing standards for certification of health maintenance organizations, health care service contractors, disability insurers, certified health plans and registered employer health plans ("plans") offering the uniform benefits package as well as the ongoing requirements all plans certified to offer the uniform benefits package must meet that assure the availability, accessibility, and quality of health services provided by plans.

#### NEW SECTION

**WAC 245-04-025 Applicability and scope** (1) These regulations shall apply to all new health care entities required to obtain a certificate of authority from the office of the insurance commissioner under Ch. 48.43 RCW and RCW 43.72.120 and to existing disability insurers registered under Ch. 48.20 or Ch. 48.21 RCW, health care service contractors registered under Ch. 48.44 RCW, and health maintenance organizations registered under Ch. 48.46 RCW that offer the uniform benefits package to Washington residents on and after February 1, 1996.<sup>2</sup>

(2) A new entity must be registered as an employer health plan, certified health plan, disability insurer, health maintenance organization or health care service contractor before being certified to offer the uniform benefits package. Plans issued a valid certificate of authority by the insurance commissioner shall be considered to meet the registration requirements of 48.43.010.

(3) All plans, including plans already registered as a disability insurers, health care service contractors or health maintenance organizations, will be certified to offer the uniform benefits package if they demonstrate that they meet the requirements of this chapter and RCW 48.43.020 through 48.43.120. Plans with a valid certificate of authority need not demonstrate that they meet those provisions of RCW 48.43.020 through 48.43.120 that have been demonstrated through the registration process.

(4) New entities applying for a certificate of registration as a certified health plan pursuant to RCW 48.43.020 and RCW 48.43.030 may simultaneously apply for a certificate of registration and certification to offer the uniform benefits package.

(5) Beginning October 1, 1995,<sup>3</sup> a certificate designating the plan as a certified health plan authorized to offer the uniform benefits package will be issued by the office of the insurance commissioner not later than ninety days from receipt of the complete application, unless the plan is notified that the application is not complete and the deficiencies are identified.

(6) Nothing in these rules shall be construed to prohibit an entity registered as a disability insurer, health care service contractor, health maintenance organization or certified health plan and subsequently approved to offer the uniform benefits package from offering benefits not included in the uniform benefit package or from furnishing coverage under contracts or agreements with the federal or state government.

(7) In the event of conflict between the provisions of this chapter and any regulation issued by another state agency or department, the provisions of these regulations shall be controlling, pursuant to RCW 43.72.040(30).

<sup>2</sup> The Commission is requesting legislative approval to delay the effective date of the uniform benefit package until February 1, 1996. After February 1, 1996, the benefits offered to individuals and groups eligible for the uniform benefits package must comply with the provisions of Ch. 245-03 RCW but plans may continue to service existing policies until the renewal date of the policy.

<sup>3</sup> If the revised schedule is approved by the legislature, the office of the insurance commissioner would begin issuing plans certification as of October 1, 1995. Plans would then file their rates and benefit packages for approval. When their rates and benefit packages are approved, the plans can begin to offer the uniform benefit package with an effective date of no earlier than February 1, 1996.

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

**NEW SECTION**

**WAC 245-04-030 Policy statement and statutory framework.** (1) The following are the standards and requirements of the commission as provided for by RCW 43.72.040 (3)(14)(21) - Commission powers and duties, RCW 43.72.070 - Continuous quality improvement and total quality management, RCW 43.72.100 (1)(2)(6) - Certified health plans — Duties, RCW 43.72.120 - Registered employer health plans, RCW 43.72.200 - Conscience or religion, RCW 48.43.030 (5)(a) - Issuance of certificate — Grounds for refusal, and RCW 48.43.170 - Health care providers - Opportunity for inclusion. These standards and requirements define the basis for certifying plans to offer the uniform benefits package, enrollment standards, rules for offering the uniform benefits package, the process for assuring the quality of the care being supplied by plans, and other requirements applied to plans on an ongoing basis.

(2) It is the intention of the commission that these requirements assure Washington residents are not discriminated against based on their actual or perceived health status, financial status or funding source. The certification standards establish minimum requirements for plans offering the uniform benefits package and provide opportunities for plans to offer residents of the state of Washington a variety of options for the appropriate and effective delivery of health services. Plans are encouraged to have provider networks that are responsive to consumer preferences and are required to have adequate capacity to provide services that are accessible to diverse populations. Plans are strongly encouraged to integrate rural, non-profit and public providers in order to develop accessible managed care delivery systems focused on improving health status.

**NEW SECTION**

**WAC 245-04-040 Effective date.** This chapter shall be effective on \_\_\_\_\_. After being certified to offer the uniform benefits package, all plans must comply with all applicable provisions of Ch. 43.72 RCW and this chapter.

**NEW SECTION**

**WAC 245-04-050 General requirements for certification.** (1) On or after February 1, 1996<sup>4</sup>, no person or entity may offer or provide the uniform benefits package without having been issued a certificate of registration pursuant to RCW 48.43.010 and having been certified to offer the uniform benefits package. In order to be certified, the plan must complete the application process and file documents in the form approved by the insurance commissioner. A plan will be certified if it demonstrates the following:

(a) The applicant has a valid certificate of authority and is permitted to conduct business as a certified health plan or registered employer health plan offering the uniform benefits package.

(b) The applicant has submitted an access plan that demonstrates that services are available and accessible consistent with the requirements of WAC 245-04-200 through WAC 245-04-210.

(c) The applicant has demonstrated that the organization is financially responsible and may be reasonably expected to

meet its obligations to enrollees. This standard will be met if the insurance commissioner determines that the plan meets the following requirements:

(i) The plan meets, at a minimum, the requirements of RCW 48.43.080 for funded reserves and the requirements of RCW 48.43.070 for minimum net worth and other requirements for financial solvency as provided by Ch. 48 RCW and the office of the insurance commissioner; and

(ii) The plan meets all requirements of RCW 43.72.100 or RCW 43.72.120, including but not limited to, provisions in enrollee contracts for grievance procedures and subrogation, provider contract requirements, and reporting requirements.

(d) The procedures for offering health care services are reasonable and equitable. The plan's procedures are reasonable if they are based upon a documented utilization management program that uses accepted standards for determining if a service is medically appropriate and beneficial, consults with providers in appropriate specialty areas when establishing the procedures and reviews these procedures on a periodic basis. The plan's procedures are equitable if they include provisions to assure that determinations are made in a consistent manner and requirements that all denials are clearly documented and reviewed.

(e) That procedures have been established to monitor the quality of care provided by the plan and to resolve provider and consumer complaints and grievances. This standard will be met if the plan's procedures for monitoring quality of care comply with the requirements of WAC 245-04-300 through WAC 245-04-330, which include filing a description of the quality improvement program with the department of health and filing a grievance procedure with the office of the insurance commissioner.

(f) The plan's service area meets the requirements of WAC 245-04-080.

<sup>4</sup> See Footnote 2.

**NEW SECTION**

**WAC 245-04-060 Provision of the uniform benefits package** (1) The plan must be certified pursuant to RCW 43.72.090 to provide the benefits included in the uniform benefits package.

(2) The plan must provide or assure the provision of all services within the uniform benefits package except:

(a) The plan, and its participating providers and facilities, shall be exempt from participating in provision of specific benefits included in the uniform benefits package if they object to doing so for reasons of conscience or religion and agree to comply with the following provisions:

(i) Enrollees shall be guaranteed timely referral to any services identified under 2(a) above that are included in the uniform benefits package but not provided by the plan.

(ii) The plan is required to give enrollees written notice of any services that are not provided by the plan for reasons of religion or conscience prior to enrollment, upon enrollment, and upon enrollee request thereafter. The notice must include a listing by facility and by provider, where necessary, of any services that any facility or provider refuses to perform for reasons of conscience or religion.

(iii) A plan must offer written information or telephone referral to enrollees describing how an enrollee may directly and expeditiously access services that a provider or facility refuses to perform or a plan refuses to provide for reasons of conscience and religion.

(iv) If the plan does not provide a service in the uniform benefits package, it must comply with a mechanism developed by the commission that allows the enrollees to efficiently obtain the service and assures prompt payment for the service. This mechanism must be described in plan materials.

(3) Each plan will offer the uniform benefits package for a prepaid per capita community-rated premium in accordance with WAC 245-03-820 through WAC 245-03-830, not to exceed the maximum premium established by the commission, as specified in WAC 245-03-860.

(4) To achieve the goals of stabilizing the overall cost of health services, reducing the demand for unneeded services, providing access to essential services, improving public health and ensuring that health system costs do not undermine the financial viability of nonhealth care businesses, each plan shall administer these benefits through a system of managed care that includes incentives for providers to deliver services which are timely, confidential, appropriate, and effective in accordance with the following:

(a) Managed care means an integrated system of insurance, financing, and delivery functions that assumes financial risk for delivery of health services and:

(i) Provides incentives for the use of a defined network of providers, or

(ii) Promotes the efficient delivery of health services through the providers' assumption of some financial risk.

(b) Each plan, along with their participating providers and facilities, must provide services that:

(i) Assess and maintain the health of their enrollees;

(ii) Intervene to avoid illness to the greatest extent possible;

(iii) Treat illness in a cost-effective manner that endeavors to stabilize and/or return the enrollee to health and productivity whenever possible; and

(iv) Assure that persons with terminal conditions are cared for with compassion, sensitivity and respect for their dignity.

(5) Each plan will provide the standard cost-sharing described in WAC 245-03-630 through 640. Plans are permitted to offer other options consistent with the requirements of WAC 245-03-620.

#### NEW SECTION

**WAC 245-04-070 Enrollment standards.** (1) A plan that offers the uniform benefits package must accept for enrollment any state resident within the plan's service area.

(2) The plan may not discriminate against any enrollee based on age, sex, sexual orientation, family size and structure, disability, ethnicity, race, health condition, employment status, socioeconomic status, or other condition or situation.

(a) The insurance commissioner may grant a temporary exemption for a defined time period from the requirement in WAC 245-04-070(1) if, upon application by a plan, the commissioner finds that the clinical, financial, or administra-

tive capacity to serve existing enrollees will be impaired should a plan be required to continue enrollment of additional eligible individuals. Under this temporary exemption the plan may not enroll any new enrollees until the exemption has expired.

(i) A plan granted a temporary exemption would be allowed to continue enrolling new spouses or dependent family members of enrollees.

(b) A plan may accept for enrollment individuals who do not reside in the plan's service area at the request of the individual but the individual must be directly advised, in writing, by the plan of the limited availability of participating providers and facilities in the county in which the enrollee resides.

(c) A plan is not required to accept an individual who has been terminated by the plan for cause, such as fraud or refusal to abide by the plan's procedures for accessing care, for a period of two years after termination.

(3) A registered employer health plan is exempt from the provisions of WAC 245-04-070(1), however it must accept for enrollment all individuals who are qualified employees or dependents of qualified employees of the employer.

(4) Each enrollee must be provided the opportunity of at least a one-month period each year to disenroll from the plan.

(a) The ability of enrollees to select or change providers within the plan will be governed by plan procedures. These procedures must be described fully in the plan's marketing and enrollment materials and made available to the enrollee prior to enrollment.

(5) A plan may not offer a uniform benefits package product to any person who is eligible for the Medicare program unless that individual is also a qualified employee under the provisions of RCW 43.72.010(20) except as provided for by federal rules or a federal waiver. This provision does not prevent a certified health plan from enrolling Medicare eligible individuals in other products under a contract with the Health Care Financing Administration or from offering supplemental coverage products to Medicare-eligible individuals, consistent with other statutory provisions.

#### NEW SECTION

**WAC 245-04-080 Service areas standards.** (1) Each plan must establish the geographic boundaries within which they obligate themselves to deliver the services required under the uniform benefits package. This information will be included in their application for certification. The insurance commissioner, in consultation with the department of health, as necessary, may disapprove those boundaries that clearly have been drawn to be exclusionary. The service area boundaries are not exclusionary if they meet the following guidelines:

(a) The plan's service area boundaries include at least one entire county and must include all of any county or counties the plan serves. Service area boundaries that do not include entire counties are not exclusionary when consistent with the service area of a Commission-approved rural network or American Indian Tribal Service Area Boundaries.

(b) When more than 10% of a plan's enrollees live in a contiguous county, the plan must add this county to its service area before it expands to any other county unless it is prevented from doing so by its organizational charter.

(c) If the plan's service area contains more than two counties, it must not include only counties with a city of 250,000 people or greater.

(d) The service area does not have the effect, in the opinion of the office of the insurance commissioner, in consultation with the department of health, of excluding areas or populations in order to avoid risk.

(2) A plan may not reduce or add to its service area without prior approval from the insurance commissioner, in consultation with the department of health. If a plan removes a county from its service area, it cannot add that county back into its service area until at least three years have elapsed from the effective date of the reduction, unless permitted to do so by the insurance commissioner.

### WSR 95-06-078

#### PROPOSED RULES

#### HEALTH SERVICES COMMISSION

[Filed March 1, 1995, 9:40 a.m.]

#### Original Notice.

Title of Rule: Certified health plans and registered employer health plans—Quality assurance and improvement.

Purpose: The purpose of these proposed rules is to assure the quality of services provided by certified health plans, registered health plans, and the providers and facilities in their networks.

Statutory Authority for Adoption: RCW 43.72.040(21), 43.72.100(6), 43.71.120(7), 43.72.070, and 48.43.030(5)(a).

Statute Being Implemented: RCW 43.72.070 and 48.43.030(5)(a).

Summary: Creates a new chapter that establishes the principles and process for establishing a total quality improvement approach to assuring the quality of services supplied by providers and facilities through certified health plans and registered employer health plans. The rules require plans to be accredited by an approved quality review organization within four years for being certified to offer the uniform benefits package and supplemental benefits.

Reasons Supporting Proposal: These rules are necessary to implement sections of RCW 43.72.040, 43.72.070, 43.72.100 and 43.72.120, and chapter 48.43 RCW.

Name of Agency Personnel Responsible for Drafting: Nancy Long, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (360) 407-0154; Implementation and Enforcement: George Schneider, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (360) 407-0045.

Name of Proponent: Washington Health Services Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These proposed rules are consistent with current statutory requirements and are different from those included in the commission's report to the legislature, dated January 10, 1995, in two ways: (1) Plans are required to have a description of their quality improvement program approved by the Department of Health by July 1, 1996, in

order to meet the statutory date included in RCW 43.72.070 and (2) the rules do not assign tasks to the Department of Health beyond their current statutory authority to carry out the coordinated quality improvement program. The commission has requested and the legislature is considering other statutory changes that would affect these rules.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These proposed rules are consistent with current statutory requirements and are different from those included in the commission's report to the legislature, dated January 10, 1995, in two ways: (1) Plans are required to have a description of their quality improvement program approved by the Department of Health by July 1, 1996, in order to meet the statutory date included in RCW 43.72.070 and (2) the rules do not assign tasks to the Department of Health beyond their current statutory authority to carry out the coordinated quality improvement program. The commission has requested and the legislature is considering other statutory changes that would affect these rules. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039. These proposed rules are being published in the Washington State Register to facilitate public access to the current version of the rules. The previous proposed rules filed on September 7, 1994, expire after six months, and have been significantly revised. Since the legislature is considering many proposals that would require modification of these rules, the commission anticipates that additional revision and/or adoption of these rules will occur after completion of the legislative session. Public hearings and receipt of written comments have been delayed until after the scheduled adjournment of the legislature. The purpose of these regulations is to establish standards and guidelines that certified health plans and registered employer health plans wishing to offer uniform benefits package (UBP) products must meet that assure the quality of health services. These rules include principles for the continuous improvement of the health system and define a process whereby certified health plans must attain and maintain accreditation by an approved quality review organization. This approach to the certification of suppliers in the health system insures that plans and providers of services develop compatible quality assurance process and share responsibility for the quality of services provided by the health system.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, phone (360) 407-0039, or FAX (360) 407-0069.

Hearing Location: Southwestern Washington Medical Center Auditorium, 400 Northeast Mother Joseph Way, Vancouver, WA, on June 22, 1995, at 1:00 p.m. to 5:00 p.m.; and at the St. Luke's Community Health Education Center, 3333 Squalicum Parkway, Bellingham, WA, on July 27, 1995, at 1:00 p.m. to 5:00 p.m.

Assistance for Persons with Disabilities: Contact Terry Taylor by June 1, 1995, (206) 407-0152.

Submit Written Comments Beginning June 1, 1995, to: Francine Spahr, Rules Coordinator, Health Services Com-

mission, P.O. Box 41185, Olympia, WA 95804-1185, by July 7, 1995.

Date of Intended Adoption: August 24, 1995.

March 1, 1995  
Bernadene Dochnahl  
Commission Chair

## WASHINGTON HEALTH SERVICES COMMISSION

### Chapter 245-04 WAC CERTIFIED HEALTH PLANS AND REGISTERED EMPLOYER HEALTH PLANS QUALITY ASSURANCE AND IMPROVEMENT<sup>1</sup>

<sup>1</sup> These proposed rules are consistent with current statutory requirements and are different from those included in the Health Services Commission's report to the Legislature, dated January 10, 1995, in two ways: 1) Plans are required to have a description of their quality improvement program approved by the Department of Health by July 1, 1996, in order to meet the statutory date included in RCW 43.72.070 and 2) The rules do not assign tasks to the Department of Health beyond their current statutory authority to carry out the Coordinated Quality Improvement Program.

#### NEW SECTION

**WAC 245-04-300 Policy statement.** (1) Continuous improvement of the health system will provide the highest quality health services at the lowest total cost. In order for quality to be maintained and improved, all suppliers of health services, including plans, providers, and facilities must establish a system of total quality management based on the following principles for the continuous improvement of the Washington health system:

(a) Plans, providers, and public and private agencies should work in partnership with customers to define needs and mutual responsibilities for maintaining and improving the health status of individuals and communities. The term "customer" includes the enrollee but extends to the other relationships and processes which must be in place to provide a service to an enrollee.

(b) Systems of care for defined populations can be improved through an integrated, coordinated continuum of services that appropriately responds to the needs of individuals and the community to promote health.

(c) Continuous improvement of health requires ongoing increases in knowledge as a basis for strengthening professional capabilities, understanding and reducing unnecessary variation in all processes, and improving personal health behaviors. Unnecessary variation is variation that does not directly contribute to effective care or other organizational purposes, is not required to meet the customer's needs, and may result in increased costs or reduced quality.

(d) Measurement supports improvement in the outcomes and process of health services delivery.

(e) The system should provide appropriate incentives for plans, providers, agencies and individuals to change in response to the needs of individuals and communities and the health system.

(2) The quality of services provided by individual providers and facilities can be further assured by establishing

mechanisms to assist plans in improving the quality of services supplied through them. To carry out the intent of RCW 43.72.070, each plan is required to have a quality improvement program consistent with RCW 43.70.510 approved by the department of health by July 1, 1996.

(3) Each plan is also required to achieve accreditation by a quality review organization approved pursuant to WAC 245-04-330 within four years of being certified to offer the uniform benefits package. Using the standards of an approved quality review organization rather than creating new standards reduces the burden of state oversight, allows for consistency between the standards of major employers and state government, and uses standards based on the principles of continuous quality improvement that are dynamic and subject to revision as the performance and requirements of plans change. This helps assure that providers and plans share the same goals and the same commitment to quality care.

#### NEW SECTION

**WAC 245-04-310 Quality standards.** (1) To ensure the quality of the health services provided in Washington state, all plans must receive accreditation by an approved quality review organization pursuant to WAC 245-04-330, within four years of being certified to offer the uniform benefits package.

(2) Plans are responsible for establishing appropriate credentialing and performance standards for each category of health care provider or facility supplying services through the plan.

(i) These requirements may vary by category of supplier, but should be consistent with the standards and approach of the quality review organization and, where possible, rely upon reviews by governmental agencies or accreditation organizations.

(ii) These standards cannot have the effect of eliminating the requirements of WAC 245-04-090 through WAC 245-04-110 for inclusion of all categories of providers in a manner consistent with health services management, quality assurance and cost-effectiveness.

(3) Consistent with the requirements of RCW 70.41.200, all hospitals must maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice.

#### NEW SECTION

**WAC 245-04-320 Description of quality improvement program.** (1) The plan's managed care systems should promote coordination and continuity of care, responsiveness to the enrollee and improvement of the health status of enrollees.

(2) In an effort to continuously improve the care being delivered, each plan shall file a preliminary description of the plan's coordinated quality improvement program with the department of health when it applies for certification to offer the uniform benefits package.

(a) The purpose of this description is to allow the plan to initiate or document its progress in developing systems that will allow it to achieve accreditation.

(3) The preliminary description of the quality improvement program will be considered sufficient for certification if it is approved by the department of health, consistent with the provisions of WAC 245-04-050, and includes the following elements:

(a) Organizational arrangements and responsibilities for quality improvement processes are clearly defined and assigned to appropriate individuals with accountability at the board level;

(b) Requirements to participate in quality improvement activities are incorporated into all provider contracts and employment agreements. Contracts specify that hospitals and other contractors will allow the plan access to the medical records of their enrollees for the purpose of carrying out quality assurance activities;

(c) The plan has a written utilization management program description that includes, at a minimum, the policies and procedures to evaluate if a service is medically beneficial;

(d) The plan has written policies and procedures for the credentialing process that include the original credentialing of physicians (including naturopathic physicians, podiatrists, chiropractors, dentists and osteopathic physicians) and other providers who practice independently under the plan's scope of authority and action;

(e) The plan demonstrates a plan for providing targeted preventive services to its enrollees; and

(f) The plan demonstrates a commitment to treating members in a manner that respects their rights, including written policies that include the following members' rights to:

(i) voice grievances about the plan or care provided;

(ii) be provided with information about the plan's organization, its services; the practitioners providing care and enrollees' rights and responsibilities;

(iii) participate in decision-making regarding their health care; and

(iv) be treated with respect and recognition of their dignity and need for privacy.

(4) By July 1, 1996, every certified health plan certified to offer the UBP, a plan must submit to the department of health a revised description of its quality improvement program and a timetable for meeting accreditation requirements within four years of initial certification. The revised description must include all elements in the preliminary description as provided in subsection (3) above. The approval process may include reviews of supporting records, on-site observations, interviews with key members of the organization and assessment of the effectiveness of systems such as member services and provider relations, as deemed appropriate by the department of health.

(5) Thereafter, the plan must demonstrate annually to the department of health appropriate progress in achieving the objectives of the quality improvement program, through a report filed with the department of health, until the plan attains full accreditation from an approved quality review organization. The department of health may undertake similar monitoring activities as those described in subsection (4) above to verify reported progress and may provide technical assistance to assure compliance.

(6) After the plan has received accreditation, the plan must file with the department of health, within forty-five

days of its receipt from the quality review organization, full reports of all accreditation surveys and a plan for addressing recommendations identified through the surveys. The department of health may undertake similar monitoring activities as those described in subsection (4) above to verify reported progress and may provide technical assistance to assure compliance.

#### NEW SECTION

**WAC 245-04-330 Responsibilities of the quality review organization, the health services commission, and the department of health.** (1) In its role as an accreditation organization, an approved quality review organization is not acting as an agent of the state of Washington, the health services commission, the office of the insurance commissioner, or the department of health. The state is not liable for the decisions made by an approved quality review organization regarding any actions, including a decision to grant or deny accreditation to a plan.

(2) Under RCW 43.72.070, the commission is responsible for the establishment of a total quality management system of continuous quality improvement. The commission will develop the process and standards for certification of plans as suppliers of health services and will designate approved quality review organizations, in concert with the department of health.

(3) When designating approved quality review organizations the commission will assure that organizations so designated demonstrate the following:

(a) The scope of the standards used by the organization include evaluation of the plan's utilization management and quality management programs, performance of credentialing and medical records functions, and the plan's ability to inform enrollees of their rights and responsibilities and the importance of receiving appropriate preventive health services.

(b) The organization can demonstrate that it is capable of reviewing and analyzing the quality assurance and quality improvement programs of Washington certified health plans and registered employer health plans in a timely manner

(c) The organization has experience in reviewing plans with similar responsibilities as those of certified health plans and registered employer health plans;

(d) The organization is willing to include appropriate state personnel as observers on all survey teams;

(e) The organization is capable of preparing a report for the plan within 180 days of completion of the survey visit that summarizes the scope of the survey, the findings, and the recommendations for improvement, if any.

(f) The organization bases its standards and review process on the recognized methods of continuous quality improvement, consistent with RCW 43.72.070.

(g) The organization is willing to notify the applicable regulatory agencies immediately if a deficiency that poses a threat to public health or safety is identified.

(h) The organization is willing to make available, upon request, an accreditation status report.

(4) Approved quality review organizations will be subject to periodic review by the commission, in consultation with the department of health. The commission will assess the continued appropriateness of the standards, the timeliness

of reviews and reports, and the adequacy of the organization's review.

#### NEW SECTION

**WAC 245-04-340 Approval of quality review organizations.** (1) Plans must be accredited by a quality review organization approved by the commission.

(2) If a quality review organization not approved by the commission wishes to apply for approval it may so advise the commission. The quality review organization must demonstrate to the commission that the organization meets the requirements of WAC 245-04-330.

(3) The commission will notify all certified health plans or current applicants identified by the insurance commissioner of the approved quality review organizations.

#### NEW SECTION

**WAC 245-04-350 Failure to attain or maintain accreditation.** (1) If the plan fails to receive full accreditation or if it loses accreditation, it will be subject to greater oversight, including reviews of supporting records, on-site observations, interviews with key members of the organization and assessment of the effectiveness of systems such as member services and provider relations. If the plan does not attain accreditation within four years of initial certification to offer the uniform benefits package, or the plan loses accreditation and does not regain it within two years, the plan will be subject to a heightened level of review by the health services commission. The commission may recommend to the insurance commissioner that the plan be prohibited from accepting additional enrollment or that the plan's certification be removed.

(2) If a plan loses accreditation by the approved quality review organization, the plan will have two years to regain accreditation.

### WSR 95-06-079

#### PROPOSED RULES

#### HEALTH SERVICES COMMISSION

[Filed March 1, 1995, 9:41 a.m.]

##### Original Notice.

Title of Rule: Certified health plans and registered employer health plans—Requirements to assure availability and accessibility of services.

Purpose: The purpose of these proposed rules is to assure the availability and accessibility of services provided by certified health plans and registered health plans through service standards and guidelines, certification requirements, services for special populations and other requirements.

Statutory Authority for Adoption: RCW 43.72.040(21), 43.72.100(6), 43.71.120(7), and 48.43.030(2).

Statute Being Implemented: RCW 43.72.040(21), 43.72.100 (6)(13), 43.71.110 (7)(12), and 48.43.030(2).

Summary: Creates a new chapter that establishes standards for determining whether an applicant should be certified to offer uniform benefits package (UBP) and supplemental benefits products, establishes ongoing requirements to be met by plans, including providing linguistically

and culturally appropriate services, offering health promotion programs and coordinating with public health efforts.

Reasons Supporting Proposal: These rules are necessary to implement sections of RCW 43.72.040, 43.72.100, 43.72.120, and chapter 48.43 RCW.

Name of Agency Personnel Responsible for Drafting: Nancy Long, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (360) 407-0154; Implementation and Enforcement: George Schneider, 605 Woodland Square Loop S.E., Lacey, WA 98504-1185, (360) 407-0045.

Name of Proponent: Washington Health Services Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These rules, as filed, are identical to the proposed rules included in the commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules, as filed, are identical to the proposed rules included in the Health Services Commission's report to the legislature, dated January 10, 1995. Copies of the reports may be obtained by calling the Health Services Commission at (360) 407-0039. These proposed rules are being published in the Washington State Register to facilitate public access to the current version of the rules. The previous proposed rules filed on September 7, 1994, expire after six months, and have been significantly revised. Since the legislature is considering many proposals that would require modification of these rules, the commission anticipates that additional revision and/or adoption of these rules will occur after completion of the legislative session. Public hearings and receipt of written comments have been delayed until after the scheduled adjournment of the legislature. The purpose of these regulations is to establish standards and guidelines that certified health plans and registered employer health plans (plans) wishing to offer uniform benefits package (UBP) products must meet that assure the availability, accessibility and quality of health services. These rules define the requirements for certifying plans to offer the UBP and supplemental benefits as well as enrollment standards, rules for offering the UBP and supplemental benefits and other requirements applied to plans on an ongoing basis.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, phone (360) 407-0039, or FAX (360) 407-0069.

Hearing Location: Southwestern Washington Medical Center Auditorium, 400 Northeast Mother Joseph Way, Vancouver, WA, on June 22, 1995, at 1:00 p.m. to 5:00 p.m.; and at the St. Luke's Community Health Education Center, 3333 Squalicum Parkway, Bellingham, WA, on July 27, 1995, at 1:00 p.m. to 5:00 p.m.

Assistance for Persons with Disabilities: Contact Terry Taylor by June 1, 1995, (360) 407-0152.



Submit Written Comments Beginning June 1, 1995, to:  
Francine Spahr, Rules Coordinator, Health Services Commission, P.O. Box 41185, Olympia, WA 98504-1185, by July 7, 1995.

Date of Intended Adoption: August 24, 1995.

March 1, 1995  
Bernadene Dochnahl  
Commission Chair

## WASHINGTON HEALTH SERVICES COMMISSION

### Chapter 245-04 WAC

### CERTIFIED HEALTH PLANS AND REGISTERED EMPLOYER HEALTH PLANS

### REQUIREMENTS TO ASSURE AVAILABILITY AND ACCESSIBILITY OF SERVICES

#### NEW SECTION

#### **WAC 245-04-200 Statement of intent and standards for availability and accessibility of plan services.**

(1) Plans are expected to provide enrollees with convenient, culturally appropriate services and as broad a choice of providers as is possible without compromising the plan's ability to effectively manage care. The commission considers consumer choice and effective management of care as compatible goals because of the important role that trust, communication and continuity of care play in health promotion and treatment of illness. In particular, it is important that plans develop relationships with local providers, facilities, and networks in rural areas and develop ways to stabilize and improve access to care for rural residents.

(2) Each plan offering products that include the uniform benefits package must demonstrate, as a part of certification and on an ongoing basis, its intent and ability to provide medically beneficial services that are available and accessible to all enrollees. A plan's core network shall be considered adequate if it meets provider selection requirements set forth in WAC 245-04-90 through WAC 245-04-110 and the plan can reasonably demonstrate that it can meet the service standards in WAC 245-04-200(3) and WAC 245-04-200(4) below. Specifically, the plan must demonstrate the following

(a) The core network of each product is adequate to provide all the benefits in the uniform benefits package to enrollees, when medically appropriate and beneficial in the opinion of the plan. Plans may provide benefits through contracts with providers, facilities, networks or limited health care service contractors as defined in RCW 48.44.035, including dental plans under RCW 43.72.110 and RCW 48.01.210

(b) The plan is financially capable of providing enrollees with such benefits.

(i) While provider assumption of financial risk is integral to improving quality and controlling costs under managed care, as defined in RCW 43.72.010 (16), the plan must assure that enrollees are not charged for services covered under the benefit and cost-sharing schedule of the plan.

(ii) If the plan prepays a provider assigned more than 500 enrollees for services beyond those provided directly by the provider or a facility or other contractor is prepaid more

than 50% of the total premium collected by the plan for the enrollees assigned to the facility or contractor, the plan must assure that the provider, facility or contractor is capable of handling the degree of financial risk being assumed. The contract must include a requirement that the contractor provide the plan with financial contract must include a requirement that the contractor provide the plan with financial reports and other information that will allow the plan to assess if the contractor is capable of managing the medical cost risk being assumed.

(c) As provided for in WAC 245-04-110(3), the core network for each product includes appropriate and reasonable access to every category of health care provider permitted to deliver services included in the uniform benefits package, consistent with health services management, quality assurance and cost-effectiveness. Dental providers may be included through a subcontract with a dental plan authorized under RCW 43.72.110 or RCW 48.01.210.

(i) The plan may exclude a category of provider if no qualified provider in the plan's service area is available or willing to participate on terms acceptable to the plan and the provider. If a category of provider is not available in the plan's service area, the plan must contract with providers outside the plan's service area

(ii) The plan may provide differential access to providers based on the plan's utilization management program, which must have a documented basis for making determinations of quality of care, cost-effectiveness, or the clinical efficacy of service alternatives. The plan may not provide differential access based on the category of provider. The plan may require referrals from primary care providers for specialty care or may waive referral requirements according to the plan's care management standards.

(3) The plan should consider the usual practice and travel arrangements for health services in the local area and must assure that timely and convenient services are available that meet, at a minimum, the following service standards for enrollees living in the plan's service area:

(a) Emergency services, as defined by WAC 245-03-010(7) should be provided at the nearest plan-designated facility unless the injury or condition requires the enrollee to be transported to the nearest facility or to a specialized facility;

(i) Standards established for urgent and emergency care must consider presenting symptoms in addition to discharge diagnosis.

(ii) Special standards must be used for evaluation of urgent or emergency services for infants and children and individuals with chronic conditions.

(b) The plan must provide coverage for urgent and emergency care worldwide for an enrollee who is out of the service area for less than ninety days. When an enrollee is out of the service area for more than 90 days, only emergency care is covered.

(c) Urgent care, as defined by WAC 245-03-010(10) should be provided within twenty-four hours; and

(d) All plans must assure provision of after hours and emergency care that assures enrollees access to medically necessary emergency and urgent care twenty-four hours a day, seven days a week.

(4) The core network for each product shall be considered adequate if it allows the plan to comply with the

following service standards in each county in at least 85% of all cases.:

(a) Primary care appointment wait times should be no longer than 72 hours for acute care visits. Appointment wait times for well care visits should be no more than three weeks, except where an earlier appointment is necessary, such as well-care for newborns.

(b) Travel distance from the enrollee's home to a primary care provider, a rural health care facility as defined in RCW 70.175.020, or a hospital should not exceed the lesser of 25 miles or a 30 minutes travel time, unless no qualified primary care provider, rural health facility or hospital is located within that distance; and

(c) Imaging and laboratory services that require the enrollee to be present for the service should be available within the lesser of 25 miles or 30 minutes travel time, unless a qualified facility is not located within that distance.

(5) In order to assure that enrollees have access to appropriate medically appropriate and beneficial services the following information must be explained clearly and simply in the benefits brochure and must be provided to enrollees:

(a) How an enrollee obtains services during regular office hours;

(b) How an enrollee obtains specialty, urgent and emergency services;

(c) How an enrollee obtains after-hours care;

(d) How an enrollee obtains coverage for urgent and emergency care outside the plan's service area

(e) How an enrollee may receive additional confidentiality protection. Plans must have procedures to protect confidential information, approve services from a provider outside of the network when confidentiality cannot be achieved with a plan provider, suppress sensitive claims information, or provide additional assurances of confidentiality;

(f) How an enrollee can file a complaint or grievance; and

(g) How an enrollee can select or change a provider within the plan.

(6) The plan must have a mechanism for the plan or the provider to inform an enrollee at least 30 days prior to the termination of the primary care provider from the plan's network or within 30 days of the plan becoming aware of the change in the provider's status.

(7) To maximize competition and consumer choice, it is the intention of the commission that a broad range of products with different plan designs and networks be offered, as long as the uniform benefits package is included in each product. However, plans may not provide services or design networks to avoid risk, evade compliance with other provisions of this chapter, or discriminate against particular populations based on characteristics such as race, ethnicity, language age, health condition, disability, economic status, eligibility for a premium subsidy, or geographic area of residence. This rule does not prevent a plan from providing specific services or designing a network to meet state, tribal or federal contractual or eligibility requirements.

(a) If a plan offers several products including the uniform benefits package, using different plan designs and networks, they must make all products available to all employers and individuals. Plans may not design products for individuals only or for groups of a minimum size without

offering them to any group or individual on a guaranteed issue basis.

(8) Consistent with the provisions of Ch. 48 RCW, plans may offer extended networks or point of service options. All plans, except those registered as a health maintenance organization, must offer, a point of service option as one of the uniform benefits package products available to group purchasers, that allows consumers a broader choice of providers. Health maintenance organizations under Ch. 48.46 RCW must offer an extended network. This provision is intended to add flexibility to the managed care approaches offered by plans, not to remove the requirement that plans manage the cost or quality of services.

(9) Extended networks or point of service options must have the following characteristics:

(a) Extended networks or point of service options must be designed to encourage individuals to use core network providers and facilities whenever appropriate. For example, the plan's design may include higher enrollee cost-sharing for extended network providers or non-contracted providers in a point of service option that is specified in WAC 245-03-650. The plan may also require enrollees to receive particular services from core network providers.

(b) The plan's core network(s), includes all providers and facilities available at the minimum cost-sharing levels defined in WAC 245-03-650, and every category of provider as required by WAC 245-04-110(3).

(c) The plan's core network(s) includes all services, including specialized or tertiary services, needed to provide the benefits included in the uniform benefits package.

(d) The point of service option required by these rules may be insured directly by the plan or through an agreement with a health care services contractor or a disability insurer. The insurer may be a related entity, such as a parent, subsidiary, sister corporation or wholly owned affiliate, or an unrelated entity contracted with the plan for the purpose of providing this option.

(e) Plans are not required to provide managed care, include all categories of providers, or meet the quality assurance provisions of WAC 245-04-300 and WAC 245-04-350 for providers included in extended networks and point of service options.

(f) The plan must describe these options, including cost-sharing and referral requirements and the consequences of going outside the plan's core network clearly in plan marketing materials and benefit descriptions.

(g) Extended networks and point of service options must be available to all individuals and groups and must be offered on a guaranteed issue basis.

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

#### NEW SECTION

##### **WAC 245-04-210 Development of an access plan.**

(1) At the time of applying for certification to offer the uniform benefits package, each plan shall prepare and file, pursuant to RCW 43.72.090, an access plan for each product including the uniform benefits package.

(a) This access plan will be revised annually and must be available for public review.

(b) The access plan will be approved if it includes, in sufficient detail, all items listed in paragraph (2) below, is consistent with the operational policies and provider contract language provided by the plan, and would reasonably allow the plan to meet all requirements of state law.

(c) If services are subcontracted to a dental plan under RCW 43.72.110 or RCW 48.01.210 or another subcontractor, the access plan may include materials prepared by the subcontractor.

(2) The access plan must include:

(a) Current enrollment, projected annual enrollment for two years, and the plan's estimated maximum capacity enrollment for the next year for all enrollees using the network;

(b) A description of the network, including a list of all providers and facilities, indicating those providers who are not accepting new patients. Filing of this description is not intended to restrict the ability of plans to add or delete providers from their networks consistent with commission rules.

(i) Any limitations on service provision for reason of conscience or religion;

(ii) A geographic description of the plan's service area by county, indicating major providers and facilities and including travel time and mileage to the boundaries of the county;

(c) The plan's referral policies;

(d) A description of the plan's basis for determining that the core network is sufficient to meet the service standards in WAC 245-04-200(4) and WAC 245-04-200(5) for the estimated maximum capacity level;

(e) A description of how the plan has considered or included in its access plan the conclusions and strategies of existing community needs assessments for the plan's service area;

(f) A description of how consumers, facilities, and providers are involved in advisory or decision-making bodies, through surveys, interviews, or other methods of incorporating the views of consumers, facilities and providers in the plan's decision-making; and

(g) A description of the plan's efforts to address the following barriers to accessing needed services:

(i) limited English proficiency or illiteracy,

(ii) minority or disadvantages status based on race, culture and ethnicity, gender and sexual orientation,

(iii) age and geography,

(iv) lack of adequate transportation, and

(v) physical or mental disability, including inability to read.

(h) Beginning the second year after certification the plan will file with the office of the insurance commissioner summary of the results of annual surveys that assess enrollee's satisfaction with the plan; and

(i) A summary of at least ten interviews conducted with low-income, disabled and non-English-speaking enrollees that assesses the enrollees' satisfaction with the plan and identifies remaining barriers to access.

## NEW SECTION

**WAC 245-04-220 Health promotion and cooperation with public health system.** (1) When certified to offer the uniform benefits package, plans must develop linkages with public health efforts that will enable the plan to effectively reduce health risks and change behaviors that threaten health. The goal of this cooperation is to support the effectiveness of the public health system by reinforcing and encouraging healthy behaviors and appropriate use of health care services.

(2) Within two years of being certified to offer the uniform benefits package and biennially thereafter, the plan must file with the commission a plan for coordination with public health efforts and community-based organizations providing services included in the uniform set of health services established by the commission pursuant to RCW 43.70.520, including the personnel and resources the plan will commit to this effort.

(3) The coordination plan must assist local health jurisdictions and Tribal governments in the plan's service area, with assessing community needs and must specify a mechanism to exchange information with local health jurisdictions conducting community needs assessments.

(4) The commission will review and comment on the submitted coordination plan in an effort to create and improve cooperative relationships between the plan and public health officials at the local and state and tribal level.

(5) Within two years of being certified to offer the uniform benefits package and biennially thereafter, the plan must file with the department of health a description of the plan's health promotion program. The plan must describe its provisions for providing all enrollees with instruction and informational materials to:

(a) Increase individual and family awareness of injury and illness prevention;

(b) Encourage assumption of personal responsibility for protecting personal health; and

(c) Stimulate discussion about the use and limits of medical care in improving the health of individuals and communities.

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

## NEW SECTION

**WAC 245-04-230 Linguistically and culturally appropriate access to services.** (1) If an enrollee's primary language is not English, or the enrollee's understanding of English limits their ability to fully consent to or comply with treatment recommendations, the plan will assure that the enrollee has access to an interpreter or a provider who speaks the enrollee's primary language. Interpreter services must be available during a non-emergency medical visit or procedure and during all aspects of the grievance procedure.

(2) The enrollment system maintained by the plan and participating providers and facilities must include information identifying a non-English-speaking enrollee's primary language.

(3) Health promotion and outreach programs must be culturally and linguistically appropriate and must include approaches specifically designed for persons of color and accommodating different cultural value systems, genders, and ages. These health education efforts, which must complement local public health activities, must be designed using community based needs assessments and other relevant sources. They must make use of health promotion approaches and health information literature that recognizes enrollees' values and health beliefs.

#### NEW SECTION

**WAC 245-04-240 Accessibility of services to persons with disabilities.** (1) Plans must have as an available service the ability to identify providers and facilities in their networks that are most accessible to persons with disabilities.

(2) Plans must develop resources to make enrollee materials and orientations available to individuals with disabilities.

**WSR 95-06-081  
PROPOSED RULES  
EMPLOYMENT SECURITY  
DEPARTMENT**

[Filed March 1, 1995, 10:05 a.m.]

Original Notice.

Title of Rule: Various rules within chapters 192-12, 192-16, 192-28, and 192-32 WAC, relating to unemployment compensation benefits.

Purpose: To correct grammatical errors, delete verbatim quotes of statute, update to comply with current statutory language, and remove outdated session law references.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040, 50.20.010.

Summary: WAC 192-12-184 and 192-12-320 are revised to correct grammatical errors. WAC 192-12-190, 192-12-340, 192-16-017, 192-16-019, 192-16-025, 192-28-110 and 192-28-120 are revised and updated to reflect current statutory language. WAC 192-16-021, 192-16-050, 192-32-001, 192-32-010, 192-32-015, 192-32-025 and 192-32-045 are revised to remove outdated references to session laws. WAC 192-16-007, 192-28-065, and 192-28-100 are repealed because they are restatements of statute or the effective dates have long passed.

Reasons Supporting Proposal: Housekeeping changes to update regulations to comply with current statutory language.

Name of Agency Personnel Responsible for Drafting: Juanita Myers, 212 Maple Park, Olympia, (360) 753-5131; Implementation and Enforcement: Dale Ziegler, 212 Maple Park, Olympia, (360) 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes are of a housekeeping nature only and are part of the department's ongoing rules review process. The amendments to WAC 192-12-190 and 192-12-

320 are revised primarily to correct grammatical errors. WAC 192-12-190, 192-12-340, 192-16-017, 192-16-019, 192-16-025, 192-28-110, and 192-28-120 are revised and updated to reflect statutory language as amended by the legislature. WAC 192-16-021, 192-16-050, 192-32-001, 192-32-010, 192-32-015, 192-32-025, and 192-32-045 are revised to remove outdated references to session laws and replace with current statutory citations. WAC 192-16-007, 192-28-065, and 192-28-100 are repealed as no longer needed either because they are restatements of statute or the effective dates have long passed. It is anticipated that they only effect of these changes will be to provide clarity to the regulated community (employers and claimants).

Proposal Changes the Following Existing Rules: All proposed changes are nonsubstantive, bringing the existing rules into conformity with existing state statutes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed changes are nonsubstantive and will not result in any additional costs to business.

Hearing Location: Employment Security Department, 605 Woodland Square Loop, 2nd Floor Conference Room, Lacey, WA, on April 5, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Karen Lafky, Affirmative Action by April 3, 1995, TDD (360) 753-5198, or (360) 586-6456.

Submit Written Comments to: John Nemes, Rules Coordinator, OMR, P.O. Box 9046, Olympia, WA 98504-9046, FAX (360) 438-3226, by April 3, 1995.

Date of Intended Adoption: April 19, 1995.

February 27, 1995

Howard Nanto

Deputy Assistant Commissioner  
for Dale Ziegler

AMENDATORY SECTION (Amending WSR 93-16-053, filed 7/29/93, effective 8/29/93)

**WAC 192-12-184 Training—Unemployment benefits while pursuing training.** The commissioner prescribes the following requisites:

(1) Training shall be full-time and the training facility will determine whether the claimant is enrolled in training on a full-time basis and whether he or she is making satisfactory progress.

(2) The claimant shall notify the department if he or she discontinues or suspends the training, or reduces enrollment to less than full-time.

(3) If enrollment drops below full-time or satisfactory progress is not being made, the claimant may be required to show that he or she is meeting the availability for work and active search for work requirements of RCW 50.20.010(3) and the provisions of RCW 50.20.080 relating to failure to apply for, or refusal to accept suitable work.

(4) For the purposes of RCW 50.20.050(3), participation in training previously approved by the commissioner works ~~((and))~~ an unreasonable hardship on the individual when he or she would be required to continue in employment beyond the start or resumption date of the training.

AMENDATORY SECTION (Amending Order 6-84, filed 12/5/84)

**WAC 192-12-190 Interpretive regulation—**  
~~((Failure)) Directive to attend job search workshop or training or retraining course ((when directed)) according to RCW 50.20.044. ((RCW 50.20.044 provides that: "If an otherwise eligible individual fails without good cause, as determined by the commissioner under rules prescribed by the commissioner, to attend a job search workshop or a training or retraining course when directed by the department and such workshop or course is available at public expense, such individual shall not be eligible for benefits with respect to any week in which such failure occurred."))~~

~~((1))~~ (1) The commissioner may direct a claimant, in writing, to attend a job search workshop or training or retraining course if the commissioner finds that a claimant's chance to become reemployed will be enhanced by enrollment in a job search workshop, training or retraining course ~~((, the following general rules shall apply:))~~.

~~((2))~~ (2) The department shall not direct a claimant to attend a job search workshop, training or retraining course, if:

(a) The individual has a verifiable bona fide job offer beginning within two weeks ~~((;))~~ or

(b) The workshop or training ~~((is given at a))~~ location is outside the individual's labor market ~~((;))~~ or

(c) Cost of child care, transportation, or other training related ~~((to))~~ expense would substantially exceed the costs of conducting an active work search and ~~((which))~~ would result in an unreasonable hardship on the individual ~~((;))~~ or

(d) Attendance at the workshop or course would work an unreasonable hardship on the individual ~~((;))~~ or

(e) The individual is a member in good standing of a full referral union, unless such individual is also being required to begin an independent search for work or has been identified as a dislocated worker as defined in RCW 50.04.075.

~~((3))~~ (3) Directives to attend training or retraining courses will be subject to periodic review of appropriateness of attendance in courses exceeding three weeks duration.

~~((4))~~ (4) An individual who ~~((, having been directed))~~ has received a directive and who fails ~~((;))~~ without good cause ~~((;))~~ to attend ~~((during a week))~~ a substantial portion of the training course or workshop during a week will be disqualified ~~((under RCW 50.20.044))~~ for the entire week. Good cause shall include illness or disability of the claimant or the claimant's immediate family, or claimant's presence at a job interview scheduled with an employer. Reasons for absence shall be subject to verification.

~~((5))~~ (5) An individual attending a job search workshop shall not be disqualified as the result of such attendance for failure to be available for work or to actively seek work under the provisions of:

(a) RCW 50.20.010(3) ~~((;))~~ or

(b) ~~((RCW 50.20.015 (2)(a)(i), or (e)))~~ RCW 50.22.020(1).

~~((6))~~ (6) An individual attending a training or retraining course resulting from a directive ~~((under the provisions of RCW 50.20.044))~~ shall not be disqualified as the result of such attendance for failure to seek work or failure to apply for or to accept work under the provisions of:

(a) RCW 50.20.010(3) ~~((;))~~;

(b) RCW 50.20.080 ~~((;))~~; or

(c) RCW 50.22.020 (1) ~~((a))~~;

~~((d))~~ RCW 50.22.020 (1) ~~((b))~~;

~~((e))~~ RCW 50.20.015 (2) ~~((a)(i))~~;

~~((f))~~ RCW 50.20.015 (2) ~~((a)(ii))~~).

~~((7))~~ (7) Definitions. For purposes of this regulation:

(a) "Available at public expense" means a job search workshop, training or retraining course that is offered at no expense to the individual by:

(i) The employment security department ~~((;))~~; or

(ii) Any other governmental or publicly funded organization ~~((;))~~; or

(iii) Any organization offering a job search workshop or training or retraining program funded privately, but open to the general public ~~((;))~~; or

(iv) Any educational institution, if expenses are paid by the institution, by a grant to the institution, or a grant to the individual for training expenses.

(b) "Unreasonable hardship" means a result, not due to the individual's voluntary action, that would cause a reasonable person to be unable to attend.

AMENDATORY SECTION (Amending WSR 91-19-007, filed 9/6/91, effective 9/8/91)

**WAC 192-12-320 Mailing of determination notices under RCW 50.20.180.** ~~((RCW 50.20.180 allows the commissioner to determine the parties to be mailed notices of allowance or denial of benefits.))~~

(1) The claimant will be mailed a notice of determination

(a) That denies the claimant benefits ~~((;))~~; or

(b) That allows benefits and is also mailed to an employer.

(2) The last employer will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(3) Any employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(4) A determination of eligibility will be made and a notice mailed to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged as a result of a felony or gross misdemeanor connected with the work.

(5) A determination of eligibility ~~((for))~~ for benefits based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

AMENDATORY SECTION (Amending Order 4-89, filed 10/4/89, effective 10/9/89)

**WAC 192-12-340 Discharges for misconduct for felony or gross misdemeanor—Responsibility for providing information.** In any separation where there is a potential disqualification under RCW ~~((50.20.060(2)))~~ 50.20.065 it is the responsibility of the employer to notify

the department in a timely manner of any resolution of issues.

(1) In any case where the employer has raised the potential of a disqualification under RCW (~~(50.20.060(2))~~) 50.20.065 within ten days of receiving the notice required by WAC 192-12-310 and the department establishes that there is a possibility of such disqualification, the department will (~~(place the case on a periodic notification list)~~) review the claimant's eligibility for benefits.

(2) (~~At least once each calendar quarter, the department will send a notice to the employer with respect to each case on the periodic notification list, requesting further information on the case.~~)

(3) If there has been a change of status in any case involving a potential denial under RCW 50.20.060(2), the employer must advise the department of the change within ten days of the mailing of the notice required in subsection (2) above

(4) ~~Once each year, a notice will be mailed to all employers on the periodic notification list requesting a response as to whether the case is still active. If an employer fails to respond to this notice, the employer will be removed from the periodic notification list.~~

(5) ~~Regardless whether the case is listed on the periodic notification list,~~) The department will consider information provided by the employer relating to a discharge for felony or gross misdemeanor misconduct if the employer notifies the department within (~~(thirty days)~~) six months of the conviction or admission of the claimant.

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

**WAC 192-16-017 Interpretative regulations—Satisfying disqualifications under RCW 50.20.050 (1) and (4), 50.20.060 and 50.20.080.** (1) (~~(Satisfying the disqualifications through subsequent employment. The voluntary leaving work section, RCW 50.20.050, the discharge section, RCW 50.20.060, and the refusal of work or referral to employment section, RCW 50.20.080, may be satisfied by obtaining work and earning wages of not less than the suspended weekly benefit amount in each of five weeks.)~~) The disqualification imposed by RCW 50.20.050 (1) and (4), 50.20.060, and 50.20.080 may be satisfied if the claimant demonstrates that:

(a) (~~(That,)~~) At least five calendar weeks have elapsed since the occurrence of the disqualifying act(~~(, he or she has obtained work and performed services in at least five calendar weeks)~~); and

(b) (~~(That, in at least five of the calendar weeks,)~~) The individual has obtained work and earned wages of not less than five times his or her suspended weekly benefit amount: *Provided*, That the wages earned need not be in covered employment; however, the department must be satisfied that the employment is not a sham designed in whole or in part to avoid the effect of the disqualification.

(2) (~~(The alternative method of satisfying the disqualification under RCW 50.20.050(4).)~~) The disqualification imposed by RCW 50.20.050(4) may be satisfied in the alternative by:

(a) The individual reporting in person to the department, or in the case of claimants filing in other states, (~~(to the~~

~~employment office in such other state))~~ reporting by mail to the interstate office of the department, in each of ten different calendar weeks, not necessarily consecutive; and

(b) Certifying on each occasion that he or she is ready, able and willing immediately to accept any suitable work which may be offered and is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the employment office; and

(c) Having certified pursuant to (b) of this subsection (~~(2(b) above)~~), completing a timely claim for benefits with respect to the week of certification(~~(, thereby attesting to the bona fide nature of said certification)~~). The claim for benefits will not be compensable.

*Provided*, That in certain instances, literal compliance with the terms of the special requalification provisions in RCW 50.20.050(4) may impose an unreasonable hardship on claimants who live in remote portions of the state; therefore, the department may, when the individual's labor market does not encompass within it an employment office or itinerant point, establish procedures for special reporting (~~(which as nearly as possible approximate the exposure to work and availability checks contemplated by the express terms of the statute)~~).

AMENDATORY SECTION (Amending Order 6-82, filed 8/17/82)

**WAC 192-16-019 Interpretative regulations—**(~~(Discharges and suspensions for misconduct—)~~)**Effective date of RCW ((50.20.060)) 50.20.065—Discharges for felony or gross misdemeanor.** (1) Effective date. The provisions of RCW (~~(50.20.060 as amended by section 16, chapter 18, Laws of 1982 1st ex. sess.)~~) 50.20.065 are effective as to all discharges or suspensions occurring on July (~~(10, 1982)~~) 3, 1993, and thereafter.

(2) Definitions.

(a) "Felony" means every crime which may be defined as such by the applicable state or federal statutes.

(b) "Gross misdemeanor" means every crime which may be defined as such by the applicable state or federal statutes.

(c) A "competent authority" may be:

(i) A court (including magistrate or court commissioner), prosecuting attorney, or law enforcement agency, or;

(ii) An assistant attorney general or an administrative law judge, or;

(iii) A regulatory agency or professional association charged by statute with maintaining professional standards or codes of conduct, or;

(iv) Any other person or body exclusive of the employer with authority to administer disciplinary action with regard to the claimant.

(d) Admissions of commission of a felony or gross misdemeanor to the employer or to an employee of the employment security department are not to be considered admissions to a competent authority for the purposes of RCW (~~(50.20.060(2))~~) 50.20.065.

(3) (~~(Discharge for felony or gross misdemeanor.)~~) Any individual who has been discharged because of a felony or gross misdemeanor of which he or she has been convicted or has admitted committing shall (~~(be disqualified from receiving any benefits for which base year wage credits are earned~~

~~in any employment prior to the discharge. Provided, That))~~  
~~have all hourly wage credits based on that employment~~  
~~canceled when:~~

- ~~(a) The felony or gross misdemeanor ((must have been))~~  
~~is connected with the individual's work; and~~
- ~~(b) The admission ((must have been)) is made to each~~  
~~and every element of the felony or gross misdemeanor which~~  
~~caused the individual to be discharged; and~~
- ~~(c) The admission ((must have been)) is made to a~~  
~~competent authority((, and~~
- ~~(d) The disqualification begins with the first day of the~~  
~~calendar week in which the individual was discharged)).~~

AMENDATORY SECTION (Amending Order 2-77, filed 9/2/77)

**WAC 192-16-021 Interpretative regulations—**  
**Suitable work factors—((Effective date of)) RCW**  
**50.20.100.** (1) ~~((Effective date and general comments.~~  
~~RCW 50.20.100 has been amended by section 6, chapter 33,~~  
~~Laws of 1977 ex. sess. and the provisions are effective as to~~  
~~all claims filed for weeks of unemployment beginning July~~  
~~3, 1977, and thereafter. This amendment removes RCW~~  
~~50.20.100 from consideration when adjudicating voluntary~~  
~~quits under RCW 50.20.050. This amendment also modifies~~  
~~the factors which are to be considered in determining~~  
~~whether work is suitable for purposes of RCW 50.20.080~~  
~~and 50.20.010(3).~~

~~(2))~~ Suitable work factors.

(a) Suitable work is employment in keeping with the individual's prior work experience, education, or training. If the individual lacks such prior work experience, education, or training or such employment is not available in the general area suitable work shall include any employment which the individual would have the physical and mental ability to perform.

(b) In addition to the considerations set forth above and those set forth in RCW 50.20.110, the department shall consider the following factors in determining whether work is suitable to an individual:

- (i) The degree of risk involved to the individual's health, safety, and morals;
- (ii) The individual's physical fitness;
- (iii) The individual's length of unemployment and prospects for securing work in the individual's customary occupation;
- (iv) The distance of the available work from the individual's residence; and
- (v) The existence of any state or national emergency.

~~((3))~~ (2) Definition of general area. "General area" means an individual's labor market area and includes the geographic area within which an individual would customarily seek work in a given occupation.

AMENDATORY SECTION (Amending Order 4-80, filed 8/6/80)

**WAC 192-16-025 Lump sum retirement payment.**  
~~((RCW 50.04.323(6) provides that, effective April 6, 1980,~~  
~~a lump sum payment of funds, accumulated in an employer-~~  
~~participating government or private retirement pension plan~~  
~~to one eligible for retirement pension, shall be prorated over~~

~~the life expectancy of the retiree in a manner determined by~~  
~~the commissioner.))~~

(1) Lump sum payments as described in ~~((the foregoing~~  
~~paragraph))~~ RCW 50.04.323(3) will be prorated over the life expectancy of the individual in accordance with Table I in Regulation 1.72-9 of the Internal Revenue Code as amended as of the effective date of the individual's benefit year, and the prorated amount deducted from benefits.

(2) The withdrawal, upon separation from employment, of only the funds, and interest thereon, contributed to a retirement pension by an individual ~~((is not within the scope~~  
~~of RCW 50.04.323(6) and))~~ will not serve to reduce benefits.

(3) ~~((The phrase "one eligible for retirement" is defined~~  
~~as an individual eligible at the time of the lump sum~~  
~~payment for periodic payments under a pension program~~  
~~which is based on age or length of service.))~~ When an individual receives a lump sum retirement payment and transfers it within sixty days to another long-term retirement plan, such as an Individual Retirement Account (IRA), the portion reinvested is not deductible from benefits.

AMENDATORY SECTION (Amending Order 3-82, filed 6/14/82)

**WAC 192-16-050 Diversion of unemployment**  
**benefits to satisfy child support obligations.** ~~((Section 11,~~  
~~chapter 18, Laws of 1982 1st ex. sess.,))~~ RCW 50.40.050 requires the department, upon proper notification by a child support agency, to withhold a portion of an individual's unemployment insurance benefits to be transmitted to the child support agency to satisfy child support obligations.

(1) Notification to claimant. The child support agency will serve notice on the claimant of the order to withhold unemployment insurance benefits.

(2) Overpayments. In the event an individual receives benefits to which he or she is not entitled, and those benefits are recoverable under the provisions of RCW 50.20.190, the overpayment will include the amount withheld and transmitted to the child support agency. The withheld benefits for child support obligations are considered to have been paid to the individual and then paid by the individual to the child support agency.

(3) Erroneous withholding. If an amount greater than the amount which should have been deducted from benefits is paid to the child support agency, that agency shall be responsible for reimbursing the individual claimant for any amount in excess of the amount properly received. If an amount less than the amount which should have been paid to the child support agency is withheld and paid, subsequent benefit entitlement of the claimant will be applied to satisfy the amount underpaid to the child support agency.

(4) Appeal rights.

(a) Any appeal regarding the validity of the child support obligation upon which the order to withhold is based including whether the obligation is owed, the total amount of obligation, and the amount to be withheld from benefits and paid over to the child support agency shall be resolved between the claimant and the child support agency. The employment security department will not be responsible for any appeals regarding such matters.

(b) Any appeal regarding the validity of the employment security department's authority to make deductions, the

applicable weeks for which the deduction was made, and the accuracy of the amount deducted may be appealed in the same manner in which nonmonetary benefit determinations are appealed. The department's notification to the claimant shall contain an appeals notice. The laws and regulations relating to benefit appeals shall apply to appeals regarding matters subject to this regulation.

(5) Effective date of withholding. No amount shall be withheld from unemployment benefits paid for weeks prior to the date the notice to withhold is served on the individual, or prior to the date when an agreement to withhold is reached between the individual and the child support agency.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 196-16-007	Interpretative regulations—Disqualification for leaving work voluntarily—Effective date of RCW 50.20.050.
WAC 192-16-065	Interpretive regulations—Effective date of chapter 83, Laws of 1988.

#### AMENDATORY SECTION (Amending Order 4-88, filed 4/29/88)

**WAC 192-28-110 Recovery of benefit overpayment—Fault provisions.** (1) When an overpayment occurs, the department will make a finding of fault or nonfault based on information provided by the individual and/or by the employer and from information contained in the department's records. After reviewing all such information, the individual will be considered to be at fault when the overpayment is:

(a) The result of fraud, misrepresentation, wilful nondisclosure; or

(b) The result of a (~~disqualification~~) discharge for a felony or gross misdemeanor pursuant to the provisions of RCW (~~50.20.060(2), or if~~) 50.20.065; or

(c) Based on the presence of all of the following three elements (~~are established~~):

(i) The individual was paid benefits in an amount greater than he or she was entitled to receive and he or she accepted and retained those benefits; and

(ii) The payment of these benefits was based on incorrect information or a failure to furnish information which the individual should have provided as outlined in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department; or information which the individual caused another to fail to disclose; and

(iii) The individual had sufficient notice that the information should have been reported.

(2) In accordance with WAC 192-23-900, an individual who is overpaid as the result of a conditional payment is liable for repayment.

(3) The individual may be considered to be at fault, even though he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision, if the overpayment is the result

of payment that the individual should reasonably have known was improper. Following are some, but not all, examples of instances in which an individual should reasonably have known that a payment was improper and therefore is at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The individual correctly reported earnings but the department paid benefits at the full amount or incorrectly deducted the earnings.

(b) The individual reported that he or she was unavailable for one or more customary work days, but the department paid at the full amount and the payment was not a conditional payment.

(c) The individual received a retroactive pension payment that he or she had applied for and was reasonably sure would be awarded.

(d) The individual did not inform the department that he or she was eligible for benefits on an unexpired claim against another state.

(e) A lower level decision was reversed by the office of administrative hearings, the commissioner or a court because of new information that the individual failed to disclose to the department.

(f) Other circumstances in which department fact finding indicates that the individual knew the payment was improper.

(4) In determining whether or not an individual is at fault, the department shall also consider education, mental abilities, emotional state, the individual's experience with claiming unemployment insurance and other elements of the individual's personal situation which affect his or her knowledge and ability to comply with reporting all material information that is relevant to benefit eligibility. This includes information contained in the information for claimants booklet, claimant directives and other reasonable written communications issued by the department.

(5) The individual will be considered without fault when he or she provided the department with all material information prior to the issuance of an applicable benefit eligibility decision and the overpayment is the result of payment that the individual would not reasonably have known was improper. Following are some, but not all, examples of instances in which an individual may not reasonably have known that a payment was improper and therefore is not at fault. These are intended as examples only and do not mean that the department would rule in this manner in every such situation.

(a) The department erroneously removed a payment stop, resulting in improper payment.

(b) The individual received a retroactive pension which was backdated by the pension source, not at the individual's request.

(c) A combined wage or federal claim was filed against Washington that should have been filed against another state.

(d) Extended benefits were paid by the department when the individual would have been eligible for a new claim against this or another state.

(e) A lower level decision, in which all information was provided by the individual, was reversed by the office of administrative hearings, the commissioner or a court.



(f) Other circumstances in which department fact finding indicates that the individual did not know the payment was improper.

(6) Fault and waiver are not considered if the individual agrees to an account adjustment as explained in WAC 192-28-120(4).

**AMENDATORY SECTION** (Amending Order 4-88, filed 4/29/88)

**WAC 192-28-120 Recovery of benefit overpayment—By repayment or offset against future benefits.**

(1) An overpayment may be recovered either by offset or repayment by the individual in full or by paying the minimum monthly billed amount as defined in WAC 192-28-130. If not repaid by the individual, the amount assessed shall be deducted from benefits payable for any future week(s) claimed. If any recovery procedure is in conflict with federal regulations, the federal regulations shall apply.

(2) For overpayments that are final and assessed pursuant to RCW 50.20.010 because the individual asked to have his or her claim for unemployment insurance cancelled, the amount to be deducted will be one hundred percent of benefits payable for each past or future week(s) claimed. The department will ensure that the individual was properly informed of the advantages and/or disadvantages of cancelling an existing claim to file a new claim.

(3) When an individual enters into current claim status, the overpayment will not be offset from future weeks payable provided that the individual has not missed two or more payments, as determined by WAC 192-28-130, since the overpayment became final. If the individual has missed two or more payments, the overpayment will be offset in accordance with (a) and (b) of this subsection.

(a) For overpayments brought about by a denial pursuant to RCW 50.20.070 for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be one hundred percent of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(b) For all other overpayments, the amount to be deducted will be fifty percent of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at one hundred percent of benefits payable for each future week claimed.

(4) At the request of the individual, an overpayment may be repaid by account adjustment without an overpayment assessment if both the individual and the department agree to the circumstances, the amount of the overpayment and the method of repayment. If an individual agrees to an account adjustment, he or she can repay the overpayment by authorizing the department to deduct past and/or future benefits payable. No account adjustment action will be taken until the individual has been advised of his or her rights and has been given an opportunity to be heard on the overpayment issue. All individuals will be advised in writing of their right to a formal overpayment assessment, the possibility of waiver and their appeal rights. The individual can ask for and the department will issue a formal overpayment assessment even after an account adjustment has been completed.

(5) For an overpayment assessed by another state, the amount to be deducted for the other state will be as follows:

(a) For overpayments brought about by a denial for fraud, misrepresentation, or wilful nondisclosure, the amount to be deducted will be one hundred percent of benefits payable for each future week(s) claimed. Such overpayments will be recouped before any other overpayment the individual may have.

(b) For all other overpayments, the amount to be deducted will be fifty percent of benefits payable for each future week claimed. Provided, that at the request of the individual, an overpayment can be repaid at one hundred percent of benefits payable for each future week claimed.

(6) Those individuals who have been denied waiver, as well as those individuals for whom waiver was not considered, will be notified in writing of their right to enter into a payment agreement with the department or to make an offer in compromise. Offers in compromise will not be approved for individuals whose overpayment was brought about by a denial pursuant to RCW ((50.20.060(2))) 50.20.065 or 50.20.070 unless there are unusual circumstances which would justify a compromise.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 192-28-100 Recovery of benefit overpayment—General provisions.

**AMENDATORY SECTION** (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-001 Scope of chapter.** This chapter is intended to govern the implementation of employment security department responsibilities relating to the implementation of chapter ((314, Laws of 1991, and chapter 315, Laws of 1991)) 50.70 RCW and RCW 50.22.090. This includes the operation of programs authorized by ((the acts)) these statutes and the determination of timber impact areas required by the ((acts)) statutes.

**AMENDATORY SECTION** (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-010 Definitions.** For the purpose of this chapter:

(1) "Actual job loss" means the absolute loss of jobs in SIC codes 24 as compared to the previous year as calculated by the department.

(2) "Actual or projected job loss" means the greater of actual job loss or projected job loss. The value of actual or projected job loss is that value released by the commissioner and filed for publication in the state register.

(3) "Annual unemployment rate" means the total unemployment rate calculated according to the method defined by the U.S. Department of Labor, Bureau of Labor Statistics. The information is considered available when released to the public by the commissioner of the employment security department. The value of the annual unemployment rate is that value released by the commissioner and filed for publication in the state register.

PROPOSED

(4) "Commissioner" means commissioner of the employment security department.

(5) "Department" means the employment security department.

(6) "Labor market" means the area in which workers of specific occupation customarily have found work. Labor market is based on the worker's place of residence and occupation.

(7) "Lumber and wood products location quotient" is determined by dividing the percentage of the average covered employment in lumber and wood products (SIC code 24) in the county by the percentage of the average covered employment in lumber and wood products (SIC code 24) statewide. The information is considered available when released by the commissioner. The value of the location quotient is the value released by the commissioner and filed for publication in the state register.

(8) "Projected job loss" means the estimated job loss in SIC codes 24 in the current year, compared to the previous year, as calculated by the department from information provided by the department of natural resources.

(9) "Targeted county" means a county selected by the criteria of ~~((subsection (2), section 4, chapter 315, Laws of 1991))~~ RCW 50.22.090(2).

(10) "Timber retraining benefits," abbreviated TRB, means the unemployment insurance additional benefits authorized by ~~((section 4, chapter 315, Laws of 1991))~~ RCW 50.22.090(3).

(11) "Wages" means wages earned in employment as defined in chapter 50.04 RCW. This means that only wages in covered employment can be considered in determining if a worker has earned wages in employment in the forest products industry.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-015 Interpretive rule—Effective date of ~~((section 4, chapter 315, Laws of 1991))~~ RCW 50.22.090.** (1) The first week for which timber retraining benefits will be payable will be the week beginning Sunday, July 21, 1991.

(2) Any exhaustee whose benefit year ends after July 21, 1991 may be considered as potentially eligible for timber retraining benefits if the other provisions of ~~((section 4, chapter 315, Laws of 1991))~~ RCW 50.22.090 are met.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-025 Post training benefits.** ~~((Section 4 (3)(b) of chapter 315, Laws of 1991))~~ RCW 50.22.090 (3)(c) authorizes the payment of timber retraining benefits during the five week period following completion of training. These benefits do not serve to increase the total amount of training related benefits payable, but are included in the maximum amount payable calculated by subtracting regular and extended benefits from 52 times the worker's weekly benefit amount.

AMENDATORY SECTION (Amending WSR 91-20-012, filed 9/20/91, effective 10/21/91)

**WAC 192-32-045 Unlikely to return to employment.**

(1) For the purposes of paying timber retraining benefits, a worker will have met the unlikely to return to work requirement of ~~((subsection))~~ RCW 50.22.090 (4)(b)(ii) ~~((of section 4, chapter 315, Laws of 1991,))~~ if the tests in subsections (2) and (3) of this section are met.

(2) He or she has:

(a) Become unemployed due to a permanent plant closure;

(b) Received a federal WARN act notice; or

(c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at the worker's place of employment;

(3) His or her skills are in diminishing demand in his or her principal occupation or previous industry.

(4) A worker will not be considered unlikely to return to work if he or she:

(a) Is on standby from the principal employer;

(b) Has a definite date of recall with the principal employer within six months; or

(c) Is unemployed due to a regular seasonal layoff.

(5) A worker who has been determined to be a dislocated worker by the local JTPA authority will be considered to have met the requirements of subsections (2) and (3) of this section.

**WSR 95-06-083**

**PROPOSED RULES**

**HIGHLINE COMMUNITY COLLEGE**

[Filed March 1, 1995, 10:17 a.m.]

Original Notice.

Title of Rule: Add new section WAC 132I-130-030 Tuition and fee waivers.

Purpose: To clarify how tuition waivers are to be set.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 34.05.310, as amended.

Summary: To add a section clarifying how tuition waivers are to be set by the college and where they can be found.

Reasons Supporting Proposal: The legislature and State Board for Community and Technical Colleges have delegated to colleges authority to set tuition waivers for some classes of waivers.

Name of Agency Personnel Responsible for Drafting: Laura Saunders, Highline Community College, Building 1, Des Moines, WA, (206) 878-3710; Implementation: Lorene Miller, Highline Community College, Building 6, Des Moines, WA, (206) 878-3710; and Enforcement: Alicia Tseng, Highline Community College, Building 1, Des Moines, WA, (206) 878-3710.

Name of Proponent: Highline Community College, public.

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

PROPOSED

Explanation of Rule, its Purpose, and Anticipated Effects: The legislature and State Board for Community and Technical Colleges have delegated to colleges the authority to set tuition waivers for some classes of waivers. This amendment will add a section clarifying how tuition waivers are to be set by the college and where they can be found.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This does not affect local business; would only affect students at Highline Community College.

Hearing Location: Highline Community College, Building 25, Floor 5, Board Room, 2400 South 240th Street, Des Moines, WA 98198, on April 5, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Campus Security 878-3710 x 3218 by April 4, 1995.

Submit Written Comments to: Laura Saunders, Highline Community College, P.O. Box 98000, Des Moines, WA 98198, FAX (206) 870-3754, by April 5, 1995.

Date of Intended Adoption: April 13, 1995.

February 28, 1995  
 Laura E. Saunders  
 Vice-President  
 Administration

**NEW SECTION**

**WAC 132I-130-030 Tuition and fee waivers.** (1)

Highline may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC and under regular college fiscal processes. Information regarding specific waivers will be available as provided in WAC 132I-130-020.

(2) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college (registrar), in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

**WSR 95-06-084**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed March 1, 1995, 10:47 a.m.]

Original Notice.

Title of Rule: Running start program rules respecting high school student attendance at institutions of higher education, chapter 392-169 WAC.

Purpose: The proposed amendments will implement chapter 205, Laws of 1994, by extending running start program attendance to Central, Eastern and Washington State Universities.

Statutory Authority for Adoption: RCW 28A.600.300.-390 [28A.600.300 - 28A.600.390], 28A.150.260 and 28A.150.290.

Statute Being Implemented: RCW 28A.600.300 - 28A.600.400 as amended by chapter 205, Laws of 1994.

Summary: The proposed amendments change the terminology and substance of existing running start program rules which are limited to attendance at community and

technical colleges, to extend attendance to Central, Eastern and Washington State Universities.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298; Implementation and Enforcement: Tom Lopp, Superintendent of Public Instruction, Olympia, 753-1066.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule will have a minor or negligible economic impact.

Hearing Location: 4th Floor, Brouillet Conference Room, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on April 11, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by April 4, 1995, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by April 10, 1995.

Date of Intended Adoption: April 12, 1995.

February 28, 1995  
 Judith A. Billings  
 Superintendent of  
 Public Instruction

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-005 Authority.** The authority for this chapter is RCW 28A.600.390, which authorizes the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board to jointly develop and adopt rules governing RCW 28A.600.300 through 28A.600.380, and 28A.150.260 and 28A.150.290 which authorize the superintendent of public instruction to adopt rules governing basic education allocation moneys. The rules set forth in this chapter have been jointly developed and agreed upon by the three agencies, and adopted and codified in separate chapters of the Washington Administrative Code by each of the three agencies. The rules may be modified only by agreement of all three agencies.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-015 Running start program—Definition.** As used in this chapter, the terms "running start" and "running start program" mean the part-time to full-time equivalent enrollment under this chapter of eligible eleventh and twelfth grade high school students in ~~((a community college or technical college))~~ an institution of higher education for the purpose of earning at least high school credit to be awarded by a school district, and such additional college level ((academic and college level vocational)) or university

level credit as may be awarded by the ((community college or technical college)) institution of higher education.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-020 Eligible student—Definition.** As used in this chapter, the term "eligible student" means any person, including a person who is otherwise attending a private school or receiving home-based instruction, who meets each of the following conditions:

(1) The person is under the age of twenty-one years of age as of September 1 of the school year.

(2) The person is eligible by reason of his or her residence or other criterion established by law to enroll in the school district through which the person seeks to obtain the award of running start program high school credit. See ((RCW 28A.175.090 ("at risk" students);)) RCW 28A.225-160 (residents of a school district), RCW 28A.225.170 (residents of the United States and Indian Reservations), RCW 28A.225.210 (residents of "nonhigh" school districts), and RCW 28A.225.220 ("choice" students). Note: A running start student who changes his or her school district of residence, following enrollment in running start, solely for the purpose of attending ((college)) an institution of higher education under this chapter shall be deemed to have retained his or her residence in the school district of initial running start enrollment for high school graduation, funding and other purposes under this chapter.

(3) The person is eligible under the grade placement policies of the school district through which the person seeks to obtain running start program high school credit to be in the eleventh or the twelfth grade.

(4) The person has not as of the beginning of the school year earned the credits required for the award of a high school diploma by the school district through which the person seeks to obtain the award of running start program high school credit.

(5) The person has not as of the beginning of the school year received a high school diploma or its equivalent. Note: A general education development certificate is not considered to be the equivalent of a high school diploma for purposes of this subsection.

(6) The person's running start program enrollment to date is below the applicable eleventh or twelfth grade running start enrollment limitations established under WAC 392-169-055.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-022 Running start student—Definition.** For the purposes of this chapter and chapter 392-121 WAC, the term "running start student" means an eligible student:

(1) Who is enrolled in the running start program in accordance with this chapter;

(2) Whose enrollment has not been suspended or terminated by withdrawal, transfer, suspension or expulsion; and

(3) Who has participated in one or more instructional activities conducted by college or university staff (e.g., classroom or laboratory instruction, course work testing, post

enrollment/registration academic counseling, and similar other instructional activities) on at least one college or university day during the current ((college)) quarter or semester since the last enrollment count date.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-023 College or university day—Definition.** For the purposes of this chapter, the term "college or university day" means a day on which running start students are afforded the opportunity to be engaged in instructional activity which is planned and conducted by or under the supervision of college or university instructional staff, and on which day all or any portion of the enrolled running start students actually participate in such instructional activity.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-025 Full-time equivalent (FTE) running start enrollment—Definition.** For the purposes of this chapter and chapter 392-121 WAC, "full-time equivalent (FTE) running start enrollment" (i.e., college or university enrollment) means the FTE of running start students on an enrollment count date when each student's FTE is determined subject to the limitations of WAC 392-169-022, 392-169-055 and 392-169-115 as follows:

(1) For college or university courses denominated in ((college)) quarter credits, the quotient of an eligible student's quarter credits of running start enrollment divided by fifteen ((up to a maximum of 1.00 FTE)).

(2) For college or university courses denominated in semester credits, the quotient of an eligible student's semester credits of running start enrollment divided by fifteen.

(3) For college or university courses not denominated in ((college)) quarter or semester credits, the quotient of an eligible student's average hours of running start enrollment per week divided by twenty-five ((up to a maximum of 1.00 FTE)). Hours of enrollment shall be determined pursuant to WAC 392-121-106 through 392-121-183.

(4) The sum of the results of running start enrollment under subsections (1), (2) and (3) of this section shall not exceed 1.00 FTE per student on any count day or in any school year.

#### NEW SECTION

**WAC 392-169-033 Institution of higher education—Definition.** As used in this chapter, the term "institution of higher education" means:

(1) A Washington community college established under chapter 28B.50 RCW;

(2) A Washington technical college established under chapter 28B.50 RCW;

(3) Central Washington University, Eastern Washington University and Washington State University if:

(a) The university has decided to participate in the running start program; and

(b) The board of directors of the school district through which an eligible student seeks to obtain running start

program high school credit has decided to participate in the universities' running start program.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-045 Enrollment—General requirements and conditions.** The enrollment of an eligible student in the running start program shall be governed as follows:

(1) An eligible student is responsible for applying for and pursuing admission to ~~((a community college or technical college))~~ an institution of higher education on or before the deadline for enrollment established by the college or university.

(2) It shall not be necessary for an eligible student to obtain a release of attendance from his or her resident school district in order for the student to enroll in ~~((any community college or technical college))~~ an institution of higher education.

(3) An eligible student is entitled to enroll in ~~((any community college and any technical college in the state))~~ an institution of higher education for running start program purposes subject to each of the following conditions and limitations:

(a) Enrollment is limited to college ~~((level academic and college level vocational))~~ and university level courses.

(b) Prior confirmation pursuant to WAC 392-169-050 by the school district through which the student seeks to obtain the award of running start program high school credit of the amount of high school credit to be awarded on or before the deadline for enrollment established by the ~~((college))~~ institution of higher education.

(c) Acceptance of the student by the ~~((community college or technical college))~~ institution of higher education subject to generally applicable admission and enrollment requirements and limitations established by the ~~((community college or technical college))~~ institution, including a determination that the student is competent to profit from the college ~~((level academic or vocational))~~ or university level course(s) the student seeks to enroll in: *Provided*, That a technical college shall not deny admission or continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

(d) The limitations upon the duration and extent of ~~((community college and technical college))~~ institution of higher education course enrollment set forth in WAC 392-169-055 and 392-169-057.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-050 Enrollment—High school credit—Prior confirmation.** As a condition to an eligible student's enrollment in ~~((community college or technical))~~ college or university courses under this chapter, the eligibility of the courses which the student intends to take for the award of high school credit and the amount of such credit shall first be established, as follows:

(1) The student shall notify the school district through which the student seeks to obtain the award of running start

program high school credit of the specific ~~((community college and technical))~~ college or university courses he or she intends to take and shall request confirmation of the amount of high school credit that will be awarded upon successful completion of the courses.

(2) The school district shall establish on a course by course basis the amount of high school required or elective credit, or combination thereof, that shall be awarded for each college or university course successfully completed by the student based upon the conversion rate set forth in WAC 180-51-050.

(3) If a college or university course is not comparable to a school district course required for high school graduation, the school district superintendent shall determine the amount of required high school credit which shall be awarded following consultation with a ~~((community college or technical college))~~ representative of the institution of higher education designated for that purpose. The difference between the amount of required credit and the amount of credit earned at the conversion rate set forth in WAC 180-51-050 shall be awarded as elective credit.

(4) Within twenty school district business days of a student's request for confirmation of credit the school district superintendent or other designated school district representative shall confirm in writing the amount of high school required or elective credit, or combination thereof, which shall be awarded upon successful completion of the courses.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-055 Enrollment—Extent and duration of running start enrollment.** Running start program enrollment under this chapter is limited as follows (and as may be further limited for academic reasons under WAC 392-169-057):

(1) An eligible student who enrolls in grade eleven may enroll in ~~((a community or technical college))~~ an institution of higher education while in the eleventh grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent ~~((community))~~ college or university student, or two semesters as a full-time equivalent college or university student or nine months as a full-time equivalent technical college student).

(2) An eligible student who enrolls in grade twelve may enroll in ~~((a community or technical college))~~ an institution of higher education while in the twelfth grade for no more than the course work equivalent to one academic year of enrollment as an annual average full-time equivalent running start student (i.e., three college or university quarters as a full-time equivalent community college or university student, or two semesters as a full-time equivalent college or university student and nine months as a full-time technical college student).

(3) Enrollment in ~~((a community college or technical college))~~ an institution of higher education is limited to the fall, winter and spring quarters, and the fall and spring semesters.

(4) As a general rule a student's eligibility for running start program enrollment terminates at the end of the

student's twelfth grade regular academic year, notwithstanding the student's failure to have enrolled in ~~((a community college or technical college))~~ an institution of higher education to the full extent permitted by subsections (1) and (2) of this section: *Provided*, That a student who has failed to meet high school graduation requirements as of the end of the student's twelfth grade regular academic year (September-June) due to the student's absence, the student's failure of one or more courses, or another similar reason may continue running start program enrollment for the sole and exclusive purpose of completing the particular course or courses required to meet high school graduation requirements, subject to the enrollment limitation established by subsection (2) of this section.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-057 Enrollment—Extent ~~((and duration))~~ of combined high school and running start enrollment.** Concurrent or combined regular high school program and running start program enrollment ~~((is governed))~~ by a student may exceed the equivalent of full-time enrollment as follows:

(1) An eligible student's concurrent enrollment in both the regular high school program, and in running start or ~~((college))~~ an institution of higher education under this chapter, may exceed the equivalent of full-time enrollment: *Provided*, That a designated school district representative and a designated college or university representative may jointly limit a student's concurrent high school and ~~((college))~~ institution of higher education enrollment, but not to ~~((not))~~ less than the equivalent of full-time enrollment, for bona fide academic reasons based upon a joint evaluation of the student's capabilities and the total course work the student seeks to enroll in.

(2) For purposes of limiting a student's combined regular high school and running start program enrollment for bona fide academic reasons under subsection (1) of this section thirty hours per week shall constitute full-time high school or technical college enrollment, and fifteen quarter credit hours or fifteen semester hours shall constitute full-time ~~((community))~~ college or university enrollment. Thus, for example, a student enrolled in the regular high school program for ten hours per week (one-third FTE) and in a ~~((community))~~ college for ten quarter credit hours (two-thirds FTE) is enrolled the equivalent of full-time.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-060 Enrollment—Exception from tuition and fees.** A running start student shall not be required by ~~((a community college or technical college))~~ an institution of higher education to pay any tuition or other fee as a condition to the student's full participation in running start ~~((community college and technical))~~ college or university course work and related activities, or as a condition to the award of credit ~~((therefore))~~ therefor: *Provided*, That requiring a running start student to provide and pay for consumable supplies, textbooks, and other materials to be retained by the student does not constitute the assessment of tuition or a fee for purposes of this ~~((subsection))~~ section:

*Provided further*, That this limitation on the assessment of tuition and fees does not apply to a student's ~~((college))~~ enrollment above and beyond running start program enrollment limitations under this chapter (i.e., college and university enrollment in excess of one FTE and college and university summer ~~((quarter))~~ enrollment may be conditioned upon the payment of regular tuition and fees).

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-065 Enrollment—Continuing eligibility.** Once an eligible student has been enrolled in ~~((a community college or technical college course or program))~~ one or more running start or institution of higher education courses under this chapter, the student shall not be displaced by another student: *Provided*, That a student's continued enrollment in a course or program and enrollment in other courses or programs shall be subject to generally applicable enrollment requirements and limitations established by the ~~((community college or technical college))~~ institution of higher education: *Provided further*, That a technical college shall not deny continued attendance to a person under twenty-two years of age with a disability based upon impaired competency or the creation of a disruptive atmosphere associated with the person's disability.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-075 Academic standards and discipline—Jurisdiction of educational agencies.** Each school district ~~((community college district, and technical college district))~~ and institution of higher education shall independently have and exercise exclusive jurisdiction over academic and discipline matters involving a student's enrollment and participation in courses of, and the receipt of services and benefits from, the school district ~~((the community college district, or the technical college district))~~ or the institution of higher education.

**AMENDATORY SECTION** (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-080 Compliance with federal and state requirements of law—Special education program requirements—Necessary cooperative agreements.** As a general rule, a school district ~~((a community college district, and a technical college district))~~ and an institution of higher education are independently responsible for assuring compliance with federal and state requirements of law which are applicable to the provision of services and benefits by the school district ~~((community college district, or technical college district))~~ or the institution of higher education under this chapter. If, however, the individualized education program of a special education student established under chapter 392-171 WAC provides for ~~((such))~~ running start enrollment in ~~((a community college or a technical college))~~ an institution of higher education, the school district which established the individualized education program shall also be responsible for assuring compliance with chapter 392-171 WAC in connection with the student's running start enrollment in the ~~((community college or technical college))~~

institution of higher education. School districts (~~(community college districts, and technical college districts)~~) and institutions of higher education shall enter into cooperative agreements as necessary to assure compliance with their respective duties under federal and state law, including agreements which substantiate a school district's claim to necessary federal and state (~~(special education)~~) funding.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-085 High school credit—Award by school districts.** Upon confirmation by (~~(a community college or technical college)~~) an institution of higher education of a student's successful completion of running start program courses under this chapter, the school district shall record on the student's secondary school records and transcript the high school credit previously confirmed under WAC 392-169-050(~~(s)~~) together with a notation that the courses were taken at (~~(a community college or technical college)~~) an institution of higher education.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-090 Finance—Generation and apportionment of state basic education moneys.** (1) Each running start student shall generate state running start basic education moneys based upon the student's enrollment under this chapter in (~~(community college or technical college)~~) institution of higher education courses or programs (~~(or any combination thereof)~~) in accordance with the definitions of FTE and AAFTE students set forth in WAC 392-169-025 and 392-169-030, the enrollment and enrollment count limitations set forth in WAC 392-169-055 and 392-169-115, rules of the superintendent of public instruction set forth in Title 392 WAC which supplement and do not conflict with this chapter, and the Biennial Operating Appropriations Act.

(2) The superintendent of public instruction shall apportion running start basic education moneys to school districts reporting running start enrollments based upon AAFTE nonvocational and vocational running start enrollments and uniform state-wide rates for nonvocational and vocational students as determined pursuant to WAC 392-169-095.

(3) School districts may retain and expend for running start program counseling or other school district purposes up to seven percent of the running start basic education moneys apportioned by the superintendent of public instruction.

(4) School districts shall apportion each (~~(community and technical college district's)~~) institution of higher education's share of running start basic education moneys received under this chapter to each (~~(college district)~~) institution on at least a modified quarterly basis on or before December 31, March 31, June 30, and August 31 each school year.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-100 Running start enrollment count dates.** Enrollment count dates for the running start program

shall be (~~(the first college day of each of the months of October through June)~~) as follows:

(1) For community and technical colleges and for Central Washington University and Eastern Washington University, the first college or university day of each of the months of October through June; and

(2) For Washington State University the first university day of each of the months of September through May.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-105 Finance—(~~(Community college and technical college)~~) Institution of higher education reporting requirements.** Each (~~(community college and technical college)~~) institution of higher education that enrolls an eligible student under this chapter shall periodically report enrollment information as follows:

(1) Within ten calendar days of enrollment of the student, provide written notice to the student, and the school district through which the student seeks to obtain running start program high school credit of the courses and the credit hours or instructional/clock hours of enrollment.

(2) After each monthly count date the (~~(college)~~) institution of higher education shall report running start student enrollments by the eighth day of the month to the school district through which the student seeks to obtain the award of running start program high school credit as is necessary for the school district to claim state running start basic education program moneys under this chapter and chapter 392-121 WAC.

(3) The monthly report shall be prepared in accordance with instructions provided by the superintendent of public instruction, and shall include, but not necessarily be limited to, the following:

(a) The total number of enrolled running start students on the count date (see the definition of a "running start student" in WAC (~~(392-169-023)~~) 392-169-022);

(b) Total nonvocational running start FTE enrollment;

(c) Total vocational running start FTE enrollment; and

(d) The name of each running start student and the nonvocational and vocational running start FTE reported for the student.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-110 Finance—School district reporting requirements.** Each (~~(student)~~) school district through which a running start student seeks to obtain running start program high school credit shall make all reports to the superintendent of public instruction in accordance with this chapter and chapter 392-121 WAC as are necessary to substantiate the district's entitlement to the receipt of moneys based upon the student's (~~(community college and technical college)~~) institution of higher education enrollment under this chapter. Running start students shall be so reported as full-time equivalent vocational and nonvocational students, or fractions thereof, in accordance with the definition of full-time equivalent students set forth in WAC 392-169-025.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-115 Finance—Limitations on enrollment counts.** No running start student enrolled in (~~a community college or technical college, or any combination thereof~~) one or more institutions of higher education reported under WAC 392-169-105 and 392-169-110 shall exceed one full-time equivalent running start student on any enrollment count date or more than one annual average full-time equivalent student in any school year.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-120 Finance—Documentation requirements.** School districts and (~~colleges~~) institutions of higher education shall maintain documentation supporting running start student enrollment and state funding claims, including the following:

(1) (~~Colleges~~) Institution of higher education documentation shall show each student's college or university enrollment status on each enrollment count date and evidence of the student's participation in college or university instructional activities conducted by college or university staff on at least one college or university day since the last enrollment count date. See WAC 392-169-022(3) for a description of required "instructional activities."

(2) School district documentation shall show each student's school district enrollment status on each enrollment count date and evidence that the student is earning high school graduation credit for running start enrollment reported for state funding.

AMENDATORY SECTION (Amending Order 94-01, filed 2/1/94, effective 3/4/94)

**WAC 392-169-125 Current and future (~~community college and technical college~~) institution of higher education enrollment alternatives not affected.** This chapter shall not affect the alternative enrollment, and arrangements, therefor, of a secondary student in (~~a community college or technical college~~) an institution of higher education pursuant to a contractual agreement entered into pursuant to RCW 28B.50.530 (interschool district/college district cooperative programs) (~~and~~) or chapter 39.34 RCW (the Interlocal Cooperation Act). See WAC 392-121-183 (Contracting with (~~an educational~~) a higher education institution (~~other than a school district~~)).

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-169-035 Community and technical colleges—Definition.

**WSR 95-06-085**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

(Beef Commission)

[Filed March 1, 1995, 11:06 a.m.]

Original Notice.

Title of Rule: WAC 60-12-010(3) Washington Beef Commission Act rules, levy of assessment by brand inspectors by the state Department of Agriculture.

Purpose: The amended rule will facilitate the collection of assessments by the Beef Commission when brand inspection by a state Department of Agriculture brand inspector is not required in conjunction with a change of livestock ownership.

Statutory Authority for Adoption: RCW 16.67.090(4).

Statute Being Implemented: Chapter 16.67 RCW.

Summary: Brand inspectors employed by the Department of Agriculture are currently required to collect assessments from the seller of cattle when a brand inspection is made in conjunction with a sale. This amendment will remove that requirement.

Reasons Supporting Proposal: This amendment will provide a more efficient method of collecting Beef Commission assessments.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (306) 902-1928; Implementation and Enforcement: Washington State Beef Commission.

Name of Proponent: Washington State Beef Commission by action of the board, petitioned Washington Department of Agriculture for administrative rule change, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The rule is necessary to conform with the statutory changes relating to self-inspection of brands.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule requires the Department of Agriculture brand inspectors to collect Beef Commission assessments when a brand inspection is required for a change in ownership of livestock. The new rule will allow assessments collected at the first point of sale to be sent directly to the Beef Commission regardless of whether a brand inspection is required. The new rule is intended to provide a more efficient method of collecting Beef Commission assessments.

Proposal Changes the Following Existing Rules: The rule changes the method of collection of Beef Commission assessments in the transfer of ownership of livestock.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule does not increase beef assessments or brand inspection fees. The impact to firms at the first point of sale is minimal, affecting only the administrative transfer of assessments. The affected business includes sixteen livestock markets, seven feeder cattle operations and approximately seven packers.

Hearing Location: Washington Department of Agriculture, Natural Resources Building, 1111 Washington Street, Room 259, Olympia, WA, on April 12, 1995, at 10:00 a.m.



Assistance for Persons with Disabilities: Contact Cathy Jensen by April 10, 1995, TDD (360) 902-1996.

Submit Written Comments to: Walter Swenson, Agricultural Programs, Administrator, FAX (360) 902-2089, by April 12, 1995.

Date of Intended Adoption: May 3, 1995.

February 28, 1995

John M. King

Deputy Director

AMENDATORY SECTION (Amending Order 1912, filed 12/9/86)

**WAC 60-12-010 Levy of assessment.** (1) Pursuant to the National Beef Promotion and Research Program, 7 USC S 2901, et seq., RCW 16.67.120 and 16.67.122, the Washington state beef commission levies an assessment of one dollar per head on all Washington cattle sold in this state or elsewhere, provided that no assessment shall be collected with reference to the following:

(a) Sales by a person who purchased cattle solely for resale when such resale occurs within ten days from such person's purchase of the cattle and when any assessment due in connection with that original purchase has been paid. In order to qualify for this exception, such persons additionally must present a certification of their status under this section, a brand inspection certificate, a bill of sale or other documentation establishing the date of their purchase of the cattle. Such documentation must be presented at the time of sale to the person responsible for collecting the assessment.

(2) Assessments shall be paid by and shall be collected from the seller of the cattle. The term seller shall not include an agent or representative who is compensated in connection with the sale solely on a commission, handling fee or other service fee basis.

(3) Where a brand inspection is conducted in conjunction with a sale, brand inspectors employed by the state department of agriculture (~~shall~~) may collect the assessment from the seller of the cattle. Where no brand inspection is conducted in connection with the sale, the buyer of the cattle shall collect the assessment from the cattle seller at the time of the sale. All assessments so collected shall be transmitted directly to the Washington state beef commission by the fifteenth of the month after the month of collection.

(4) That portion of each assessment remitted to the Washington state beef commission for purposes of providing funds for a National Beef Promotion and Research Program under 7 USC S 2901, et seq., and RCW 16.67.122 shall be remitted to the cattlemen's beef promotion and research board by the Washington state beef commission.

**WSR 95-06-086**

**PROPOSED RULES**

**INSURANCE COMMISSIONER'S OFFICE**

[Filed March 1, 1995, 11:11 a.m.]

Supplemental Notice to WSR 95-02-075 and 95-06-019.

Title of Rule: Environmental claims regulation.

Purpose: The purpose of this regulation is to provide minimum standards for the conduct of insureds and insurers for presenting and resolving environmental claims; and to

facilitate the fair, principled, and equitable resolution of environmental claims without resorting to unnecessary, time-consuming, and expensive litigation.

Other Identifying Information: Insurance Commissioner Matter No. R 94-30.

Statutory Authority for Adoption: RCW 48.02.060, 48.30.010.

Statute Being Implemented: RCW 48.01.030, 48.05.280, 48.15.100, 48.15.170, and 48.30.010.

Summary: The regulation: (1) Establishes procedures for resolving lost policy disputes regarding environmental claims; (2) defines as unfair a number of claims settlement practices including (a) failure to pay interest on specified sums, (b) failure to commence an environmental claims investigation within fifteen days after notice, (c) failure to pay (under its duty to defend) for investigation to determine the source, type, and extent of contamination, (d) without evidence, denying a claim on the basis that the insured expected or intended environmental damage, (e) denying without evidence that there is damage to a site on the national priorities list (CERCLA) or the hazardous sites list (MTCA), and (f) responding to an insured's claim in a manner that is not specifically related to the particular claim; (3) establishes the framework for a nonbinding environmental claims mediation program; and (4) requires insurers to retain Washington general liability insurance policy records so that policies can be retrievable by policy number and by the name of the insured.

Reasons Supporting Proposal: There are many polluted sites in this state. More money is spent on litigation than on cleaning up the environment. Environmental claims are particularly complicated by factual issues regarding events that occurred long ago on sites with several successive owners and lost insurance policies. Cooperation between insured and insurers in fairly and efficiently resolving these disputes will reduce litigation and free resources to clean up the environment. Insured and insurers are encouraged to participate in nonbinding mediation to resolve issues without litigation.

Name of Agency Personnel Responsible for Drafting: George Taylor and Melodie Bankers, Olympia, Washington, (360) 753-7300; Implementation and Enforcement: Deborah Senn.

Name of Proponent: Deborah Senn, Insurance Commissioner, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this regulation is to provide minimum standards for the conduct of insureds and insurers for presenting and resolving environmental claims; and to facilitate the fair principled, and equitable resolution of environmental claims without resorting to unnecessary time-consuming, and expensive litigation. The regulation: (1) Establishes procedures for resolving lost policy disputes regarding environmental claims; (2) defines as unfair a number of claims settlement practices including (a) failure to pay interest on specified sums, (b) failure to commence an environmental claims investigation within fifteen days after notice, (c) failure to pay (under its duty to defend) for investigation to determine the source, type, and extent of contamination, (d) denying a claim on the basis that the

PROPOSED

PROPOSED

insured expected or intended environmental damage, (e) denying without evidence that there is damage to a site on the national priorities list (CERCLA) or the hazardous sites list (MTCA); (f) responding to an insured's claim in a manner that is not specifically related to the particular claim; (3) establishes the framework for a nonbinding environmental claims mediation program; and (4) requires insurers to retain Washington general liability insurance policy records so that policies can be retrievable by policy number and by the name of the insured.

**Proposal Changes the Following Existing Rules:** The proposal establishes new rules for handling environmental claims, establishes a framework for nonbinding mediation, and establishes a records retention program sufficient to reconstruct general liability policies by policy number and by named insured.

**Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW?** Yes. A copy of the statement may be obtained by writing to: Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504-0255, phone (360) 664-3790, or FAX (360) 586-3535.

**Hearing Location:** World Trade Center, 3600 Port of Tacoma Road, Room 104, Tacoma, WA, on April 4, 1995, at 6:00 p.m. - 8:00 p.m.

**Assistance for Persons with Disabilities:** Contact Lori Malabed by April 3, 1995, TDD (360) 586-0691.

**Submit Written Comments to:** Kacy Brandeberry, P.O. Box 40255, Olympia, WA 98504, FAX (360) 586-3535, by April 3, 1995.

**Date of Intended Adoption:** April 10, 1995.

March 1, 1995

Deborah Senn

Insurance Commissioner

## ENVIRONMENTAL CLAIMS

### NEW SECTION

**WAC 284-30-900 Purpose.** (1) There are many insurance coverage disputes involving Washington insureds who face potential liability for their roles at polluted sites in this state. State and federal mandates exist for cleaning up the environment in order to address the adverse effects of hazardous substances on human health and safety and the environment in general. It is in the public interest to reduce the costs incurred in connection with environmental claims and to expedite the resolution of such claims. The state of Washington has a substantial public interest in the timely, efficient, and appropriate resolution of environmental claims involving the liability of insureds at polluted sites in this state. This interest is based on practices favoring good faith and fair dealing in insurance matters and on the state's broader health and safety interest in a clean environment.

(2) Insureds and insurers alike face claims complicated by factual issues concerning events that occurred in the distant past. Many sites with environmental damage involve long-term operations with multiple owners; therefore, issues related to lost policies which may provide insurance coverage in the environmental claims context provide uniquely challenging problems of both lost evidence and witnesses.

(3) Cooperation between insureds and insurers in fairly and expeditiously resolving legitimate disputes and in

reducing or eliminating nonmeritorious claims is in the public interest. Facilitating cooperation in resolving legitimate lost policy disputes in environmental claims will reduce unnecessary litigation, thereby freeing more resources for environmental cleanup. Insureds and insurers are encouraged to participate in a mediation program in order to achieve a mutually acceptable, expeditious resolution of environmental claims without resort to costly and lengthy litigation.

(4) This regulation is adopted to provide minimum standards for the conduct of insureds and insurers for presenting and resolving environmental claims with the goal of facilitating the fair, principled, and efficient resolution of environmental claims without resort to unnecessary, time-consuming, and expensive litigation.

### NEW SECTION

**WAC 284-30-905 Scope.** (1) This regulation applies to actions taken by an insurer on or after July 1, 1995, with regard to environmental claims arising under a general liability insurance policy issued to a Washington resident and concerning sites located within this state. This regulation does not apply to environmental claims for which coverage is resolved by judgment, settlement, or payment before July 1, 1995.

(2) This regulation is not exclusive, and acts or omissions, whether or not specified in WAC 284-30-900 through 284-30-940, may also be violations of other sections of the insurance code or other regulations promulgated thereunder.

### NEW SECTION

**WAC 284-30-910 Definitions.** As used in this regulation:

(1) "Environmental claim" means a claim for defense or indemnity submitted under a general liability insurance policy by an insured facing, or allegedly facing, potential liability for bodily injury or property damage to others arising from a discharge of pollutants into land, air, or water.

(2) "General liability insurance policy" means a contract of insurance that provides coverage for the legal obligations of an insured for bodily injury or property damage to others. It includes, for example, pollution insurance policies and comprehensive general liability insurance policies; it does not include insurance policies relating to motor vehicles, personal coverage such as homeowners, or specialty line liability coverage such as directors and officers insurance, errors and omissions insurance, or other similar policies.

(3) "Insured" means a Washington resident who is either the named insured or is acting on behalf of the named insured, and is presenting an environmental claim.

(4) "Lost policy" includes policies which are alleged by an insured to be lost.

### NEW SECTION

**WAC 284-30-920 Procedures for resolving lost policy disputes regarding environmental claims.** The commissioner has found and hereby defines it to be an unfair act or practice or an unfair method of competition for an insurer to fail to investigate thoroughly and promptly all claims of lost policies. It is also an unfair practice or an

unfair method of competition for an insurer to fail to provide all facts known or discovered during an investigation concerning the issuance and terms of a policy, including copies of documents establishing such facts, to an insured claiming coverage under a lost policy. A single violation of this section is deemed to be an unfair act or practice or an unfair method of competition. The following procedures are minimum standards for the facilitation of reconstructing a lost policy and determining its terms. These procedures do not create a presumption of coverage for the loss once the contract is reconstructed.

(1) Within fifteen working days after receipt by the insurer of notice of a lost policy, an insurer shall commence an investigation into its records, including its computer records, to determine whether it issued the lost policy. If the insurer determines that it issued the policy in question, it shall promptly commence an investigation into the terms and conditions relevant to the environmental claim.

(a) For purposes of this section, "notice of a lost policy" means written notice of the lost policy in sufficient detail to identify the person or entity seeking coverage, including information concerning the name of the alleged policyholder, if known, together with material facts known to the insured concerning the lost policy.

(b) Insureds and insurers shall fully cooperate with each other in the investigation of lost policy issues.

(i) Each shall provide to the other facts known or discovered during an investigation, including the identity of any witnesses with knowledge of facts related to the issuance or existence of a lost policy.

(ii) Each shall provide the other with copies of documents establishing facts related to the lost policy.

(iii) Neither an insured nor an insurer shall be required to produce material subject to the attorney-client privilege or the work product doctrine, or confidential claims documents provided to the insurer by another policyholder.

(2)(a) If the insurer discovers information tending to show the issuance of a policy applicable to the claim, or if the insurer is able to locate all or part of the policy, or if the insurer is able to determine the terms of the policy, upon request the insurer shall provide to an insured an accurate copy or reconstruction of the policy or the portions of the policy located.

(b) If after diligent investigation the insurer is not able to locate all or part of the policy or to determine the terms, conditions, or exclusions of the policy, the insurer shall provide copies of all insurance policy forms potentially applicable to the environmental claim issued by the insurer during the applicable policy period. The insurer shall state which of the potentially applicable forms, if any, is most likely to have been issued and why, or alternatively, shall state why it is unable to identify the forms after a good faith search. Providing copies of forms and meeting the standards of this section, is neither an admission by an insurer that a policy was issued or effective, nor, if a policy were issued, that it was necessarily in the form produced, unless the insurer so states.

(c) If it is concluded that a general liability insurance policy more likely than not was issued to the insured by the insurer, and neither the insured nor the insurer can produce any evidence which may tend to show the policy limits applicable to the policy, it shall be assumed, in the absence

of other evidence, that the minimum limits of coverage offered by the insurer during the period in question were purchased by the insured.

#### NEW SECTION

**WAC 284-30-930 Specific unfair environmental claims settlement or trade practices defined.** The commissioner has found and hereby defines the following acts or practices related to the settlement of environmental claims to be unfair methods of competition or unfair or deceptive acts or practices in the conduct of the business of insurance. A single violation of this section is deemed to be an unfair claims settlement practice, an unfair trade practice, or an unfair method of competition.

(1) Failure to pay interest at the statutory rate as set by the state treasurer from time to time, pursuant to RCW 19.52.025:

(a) On payments that an insured has made and which the insurer is legally obligated to pay as damages: *Provided however*, That interest shall begin to accrue only when a claim is presented or payment is made by the insured, whichever is the later; or

(b) On overdue payments that an insurer agreed to make pursuant to an agreed settlement with an insured: *Provided however*, That interest shall begin to accrue on the thirty-first day after the date of the settlement or the agreed time, if later.

(2) Failure of an insurer to commence investigation of an environmental claim within fifteen working days after receipt of a notice of an environmental claim.

(a) Insureds and insurers shall fully cooperate with each other in the investigation of environmental claims.

(i) Each shall provide to the other facts known or discovered during an investigation, including the identity of any witnesses with knowledge of facts related to an environmental claim.

(ii) Each shall provide the other with copies of documents establishing facts related to an environmental claim.

(iii) Neither an insured nor an insurer shall be required to produce material subject to the attorney-client privilege or the work product doctrine, or confidential claims documents provided to the insurer by another policyholder.

(b) An excess insurer may rely on the investigation of a primary insurer.

(3) Failure to make payments, under its duty to defend, for costs reasonably incurred in an investigation to determine the source of contamination, the type of contamination, and the extent of the contamination.

(4) Denying a claim on the basis that the insured expected or intended the damage unless, to the best of the insurer's knowledge, information, and belief, formed after reasonable inquiry, the insurer's position is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(5) Denying that there is damage to a site that is listed on the National Priorities List under the Comprehensive Environmental Response Compensation and Liabilities Act of 1980, 42 U.S.C. Sections 6901-6992k, or the hazardous

sites list under the Model Toxics Control Act of Washington, chapter 70.105D RCW, if the federal Environmental Protection Agency or the state department of ecology has determined that there is actual damage on the site unless an insurer has evidence that no actual damage occurred.

(6) Responding to an insured's claim for damages in a manner that is not related directly to the specific claim; or requiring the insured to provide answers to numerous questions, interrogatories, or requests for documents concerning matters or issues not related to the insured's claim for damages. This does not prevent an insurer from clearly reserving its rights as to information which is not available at the time of the correspondence.

#### NEW SECTION

**WAC 284-30-940 Environmental claim mediation program.** The commissioner has found and hereby defines it to be an unfair act or practice or an unfair method of competition for an insurer to fail to participate in good faith in nonbinding mediation requested by an insured concerning the existence, terms, or conditions of a lost policy, or regarding coverage for an environmental claim.

(1) The insured may request in writing that the insurer participate in nonbinding mediation.

(2) Upon request from an insured for nonbinding mediation, an insurer shall provide an insured with information concerning an environmental claim mediation program. The information shall include, but need not be limited to, a description of how an insured can efficiently commence a mediation program.

(3) The purposes of mediation shall include, but need not be limited to, the following:

(a) To assist the parties in resolving disputes concerning whether or not a general liability insurance policy applicable to the environmental claim was issued to the insured by the insurer or concerning the relevant terms, conditions, and exclusions of the policy;

(b) To determine whether the entire claim, or a portion thereof, can be settled by agreement of the parties;

(c) If the claim cannot be settled, to determine whether one or more issues can be resolved to the satisfaction of the parties; or

(d) To discuss any other methods of streamlining or reducing the cost of litigation.

(4) Mediation shall be conducted pursuant to mediation rules similar to those of the American Arbitration Association, the Center for Public Resources, the Judicial Arbitration and Mediation Service, RCW 7.70.100, or any other rules of mediation agreed to by the parties.

(5) Unless otherwise agreed, information provided and statements made by either party in a mediation shall be kept confidential by the parties and used only for purposes of the mediation in accordance with RCW 5.60.070.

(6) Insureds and insurers shall have representatives present, or available by telephone, with authority to settle the matter at all mediation sessions.

#### NEW SECTION

**WAC 284-20-200 Retention of policy forms.** Beginning July 1, 1996, every insurer shall adopt a record retention procedure and shall maintain records sufficient to reconstruct a copy of every general liability insurance policy issued for delivery in this state on or after July 1, 1996.

(1) Records may be kept in any reasonable and customary format, including any photographic or electronic format.

(2) Records shall be kept for at least twenty years following the expiration date of the policy.

(3) The insurer shall maintain the capacity to retrieve records sufficient to reconstruct any policy by name of the named insured(s) as shown on the policy declarations page and by policy number.

(4)(a) The insurer shall keep either a copy of each form of general liability insurance policy issued to a resident of this state so that it can be matched to an insured's record upon request, or a copy of the insured's policy as issued. For manuscript policies, the insurer shall retain a copy of the insured's policy as issued.

(b) For each insured, the insurer shall maintain at least the following information as the insured's record:

(i) The name of all named insureds as shown on the policy declarations page;

(ii) The address of the named insured as shown on the policy declarations page;

(iii) The name of any additional named insured(s);

(iv) The policy number;

(v) The form number(s) or a copy of the insured's policy as issued;

(vi) The limits of liability;

(vii) The annual premium;

(viii) The form number(s) or a copy of any endorsement(s); and

(ix) The policy period.

(5) Records of general liability insurance policies issued to Washington residents and that are in the possession of the insurer on the effective date of this section shall not be destroyed for twenty years after the effective date of this section: *Provided however*, That such records need not be catalogued or indexed to meet the standards of this section.

(6) Records of general liability insurance policies issued by unauthorized insurers shall be kept in this state; however, such records may be maintained on behalf of an unauthorized insurer by the surplus line broker of record on the policy, or the broker's successor.

(7) For purposes of this section, "general liability insurance policy" means a contract of insurance that provides coverage for the legal obligations of an insured for bodily injury or property damage to others. It includes, for example, pollution liability insurance policies and comprehensive general liability insurance policies; it does not include insurance policies relating to motor vehicles, personal coverage such as homeowners, or specialty line liability coverage such as directors and officers insurance, errors and omissions insurance, or other similar policies.

**WSR 95-06-093**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Filed March 1, 1995, 11:59 a.m.]

Original Notice.

Title of Rule: Personal use fishing rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Open Alkali Flat Creek, Crab Creek and Palouse River year around. Close San Poil arm of Lake Roosevelt February 1 - May 31. Change boundaries on Tucannon River. Clarify Methow, Green/Duwamish and Wind River mouths. Delete Proctor Lake from selective fishery waters. Delete night fishery restrictions on Kalama, Lewis, Toutle, and Washougal rivers. Delete departmental references to "fisheries" or "wildlife." Clarify Lake Washington Ship Canal and Lake Washington fisheries. These changes are necessary to clarify changes that were made to the 1995-1995 game fish seasons, to offer additional fishing opportunity, to make it easier for anglers to identify fishery areas, to provide protection to certain stocks, and to promote an orderly fishery.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting:

Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. These rules involve recreational fishing only and do not affect small businesses.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA, on April 8, 1995, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

February 28, 1995

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 95-11, filed 2/1/95, effective 5/1/95)

**WAC 232-28-619 Washington game fish seasons and daily limits—Regional regulation exceptions. Region I.**

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks, selective fishery regulations.

Alpowa Creek: Last Saturday in April through June 30 season.

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. Closed to fishing for steelhead.

From SR129 Bridge upstream to the forks: Trout - daily limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Trout - daily limit - eight. Closed to fishing for steelhead. Selective fishery regulations.

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

B.C. Mill Pond: Last Saturday in April through October 31 season.

Badger Lake: Last Saturday in April through September 30 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Trout - daily limit - two, minimum length fourteen inches. Fly fishing only. Use of motors prohibited.

Additional season. July 5 through October 31. Catch-and-release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.

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

Big Four Lake: March 1 through July 31 season. Trout - daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

PROPOSED

Blue Creek (Walla Walla County): Last Saturday in April through June 30 season.

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

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. Last Saturday in April through October 31 season.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Carl's Lake: Last Saturday in April through October 31 season.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Chapman Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: Selective fishery regulations.

Conger Pond: Last Saturday in April through October 31 season.

Coppei Creek: Last Saturday in April through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County), outside city limits of Davenport: Last Saturday in April through September 30 season.

Crab Creek (Lincoln County) and tributaries: Year around season.

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

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

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

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

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

Diamond Lake: Last Saturday in April through October 31 season.

Downs Lake: Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Fan Lake: Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: Last Saturday in April through September 30 season.

Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Frater Lake: Last Saturday in April through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: Last Saturday in April through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: September 1 through April 15 season.

Note: Cottonwood Creek is closed to fishing for steelhead. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Only steelhead with missing adipose

fins may be possessed September 1 through April 15. There must be a healed scar in the location of the missing fin.

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

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: Last Saturday in April through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: Last Saturday in April through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: Last Saturday in April through October 31 season.

Kalispell Creek and tributaries: Last Saturday in April through October 31 season. Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept. Trout, minimum length twelve inches.

From Napoleon Bridge upstream: Trout, minimum length twelve inches; selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: Last Saturday in April through October 31 season.

Ledking Lake: Last Saturday in April through October 31 season.

Leo Lake: Last Saturday in April through October 31 season.

Liberty Lake: Last Saturday in April through September 30 season.

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

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.

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

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only.

Long Lake (Spokane River Reservoir): Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, of which at least five must be kokanee, no more than two over twenty inches in length.

Lyons Park Pond (College Place): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Marshal Lake: Last Saturday in April through October 31 season.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Catch-and-release, fly fishing only.

Medical Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: Last Saturday in April through September 30 season.

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Oregon state line: Trout - daily limit - five.

Mill Creek Reservoir: Internal combustion engines prohibited.

Mill Pond: Last Saturday in April through October 31 season.

Mudget Lake: Last Saturday in April through October 31 season.

Muskegon Lake: Last Saturday in April through October 31 season.

Mystic Lake: Last Saturday in April through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Newman Lake: Tiger musky - daily limit - one, minimum length thirty-six inches.

Nile Lake: Last Saturday in April through October 31 season.

No Name Lake: Last Saturday in April through October 31 season.

Palouse River (Whitman County) and tributaries: Year around season.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Parker Lake: Last Saturday in April through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: April 30 through October 31 season. Juveniles only (under fifteen years old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Potter's Pond: Last Saturday in April through October 31 season.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

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

Renner Lake: Last Saturday in April through October 31 season.

Rigley Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): All species - Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout((?)) - no more than two over twenty inches in length. (~~Trout - closed March 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek.~~) Walleye - daily limit ((-)) eight, not more than one over twenty inches in length((?)); only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge((?)) and in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges(~~in San Poil arm upstream from mouth of Manilla Creek~~).

Sacheen Lake: Last Saturday in April through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: Last Saturday in April through October 31 season.

Skookum Lake, North: Last Saturday in April through October 31 season.

Skookum Lake, South: Last Saturday in April through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - daily limit - six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - daily limit - five, no more than two over twenty inches in length. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - daily limit - one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Trout - daily limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1



through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

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

Starvation Lake: Last Saturday in April through May 31 season. Additional season June 1 through October 31, catch-and-release only, selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Thomas Lake: Last Saturday in April through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through April 15 season. Wild steelhead release. Open only to fishing for steelhead and brown trout over twenty inches in length September 1 through April 15.

From Wolf Fork Bridge upstream and all tributaries: Trout, minimum length twelve inches selective fishery regulations.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

~~((Mouth to Highway 261 Bridge: Year around season. Closed to fishing for all trout April 16 through May 31.))~~

From the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the Highway 12 Bridge upstream to the ~~((mouth of))~~ Cummings Creek Bridge: June 1 through October 31, trout, daily limit - five. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the ~~((mouth of))~~ Cummings Creek Bridge upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the ~~((mouth of))~~ Panjab Creek Bridge: Trout - daily limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches in length may be retained as part of the trout daily limit.

From the ~~((mouth of))~~ Panjab Creek Bridge upstream: Closed waters.

Vanes Lake: Last Saturday in April through October 31 season.

Waits Lake: Last Saturday in April through February 28 season.

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.

From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.

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

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: Last Saturday in April through October 31 season.

#### Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).

Exceptions - Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only.

Alkali Lake (Grant County): Closed to the taking of walleye.

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

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): Last Saturday in April through October 31 season. Trout -

daily limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through July 31 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.

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

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

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

Campbell Lake (Okanogan County): September 1 through March 31 season.

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

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

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Fly fishing only.

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

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

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

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

Cougar Lake (near Winthrop - Okanogan County): September 1 through March 31 season.

Cow Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Coyote Creek Ponds (Adams County): March 1 through July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - daily limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - daily limit - five. Fishing from any floating device prohibited.

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

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

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

Davis Lake (Okanogan County): September 1 through March 31 season.

Deadman Lake (Adams County): March 1 through July 31 season.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

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

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

Dry Falls Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

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

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

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

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

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

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

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: Selective fishery regulations.

Green Lake (Okanogan County): December 1 through March 31 season.

Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout - daily limit - five.

Grimes Lake: June 1 through August 31 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through July 31 season.

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

Hutchinson Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.

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

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

Lenice Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through March 31 season.

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

Lost River (Okanogan County): From one-quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

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

Merry Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Methow River, from mouth ~~((railroad bridge))~~ upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River:

June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.

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

Mirror Lake: Last Saturday in April through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - daily limit - five. Only crappie more than ten inches in length may be kept. Bluegill - daily limit - five. Only bluegill more than eight inches in length may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum length twelve inches. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

Palmer Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).

Park Lake: Last Saturday in April through September 30 season.

Patterson Lake: Last Saturday in April through October 31 season.

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

Perch Lake: Last Saturday in April through September 30 season.

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

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

Potholes Reservoir: Crappie and bluegill - daily limit - twenty-five (species combined).

~~((Proctor Lake (Okanogan County): Trout - daily limit - one. Selective fishery regulations.))~~

Quail Lake: Catch-and-release, fly fishing only.

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

Rat Lake (Okanogan County): December 1 through March 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - daily limit - one. Fly fishing only. Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

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

Royal Lake (Adams County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): Trout (including kokanee) - daily limit - two.

Saddle Mountain Lake: Closed waters.

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

Salmon Creek, North Fork: Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.

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

Shiner Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through October 31.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

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

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

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

Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Vic Meyers (Rainbow) Lake: Last Saturday in April through September 30 season.

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

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

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over fifteen inches in length may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

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

### Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

When fishing or hunting within the boundaries of the Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakama Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

In Benton County: Rivers, Streams and Beaver Ponds: Year around.

Exceptions - Region III Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: Selective fishery regulations.

Bachelor Creek: Year around season. Trout - daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Black Lake (Lower Wheeler Reservoir): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): Kokanee daily limit - sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: Trout - daily limit - two, minimum length fifteen inches and kokanee - daily limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches, not more than two over fifteen inches and kokanee - daily limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River: Year around season. Trout, minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: Juveniles only (under fifteen years old).

Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Eightmile Lake: Trout - daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - daily limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): Trout, no more than two over fifteen inches in length.

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

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout, no more than two over twelve inches in length, fly fishing only.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Mad River, from mouth upstream to Jimmy Creek: Closed waters.

McCabe Pond: Five fish daily limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Merritt Lake: Trout - daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - daily limit - two. Selective fishery regulations.

Myron Lake: Trout - daily limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - daily limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): Kokanee - daily limit - sixteen. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

Schaefer Lake: Trout - daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.

Taneum Creek: Selective fishery regulations.

Tieton River: Trout - daily limit - five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Trapper Lake: Trout - daily limit - two.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: Last Saturday in April through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

Wide Hollow Creek: Trout - daily limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch-and-release, selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).

**Region IV.**

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

Exceptions Region IV. Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American Lake: Feeding (chumming) permitted.

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

Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

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

Boxley Creek (North Bend), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: Last Saturday in April through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.

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

Cascade River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

Cassidy Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River: Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

Clear Lake (Pierce County): Feeding (chumming) permitted.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

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

County Line Ponds: Closed Waters.

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

De Coursey Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

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

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

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - daily limit - one, minimum length eighteen inches.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Fazon Lake: Channel catfish - daily and possession limit - two. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.

Findley Lake: Closed waters.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout, minimum length fourteen inches.

Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).

Flowing Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fortson Mill Pond #2: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

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

Gissberg Ponds: Closed to fishing for channel catfish.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

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

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

~~Green (Duwamish) River(, from its mouth to the First Avenue Bridge): ((June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.))~~

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Heart Lake (Skagit County, near Anacortes): Last Saturday in April through October 31 season.

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

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

Kapowsin Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

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

Ki Lake (Snohomish County): Last Saturday in April through October 31. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kimball Creek (near Snoqualmie): Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

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

Little Bear Creek (tributary of Sammamish River): Closed waters.

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

Lucas Slough: Closed waters.

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



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

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

New Mire Creek (tributary of Lake Sawyer): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 15.

South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

North Creek (tributary of Sammamish River): Closed waters.

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

Northern State Hospital Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Old Fishing Hole Pond (Kent): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - daily limit - one, minimum length eighteen inches. Fly fishing only.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length

fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.

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

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.

Rapjohn Lake: Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Rattlesnake Lake: Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed.

Ravensdale Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

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

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - daily limit - three, possession limit - six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Samish, Lake: Feeding (chumming) permitted. Cutthroat - daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department ((of fisheries<sup>2</sup>)) rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches in length. December 1 through June 30 season: No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. June 15 through October 31 wild steelhead release.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

Sawyer, Lake: Feeding (chumming) permitted.

Sequallitchew Lake: Contact Ft. Lewis for land use permit.

Serene Lake (Snohomish County): Year around season.

Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches in length.

Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted.

Shoecraft Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Retaining steelhead is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) from ((~~Puget Sound~~)) mouth to Highway 529: Year around season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout, minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): Last Saturday in April through October 31 season. Trout - twelve inch minimum length. Selective fishery regulations except use of electric motors allowed. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Squalicum Lake: Trout - daily limit - two. Fly fishing only.

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

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Feeding (chumming) permitted. Bass - daily limit - one over eighteen inches in length.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

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

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. This area is closed to all fishing from April 1 through November 30.

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

Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.

Tradition Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

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

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

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2

Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wapato Lake: Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February season: Trout - no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout - ~~((daily limit eight,))~~ minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks to the ~~((Fremont Bridge—Open December 1 through February 28 only; Fremont Bridge to))~~ east boundary - Open year around. Species restrictions: Trout - December 1 through last day in February ~~((season))~~: Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30 ~~((season))~~: Daily limit five. Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Trout - July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats ~~((and nonbuoyant lures restricted to only one single hook measuring no more than 3/4 inch point to shank; chumming permitted))~~. East of Fremont Bridge - chumming permitted.

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: Last Saturday in April through October 31 season. Trout - no more than one over fourteen inches in length. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: June 1 through September 30 - Closed waters. October 1 through May 31 season: Trout, minimum length fourteen inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

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

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Wiser Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

#### Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

Exception - Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Alder Creek: Closed waters.

Battle Ground Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): Selective fishery regulations.

Big White Salmon River, from mouth to powerhouse: Year around season. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: November 16 to

June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - daily limit - five.

Blockhouse Creek: Trout - daily limit - five.

Bloodgood Creek: Trout - daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Catch-and-release only. Selective fishery regulations.

Bowman Creek: Trout - daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - daily limit - five.

Carlisle Lake: Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release.

Cispus River, North Fork: Trout, no more than one over twelve inches in length.

Clear Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Coldwater Lake: All inlet streams and outlet streams closed waters. Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

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

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Cowlitz Falls Reservoir: June 1 through February 28 season. Trout - daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted markers located approximately 500 feet upstream from the boat ramp at the Lewis County PUD Cowlitz Falls Campground. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release June 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

Cowlitz River, Clear Fork and Muddy Fork: Trout - daily limit - five, no more than one over twelve inches in length.

Davis Lake: Last Saturday in April through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

From West Fork to source: Closed waters.

Fort Borst Park Lake: Last Saturday in April through February 28 season. Juveniles only (under fifteen years old).

Franz Lake: Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Grays River, from mouth to mouth of South Fork: September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.

Grays River, West Fork, downstream from hatchery trap site: June 1 - August 31 season.

Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. Trout - daily limit - two, and minimum length fourteen inches. Wild steelhead release. Selective fishery regulations.

Horseshoe Lake: Last Saturday in April through October 31 season.

Horsethief Lake: Last Saturday in April through February 28 season.

Icehouse Lake: Last Saturday in April through February 28 season.

Indian Heaven Wilderness Lakes: Trout - daily limit - three.

Jewitt Creek: Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) ~~((night closure, April 1 through October 31; (3)))~~ September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; ~~((4))~~ (3) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and ~~((5))~~ (4) motors prohibited upstream of Modrow Bridge.

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

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

Kidney Lake: Last Saturday in April through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: Last Saturday in April through February 28 season.

Kress Lake: Last Saturday in April through February 28 season. Bass - only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River strambled between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout, minimum length twelve inches. Selective fishery regulations.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. (~~Night closure June 1 through October 31.~~)

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: Last Saturday in April through October 31 season. Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River: Trout - daily limit - five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Mayfield Lake (Reservoir): Tiger musky - daily limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - daily limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: Last Saturday in April through September 30 season.

Muddy River (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: Last Saturday in April through February 28 season.

Ohanapecosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout - daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. Last Saturday in April through October 31 season. Trout - daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: Last Saturday in April through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Rowland Lakes: Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March 15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - daily limit - five, no more than one over twelve inches in length.

Spearfish Lake: Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout - daily limit - five.

Swift Reservoir: Last Saturday in April through October 31 season.

Swofford Pond: Bass - daily and possession limit - two. Only bass less than twelve inches or over eighteen inches in length may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - daily limit - five, no more than one over twelve inches in length.

Tilton River, South Fork and East Fork: Trout, minimum length ten inches. Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

~~((From the mouth of the Green River to the posted deadline below the fish collection facility: Night closure and it is unlawful to fish with nonbuoyant artificial lures having more than one single pointed hook.))~~

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: Last Saturday in April through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River: Trout - daily limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. Last Saturday in April through October 31 season. Trout, minimum length



ten inches. Selective fishery regulations except motors allowed.

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. (~~(((Night closure June 1 through October 31)))~~)

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

Washougal River, West (North Fork), from mouth to the water intake at the department (~~(((of wildlife)))~~) hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fifteen inches. Selective fishery regulations.

Wind River, (~~(((Burlington Northern Railroad bridge)))~~) mouth to four hundred feet below Shipherd Falls (~~(((note: Waters south of the Burlington Northern Railroad bridge are considered part of the Columbia River)))~~): June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Yale Reservoir: Kokanee - daily limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: Last Saturday in April through February 28 season. Trout, no more than one over twelve inches in length.

#### Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

Exceptions - Region VI regulations. State-wide regulations apply to all waters except where modified in special

regulations below. For regulations within Olympic National Park, call (206) 452-4501.

Aberdeen Lake: Last Saturday in April through October 31 season.

Aldrich Lake: Last Saturday in April through October 31 season.

Aldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. Last Saturday in April through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: Last Saturday in April through October 31 season.

Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Last Saturday in April through October 31 season. Trout - no minimum length.

Benson Lake: Last Saturday in April through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches.

Buck Lake: Last Saturday in April through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: Last Saturday in April through October 31 season. Trout - daily limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through February 28 season. Trout, minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout - daily limit - five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020, the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches.

Carney Lake: Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: Last Saturday in April through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

Cedar Creek (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.

Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Clara Lake: Last Saturday in April through October 31 season.

Clear Lake: Last Saturday in April through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cloquallum Creek, from mouth to second bridge on Cloquallum Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Coulter Creek: Trout, minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden Bull Trout.

Deep Creek: Closed waters.

Deep Lake: Last Saturday in April through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: Last Saturday in April through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: Last Saturday in April through October 31 season.

Devil's Lake: Last Saturday in April through October 31 season.

Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dickey River (includes all forks): June 1 through April 30 season. Trout, minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout,

minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.

East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.

Failor Lake: Last Saturday in April through October 31 season.

Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout, minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.

Grass Lake: Last Saturday in April through October 31 season.

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - daily limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: Last Saturday in April through October 31 season.

Haven Lake: Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: Last Saturday in April through October 31 season.

Hoh River, from mouth to mouth of South Fork and in South Fork outside National Park boundary: June 1 through April 15 season. Trout, minimum length fourteen inches.

Hoko River: Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release and fly fishing only.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Howell Lake: Last Saturday in April through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: Last Saturday in April through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Long Lake (Kitsap County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Loomis Lake: Last Saturday in April through October 31 season.

Lost Lake (Jefferson County): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: Last Saturday in April through October 31 season.

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: Last Saturday in April through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: Last Saturday in April through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: Last Saturday in April through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout, minimum length fourteen inches. Area from department intake dam downstream to mouth: Closed waters.

Mission Lake: Last Saturday in April through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.

Moses Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

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

Munn Lake: Last Saturday in April through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through February 28 season. Trout, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through March 31 season. Trout, minimum length fourteen inches.

North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: Last Saturday in April through October 31 season.

Osborne Lake: Last Saturday in April through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.

Panhandle Lake: Last Saturday in April through October 31 season.

Panther Lake: Last Saturday in April through October 31 season.

Pattison Lake: Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Percival Creek: Trout, minimum length fourteen inches.

Pine Lake: Last Saturday in April through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: Last Saturday in April through October 31 season. Selective fishery regulations, catch-and-release only.

Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.

Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout - daily limit - five, no minimum length.

Quillayute River: June 1 through April 30 season. Trout, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.

Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: Last Saturday in April through October 31 season.

Rose Lake: Last Saturday in April through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Salt Creek: Trout, minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Satsop Lakes: Last Saturday in April through October 31 season.

Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Sekiu River: Trout, minimum length fourteen inches.

From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: Last Saturday in April through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake: Last Saturday in April through October 31 season.

Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.

Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch-and-release only. Selective fishery regulations.

Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/((WDFW)) WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout, minimum length fourteen inches.

From mouth to the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout, minimum length fourteen inches.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout, minimum length fourteen inches. Wild steelhead release, selective fishery regulations.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.

Steves Lake: Last Saturday in April through October 31 season.

Stump Lake: Last Saturday in April through October 31 season.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: Last Saturday in April through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

Sylvia Lake: Last Saturday in April through October 31 season.

Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release.

Tarboo Lake: Last Saturday in April through October 31 season.

Tenas Lake: Last Saturday in April through October 31 season.

Tiger Lake: Last Saturday in April through October 31 season.

Twin Lake: Last Saturday in April through October 31 season.

U Lake: Last Saturday in April through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout, minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: Last Saturday in April through October 31 season.

Waddell Creek: See Black River.

Ward Lake: Last Saturday in April through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Wildberry Lake: Last Saturday in April through October 31 season.

Wildcat Lake: Last Saturday in April through October 31 season.

Willapa River (includes all forks) upstream from department of wildlife boat launch in South Bend: Trout, minimum length fourteen inches.

From department ((of wildlife)) boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February season. Trout, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: Last Saturday in April through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream

to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of fish and wildlife game fishing license is required to fish for game fish in marine waters.

Permit requirements: A valid current steelhead license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS ((REGULATIONS)) RULES  
CATCH AND MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout (Including steelhead)	Two, wild cutthroat release in  Marine Areas 12- (Hood Canal) and 13- (South Puget Sound) Wild steelhead release in Marine Areas 1 through 13.	Fourteen inches
Dolly Varden	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	

Marine waters rules - Closed waters.

Area 10 - Those waters west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed to fishing at all times.

Marine area codes and boundaries.

(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. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

PROPOSED

PROPOSED

(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) 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 (F1 red 4 sec.).

(c) 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 (F1 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.

COLUMBIA RIVER REGULATIONS

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY LIMITS	MINIMUM SIZE LIMITS
Bass	Five—not more than three over fifteen inches	None

Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout (Including kokanee and steelhead)	Two	Eight inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River from a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings. From the Megler-Astoria Bridge to the I-5 Bridge: May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild cutthroat release. Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake: Wild steelhead release. Closed to fishing for steelhead March 16 through June 15.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.



From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

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

**WSR 95-06-094**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal bottomfish catch limits.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Set 1995 coastal groundfish limits concurrent with federal recommendation.

Reasons Supporting Proposal: Harvestable bottomfish are available.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal sets the bottomfish (groundfish) limits for 1995, and conforms Washington state rules with those recommended by the Pacific Fisheries Management Council.

Proposal Changes the Following Existing Rules: Sets new groundfish limits.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The Secretary of Commerce has adopted these limits, and it would be a violation of federal law to exceed the limits. A small business economic impact statement does not apply.

Hearing Location: Room 108, Natural Resources Building, 1111 Washington Street, Olympia, on April 4, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Jeanette Russell by March 27, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by April 3, 1995.

Date of Intended Adoption: April 4, 1995.

March 1, 1995

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 94-51, filed 6/10/94, effective 7/11/94)

**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 (~~(Puget Sound)~~) Marine Fish-Shellfish Management and Catch Reporting Areas 29 (~~(or 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. All weights are in round pounds:

(1) The following definitions apply to this section:

(a) Cumulative limit. A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed (~~(in a specified period of time)~~) per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on

the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

(b) Vessel trip. A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(c) Vessel trip limit. The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(d) Daily trip limit. The maximum amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(e) Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

(f) Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

(g) Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

(2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

~~(a) Pacific Ocean perch - ((No limit on the number of vessel trips landings less than 1,000 pounds per vessel trip. Landings greater than 1,000 pounds but not to exceed 3,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of fish aboard per vessel trip. No landings of more than 3,000 pounds per vessel trip.))~~ Cumulative limit of 6,000 pounds. No minimum size.

(b) Widow rockfish - Cumulative limit of 30,000 pounds. No minimum size.

(c) Shortbelly rockfish - No maximum poundage. No minimum size.

(d) Black rockfish - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

~~(e) ((Yellowtail rockfish-))~~ Sebastes complex - All species of rockfish except Pacific Ocean perch, widow, shortbelly and thornyhead (*Sebastolobus spp.*).

~~(i) North of Cape Lookout ((45°20'15" N.) Cumulative limit of 14,000 pounds.))~~ and south of Cape Lookout if no declaration has been made - Cumulative limit of 35,000 pounds, of which no more than 14,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish. No minimum size on any species in this category.

~~(ii) South of Cape Lookout - Cumulative limit of ((30,000)) 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish,~~ provided the licensee has made a declaration as follows:

(A) The declaration must be made at least 12 hours prior to departing from port by telephoning the department Montesano office at (360) 249-4628, between the hours of ~~((8:30))~~ 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(B) The declaration must include: Vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano office at ~~((48A))~~ 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano office during business hours.

~~(iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of ((30,000)) 50,000 pounds of which no more than 30,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish.~~

~~(iv) Wholesale fish dealers purchasing ((any)) more than 30,000 pounds of the *Sebastes complex* or 14,000 pounds of yellowtail rockfish ((caught south of Cape Lookout))~~ must enter the declaration number on the fish receiving ticket.

(f) DTS Complex - (sablefish, dover sole and thornyhead rockfish) - Cumulative limit of ~~((50,000))~~ 35,000 pounds, of which no more than ~~((30,000))~~ 20,000 pounds may be thornyhead rockfish of which no more than 4,000 pounds may be shortspine thornyheads.

~~((The following limits apply to))~~ (g) Sablefish ((taken under this subsection:))

(i) Trawl vessels - Cumulative limit of ~~((12,000))~~ 6,000 pounds. Vessel trip limit of 1,000 pounds or 25 percent of the DTS complex, whichever is greater (the sablefish allowance equals .33 x the combined weight of dover sole and thornyhead rockfish). In the trip limit, no more than ~~((5,000))~~ 500 pounds may be sablefish less than 22 inches ~~((#))~~ total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

~~(ii) Nontrawl vessels - ((Vessel))~~ Daily trip limit of ((250)) 300 pounds (round weight). ~~((To convert round weight from dressed weight, multiply the dressed weight by 1.6.))~~ No minimum size.

~~((g) *Sebastes complex* - All other species of rockfish except Pacific Ocean perch, widow, shortbelly, thornyhead (*Sebastolobus spp.*) - Cumulative limit of 80,000 pounds. No minimum size. Black rockfish and yellowtail rockfish taken under other provisions of this section count as part of the *Sebastes complex*.)~~

(h) Pacific whiting - No vessel trip limit. No minimum size.

(i) Lingcod - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.

(3) Groundfish open access fishery limits. The following limits apply to the ground fish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) Sablefish - Daily trip limit of 300 pounds (round weight). No minimum size.

(b) Rockfish.

~~((i))~~ Vessel trip limit of 10,000 pounds. ~~((The vessel trip limit for black rockfish for commercial fishing vessels using hook and line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.~~

~~((ii))~~ Cumulative trip limit of ~~((40,000))~~ 35,000 pounds ~~((of which no rockfish may exceed the cumulative limits for the limited entry fisheries)).~~

~~((b) Sablefish - Daily trip limit of 250 pounds.))~~

(c) Lingcod - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5.

(4) It is unlawful for the operator of any vessel (including shrimp trawl vessels,) 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 cumulative limit, vessel trip limit, or a daily trip limit.

(5) The fishers copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing.

~~((6) The following rules apply to all vessels fishing with trawl gear, or having bottom fish and trawl gear aboard the vessel, and licensed by the state of Washington, except for vessels in continuous transit from outside the fisheries management boundary to a Washington state port:~~

~~(a) It is unlawful for any vessel, except a shrimp trawl vessel, to fish or possess bottomfish without having a limited entry permit valid for that vessel affixed with a gear endorsement for trawl gear.~~

~~(b) A shrimp trawl vessel is not required to have a limited entry permit, provided that the total round pounds weight of bottomfish aboard the vessel may not exceed thirty percent of the cumulative weight of the bottomfish and shellfish aboard. It is unlawful to retain more than 1,500 pounds per fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which ocean pink shrimp comprise more than one half of the volume of shrimp aboard. It is unlawful to retain more than 1,000 pounds per~~

~~fishing day of any bottomfish species taken incidental to a shrimp trawl fishery in which spot prawns comprise more than one half of the volume of shrimp aboard. It is unlawful for any shrimp trawl vessel to exceed a cumulative or trip limit established for the groundfish limited entry fishery as applied to trawl vessels.))~~

**WSR 95-06-095  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Possession of dead wildlife.

Purpose: Provide for disposal of dead wildlife.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Allows landowners to take possession of road killed wildlife for disposal.

Reasons Supporting Proposal: Needed to reduce problems with dead animals.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Britnell, 1111 Washington Street, Olympia, 902-2504; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule allows landowners to take possession of road killed wildlife for purposes of disposal. It does not allow the wildlife to be reduced to personal possession. This will legitimize what would otherwise be an unlawful possession of wildlife.

Proposal Changes the Following Existing Rules: Allows possession of dead wildlife for disposal purposes.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule affects landowners only and does not affect small businesses.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA, on April 8, 1995, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

February 28, 1995

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

**WAC 232-12-287 Possession of dead wildlife.** (1) Except as authorized by permit of the director or by subsection (2) of this section, it is unlawful to possess wildlife found dead. ~~((Nothing in this regulation will))~~ This rule does not prohibit the possession of naturally shed antlers of deer and elk.

(2) An individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC 246-203-120). Wildlife removed under this section remain the property of the state.

**WSR 95-06-096  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: WAC 232-28-257 Big game auction permits.

Purpose: To adopt WAC 232-28-257 Big game auction permits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will provide for one auction permit for elk, moose and mountain goat to be auctioned in 1996. The auction will be done by a conservation organization.

Reasons Supporting Proposal: The auction(s) will generate revenue for elk, moose or mountain goat management programs.

Name of Agency Personnel Responsible for Drafting: Dave Brittell, Assistant Director, (In Form Only), E. Manary, (360) 902-2504; Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission (specifically requested), governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The auction permit(s) are designed to raise revenue for management programs for that species.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. On April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

NEW SECTION

**WAC 232-28-257 Big game auction permits**

AUCTIONING OF PERMIT

The Director will select a conservation organization(s) to conduct the 1996 auction(s). Selection of the conservation organization will be based on criteria developed by the Washington Department of Fish and Wildlife. The organization shall notify the Department of the name of and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT(S)

SPECIES - ELK

Hunting Season Dates: September 1 - December 15, 1996

Hunt Area: Any game management unit open to elk hunting except GMUs 157 (Watershed) and 485 (Green River).

Bag Limit: One bull elk

SPECIES - MOOSE

Hunting Season Dates: October 1, to November 30, 1996

Hunt Area: Any game management unit open to moose hunting.

Bag Limit: One moose of either sex

SPECIES - MOUNTAIN GOAT

Hunting Season Dates: September 16 to October 31, 1996

Hunt Area: Any game management unit open to mountain goat hunting.

Bag Limit: One mountain goat of either sex

AUCTION HUNT PERMITTEE RULES

(1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the Department, the permittee is required to accompany Department officials to the site of the kill.

**WSR 95-06-097**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Adopting WAC 232-28-250 1995 Deer permit quotas.

Purpose: Adopt WAC 232-28-250 1995 Deer permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will establish permit quotas for the 1995 deer hunting seasons.

Reasons Supporting Proposal: This rule is needed to establish harvest level for special deer permits.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes permit quotas for limited entry deer hunts. The purpose is to regulate population size or control damage problems. The anticipated effect will be to reduce damage problems and crop surplus deer.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
 Evan Jacoby  
 Legal Counsel

PROPOSED

NEW SECTION

**WAC 232-28-250 1995 Deer permit quotas**

MODERN FIREARM PERMIT HUNTS (MUZZLELOADERS MAY APPLY)

Hunt Number	Hunt Name	Permit Season	Permit Boundary	Hunt Description	Special Restrictions	1995 Permits
1001	Curlew	Oct. 7-13	GMU 100		Whitetail, Antlerless Only	200
1002	Boulder	Oct. 7-13	GMU 103		Whitetail, Antlerless Only	150
1003	Kelly Hill	Oct. 7-13	GMU 105		Whitetail, Antlerless Only	250
1004	Douglas	Oct. 7-13	GMU 108		Whitetail, Antlerless Only	450
1005	Aladdin A	Oct. 7-13	GMU 111		Whitetail, Antlerless Only	150
1006	Aladdin B	Nov. 22-26	GMU 111		Whitetail, Either Sex	25
1007	Selkirk	Oct. 7-13	GMU 113		Whitetail, Antlerless Only	50
1008	Chewelah	Oct. 7-13	GMU 118		Whitetail, Antlerless Only	250
1009	Boyer A	Oct. 7-13	GMU 119		Whitetail, Antlerless Only	275
1010	Boyer B	Nov. 22-26	GMU 119		Whitetail, Either Sex	25
1011	Huckleberry	Oct. 7-13	GMU 121		Whitetail, Antlerless Only	900
1012	Mt. Spokane	Oct. 7-13	GMU 124		Whitetail, Antlerless Only	600
1013	Cheney	Oct. 7-13	GMU 130		Antlerless Only	150
1014	Roosevelt	Oct. 7-13	GMU 133		Antlerless Only	550
1015	Harrington	Nov. 8-19	GMU 136		Antlerless Only	175
1016	Steptoe	Nov. 8-19	GMU 139		Antlerless Only	300
1017	Almota	Nov. 8-19	GMU 142		Antlerless Only	400
1018	Mayview A	Oct. 1-8	GMU 145		Antlerless Only	400
1019	Mayview B	Nov. 8-19	GMU 145		Antlerless Only	400
1020	Starbuck	Nov. 8-19	GMU 148		Antlerless Only	250
1021	Eureka	Nov. 8-19	GMU 151		Antlerless Only	250
1022	Blue Creek A	Nov. 8-19	GMU 154		Whitetail, Antlerless Only	150
1023	Touchet	Nov. 8-19	GMU 160		Whitetail, Antlerless Only	75
1024	Eckler	Nov. 8-19	GMU 161		Whitetail, Antlerless Only	75
1025	Marengo A	Nov. 8-19	GMU 163		Whitetail, Antlerless Only	125

1026	Marengo B	Nov. 8-19	GMU 163	Antlerless Only	225
1027	Peola	Nov. 8-19	GMU 178	Antlerless Only	150
1028	Couse	Nov. 8-19	GMU 181	Whitetail, Antlerless Only	100
1029	Blue Mtns. Foothills A	Nov. 8-21	GMUs 148, 151, 154, 160, 161, 163, 166	Whitetail, 3 Pt. Min. or Antlerless	100
1030	Blue Mtns. Foothills B	Nov. 8-21	GMUs 145, 172, 175, 178, 181	Whitetail, 3 Pt. Min. or Antlerless	100
1031	East Okanogan	Dec. 6-13	GMUs 200, 206	Whitetail, Either Sex	50
1032	West Okanogan	Dec. 6-13	GMUs 209, 218, 224, 231, 233	Whitetail, Either Sex	50
1033	Wannacut A	Oct. 30-Nov. 5	GMU 209	Antlerless Only	50
1034	Sinlahekin A	Oct. 30-Nov. 5	GMU 215	Whitetail, Antlerless Only	50
1035	Sinlahekin B	Dec. 6-13	GMU 215	Whitetail, Either Sex	25
1036	Chewuch	Oct. 30-Nov. 5	GMU 218	Antlerless Only	5
1037	Pearrygin	Oct. 30-Nov. 5	GMU 224	Antlerless Only	50
1038	Gardner	Oct. 30-Nov. 5	GMU 231	Antlerless Only	5
1039	Pogue	Oct. 30-Nov. 5	GMU 233	Antlerless Only	25
1040	Big Bend A	Oct. 16-22	GMU 248	Antlerless Only	100
1041	Badger	Oct. 16-22	GMU 266	Antlerless Only	100
1042	Moses Coulee A	Oct. 16-22	GMU 269	Antlerless Only	100
1043	Beezley	Oct. 16-22	GMU 272	Antlerless Only	100
1044	Wenatchee A	Nov. 1-15	Portion of GMU 314*	Antlerless Only	150
1045	Guemes Island A	Oct. 14-31	Guemes Island in GMU 405	Either Sex	100
1046	Guemes Island B	Nov. 1-21	Guemes Island in GMU 405	Either Sex	100
1047	Green River A	Oct. 21-27	GMU 485	Either Sex	40
1048	Green River B	Oct. 21-27	GMU 485	Antlerless Only	30
1049	Lincoln	Oct. 21-31	GMU 501	Either Sex	100
1050	Mossyrock	Oct. 21-31	GMU 505	Either Sex	100
1051	Willapa Hills	Oct. 21-31	GMU 506	Either Sex	75
1052	Stormking	Oct. 21-31	GMU 510	Either Sex	50
1053	Sawtooth	Oct. 21-31	GMU 512	Either Sex	50
1054	Packwood	Oct. 21-31	GMU 516	Either Sex	30
1055	Ryderwood	Oct. 21-31	GMU 530	Either Sex	50
1056	Coweeman	Oct. 21-31	GMU 550	Either Sex	60
1057	Lewis River	Oct. 21-31	GMU 560	Either Sex	50
1058	Siouxon	Oct. 21-31	GMU 572	Either Sex	50
1059	Hoko	Oct. 21-31	GMU 601	Either Sex	50
1060	Pysht	Oct. 21-31	GMU 603	Either Sex	100
1061	Soleduck	Oct. 21-31	GMU 607	Either Sex	35
1062	Goodman	Oct. 21-31	GMU 612	Either Sex	50
1063	Clearwater	Oct. 21-31	GMU 615	Either Sex	50
1064	Olympic	Oct. 21-31	GMU 621	Either Sex	75
1065	Coyle	Oct. 21-31	GMU 624	Either Sex	100
1066	Mason Lake	Oct. 21-31	GMU 633	Either Sex	60
1067	Skokomish	Oct. 21-31	GMU 636	2 Pt. Min. or Antlerless	100
1068	Wynoochee	Oct. 21-31	GMU 648	Either Sex	50
1069	North River	Oct. 21-31	GMU 658	Either Sex	40
1070	Minot Peak	Oct. 21-31	GMU 660	Either Sex	75
1071	Capitol Peak	Oct. 21-31	GMU 663	Either Sex	35
1072	Deschutes	Oct. 21-31	GMU 666	Either Sex	75
1073	Skookumchuck A	Oct. 21-31	GMU 667	Either Sex	200
1074	Palix	Oct. 21-31	GMU 669	Either Sex	25
1075	Fall River	Oct. 21-31	GMU 672	Either Sex	90
1076	Nemah	Oct. 21-31	GMU 678	Either Sex	25
1123	Entiat	Nov. 1-12	GMU 308	Antlerless Only	500

\*Successful applicants will be mailed a map of the hunt boundary.

MUZZLELOADER ONLY

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
1077	Blue Creek B	Nov. 22-Dec. 3	GMU 154	Whitetail, 3 Pt. Min. or Antlerless	50
1078	Wannacut B	Nov. 11-19	GMU 209	Mule Deer, Antlerless Only	50
1079	Chiliwist	Nov. 11-19	GMU 239	Whitetail, Either Sex Mule Deer, Antlerless Only	100
1080	Alta	Nov. 11-19	GMU 242	Whitetail, Either Sex Mule Deer, Antlerless Only	25
1081	Moses Coulee B	Nov. 25-Dec. 17	GMU 269	Whitetail, Either Sex Antlerless Only	50
1082	Manson	Nov. 11-19	GMU 300	Either Sex	200
1083	Chiwawa	Nov. 11-19	GMU 304	Either Sex	200
1084	Pilchuck	Dec. 2-6	Deer Area 041	Antlerless Only	100
1085	Yale	Nov. 22-Dec. 12	GMU 554	Either Sex	50

YOUTH HUNTER OPPORTUNITY

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
1086	Northeast A	Oct. 14-31	GMUs 100-124	Whitetail, Either Sex	400
1087	Mica, Cheney	Oct. 14-22	GMUs 127, 130	3 Pt. Min. or Antlerless	150
1088	Davenport	Oct. 14-22	GMUs 133, 136	3 Pt. Min. or Antlerless	150
1089	Whitman	Oct. 14-22	GMUs 139, 142	3 Pt. Min. or Antlerless	150
1090	Starbuck B	Oct. 1-8	GMU 148	Antlerless Only	90
1091	Marengo B	Oct. 1-8	GMU 163	Antlerless Only	90
1092	Blue Mtns. Foothills C	Oct. 14-22	GMUs 148, 151, 154, 160, 161, 163, 166	3 Pt. Min. or Antlerless	125
1093	Blue Mtns. Foothills D	Oct. 14-22	GMUs 145, 172, 175, 178, 181	3 Pt. Min. or Antlerless	125
1094	Big Bend B	Oct. 14-22	GMU 248	Either Sex	25
1095	Toutle	Oct. 14-29	GMU 556	Either Sex	25
1096	Wind River	Oct. 21-Nov. 5	GMU 574	2 Pt. Min. or Antlerless	25
1097	Satsop	Oct. 21-31	GMU 651	Either Sex	10
1098	Skookumchuck B	Oct. 21-31	GMU 667	Either Sex	40

SENIOR HUNTER OPPORTUNITY

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
1099	Northeast B	Oct. 14-31	GMUs 100-124	Whitetail, Either Sex	400
1100	Southcentral	Oct. 14-22	GMUs 127-142	3 Pt. Min. or Antlerless	400
1101	Starbuck C	Oct. 1-8	GMU 148	Antlerless Only	90
1102	Marengo C	Oct. 1-8	GMU 163	Antlerless Only	90
1103	Blue Mtns. Foothills E	Oct. 14-22	GMUs 148, 151, 154, 160, 161, 163, 166	3 Pt. Min. or Antlerless	100
1104	Blue Mtns. Foothills F	Oct. 14-22	GMUs 145, 172, 175, 178, 181	3 Pt. Min. or Antlerless	100

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
1105	Roosevelt A	Nov. 22-26	GMU 133	Whitetail, 3 Pt. Min. or Antlerless	40
1106	Almota	Nov. 22-26	GMU 142	Whitetail, 3 Pt. Min. or Antlerless	40
1107	Wenatchee B	Nov. 15-29	Portion of GMU 314*	Either Sex	10
1108	Mt. Adams	Oct. 1-12	Elk Area 059	2 Pt. Min. or Antlerless	5

\*Successful applicants will be mailed a map of the hunt boundary.

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
1109	Blue Mtns. Foothills G	Nov. 8-21	GMUs 148, 151, 154, 160, 161, 163, 166	3 Pt. Min. or Antlerless	10
1110	Douglas	Nov. 22-26	GMU 108	Whitetail, Either Sex	25
1111	Big Bend C	Oct. 19-24	GMU 248	Antlerless Only	25

1112	Entiat	Nov. 1-15	GMU 308	Antlerless Only	10
1113	Green River C	Oct. 21-27	GMU 485	Antlerless Only	5
1114	Margaret	Oct. 14-31	GMU 524	Antlerless Only	25
1115	Bear River	Oct. 14-31	GMU 681	2 Pt. Min. or Antlerless	20

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

Hunt Number	Hunt Name	Permit Season	Permit Boundary Description	Special Restrictions	1995 Permits
*	Wilson A	Oct. 1-Dec. 31	PLWMA 201	Buck Only	25
1116	Wilson B	Oct. 1-Dec. 31	PLWMA 201	Buck Only, Young Hunters Only**	2
1117	Wilson C	Oct. 1-Dec. 31	PLWMA 201	Antlerless Only, Young Hunters Only**	50
1118	Wilson D	Oct. 1-Dec. 31	PLWMA 201	Antlerless Only, Disabled or Blind/Visually Handicapped Hunters Only	10
1119	Wilson E	Oct. 1-Dec. 31	PLWMA 201	Antlerless Only, AHE Hunters Only	10

\*No hunt number because hunter must contact landowner, David Stephens, for access.

\*\*Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

CHAMPION'S KAPOWSIN TREE FARM

Hunt Number	Hunt Name	Permit Season	Permit Boundary Description	Special Restrictions	1995 Permits
1120	Kapowsin North	Dec. 8-12	PLWMA 401A North	Antlerless Only, Senior Hunters (Age 65+)	50
1121	Kapowsin Central	Dec. 8-12	PLWMA 401B Central	Antlerless Only	100
1122	Kapowsin South	Dec. 9, 10, 16, 17	PLWMA 401C South	Antlerless Only, Young* or Disabled or Blind/Visually Handicapped Hunters Only	100

\*Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes permit quotas for limited entry elk hunts. The purpose is to regulate population size or control damage problems. The anticipated effect will be to reduce damage problems and crop surplus animals.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

**WSR 95-06-098**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Adopting WAC 232-28-251 1995-96 Elk permit quotas.

Purpose: Adopt WAC 232-28-251 1995-96 Elk permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will establish permit quotas for the 1995-96 elk hunting seasons.

Reasons Supporting Proposal: This rule is needed to establish harvest level for special elk permits.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

PROPOSED



**NEW SECTION**

**WAC 232-28-251 1995-96 Elk permit quotas**

MODERN FIREARM PERMIT HUNTS (MUZZLELOADERS MAY APPLY)

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
2001	Aladdin	Oct. 28-Nov. 5	BC or BM	GMU 111	Antlerless Only	30
2002	Selkirk	Oct. 28-Nov. 5	BC or BM	GMU 113	Antlerless Only	35
2003	Mount Spokane	Oct. 28-Nov. 5	BC or BM	GMU 124	Antlerless Only	30
2004	Mica, Cheney	Oct. 28-Nov. 5	BC or BM	GMUs 127, 130	Antlerless Only	250
2005	Blue Creek	Oct. 25-Nov. 5	BC or BM	GMU 154	Any Bull	40
2006	Watershed	Oct. 28-Nov. 5	BC or BM	GMU 157	3 Pt. Min. or Antlerless	100
2007	Touchet	Oct. 25-Nov. 5	BC or BM	GMU 160	Any Bull	10
2008	Eckler	Oct. 25-Nov. 5	BC or BM	GMU 161	Any Bull	10
2009	Tucannon	Oct. 25-Nov. 5	BC or BM	GMU 166	Any Bull	10
2010	Wenaha A	Oct. 1-10	BC or BM	GMU 169	Any Bull	5
2011	Wenaha B	Oct. 25-Nov. 5	BC or BM	GMU 169	Any Bull	11
2012	Mountain View A	Oct. 25-Nov. 5	BC or BM	GMU 172	Any Bull	25
2013	Couse	Oct. 25-Nov. 5	BC or BM	GMU 181	Any Bull	3
2014	Joseph, Black Butte	Oct. 25-Nov. 5	BC or BM	GMU 184, 185	Any Bull	1
2015	Chelan A	Oct. 15-Nov. 1	CC or CM	GMUs 300, 301, 304, 306, 308, 316	Antlerless Only	20
2016	Chelan B	Oct. 15-Nov. 1	CC or CM	GMUs 300, 301, 304, 306, 308, 316	Any Bull	10
2017	Naneum A	Oct. 23-25	CC or CM	GMU 328	Antlerless Only	150
2018	Naneum B	Oct. 26-Nov. 1	CC or CM	GMU 328	Any Bull	40
2019	Malaga A	Sept. 1-Oct. 6	CC or CM	Elk Area 032	Antlerless Only	150
2020	Malaga B	Nov. 2-Jan. 15, 1996	CC or CM	Elk Area 032	Antlerless Only	150
2021	Peshastin A	Sept. 1-Oct. 6	CC or CM	Elk Area 033	Either Sex	150
2022	Peshastin B	Nov. 2-Jan. 15, 1996	CC or CM	Elk Area 033	Antlerless Only	150
2023	Quilomene A	Oct. 23-25	CC or CM	GMU 329	Antlerless Only	225
2024	Quilomene B	Oct. 26-Nov. 1	CC or CM	GMU 329	Any Bull	30
2025	West Bar A	Oct. 23	CC or CM	GMU 330	Antlerless Only	25
2026	West Bar B	Oct. 24	CC or CM	GMU 330	Antlerless Only	25
2027	West Bar C	Oct. 25	CC or CM	GMU 330	Antlerless Only	25
2028	Swauk	Oct. 25-Nov. 13	CC or CM YC or YM	GMUs 302, 335	Any Bull	20
2029	Taneum A	Nov. 1-4	YC or YM	GMU 336	Antlerless Only	400
2030	Manastash A	Nov. 1-4	YC or YM	GMU 340	Antlerless Only	400
2031	Shushuskin A	Nov. 23-Dec. 15	YC or YM	Elk Area 031	Antlerless Only	125
2032	Umtanum A	Nov. 1-4	YC or YM	GMU 342	Antlerless Only	400
2033	Peaches Ridge	Oct. 25-Nov. 13	YC or YM	GMUs 336, 346	Any Bull	40
2034	Little Naches A	Nov. 1-4	YC or YM	GMU 346	Antlerless Only	15
2035	Little Naches B	Oct. 1-Nov. 13	YC or YM	GMU 346	Any Bull	400
2036	Observatory	Nov. 5-13	YC or YM	GMUs 340, 342	Any Bull	40
2037	Goose Prairie A	Oct. 25-Nov. 13	YC or YM	GMUs 352, 356	Any Bull	40
2038	Nile	Nov. 1-4	YC or YM	GMU 352	Antlerless Only	150
2039	Bumping	Nov. 1-4	YC or YM	GMU 356	Antlerless Only	600
2040	Bethel A	Nov. 1-4	YC or YM	GMU 360	Antlerless Only	100
2041	Bethel B	Nov. 5-13	YC or YM	GMU 360	Any Bull	40
2042	Rimrock A	Nov. 1-4	YC or YM	GMU 364	Antlerless Only	400
2043	Rimrock B	Oct. 25-Nov. 13	YC or YM	GMU 364	Any Bull	10
2044	Cowiche A	Nov. 1-4	YC or YM	GMU 368	Antlerless Only	200
2045	Cowiche B	Nov. 5-13	YC or YM	GMU 368	Any Bull	10
2046	White River A	Nov. 1-13	WC or WM	GMU 472	Any Bull	25
2047	Green River Cow A	Nov. 11-15	WC or WM	GMU 485	Antlerless Only	38

PROPOSED

PROPOSED

2048	Green River Bull	Nov. 11-15	WC or WM	GMU 485	3 Pt. Bull Min. or Antlerless	12
2049	Green River Spike	Nov. 11-15	WC or WM	GMU 485	Spike or Antlerless	2
2050	Lincoln	Nov. 14-19	WC or WM	GMU 501	Antlerless Only	25
2051	Willapa Hills	Nov. 14-19	WC or WM	GMU 506	Antlerless Only	50
2052	Packwood	Nov. 14-19	WC or WM	GMU 516	Antlerless Only	50
2053	Margaret Cow	Nov. 14-19	WC or WM	GMU 524	Antlerless Only	30
2054	Margaret Bull	Nov. 1-13	WC or WM	GMU 524	3 Pt. Bull Min.	30
2055	Ryderwood	Nov. 14-19	WC or WM	GMU 530	Antlerless Only	75
2056	Toutle Cow	Nov. 14-19	WC or WM	GMU 556	Antlerless Only	75
2057	Toutle Bull	Nov. 1-13	WC or WM	GMU 556	3 Pt. Bull Min.	200
2058	Marble	Nov. 14-19	WC or WM	GMU 558	Antlerless Only	60
2059	Lewis River	Nov. 14-19	WC or WM	GMU 560	Antlerless Only	75
2060	Siouxon	Nov. 14-19	WC or WM	GMU 572	Antlerless Only	50
2061	Dickey Bull A	Oct. 1-13	WC or WM	GMU 602	3 Pt. Bull Min.	10
2062	Dickey Bull B	Nov. 1-13	WC or WM	GMU 602	3 Pt. Bull Min.	75
2063	Goodman	Nov. 14-19	WC or WM	GMU 612	Antlerless Only	30
2064	Matheny	Nov. 14-19	WC or WM	GMU 618	Antlerless Only	40
2065	Quinault Ridge	Oct. 1-13	WC or WM	GMU 638	3 Pt. Bull Min.	5
2066	Wynoochee	Nov. 14-19	WC or WM	GMU 648	Antlerless Only	50
2067	Palix	Nov. 14-19	WC or WM	GMU 669	Antlerless Only	30
2068	Nemah	Nov. 14-19	WC or WM	GMU 678	Antlerless Only	50
2069	Backbone A	Nov. 23-Dec. 13	WC or WM	Elk Area 025	Antlerless Only	35
2070	Backbone B	Nov. 23-Dec. 13	WC or WM	Elk Area 025	Any Bull	20
2071	Curtis	Dec. 20-31	WC or WM	Elk Area 050	Antlerless Only	50
2072	Boistfort A	Jan. 1-15, 1996	WC or WM	Elk Area 054	Antlerless Only	50
2073	East Valley	Jan. 1-15, 1996	WC or WM	Elk Area 055	Antlerless Only	25
2074	Carlton	Oct. 1-13	WC or WM	Elk Area 057	3 Pt. Bull Min.	5
2075	West Goat Rocks	Oct. 1-13	WC or WM	Elk Area 058	3 Pt. Bull Min.	5
2076	Mt. Adams	Oct. 1-13	WC or WM	Elk Area 059	3 Pt. Bull Min.	5
2077	South Willapa	Jan. 1-15, 1996	WC or WM	Elk Area 067	Antlerless Only	2

\*Outside of Umatilla National Forest.

ADVANCED HUNTER EDUCATION (AHE) PROGRAM

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
2078	Shushuskin B	Dec. 16-30	Elk Area 031	Antlerless Only	20
2079	Margaret	Oct. 1-12	GMU 524	3 Pt. Min. or Antlerless	10
2080	Skookumchuck	Oct. 7-12	GMU 667	Either Sex	5
2081	South Bank A	Sept. 16-20	Elk Area 062	Antlerless Only	3
2082	South Bank B	Sept. 23-27	Elk Area 062	Antlerless Only	3
2083	South Bank C	Dec. 16-20	Elk Area 062	Antlerless Only	3
2084	South Bank D	Jan. 6-10, 1996	Elk Area 062	Antlerless Only	3
2085	South Bank E	Jan. 20-24, 1996	Elk Area 062	Antlerless Only	3

ARCHERY ONLY

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
2086	Blue Mtns. West	Sept. 1-14	BA	GMUs 154, 160, 161, 166, 169	Any Bull	16
2087	Blue Mtns. East	Sept. 1-14	BA	GMUs 178, 181, 184, 185	Any Bull	16
2088	Colockum	Sept. 1-14	CA	GMUs 328, 329	Either Sex	130
2089	Robinson	Sept. 1-14	YA	GMUs 336, 340	Either Sex	145
2090	Taneum B	Nov. 23-Dec. 8	YA	GMU 336	Either Sex	25
2091	Goose Prairie B	Sept. 1-14	YA	GMUs 352, 356	Either Sex	75
2092	Divide	Nov. 23-Dec. 8	YA	Bow Area 806, 807	Either Sex	35
2093	Cottonwood	Sept. 1-14	YA	GMUs 364, 366, 368	Either Sex	90
2094	White River B	Sept. 1-14	WA	GMU 472	Either Sex	10

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

CHAMPION'S KAPOWSIN TREE FARM

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
2095	Kapowsin Bull A	*	WA, WC, WM	PLWMA 401A	Any Bull	2
2096	Kapowsin Bull B	*	WA, WC, WM	PLWMA 401B, 401C	Any Bull	2

\*Permit season for archery tag holders Sept. 1-14; modern firearm Nov. 1-13; and muzzleloader Nov. 22-Dec. 5.

CHAMPION BRANCHED ANTLER BULL PERMITS

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
*	Champion Bull	Sept. 16-27	Any Elk Tag	PLWMA 401	Branched Bull Only	4

MUZZLELOADER ELK PERMITS

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
2097	Kapowsin North	Nov. 22-Dec. 5	WM	PLWMA 401A	Antlerless Only	15
2098	Kapowsin Central	Nov. 22-Dec. 5	WM	PLWMA 401B	Antlerless Only	8
2099	Kapowsin South	Nov. 22-Dec. 5	WM	PLWMA 401C	Antlerless Only	8

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
3001	Naches D	Oct. 1-13	YC or YM	GMU 346	Antlerless Only	10
3002	Quilomene C	Nov. 1-13	CC or CM	GMU 329	Antlerless Only	10
3003	Manastash B	Nov. 1-13	YC or YM	GMU 340	Antlerless Only	10
3004	Green River Cow B	Nov. 11-15	WC or WM	GMU 485	Antlerless Only	5
3005	Centralia Mine A	Nov. 18-19	Any Elk Tag	Portion of GMU 667*	Antlerless Only	4
3006	Centralia Mine B	Nov. 25-26	Any Elk Tag	Portion of GMU 667*	Antlerless Only	4
3007	Centralia Mine C	Dec. 2-3	Any Elk Tag	Portion of GMU 667*	Either Sex	4

\*Successful applicants will be mailed a map of the hunt boundary.

MUZZLELOADER ONLY

Hunt Number	Hunt Name	Permit Season	Elk Tag Prefix	Permit Hunt Boundary Description	Special Restrictions	1995-96 Permits
4001	Mountain View B	Oct. 5-11	BM	GMU 172	Any Bull	20
4002	Mission	Oct. 5-11	CM	GMU 314	Any Bull	25
4003	Cle Elum A	Oct. 1-12	YM	ML Area 910	Either Sex	30
4004	Cle Elum B	Nov. 16-Dec. 8	YM	ML Area 910	Either Sex	30
4005	Umtanum B	Oct. 8-12	YM	GMU 342	Either Sex	30
4006	Cowiche C	Oct. 8-12	YM	GMU 368	Either Sex	40
4007	Stella	Nov. 22-Dec. 12	WM	GMU 504	Either Sex	75
4008	Boistfort B	Jan. 16-31, 1996	WM	Elk Area 054	Antlerless Only	50
4009	Yale	Nov. 22-Dec. 12	WM	GMU 554	Either Sex	75
4010	Toledo	Jan. 2-16, 1996	WM	Elk Area 029	Antlerless Only	150
4011	Chinook	Jan. 16-Feb. 15, 1996	WM	Elk Area 069	Antlerless Only	2
4012	North River	Nov. 18-Dec. 6	WM	GMU 658	Antlerless Only	20
4013	Elwha	Dec. 15-Jan. 15, 1996	WM	ML Area 962	Antlerless Only	5
4014	South Elma	Oct. 1-13	WM	Elk Area 063	Antlerless Only	50

PROPOSED

**WSR 95-06-099  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

**Original Notice.**

**Title of Rule:** Repealing WAC 232-28-239 1994 Bighorn sheep auction permit, 232-28-244 1994-95 Special species hunting seasons and regulations, 232-28-243 1994-95 Special closures and firearm restriction areas, and 232-28-245 1994-95 Deer and elk permit hunting seasons.

**Purpose:** Repeals WAC 232-28-239 1994 Bighorn sheep auction permit; 232-28-244 1994-95 Special species hunting seasons and regulations; 232-28-243 1994-95 Special closures and firearm restriction areas; and 232-28-245 1994-95 Deer and elk permit hunting seasons.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** This rule repeals the rules that will be replaced by 1995-96 WACs.

**Reasons Supporting Proposal:** See Summary above.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

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

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

Proposal does not change existing rules.

**Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW?** No. No small business impact statement was necessary because no significant cost will occur to any industry.

**Hearing Location:** Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

**Date of Intended Adoption:** April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

**[REPEALER]**

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 232-28-239 1994 Bighorn sheep auction permit
- WAC 232-28-244 1994-95 Special species hunting seasons and regulations

- WAC 232-28-243 1994-95 Special closures and firearm restriction areas
- WAC 232-28-245 1994-95 Deer and elk permit hunting seasons

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

**WSR 95-06-100  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

**Original Notice.**

**Title of Rule:** Amending WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

**Purpose:** Amend WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** This rule will switch the boundary descriptions of Elk Area 062 South Bank and Elk Area 063 South Elma.

**Reasons Supporting Proposal:** The boundary descriptions were inadvertently reversed in the rule adoption process. The proposed change reflects the desires of management for permit elk seasons in both areas.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule describes boundaries for permit elk seasons in South Bank and South Elma. The purpose is to assign AHE and muzzleloader permit hunters to a damage area in the Chehalis Valley. The anticipated effect will be to crop animals causing damage to property in the Chehalis Valley.

Proposal does not change existing rules.

**Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW?** No. No small business impact statement was necessary because no significant cost will occur to any industry.

**Hearing Location:** Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

PROPOSED

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995

Evan Jacoby

Legal Counsel

AMENDATORY SECTION [(Amending Order 94-155, filed 1/10/95)]

**WAC 232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk area descriptions.**

**Elk Area No. 001 Trinidad (Grant, Douglas, Okanogan, Adams and Franklin counties):** All of Douglas, Grant, Okanogan, Adams, and Franklin counties except closed in the corridor described as follows: Beginning at East Wenatchee and Highway 28 and proceeding along Highway 28 to Road "U" N.W. in Grant County; then south on Road "U" N.W. to Road "9" N.W.; then west on Road "9" N.W. to Ancient Lake Road; then south on the Ancient Lake Road to the northwest corner of Section 8, T19N, R23E W.M. (yellow cattle guard); then west to midstream of the Columbia River; then north up midstream of the Columbia River to East Wenatchee and the point of beginning. (See official road map of Douglas and Grant counties)

**Elk Area No. 002 Caribou (Kittitas County):** Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction at the USFS 3517 Road; then east and south along USFS 3517 Road and Lillard Hill Road to the Bonneville Powerlines; then east along the Bonneville Powerlines to the Colockum Pass-Brushy Road (cattle guard); then east along the Brushy Road to the Crossover Road; then south along the Crossover Road to the Perkins/Caribou junction; then east along the Perkins Road to the Beacon Ridge Road; then south along the Beacon Ridge Road to the Old Vantage Highway; then south along a county service road to Interstate 90; then west along Interstate 90 to the Highline Canal near the Stevens Road; then northwest along the Highline Canal to the point of beginning. (See Department of Fish and Wildlife map)

**Elk Area No. 003 Kingsbury (Chelan and Kittitas counties):** That portion of GMU 314 which lies east of the Stemilt Creek, Stemilt Creek Road, Stemilt Hill Road, Stemilt Loop Road and Jump Off Ridge Road. (See Washington Atlas & Gazetteer)

**Elk Area No. 004 Wenatchee (Chelan, Kittitas and Okanogan counties):** GMUs 300, 304, 306, 308, 316, that portion of 302 which lies in Chelan County; and that portion of 314 which lies west of the following boundaries: Beginning at the mouth of the Stemilt Creek at the Columbia River, south up Stemilt Creek to the Stemilt Creek Road to the Stemilt Hill Road; then east and south along the Stemilt Hill Road to the Stemilt Loop Road; then east along the Jump Off Road to the Jump Off Ridge Road (Bonneville Powerlines); then south along the Jump Off Ridge Road to the Naneum Ridge Road. (See Washington Atlas & Gazetteer)

**Elk Area No. 010 South Spokane (Spokane County) the following portion of game management units 127 and 130:** Beginning at Tyler near the junction of Tyler Road (State Highway 904) and I-90; then northeast along I-90 to the Idaho state line; then south along the Washington-Idaho line to Elder Road; then west along Elder Road to Hangman Creek; then north along Hangman Creek to State Highway 195 at Hatch Road; then south along State Highway 195 to the Cheney Spangle Road; then west along the Cheney Spangle Road to Cheney; then west along Tyler Road (State Highway 904) to the point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 025 Backbone (Lewis County):** Beginning at State Highway No. 12 at the Pacific Crest Trail; then northwest and southwest along State Highway No. 12 to Coal Creek in Section 1, T13N, R9 E.W.M.; then north along the range line between Ranges 9 and 10 E.W.M., across the Cowlitz River to the Gifford Pinchot National Forest Boundary in the N.E. corner of Section 1, T13N, R9 E.W.M.; then southwest along the National Forest Boundary to the Skate Creek Road (first contact) in Section 9, T13N, R9 E.W.M.; then northwest along the Skate Creek Road to the mouth of Horse Creek and the south boundary of Mt. Rainier National Park; then east along the south park boundary to the Pacific Crest Trail; then south along the Pacific Crest Trail to State Highway 12 and the point of beginning. (See Gifford Pinchot National Forest map)

**Elk Area No. 029 Toledo (Lewis and Cowlitz counties):** Beginning at Interstate 5 and State Highway 505 junction; then east along State Highway 505 through the City of Toledo to the Layton Road; then north along the Layton Road to the Evans Road; then east along the Evans Road to the Weyerhaeuser 1800 line to the Weyerhaeuser 1890 line to State Highway 504; then west along State Highway 504 to the Tower Road; then west on Tower Road to the junction of Tower Road and State Highway 504; then west on State Highway 504 to Interstate 5; then north on Interstate 5 to the junction with State Highway 505 and point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 030 Reecer Creek (Kittitas County):** Beginning at the Highline Canal; then north along the Reecer Creek Road and USFS 35 Road to the junction of the USFS 3517 Road; then east and south along the USFS 3517 Road and Lillard Hill Road to the Wilson Creek Road to the Highline Canal; then west along the Highline Canal to the point of beginning. (See Wenatchee National Forest map)

**Elk Area No. 031 Shushuskin (Kittitas County):** Beginning at Damon Road and the Yakima River; then west along Damon Road to Manastash Road; then west on Manastash Road to Cove Road; then south on Cove Road to Umtanum Creek; then east (downstream) along Umtanum Creek to the Yakima River; then north along the Yakima River to the point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 032 Malaga (Kittitas and Chelan counties):** Beginning at the power line on the Columbia River (approximately 3/4 mile downstream from Colockum Creek); then west and south along the Powerline Road to the intersection with the North Fork Tarpiscan Creek Road (Section 9, T20N, R21E); then north and west along North Fork of

Tarpiscan Creek Road to Colockum Pass Road (Section 9, T20N, R21E); then south and west on Colockum Pass Road to section line between Sections 8 and 9 as well as Sections 4 and 5 (T20N, R21E) and Sections 32 and 33 (T21N, R21E); to Mose Carr Road; then west and north on Mose Carr Road to Jump Off Road; then south and west on Jump Off Road to Shaller Road; then north and west on Shaller Road to Upper Basin Loop Road; then north and west on Upper Basin Loop Road to Wheeler Ridge Road; then north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); then north on the Basin Loop Road to Wenatchee Heights Road; then west on Wenatchee Heights Road to Squilchuck Road; then south on Squilchuck Road to Beehive Road (USFS Road 9712); then northwest on Beehive Road to USFS Road 7100 near Beehive Reservoir; then north and west on USFS Road 7100 to Peavine Canyon Road (USFS Road 7101); then north and east on Peavine Canyon Road to Number Two Canyon Road; then north on Number Two Canyon Road to Crawford Street in Wenatchee; then east on Crawford Street to the Columbia River; then south and east along the Columbia River to the powerline south of Colockum Creek and point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 033 Peshastin (Chelan County):** Beginning at Crawford Street and the Columbia River in Wenatchee; then west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); then west on USFS 7101 Road to Mission Creek Road; then north on Mission Creek Road to USFS 7104 Road (Sand Creek); then west on USFS 7104 Road (Sand Creek) to Camas Creek; then west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; then north along USFS 7200 Road to U.S. Highway 97; then north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); then north on the USFS 7300 Road to the Wenatchee River at Leavenworth; then down the Wenatchee River and Columbia River to the point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 034 Parke Creek (Kittitas County):** Beginning at the Highline Canal on Parke Creek Road; then north to the BPA Powerlines; then west along BPA Powerlines (through Sections 22, 16, 8, 5, and 6) to the Cook Canyon Road; then north on Cook Canyon Road to Bonneville Powerlines (Section 19); then west along Bonneville Powerlines to Wilson Creek Road; then south on the Wilson Creek Road to the Highline Canal; then southeast along the Highline Canal to point of beginning. (See Department of Fish and Wildlife map)

**Elk Area No. 039 Backbone (Lewis County):** Legal description same as Elk Area No. 025 (Backbone). (See Gifford Pinchot National Forest map)

**Elk Area No. 050 Curtis (Lewis County):** Beginning at the Boistfort Road, State Highway 6 intersection; then west to the Mauerman Road; then west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; then south and east on the Pe Ell/McDonald Road to the Lost Valley Road; then south and southeast on the Lost Valley Road to the Boistfort Road; then east and north along the Boistfort Road to State Highway 6 and point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 051 Doty (Lewis and Pacific counties):** Beginning on State Highway 6 at the Town of Adna; then west on Highway 6 to Stevens Road; then northwest on Stevens Road to Elk Creek Road (Doty); then west on Elk Creek Road to the 7000 Road; then west on the 7000 Road to the 7800 Road; then west on the 7800 Road to the 720 Road; then northeast on the 720 Road to Garrard Creek Road, east on Garrard Creek Road to Manners Road; then south on Manners Road to Lincoln Creek Road; then east along Lincoln Creek Road to Ingalls Road; then south and east on Ingalls and Bunker Creek Roads to the Town of Adna and point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 052 Mayfield (Lewis County):** Beginning at the junction of Highway 12 and the Winston Creek Road; then southeast and north along the Winston Creek Road, Longbell, Perkins, Green Mountain roads to Riffe Lake; then west and northwest along the shoreline of Riffe Lake to the Cowlitz River; then west along the Cowlitz River to Highway 12; then west along Highway 12 to the Winston Creek Road and the point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 053 Randle (Lewis County):** Beginning at State Highway 12 and the Cispus Road in the Town of Randle; then east along Highway 12 to the Bennett Road approximately one mile east of Cora Bridge; then west on Bennett and Cline Roads to the Cispus Road; then north on said road to the Town of Randle and the point of beginning. (See Gifford Pinchot National Forest map)

**Elk Area No. 054 Boistfort (Lewis County):** Beginning at the Town of Vader; then west along State Highway 506 to the Wildwood Road; then north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); then northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; then northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); then west along the Pe Ell/McDonald Road to the Lost Valley Road; then northeast along the Lost Valley Road to the Boistfort Road; then north along the Boistfort Road to the King Road; then east along the King Road to the town of Winlock and State Highway 603; then south along Highway 603 to the Winlock/Vader Road; then south along said road to the Town of Vader and the point of beginning. (See Washington Atlas & Gazetteer)

**Elk Area No. 055 East Valley (Wahkiakum County):** Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; then west on East Valley Road to the junction with Middle Valley Road (4.5 miles); then north along Middle Valley Road to the junction of Oat Field Road (2.5 miles). (See Washington Atlas & Gazetteer)

**Elk Area No. 057 Carlton (Lewis County):** That part of GMU 514 (Tatoosh) lying east of Highway 123 and north of Highway 12. (See Gifford Pinchot National Forest map)

**Elk Area No. 058 West Goat Rocks (Lewis County):** Goat Rocks Wilderness west of the Cascade Crest Trail. (See Gifford Pinchot National Forest map)

**Elk Area No. 059 Mt. Adams Wilderness (Skamania and Yakima counties):** The Mt. Adams Wilderness. (See Gifford Pinchot National Forest map)

**Elk Area No. 061 Mt. Tebo (Mason County):** Beginning at the junction of the North Fork and South Fork of the Skokomish River; then northwest along the South Fork to the boundary of Olympic National Park; then east along the National Park boundary to the North Fork of the Skokomish River; then southeast down the North Fork of the Skokomish River through Lake Cushman; then south down the North Fork of the Skokomish River to the South Fork of the Skokomish River and the point of beginning. (See Olympic National Forest map and Washington Atlas & Gazetteer)

**Elk Area No. ((062)) 063 South ((Bank)) Elma (Grays Harbor County):** That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to the Delezene Road; then south on the Delezene Road to the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. (Contact Montesano Office for map of the area.)

**Elk Area No. ((063))062 South ((Elma)) Bank (Grays Harbor County):** That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on the South Bank Road to Delezene Road; then south on the Delezene Road to a point one mile from the South Bank Road; then southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning. (Contact Montesano Office for map of area.)

**Elk Area No. 065 Willapa Valley (Pacific County):** That part of Pacific County within two miles of State Highway 6 between Menlo and the easternmost junction of Elk Prairie Road and State Highway 6. (See Washington Atlas & Gazetteer)

**Elk Area No. 066 Twin Valley (Grays Harbor County):** Beginning in the City of Hoquiam at the junction of U.S. Highway 101 and the East Hoquiam Road; then north on the East Hoquiam Road to its junction with the East Hoquiam-Wishkaw Cutoff Road in Section 21, T19N, R9 W.W.M.; then east on the East Hoquiam-Wishkaw Cutoff Road to its junction with the Wishkah Road; then south on the Wishkah Road to its junction with the Wishkah-Wynoochee Crossover Road in Section 35, T19N, R9 W.W.M.; then east on the Wishkah-Wynoochee Crossover Road to its junction with the Donovan Corkery A line; then north on the A line to its junction with the A 2200; then east on the A 2200 Road to its junction with the A 2210; then south on the A 2210 Road to a point crossed by the township line between T20N and R19N; then east on the township line to its junction with the

Wynoochee River Road; then south along the Wynoochee River Road to U.S. Highway No. 12; then west along U.S. Highway 12 to its junction with U.S. Highway No. 101 in the City of Aberdeen; then west on U.S. Highway 101 to the City of Hoquiam and junction with the East Hoquiam Road and the point of beginning. (See Weyerhaeuser Clemons Tree Farm Hunting map)

**Elk Area No. 067 South Willapa (Pacific County):** Beginning in the City of South Bend at the junction of U.S. Highway 101 and the Skidmore Slough C-line; then south on the Skidmore Slough C-line to its junction with the B-line in Sec. 11, T13N, R9 W.W.M.; then southeast on the B-line to its junction with the A-line in Sec. 18, T13N, R8 W.W.M.; then east and north on the A-line to its junction with the South Fork Willapa Road; then east along the South Fork Willapa Road to State Highway No. 6, Sec. 10, T13N, R8 W.W.M.; then northwest on State Highway No. 6 to its junction with U.S. Highway 101; then southwest on U.S. Highway 101 to its junction with the Skidmore Slough C-line and the point of beginning. (See Forest Protection map "Willapa Hills")

**Elk Area No. 069 Chinook (Pacific County):** Beginning at the junction of U.S. Highway 101 and Lingenfelter Road west of the town of Chinook; then northwest on Prest Road to its junction with Chinook Valley Road; then west on Chinook Valley Road to its intersection with the east branch of the Wallacut River; then north along the Wallacut River to its intersection with Highway 101; then west on Highway 101 to the junction of Highway 101 alternate; then south on Highway 101 alternate to Highway 101; then east on Highway 101 to Prest Road and the point of beginning. (See Washington Atlas & Gazetteer and Forest Protection Hunting map "Willapa Hills")

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

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

**WSR 95-06-101  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Adopting WAC 232-28-253 1995 Mountain sheep (bighorn) permit quotas.

Purpose: Adopt WAC 232-28-253 1995 Mountain sheep (bighorn) permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will establish permit quotas for the 1995 mountain sheep season.

Reasons Supporting Proposal: This rule is needed to establish a harvest level for mountain sheep.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director,

Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes permit quotas for sheep hunts. The purpose is to regulate population size. The anticipated effect will be to crop surplus rams.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

PROPOSED

**NEW SECTION**

**WAC 232-28-253 1995 Mountain sheep (bighorn) permit quotas**

Hunt Number	Hunt Name	Permit Season	Permit Boundary Description	Special Restrictions	1995 Permits
5002	Vulcan Mountain	Sept. 15-Oct. 13	Sheep Unit 2	Any Legal Weapon	2
5003	Tucannon River	Sept. 15-Oct. 13	Sheep Unit 3	Any Legal Weapon	1
5005	Umtanum	Sept. 15-Oct. 13	Sheep Unit 5	Any Legal Weapon	3
5008	Mountainview	Sept. 15-Oct. 13	Sheep Unit 8	Any Legal Weapon	2
5009	Blackbutte	Sept. 15-Oct. 13	Sheep Unit 9	Any Legal Weapon	2
5010	Mt. Hull	Sept. 15-Oct. 13	Sheep Unit 10	Any Legal Weapon	1
5011	Wenaha Wilderness	Sept. 15-Oct. 13	Sheep Unit 11	Any Legal Weapon	3

**WSR 95-06-102  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Adopting WAC 232-28-252 1995 Moose permit quotas.

Purpose: Adopt WAC 232-28-252 1995 Moose permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will establish permit quotas for the 1995 moose hunting season.

Reasons Supporting Proposal: This rule will establish harvest level for moose.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes permit quotas for moose hunts. The purpose is to regulate population size and limit damage control problems. The anticipated effect will be to curtail damage problems and crop surplus animals.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2207, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel



**NEW SECTION**

**WAC 232-28-252 1995 Moose permit quotas**

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
8001	Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Legal Weapon	10
8002	Mt. Spokane	Oct. 1-Nov. 30	GMU 124	Any Legal Weapon	5
8003	Chewelah	Oct. 1-Nov. 30	GMU 118	Any Legal Weapon	5
8004	Boyer	Oct. 1-Nov. 30	GMU 119	Any Legal Weapon	3
8005	Aladdin	Oct. 1-Nov. 30	GMU 111	Any Legal Weapon	2

**WSR 95-06-103  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Adopting WAC 232-28-254 1995 Mountain goat permit quotas.

Purpose: Adopt WAC 232-28-254 1995 Mountain goat permit quotas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will establish permit quotas for the 1995 mountain goat hunting season.

Reasons Supporting Proposal: This rule is needed to establish a harvest level for mountain goat.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes permit quotas for mountain goat hunts. The purpose is to regulate population size. The anticipated effect will be to crop surplus animals.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

**NEW SECTION**

**WAC 232-28-254 1995 Mountain goat permit quotas**

Hunt Number	Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	1995 Permits
6201	Mount Chopaka	Sept. 16-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
6202	Methow	Sept. 16-Oct. 31	Goat Unit 2-2	Any Legal Weapon	8
6302	N. Wenatchee Mtns.	Sept. 16-Oct. 31	Goat Unit 3-2	Any Legal Weapon	1
6303	Goat & Davis Mtns.	Sept. 16-Oct. 31	Goat Unit 3-3	Archery Only	1
6304	Snoqualmie	Sept. 16-Oct. 31	Goat Unit 3-4	Any Legal Weapon	1
6305	Cle Elum	Sept. 16-Oct. 31	Goat Unit 3-5	Muzzleloader Only	1
6306	Naches Pass	Sept. 16-Oct. 31	Goat Unit 3-6	Any Legal Weapon	1
6307	Bumping River	Sept. 16-Oct. 31	Goat Unit 3-7	Any Legal Weapon	1
6308	Bumping River	Sept. 16-Oct. 31	Goat Unit 3-8	Muzzleloader Only	1
6309	Tieton River	Sept. 16-Oct. 31	Goat Unit 3-9	Any Legal Weapon	3
6401	Ruth Creek	Sept. 16-Oct. 31	Goat Unit 4-1	Any Legal Weapon	7
6403	Chowder Ridge	Sept. 16-Oct. 31	Goat Unit 4-3	Any Legal Weapon	2
6404	Lincoln Peak	Sept. 16-Oct. 31	Goat Unit 4-4	Any Legal Weapon	2
6407	Avalanche Gorge	Sept. 16-Oct. 31	Goat Unit 4-7	Any Legal Weapon	5
6408	East Ross Lake	Sept. 16-Oct. 31	Goat Unit 4-8	Any Legal Weapon	10

6409	Jack Mountain	Sept. 16-Oct. 31	Goat Unit 4-9	Any Legal Weapon	2
6432	Foss River	Sept. 16-Oct. 31	Goat Unit 4-32	Any Legal Weapon	10
6434	Pratt River	Sept. 16-Oct. 31	Goat Unit 4-34	Any Legal Weapon	10
6438	Corral Pass	Sept. 16-Oct. 31	Goat Unit 4-38	Archery Only	4
6502	Tatoosh	Sept. 16-Oct. 31	Goat Unit 5-2	Any Legal Weapon	5
6503	Smith Creek	Sept. 16-Oct. 31	Goat Unit 5-3	Archery Only	5
6504	Goat Rocks	Sept. 16-Oct. 31	Goat Unit 5-4	Any Legal Weapon	10
6602	Quilcene River	Sept. 16-Oct. 31	Goat Unit 6-2	Archery Only	5
6603	Hamma Hamma River	Sept. 16-Oct. 31	Goat Unit 6-3	Archery Only	10

PROPOSED

March 1, 1995  
Evan Jacoby  
Legal Counsel

**WSR 95-06-104**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed March 1, 1995, 12:00 noon]

NEW SECTION

**WAC 232-28-256 1995-96 Cougar permit quotas**

Original Notice.  
Title of Rule: Adopting WAC 232-28-256 1995-96 Cougar permit quotas.  
Purpose: Adopt WAC 232-28-256 1995-96 Cougar permit quotas.  
Statutory Authority for Adoption: RCW 77.12.040.  
Statute Being Implemented: RCW 77.12.040.  
Summary: This rule will establish permit quotas for the 1995-96 cougar hunting season.  
Reasons Supporting Proposal: This rule is needed to establish a permit quota for cougar.  
Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.  
Name of Proponent: Washington Fish and Wildlife Commission, governmental.  
Rule is not necessitated by federal law, federal or state court decision.  
Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes permit quotas for cougar hunting. The purpose is to regulate population size. The anticipated effect will be to crop surplus animals.  
Proposal does not change existing rules.  
Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.  
Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.  
Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.  
Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.  
Date of Intended Adoption: April 22, 1995.

Hunt No.	Unit	Description	1995-96 Permits
9001	1	Pend Oreille	35
9002	2	Colville	40
9003	3	Republic	40
9004	4	Spokane	30
9005	5	Blue Mountains	50
9006	6	Wenaha	15
9007	7	Okanogan	45
9008	8	Chelan	40
9009	9	Yakima	20
9010	10	Nooksack	10
9011	11	Skagit	15
9012	12	Snoqualmie	12
9013	13	North Olympic Peninsula	35
9014	14	South Olympic Peninsula	15
9015	15	Rainier	10
9016	16	South Puget Sound	3
9017	17	Cowlitz	2
9018	18	Skamania	2
9019	19	Pacific	1
9020	1	Pend Oreille	18
9021	2	Colville	20
9022	3	Republic	20
9023	4	Spokane	15
9024	5	Blue Mountains	25
9025	6	Wenaha	8
026	7	Okanogan	23
9027	8	Chelan	20
9028	9	Yakima	10
9029	10	Nooksack	3
9030	11	Skagit	8
9031	12	Snoqualmie	6
9032	13	North Olympic Peninsula	18
9033	14	South Olympic Peninsula	8
9034	15	Rainier	5
9035	16	South Puget Sound	2
9036	17	Cowlitz	1
9037	18	Skamania	1
9038	19	Pacific	1

**WSR 95-06-105  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Adopting WAC 232-28-255 1996

Auction permit.

Purpose: Adopt WAC 232-28-255 1996 Auction permit.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will provide for one bighorn sheep permit to be auctioned in 1996. The auction will be done by a conservation organization.

Reasons Supporting Proposal: The auction permit will generate revenue for the mountain sheep management program. Last year \$90,000 was raised for bighorn sheep management programs.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The auction permit is designed to raise revenue for sheep management programs. We anticipate that one permit will bring \$50,000 to \$100,000 dollars for sheep management programs.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

NEW SECTION

**WAC 232-28-255 1996 Auction permits**

**AUCTIONING OF PERMIT**

The Director will select a conservation organization(s) to conduct the 1996 auction. Selection of the conservation organization will be based on criteria developed by the

Washington Department of Fish and Wildlife. The organization shall notify the Department of the name and address of the successful bidder within ten days of the auction.

AUCTION PERMIT HUNT(S)

SPECIES - BIGHORN SHEEP

Hunting Season Dates: September 1 - October 31, 1996

Hunt Area: Anywhere in eastern Washington south of Interstate 90.

Bag Limit: One Bighorn Ram

AUCTION HUNT PERMITTEE RULES

(1) Permittee shall contact the appropriate regional office of the Department of Fish and Wildlife when entering the designated hunt area.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a firearm and harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the Department, the permittee is required to accompany Department officials to the site of the kill.

(5) The permittee will present the head and carcass of the bighorn sheep killed to any Department office within 72 hours of date of kill.

**WSR 95-06-106  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Amending WAC 232-28-248 1995-96 Special closures and firearm restriction areas.

Purpose: Amend WAC 232-28-248 1995-96 Special closures and firearm restriction areas.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This rule will amend the boundary description of the firearm restriction area previously labeled "South Bank" and now labeled "South Elma."

Reasons Supporting Proposal: This amendment will enlarge the firearm restriction area to prevent use of high power rifles adjacent to lowland farms with safety concerns.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will expand the firearm restriction area in the South Elma area to the same restricted area in effect last year. Landowners have expressed a concern with safety and

PROPOSED

this amendment addresses their concerns. The effect will be to limit high power rifles in the same area as last year.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 North Capitol Way, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending Order 94-150, filed 1/10/95)]

**WAC 232-28-248 1995-96 Special closures and firearm restriction areas**

**SPECIAL CLOSURES**

**HUNTING PROHIBITED AREAS**

IT IS UNLAWFUL TO HUNT WILD ANIMALS (INCLUDING WILD BIRDS) IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the period of Oct. 1-Dec. 31, 1995. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 to the intersection with Road 2.0 in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons during September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds EXCEPT during the period Aug. 1-Sept. 30, 1995. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24)

downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

4. Green River (GMU 485): Except for special permit hunts, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
5. McNeil Island: McNeil Island (part of GMU 480) is closed to the hunting of all wild animals (including wild birds) year around.
6. As posted on Bailey Youth Ranch, Franklin County, hunting is closed on Mondays, Tuesdays, Thursdays, and Fridays.
7. As posted, hunting is closed on Department owned land on the Sunnyside Wildlife Area in Yakima County.

**BIG GAME CLOSURES**

1. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This ((~~closure~~)) area is closed to all big game hunting ((established)) to protect the Columbian Whitetail Deer.
2. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
3. Willapa National Wildlife Refuge: Except for Bow Area No. 802 (Long Island), Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles.
5. Colockum elk hunting restrictions: No entry in GMU 330 (West Bar) except permit holders, October 23-25, 1995. Closed to entry (no trespassing) October 26-November 7, 1995.
6. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State

Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

- 7. **Baleville:** Closed to hunting of all big game animals on those lands between State Highway 105 and the Willapa River west of Raymond.

**UPLAND BIRD CLOSURES**

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

1. From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the main shoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)
2. Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.
3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

**HORSE RESTRICTIONS**

Colockum horse restrictions: GMU 330 (West Bar)—It is unlawful to ride horses, mules, or other livestock during any open elk season in GMU 330 PROVIDED, however, that livestock may be used for transporting camp gear and elk carcasses. GMU 329 (Quilomene)—It is unlawful to allow a horse to enter the Brushy and Cape Horn agricultural fields prior to 9 a.m. from October 23-November 3, 1995.

**HUNTING FIREARM RESTRICTION AREAS**

In firearm restriction areas, handguns, centerfire and rimfire rifles are not legal for hunting except as provided below. Hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 484 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or shotguns firing slugs or legal buckshot. Shotguns are not legal for hunting elk.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground)
Cowlitz	GMU 554 (Yale)

Franklin, Grant, Adams

Grays Harbor

GMU 504 (Stella)

Those portions of GMU 281 (Ringold) and GMU 278 (Wahluke) known as the Wahluke Slope Wildlife Area.

That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.

The South (~~(Bank)~~) Elma restriction applies only during elk seasons:

(South Bank) - That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; then southeast on South Bank Road to the Delezene Road; then south on the Delezene Road to ~~((a point one mile from the South Bank Road; then southeast along a line one mile southwest of the South Bank Road))~~ the K Line Road to the A Line Road; then south on the A Line Road to the T Line Road; then south on the T Line Road to the Oakville-Brooklyn Road; then east on the Oakville-Brooklyn Road to Oakville and Highway 12; then northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

That portion of GMU 410 (Island) located on Camano and Whidbey islands.

Indian and Marrowstone islands.

The area west of Highway 203 (Monroe-Fall City-Preston) to

PROPOSED

PROPOSED

Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands.

The following portion of GMU 484 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)

**Kitsap** East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.

**Kittitas** GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.

**Mason** GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.

**Pacific** GMU 684 (Long Beach) west of Sand Ridge Road.

**Pierce** GMU 480 (Anderson and Ketrion islands) limited to archery, shotgun, and muzzleloader shotgun. McNeil Island closed to hunting. See GMU 484 restriction area outlined for King County.

GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.

**Snohomish** West of Highway 9.

**Skagit** Guemes Island and March Point north of State Highway 20.

**Thurston** GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.

Whatcom

Area west of I-5 and north of Bellingham city limits including Point Roberts.

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

**WSR 95-06-107  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed March 1, 1995, 12:00 noon]

Original Notice.

Title of Rule: Amending WAC 232-28-246 1995-96 Deer and elk permit hunting seasons.

Purpose: To amend WAC 232-28-246 1995-96 Deer and elk permit hunting seasons.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The amended rule will change the Peshastin A Elk Hunt (Hunt No. 2021) from "Any Bull" to "Either Sex"; and to add a new deer permit hunt in the Entiat area (Hunt No. 1123, Entiat, Nov. 1-12, Antlerless Only in GMU 308).

Reasons Supporting Proposal: This amendment will help reduce damage problems in the Entiat and Peshastin areas from deer and elk respectively.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will help alleviate damage problems in both Peshastin and Entiat areas.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. No small business impact statement was necessary because no significant cost will occur to any industry.

Hearing Location: Elks Lodge, 351 East Rose, Walla Walla, WA 99362, on April 8, 1995, at 8:00 a.m. Adoption only on April 22, 1995, WestCoast Ridpath, West 515 Sprague, Spokane, WA 99204-0367, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by March 24, 1995, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by March 24, 1995.

Date of Intended Adoption: April 22, 1995.

March 1, 1995  
Evan Jacoby  
Legal Counsel

PROPOSED

**AMENDATORY SECTION** [(Amending Order 94-148, filed 1/10/95)]

**WAC 232-28-246 1995-96 Deer and elk permit hunting seasons**

**Application Instructions**

**NOTE:** Hunt numbers and GMU numbers are not the same.

A permit gives a hunter additional opportunity but it does not give him/her an extra deer or elk.

To apply for Special Deer Permit: You must have a valid 1995 Washington hunting license and a modern firearm or muzzleloader deer tag. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for Special Hunts for Disabled, Blind or Visually Impaired. You may submit one (only one) special deer permit application for 1995. A permit hunter can take only one deer unless otherwise specified by the permit hunt.

If you were drawn for a Blue Mountains Foothills A or B deer permit in 1994, you may not submit a deer permit application in 1995 or 1996 for the Blue Mountains Foothills A or Blue Mountains Foothills B hunts.

To apply for Special Elk Permit: You must have a valid 1995 Washington hunting license and a valid modern firearm, muzzleloader, or archery elk tag. Each hunter must have the proper tag (identified in the tables) to apply for an elk permit. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for the Special Hunts for Disabled, Blind or Visually Impaired. You may submit one (only one) special permit application for elk. You may not submit an elk permit application if you were drawn for an elk permit

during 1993 or 1994. Those hunters drawing a special hunting season elk permit for hunts designated for disabled, blind/visually impaired, and muzzleloader only are exempt from the two-year waiting period. Permit hunters may hunt only with a weapon in compliance with their tag.

**Application Deadline:** To qualify for the drawing all applications must be postmarked no later than March 31, 1995 or received no later than 5:00 p.m. on March 31, 1995 at the Department of Fish and Wildlife headquarters in Olympia or at any of the regional Department of Fish and Wildlife offices.

- Permits will be drawn by random computer selection.
- There are no refunds or exchanges for deer or elk tags for persons applying for special permits.

**Special Hunting Season Permits**

You **MUST** have a valid hunting license and tag to apply for any special hunting season set by the Fish and Wildlife Commission. (Special hunting seasons do not include hunts open to all hunters.)

**SPECIAL DEER PERMIT HUNTING SEASONS (Open to Permit Holders Only)**

Hunters must purchase a hunting license and deer tag prior to purchase of a permit application. Only modern firearm deer tag holders and muzzleloader deer tag holders may apply for the following permit hunts.

**PERMIT QUOTAS**

1995 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in 1994 depending on winter survival. Please do not call Department offices for permit quotas. Quotas will be established at the April Fish and Wildlife Commission meeting.

**MODERN FIREARM PERMIT HUNTS (Muzzleloaders may apply.)**

Use the **FOUR DIGIT HUNT NUMBER** on your application.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1001	Curlew	Oct. 7-13	Whitetail, Antlerless Only	GMU 100
1002	Boulder	Oct. 7-13	Whitetail, Antlerless Only	GMU 103
1003	Kelly Hill	Oct. 7-13	Whitetail, Antlerless Only	GMU 105
1004	Douglas	Oct. 7-13	Whitetail, Antlerless Only	GMU 108
1005	Aladdin A	Oct. 7-13	Whitetail, Antlerless Only	GMU 111
1006	Aladdin B	Nov. 22-26	Whitetail, Either Sex	GMU 111
1007	Selkirk	Oct. 7-13	Whitetail, Antlerless Only	GMU 113
1008	Chewelah	Oct. 7-13	Whitetail, Antlerless Only	GMU 118
1009	Boyer A	Oct. 7-13	Whitetail, Antlerless Only	GMU 119
1010	Boyer B	Nov. 22-26	Whitetail, Either Sex	GMU 119
1011	Huckleberry	Oct. 7-13	Whitetail, Antlerless Only	GMU 121
1012	Mt. Spokane	Oct. 7-13	Whitetail, Antlerless Only	GMU 124
1013	Cheney	Oct. 7-13	Antlerless Only	GMU 130
1014	Roosevelt	Oct. 7-13	Antlerless Only	GMU 133
1015	Harrington	Nov. 8-19	Antlerless Only	GMU 136
1016	Step toe	Nov. 8-19	Antlerless Only	GMU 139
1017	Almota	Nov. 8-19	Antlerless Only	GMU 142
1018	Mayview A	Oct. 1-8	Antlerless Only	GMU 145
1019	Mayview B	Nov. 8-19	Antlerless Only	GMU 145
1020	Starbuck	Nov. 8-19	Antlerless Only	GMU 148
1021	Eureka	Nov. 8-19	Antlerless Only	GMU 151

1022	Blue Creek A	Nov. 8-19	Whitetail, Antlerless Only	GMU 154
1023	Touchet	Nov. 8-19	Whitetail, Antlerless Only	GMU 160
1024	Eckler	Nov. 8-19	Whitetail, Antlerless Only	GMU 161
1025	Marengo A	Nov. 8-19	Whitetail, Antlerless Only	GMU 163
1026	Marengo B	Nov. 8-19	Antlerless Only	GMU 163
1027	Peola	Nov. 8-19	Antlerless Only	GMU 178
1028	Couse	Nov. 8-19	Whitetail, Antlerless Only	GMU 181
1029	Blue Mtns. Foothills A	Nov. 8-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1030	Blue Mtns. Foothills B	Nov. 8-21	Whitetail, 3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181
1031	East Okanogan	Dec. 6-13	Whitetail, Either Sex	GMUs 200, 206
1032	West Okanogan	Dec. 6-13	Whitetail, Either Sex	GMUs 209, 218, 224, 231, 233
1033	Wannacut A	Oct. 30- Nov. 5	Antlerless Only	GMU 209
1034	Sinlahekin A	Oct. 30- Nov. 5	Whitetail, Antlerless Only	GMU 215
1035	Sinlahekin B	Dec. 6-13	Whitetail, Either Sex	GMU 215
1036	Chewuch	Oct. 30- Nov. 5	Antlerless Only	GMU 218
1037	Pearygin	Oct. 30- Nov. 5	Antlerless Only	GMU 224
1038	Gardner	Oct. 30- Nov. 5	Antlerless Only	GMU 231
1039	Pogue	Oct. 30- Nov. 5	Antlerless Only	GMU 233
1040	Big Bend A	Oct. 16-22	Antlerless Only	GMU 248
1041	Badger	Oct. 16-22	Antlerless Only	GMU 266
1042	Moses Coulee A	Oct. 16-22	Antlerless Only	GMU 269
1043	Beezley	Oct. 16-22	Antlerless Only	GMU 272
1044	Wenatchee A	Nov. 1-15	Antlerless Only	Portion of GMU 314*
1045	Guemes Island A	Oct. 14-31	Either Sex	Guemes Island in GMU 405
1046	Guemes Island B	Nov. 1-21	Either Sex	Guemes Island in GMU 405
1047	Green River A	Oct. 21-27	Either Sex	GMU 485
1048	Green River B	Oct. 21-27	Antlerless Only	GMU 485
1049	Lincoln	Oct. 21-31	Either Sex	GMU 501
1050	Mossyrock	Oct. 21-31	Either Sex	GMU 505
1051	Willapa Hills	Oct. 21-31	Either Sex	GMU 506
1052	Stormking	Oct. 21-31	Either Sex	GMU 510
1053	Sawtooth	Oct. 21-31	Either Sex	GMU 512
1054	Packwood	Oct. 21-31	Either Sex	GMU 516
1055	Ryderwood	Oct. 21-31	Either Sex	GMU 530
1056	Coweeman	Oct. 21-31	Either Sex	GMU 550
1057	Lewis River	Oct. 21-31	Either Sex	GMU 560
1058	Siouxon	Oct. 21-31	Either Sex	GMU 572
1059	Hoko	Oct. 21-31	Either Sex	GMU 601
1060	Pysht	Oct. 21-31	Either Sex	GMU 603
1061	Soleduck	Oct. 21-31	Either Sex	GMU 607
1062	Goodman	Oct. 21-31	Either Sex	GMU 612
1063	Clearwater	Oct. 21-31	Either Sex	GMU 615
1064	Olympic	Oct. 21-31	Either Sex	GMU 621
1065	Coyle	Oct. 21-31	Either Sex	GMU 624
1066	Mason Lake	Oct. 21-31	Either Sex	GMU 633
1067	Skokomish	Oct. 21-31	2 Pt. Min. or Antlerless	GMU 636
1068	Wynoochee	Oct. 21-31	Either Sex	GMU 648



PROPOSED

1069	North River	Oct. 21-31	Either Sex	GMU 658
1070	Minot Peak	Oct. 21-31	Either Sex	GMU 660
1071	Capitol Peak	Oct. 21-31	Either Sex	GMU 663
1072	Deschutes	Oct. 21-31	Either Sex	GMU 666
1073	Skookumchuck A	Oct. 21-31	Either Sex	GMU 667
1074	Palix	Oct. 21-31	Either Sex	GMU 669
1075	Fall River	Oct. 21-31	Either Sex	GMU 672
1076	Nemah	Oct. 21-31	Either Sex	GMU 678
1123	Entiat	Nov. 1-12	Antlerless Only	GMU 308

\*Successful applicants will be mailed a map of the hunt boundary.

**DEER MUZZLELOADER ONLY**

Hunters must purchase a hunting license and muzzleloader deer tag prior to submitting an application for a muzzleloader permit hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1077	Blue Creek B	Nov. 22- Dec. 3	Whitetail, 3 Pt. Min. or Antlerless	GMU 154
1078	Wannacut B	Nov. 11-19	Mule Deer, Antlerless Only	GMU 209
1079	Chiliwist	Nov. 11-19	Whitetail, Either Sex	GMU 239
1080	Alta	Nov. 11-19	Mule Deer, Antlerless Only	GMU 242
1081	Moses Coulee B	Nov. 11-19	Whitetail, Either Sex	GMU 269
1082	Manson	Nov. 25- Dec. 17	Antlerless Only	GMU 300
1083	Chiwawa	Nov. 11-19	Either Sex	GMU 304
1084	Pilchuck	Nov. 11-19	Either Sex	Deer Area 041
1085	Yale	Dec. 2-6	Antlerless Only	GMU 554
		Nov. 22- Dec. 12	Either Sex	

**YOUTH HUNTER OPPORTUNITY**

Applicants must be 16 years old or younger on opening day of the permit season. Juvenile hunters must be accompanied by an adult during the hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1086	Northeast A	Oct. 14-31	Whitetail, Either Sex	GMUs 100-124
1087	Mica, Cheney	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 127, 130
1088	Davenport	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 133, 136
1089	Whitman	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 139, 142
1090	Starbuck B	Oct. 1-8	Antlerless Only	GMU 148
1091	Marengo B	Oct. 1-8	Antlerless Only	GMU 163
1092	Blue Mtns. Foothills C	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1093	Blue Mtns. Foothills D	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181
1094	Big Bend B	Oct. 14-22	Either Sex	GMU 248
1095	Toutle	Oct. 14-29	Either Sex	GMU 556
1096	Wind River	Oct. 21- Nov. 5	2 Pt. Min. or Antlerless	GMU 574
1097	Satsop	Oct. 21-31	Either Sex	GMU 651
1098	Skookumchuck B	Oct. 21-31	Either Sex	GMU 667

**SENIOR HUNTER OPPORTUNITY**

Applicants must be 65 years of age or older on opening day of the permit season.

PROPOSED

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1099	Northeast B	Oct. 14-31	Whitetail, Either Sex	GMUs 100-124
1100	Southcentral	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 127-142
1101	Starbuck C	Oct. 1-8	Antlerless Only	GMU 148
1102	Marengo C	Oct. 1-8	Antlerless Only	GMU 163
1103	Blue Mtns. Foothills E	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1104	Blue Mtns. Foothills F	Oct. 14-22	3 Pt. Min. or Antlerless	GMUs 145, 172, 175, 178, 181

**ADVANCED HUNTER EDUCATION (AHE) PROGRAM**

Only hunters who have successfully completed the Department of Fish and Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt deer in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1105	Roosevelt A	Nov. 22-26	Whitetail, 3 Pt. Min. or Antlerless	GMU 133
1106	Almota	Nov. 22-26	Whitetail, 3 Pt. Min. or Antlerless	GMU 142
1107	Wenatchee B	Nov. 15-29	Either Sex	Portion of GMU 314*
1108	Mt. Adams	Oct. 1-12	2-Pt. Min. or Antlerless	Elk Area 059

In addition, other AHE permits are available on Private Lands Wildlife Management hunts.

\*Successful applicants will be mailed a map of the hunt boundary.

**SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED**

Hunters must purchase a hunting license and modern firearm or muzzleloader deer tag prior to purchase of a special hunting season permit application. Only those hunters with a Washington Disabled Hunter Permit or Washington Blind or Visually Handicapped Hunter Permit may apply for these permits.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1109	Blue Mtn. Foothills G	Nov. 8-21	3 Pt. Min. or Antlerless	GMUs 148, 151, 154, 160, 161, 163, 166
1110	Douglas	Nov. 22-26	Whitetail, Either Sex	GMU 108
1111	Big Bend C	Oct. 19-24	Antlerless Only	GMU 248
1112	Entiat	Nov. 1-15	Antlerless Only	GMU 308
1113	Green River C	Oct. 21-27	Antlerless Only	GMU 485
1114	Margaret	Oct. 14-31	Antlerless Only	GMU 524
1115	Bear River	Oct. 14-31	2 Pt. Min. or Antlerless	GMU 681

In addition, special permits for disabled, blind or visually handicapped are available on Private Lands Wildlife Management hunts.

**DEER PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES**

**Wilson Creek Area**

Only hunters possessing modern firearm deer tags and meeting the special restrictions noted for each hunt are eligible for permits on PLWMA 201. There will be approximately 20 hunters (Wilson A below) authorized to participate in a special hunt for which an access fee will be charged. You may apply for buck permits (Wilson A) by contacting the landowner at (509) 345-0121. Other applications for Wilson Creek Area must be made through the normal application process. Access for Hunts C, D, and E are for one day, scheduled by the landowner. There are no access fees for hunts B, C, D, or E, but the landowner or his representative will accompany all deer hunters on these hunts. All hunters must have a valid hunting license, deer tag, and written authorization from the landowner to participate in these hunts. All other hunting regulations apply.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
*	Wilson A	Oct. 1- Dec. 31	Buck Only	PLWMA 201
1116	Wilson B	Oct. 1- Dec. 31	Buck Only, Young Hunters Only**	PLWMA 201

1117	Wilson C	Oct. 1- Dec. 31	Antlerless Only, Young Hunters Only**	PLWMA 201
1118	Wilson D	Oct. 1- Dec. 31	Antlerless Only, Disabled or Blind/Visually Handicapped Hunters Only	PLWMA 201
1119	Wilson E	Oct. 1- Dec. 31	Antlerless Only, AHE Hunters Only	PLWMA 201

\* No hunt number because hunter must contact landowner, David Stevens, for access.

\*\*Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

**Champion's Kapowsin Tree Farm**

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
1120	Kapowsin North	Dec. 8-12	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401A North
1121	Kapowsin Central	Dec. 8-12	Antlerless Only	PLWMA 401B Central
1122	Kapowsin South	Dec. 9, 10, 16, 17	Antlerless Only, Young* or Disabled or Blind/ Visually Handicapped Hunters Only	PLWMA 401C South

\*Applicants must be 16 years old or younger by opening date of the permit season and must be accompanied by an adult during the hunt.

**Special Elk Permit Hunting Seasons**

(Open to Permit Holders Only)

Hunters must purchase a hunting license and elk tag prior to purchase of a permit application. Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see Elk Tag Prefix required to apply for each hunt). Hunters drawing a permit for a hunt after the first of the year can use their 1995 license and tag during the hunt.

MODERN FIREARM PERMIT HUNTS (Muzzleloaders may apply.)

1995 Permit quotas are unknown at this time. Permit quotas may be greater or less than permits authorized in 1994 depending on winter survival. Please do not call Department offices for permit quotas. Quotas will be established at the April Fish and Wildlife Commission meeting.

Use the FOUR DIGIT HUNT NUMBER on your application.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2001	Aladdin	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 111
2002	Selkirk	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 113
2003	Mount Spokane	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMU 124
2004	Mica, Cheney	Oct. 28-Nov. 5	Antlerless Only	BC or BM	GMUs 127, 130
2005	Blue Creek	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 154
2006	Watershed	Oct. 28-Nov. 5	3 Pt. Min. or Antlerless	BC or BM	GMU 157
2007	Touchet	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 160
2008	Eckler	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 161
2009	Tucannon	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 166
2010	Wenaha A	Oct. 1-10	Any Bull	BC or BM	GMU 169
2011	Wenaha B	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 169
2012	Mountain View B	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 172
2013	Couse	Oct. 25-Nov. 5	Any Bull	BC or BM	GMU 181
2014	Joseph/Black Butte	Oct. 25-Nov. 5	Any Bull	BC or BM	GMUs 184, 185
2015	Chelan A	Oct. 15-Nov. 1	Antlerless Only	CC or CM	GMUs 300, 301, 304, 306, 308, 316

PROPOSED

2016	Chelan B	Oct. 15-Nov. 1	Any Bull	CC or CM	GMUs 300, 301, 306, 308, 316
2017	Naneum A	Oct. 23-25	Antlerless Only	CC or CM	GMU 328
2018	Naneum B	Oct. 26-Nov. 1	Any Bull	CC or CM	GMU 328
2019	Malaga A	Sept. 1-Oct. 6	Antlerless Only	CC or CM	Elk Area 032
2020	Malaga B	Nov. 2- Jan. 15, 1996	Antlerless Only	CC or CM	Elk Area 032
2021	Peshastin A	Sept. 1-Oct. 6	<del>((Any Bull))</del> <u>Either Sex</u>	CC or CM	Elk Area 033
2022	Peshastin B	Nov. 2- Jan. 15, 1996	Antlerless Only	CC or CM	Elk Area 033
2023	Quilomene A	Oct. 23-25	Antlerless Only	CC or CM	GMU 329
2024	Quilomene B	Oct. 26-Nov. 1	Any Bull	CC or CM	GMU 329
2025	West Bar A	Oct. 23	Antlerless Only	CC or CM	GMU 330
2026	West Bar B	Oct. 24	Antlerless Only	CC or CM	GMU 330
2027	West Bar C	Oct. 25	Antlerless Only	CC or CM	GMU 330
2028	Swauk	Oct. 25- Nov. 13	Any Bull	CC or CM YC or YM	GMU 302, 335
2029	Taneum A	Nov. 1-4	Antlerless Only	YC or YM	GMU 336
2030	Manastash A	Nov. 1-4	Antlerless Only	YC or YM	GMU 340
2031	Shushuskin A	Nov. 23- Dec. 15	Antlerless Only	YC or YM	Elk Area 031
2032	Umtanum A	Nov. 1-4	Antlerless Only	YC or YM	GMU 342
2033	Peaches Ridge	Oct. 25- Nov. 13	Any Bull	YC or YM	GMUs 336, 346
2034	Little Naches A	Nov. 1-4	Antlerless Only	YC or YM	GMU 346
2035	Little Naches B	Oct. 1-Nov. 13	Any Bull	YC or YM	GMU 346
2036	Observatory	Nov. 5-13	Any Bull	YC or YM	GMU 340, 342
2037	Goose Prairie A	Oct. 25- Nov. 13	Any Bull	YC or YM	GMUs 352, 356
2038	Nile	Nov. 1-4	Antlerless Only	YC or YM	GMU 352
2039	Bumping	Nov. 1-4	Antlerless Only	YC or YM	GMU 356
2040	Bethel A	Nov. 1-4	Antlerless Only	YC or YM	GMU 360
2041	Bethel B	Nov. 5-13	Any Bull	YC or YM	GMU 360
2042	Rimrock A	Nov. 1-4	Antlerless Only	YC or YM	GMU 364
2043	Rimrock B	Oct. 25- Nov. 13	Any Bull	YC or YM	GMU 364
2044	Cowiche A	Nov. 1-4	Antlerless Only	YC or YM	GMU 368
2045	Cowiche B	Nov. 5-13	Any Bull	YC or YM	GMU 368
2046	White River A	Nov. 1-13	Any Bull	WC or WM	GMU 472
2047	Green River Cow A	Nov. 11-15	Antlerless Only	WC or WM	GMU 485
2048	Green River Bull	Nov. 11-15	3 Pt. Bull Min. or Antlerless	WC or WM	GMU 485
2049	Green River Spike	Nov. 11-15	Spike or Antlerless	WC or WM	GMU 485
2050	Lincoln	Nov. 14-19	Antlerless Only	WC or WM	GMU 501
2051	Willapa Hills	Nov. 14-19	Antlerless Only	WC or WM	GMU 506
2052	Packwood	Nov. 14-19	Antlerless Only	WC or WM	GMU 516
2053	Margaret Cow	Nov. 14-19	Antlerless Only	WC or WM	GMU 524
2054	Margaret Bull	Nov. 1-13	3 Pt. Bull Min.	WC or WM	GMU 524
2055	Ryderwood	Nov. 14-19	Antlerless Only	WC or WM	GMU 530
2056	Toutle Cow	Nov. 14-19	Antlerless Only	WC or WM	GMU 556
2057	Toutle Bull	Nov. 1-13	3 Pt. Bull Min.	WC or WM	GMU 556
2058	Marble	Nov. 14-19	Antlerless Only	WC or WM	GMU 558
2059	Lewis River	Nov. 14-19	Antlerless Only	WC or WM	GMU 560
2060	Siouxon	Nov. 14-19	Antlerless Only	WC or WM	GMU 572
2061	Dickey Bull A	Oct. 1-13	3-Pt. Bull Min.	WC or WM	GMU 602
2062	Dickey Bull B	Nov. 1-13	3-Pt. Bull Min.	WC or WM	GMU 602

PROPOSED

2063	Goodman	Nov. 14-19	Antlerless Only	WC or WM	GMU 612
2064	Matheny	Nov. 14-19	Antlerless Only	WC or WM	GMU 618
2065	Quinault Ridge	Oct. 1-13	3 Pt. Bull Min.	WC or WM	GMU 638
2066	Wynoochee	Nov. 14-19	Antlerless Only	WC or WM	GMU 648
2067	Palix	Nov. 14-19	Antlerless Only	WC or WM	GMU 669
2068	Nemah	Nov. 14-19	Antlerless Only	WC or WM	GMU 678
2069	Backbone A	Nov. 23- Dec. 13	Antlerless Only	WC or WM	Elk Area 025
2070	Backbone B	Nov. 23- Dec. 13	Any Bull	WC or WM	Elk Area 025
2071	Curtis	Dec. 20-31	Antlerless Only	WC or WM	Elk Area 050
2072	Boistfort A	Jan. 1-15, 1996	Antlerless Only	WC or WM	Elk Area 054
2073	East Valley	Jan. 1-15, 1996	Antlerless Only	WC or WM	Elk Area 055
2074	Carlton	Oct. 1-13	3 Pt. Bull Min.	WC or WM	Elk Area 057
2075	West Goat Rocks	Oct. 1-13	3 Pt. Bull Min.	WC or WM	Elk Area 058
2076	Mt. Adams	Oct. 1-13	3 Pt. Bull Min.	WC or WM	Elk Area 059
2077	South Willapa	Jan. 1-15, 1996	Antlerless Only	WC or WM	Elk Area 067

\*Outside of Umatilla National Forest.

**ADVANCED HUNTER EDUCATION (AHE) PROGRAM**

Only hunters who have successfully completed the Department of Fish and Wildlife's Advanced Hunter Education (AHE) Program will be eligible to hunt elk in these seasons. A certification card will be issued to all AHE graduates and must be in possession while hunting during these seasons. Hunters with any elk tag are eligible to apply for these hunts.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
2078	Shushuskin B	Dec. 16-30	Antlerless Only	Elk Area 031
2079	Margaret	Oct. 1-12	3 Pt. Min. or Antlerless	GMU 524
2080	Skookumchuck	Oct. 7-12	Either Sex	GMU 667
2081	South Bank A	Sept. 16-20	Antlerless Only	Elk Area 062
2082	South Bank B	Sept. 23-27	Antlerless Only	Elk Area 062
2083	South Bank C	Dec. 16-20	Antlerless Only	Elk Area 062
2084	South Bank D	Jan. 6-10, 1996	Antlerless Only	Elk Area 062
2085	South Bank E	Jan. 20-24, 1996	Antlerless Only	Elk Area 062

**ARCHERY ONLY**

Hunters must purchase a hunting license and archery elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2086	Blue Mountains West	Sept. 1-14	Any Bull	BA	GMUs 154, 160, 161, 166, 169
2087	Blue Mountains East	Sept. 1-14	Any Bull	BA	GMUs 178, 181, 184, 185
2088	Colockum	Sept. 1-14	Either Sex	CA	GMUs 328,

PROPOSED

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2089	Robinson	Sept. 1-14	Either Sex	YA	329 GMUs 336, 340
2090	Taneum B	Nov. 23-Dec. 8	Either Sex	YA	GMU 336
2091	Goose Prairie B	Sept. 1-14	Either Sex	YA	GMUs 352, 356
2092	Divide	Nov. 23-Dec. 8	Either Sex	YA	Bow Areas 806, 807
2093	Cottonwood	Sept. 1-14	Either Sex	YA	GMUs 364, 366, 368
2094	White River B	Sept. 1-14	Either Sex	WA	GMU 472

PRIVATE LANDS WILDLIFE MANAGEMENT PERMIT OPPORTUNITIES

**Champion's Kapowsin Tree Farm**

Only hunters possessing a valid elk tag (any 1995 elk tag) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. There will be approximately one to seven hunters authorized to hunt branched bulls Sept. 16-27. Applicants for Branched Bull permits must pay a nonrefundable access fee of 50 to 100 dollars. (To be determined at a later date.) Individuals not drawn for a special access permit will receive a coupon good for one regular three-day access permit.

Persons interested in applying for a Branched Bull permit should inquire at: Champion International, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (206) 879-4200.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
2095	Kapowsin Bull A	*	Any Bull	WA, WC, WM	PLWMA 401A
2096	Kapowsin Bull B	*	Any Bull	WA, WC, WM	PLWMA 401B, 401C

\*Permit season for archery tag holders Sept. 1-14; modern firearm Nov. 1-13; and Muzzleloader Nov. 22-Dec. 5.

Muzzleloader Elk Permits

Hunters must purchase a hunting license and Western Washington Muzzleloader Elk Tag prior to purchase of a special hunting season permit application for these hunts.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Boundary Description
2097	Kapowsin North	Nov. 22-Dec. 5	Antlerless Only	PLWMA 401A
2098	Kapowsin Central	Nov. 22-Dec. 5	Antlerless Only	PLWMA 401B
2099	Kapowsin South	Nov. 22-Dec. 5	Antlerless Only	PLWMA 401C

SPECIAL HUNTS FOR DISABLED, BLIND OR VISUALLY IMPAIRED

Hunters must purchase a hunting license and modern firearm or muzzleloader elk tag prior to purchase of a special hunting season permit application. Note elk tag required. Only those hunters with a Washington Disabled Hunter Permit or a Washington Blind or Visually Handicapped Hunter Permit may apply.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
3001	Naches D	Oct. 1-13	Antlerless Only	YC or YM	GMU 346
3002	Quilomene C	Nov. 1-13	Antlerless Only	CC or CM	GMU 329
3003	Manastash B	Nov. 1-13	Antlerless Only	YC or YM	GMU 340
3004	Green River Cow B	Nov. 11-15	Antlerless Only	WC or WM	GMU 485
3005	Centralia Mine A	Nov. 18-19	Antlerless Only	Any Elk Tag	Portion of GMU 667*
3006	Centralia Mine B	Nov. 25-26	Antlerless Only	Any Elk Tag	Portion of GMU 667*
3007	Centralia Mine C	Dec. 2-3	Either Sex	Any Elk Tag	Portion of GMU 667*

\*Successful applicants will be mailed a map of the hunt boundary.

MUZZLELOADER ONLY

Hunters must purchase a hunting license and muzzleloader elk tag prior to purchase of a special hunting season permit application. Note the elk tag required for each hunt.

Hunt No.	Hunt Name	Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description
<del>((4001))</del>	<del>Mountain View C</del>	<del>Oct. 5-11</del>	<del>Spike Bull or Antlerless))</del>	<del>BM</del>	<del>GMU 172</del>
<del>((4002))</del> <u>4001</u>	Mountain View (( <del>⊖</del> )) <u>B</u>	Oct. 5-11	Oct. 5-11	Any Bull	BMGMU 172
<del>((4003))</del> <u>4002</u>	Mission	Oct. 5-11	Any Bull	CM	GMU 314
<del>((4004))</del> <u>4003</u>	Cle Elum A	Oct. 1-12	Either Sex	YM	ML Area 910
<del>((4005))</del> <u>4004</u>	Cle Elum B	Nov. 16- Dec. 8	Either Sex	YM	ML Area 910
<del>((4006))</del> <u>4005</u>	Umtanum B	Oct. 8-12	Either Sex	YM	GMU 342
<del>((4007))</del> <u>4006</u>	Cowiche C	Oct. 8-12	Either Sex	YM	GMU 368
<del>((4008))</del> <u>4007</u>	Stella	Nov. 22- Dec. 12	Either Sex	WM	GMU 504
<del>((4009))</del> <u>4008</u>	Boistfort B	Jan. 16- 31, 1996	Antlerless Only	WM	Elk Area 054
<del>((4010))</del> <u>4009</u>	Yale	Nov. 22- Dec. 12	Either Sex	WM	GMU 554
<del>((4011))</del> <u>4010</u>	Toledo	Jan. 2-16, 1996	Antlerless Only	WM	Elk Area 029
<del>((4012))</del> <u>4011</u>	Chinook	Jan. 16- Feb. 15, 1996	Antlerless Only	WM	Elk Area 069
<del>((4013))</del> <u>4012</u>	North River	Nov. 18- Dec. 6	Antlerless Only	WM	GMU 658
<del>((4014))</del> <u>4013</u>	Elwha	Dec. 15- Jan. 15, 1996	Antlerless Only	WM	ML Area 962
<del>((4015))</del> <u>4014</u>	South Elma	Oct. 1-13	Antlerless Only	WM	Elk Area 063

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

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

PROPOSED





**WSR 95-06-002**  
**PERMANENT RULES**  
**NOXIOUS WEED CONTROL BOARD**

[Filed February 16, 1995, 9:27 a.m.]

Date of Adoption: January 18, 1995.

Purpose: The State Noxious Weed Control Board has amended the state noxious weed list to add species determined to be noxious, and to change areas designated for control of some Class B noxious weeds.

Citation of Existing Rules Affected by this Order: Amending WAC 16-750-011 and 16-750-015.

Statutory Authority for Adoption: Chapter 17.10 RCW. Pursuant to notice filed as WSR 94-24-070 on December 6, 1994.

Effective Date of Rule: Thirty-one days after filing.  
 February 13, 1995  
 Ray Fann  
 Chairman  
 by Laurie Penders  
 Executive Secretary

AMENDATORY SECTION (Amending WSR 94-01-076, filed 12/10/93, effective 1/10/94)

**WAC 16-750-011 State noxious weed list—Class B noxious weeds.**

Name	Will be a "Class B designate" in all lands lying within:
(1) blackgrass <i>Alopecurus myosuroides</i>	(a) regions 1,2,3,5,6,8,9,10 (b) Ferry, Stevens, Pend Oreille counties of region 4 (c) Adams County of region 7.
(2) blueweed <i>Echium vulgare</i>	(a) regions 1,2,3,4,5,6,8,9,10 (b) region 7 except for an area starting at the Stevens County line on SR 291 south to the SR 291 bridge over the Little Spokane River, thence upstream along the Little Spokane River to the first Rutter Parkway Bridge; thence south along the Rutter Parkway to the intersection of Rutter Parkway and Indian Trail Road; thence southerly along Indian Trail Road to a point three miles south (on section line between sections 22 and 27, T-26N, R-42E); thence due west to a point intersecting the line between Ranges 41 and 42; thence north along this line to a point 1/4 mile south of Charles Road; thence northwesterly parallel to Charles Road to a point 1/4 miles south of the intersection of Charles Road and West Shore Road; thence northerly along West Shore Road to the Spokane River (Long Lake); thence southeasterly along the Spokane River to the point of beginning.
(3) broom, Scotch <i>Cytisus scoparius</i>	(a) regions 3,4,6,7,9,10.
(4) bryonia, white <i>Bryonia alba</i>	(a) regions 1,2,3,4,5,6,8,9 (b) region 7 except Whitman County (c) Franklin County of region 10.
(5) bugloss, common <i>Anchusa officinalis</i>	(a) regions 1,2,3,5,6,8,9,10 (b) region 4 except Stevens and Spokane counties (c) Lincoln, Adams, and Whitman counties of region 7.
(6) bugloss, annual <i>Anchusa arvensis</i>	(a) regions 1,2,3,4,5,6,8,9 (b) Lincoln and Adams counties (c) Whitman County except ranges 43 through 46 East of Townships 16 through 20 North.

(7) camelthorn <i>Alhagi pseudalhagi</i>	(a) regions 1,2,3,4,5,7,8,9 (b) region 6 except those portions of Sections 23,24,25, and 29 through 36, T16N, R27E, W.M. lying outside Intercounty Weed District No. 52 and except Sections 1 through 12, T15N, R27E, W.M. in Grant County (c) Franklin, Columbia, Garfield, and Asotin counties of region 10 (d) an area beginning at the Washington — Oregon border at the southwest portion of section 15, R32E, T6N, then north to the northwest corner of section 3, R32E, T7N, then east to the northeast corner of section 3, R36E, T7N, then south to southeast portion of section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning.
(8) catsear, common <i>Hypochaeris radicata</i>	(a) regions 3,4,6,7,9,10.
(9) Cordgrass, smooth <i>Spartina alterniflora</i>	(a) regions 1,3,4,5,6,7,9,10 (b) region 2 except bays and estuaries of Skagit County (c) region 8 except bays and estuaries of Pacific County.
(10) cordgrass, common <i>Spartina anglica</i>	(a) regions 1,3,4,5,6,7,8,9,10 (b) region 2 except bays and estuaries of Skagit, Island, and Snohomish counties.
(11) daisy, oxeve <i>Chrysanthemum leucanthemum</i>	(a) regions 7,10 (b) region 9 except those areas lying within Klickitat and Yakima counties west of Range 13 East (c) region 6 except those areas lying within Yakima and Kittitas counties west of Range 13 E.
(12) deadnettle, hybrid <i>Lamium hybridum</i>	(a) regions 1,3,4,5,6,7,8,9,10 (b) region 2 except Skagit County.
(13) elodea, Brazilian <i>Egeria densa</i>	(a) regions 3,4,6,7,9,10 (b) Lewis County of region 8.
(14) fieldcress, Austrian <i>Rorippa austriaca</i>	(a) regions 1,2,3,4,5,6,8,9 (b) regions 7 and 10 except within the Palouse River Canyon from Big Palouse Falls to the Snake River.
(15) gorse <i>Ulex europaeus</i>	(a) regions 3,4,6,7,9,10 (b) Skagit County of region 2 (c) Thurston and Pierce counties of region 5 (d) Wahkiakum ( <del>and</del> ), Cowlitz, and Lewis counties of region 8.
(16) hawkweed, orange <i>Hieracium aurantiacum</i>	(a) regions 3,6,9,10 (b) Ferry County of region 4 (c) Thurston County of region 5 (d) Lincoln and Adams counties of region 7.
(17) hawkweed, yellow <i>Hieracium pratense</i>	(a) regions 1,2,3,5,6,7,8,9,10 (b) region 4 except north of T32N in Pend Oreille County and east Highway 395 and north of Highway 20 in Stevens County.
(18) hedge parsley <i>Torilis arvensis</i>	(a) regions 1,2,3,4,5,6,7,8,10 (b) Yakima, Benton, Franklin counties (c) Klickitat County except those lands lying within T4N, R10E, R11E, R12E, R13E, R14E; T3N, R10E, R11E, R12E, R13E; T2N, R12E, R13E.
(19) indigobush <i>Amorpha fruticosa</i>	(a) regions 1,2,3,4,5,6 (b) regions 7 and 10 except within 200 feet of the Snake River from Central Ferry downstream (c) regions 8, 9, and 10 except within 200 feet of the Columbia River.
(20) knapweed, black <i>Centaurea nigra</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
(21) knapweed, brown <i>Centaurea jacea</i>	(a) regions 1,2,3,4,5,7,9,10 (b) region 6 except Kittitas County (c) region 8 except Clark County.
(22) knapweed, diffuse <i>Centaurea diffusa</i>	(a) regions 1,2,5,8 (b) Grant County lying in Townships 13 through 16 North, Ranges 25 through 27 East; Townships 17 and 18 N., Ranges 25 through 30 East; Townships 19 and 20 North, Ranges 29 and 30 East; T21N, R23E, Sections 1 through 30; T21N, R26E., Sections 5,6,7,8,17, and 18; East

PERMANENT

PERMANENT

- 1/2 Township 21N, Range 27E.; T21N, Ranges 28 through 30 E.; those portions of Townships 22 through 28N, Ranges 28 through 30 E.; those portions of Township 22 through 28N., Ranges 23 through 30 E. lying in Grant County; all W.M.
- (23) knapweed, meadow  
*Centaurea jacea x nigra*
    - (c) Adams County except those areas within T15N, R36E, Section 36; T15N, R37E, Sections 22,26,27,28,31,32,33 and 34; T15N, R37E, western half of Sections 23, 24 and 25; T15N, R38E, Sections 2,10, 11,14,15,19 and 20; T16N, R38E, Sections 34 and 35; T17N, R37E, Sections 5 and 6
    - (d) Franklin County of regions 9 and 10.
    - (a) regions 1,2,3,4,5,7,9,10
    - (b) region 6 except Kittitas County
    - (c) region 8 except Clark County.
  - (24) knapweed, Russian  
*Acroptilon repens*
    - (a) regions 1,2,5,7,8
    - (b) region 4 except that area lying within the boundaries of the Colville Indian Reservation within Ferry County
    - (c) Adams County of region 6
    - (d) Intercounty Weed District No. 52
    - (e) region 10 except Franklin County.
    - (a) regions 1,2,3,5,6,8,9
    - (b) Ferry County of region 4
    - (c) Adams and Whitman counties of region 7
    - (d) region 10 except Garfield County.
    - (a) regions 1,2,3,4,5,6,8,9,10
    - (b) region 7 except an area within Whitman County east of the Pullman — Wawawai Road from Wawawai to Pullman and south of State Highway 270 from Pullman to Moscow, Idaho.
  - (25) knapweed, spotted  
*Centaurea maculosa*
    - (a) regions 1,2,3,4,6,7,8,9,10
    - (b) region 5 except King County.
    - (a) regions 1,4,7,8
    - (b) region 2 except Snohomish County
    - (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
    - (d) region 5 except King County
    - (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
    - (f) region 9 except Benton County
    - (g) region 10 except Walla Walla County
    - (h) Intercounty Weed Districts No. 51 and No. 52.
  - (26) lepyrodiclis  
*Lepyrodiclis holsteoides*
    - (a) regions 1,4,7,8
    - (b) region 2 except Snohomish County
    - (c) region 3 except within 100 feet of the ordinary highwater mark of the Okanogan River from the Canadian border south to Riverside
    - (d) region 5 except King County
    - (e) region 6 except that portion of Grant County lying northerly of the Frenchmen Hills-O'Sullivan Dam Road, southerly of Highway Interstate 90, easterly of the section line of the location of County Road J SW/NW if constructed and westerly of the section line of the location of County Road H SE/NE if constructed
    - (f) region 9 except Benton County
    - (g) region 10 except Walla Walla County
    - (h) Intercounty Weed Districts No. 51 and No. 52.
  - (27) loosestrife, garden  
*Lysimachia vulgaris*
  - (28) loosestrife, purple  
*Lythrum salicaria*
  - (29) loosestrife, wand  
*Lythrum virgatum*
    - (a) regions 1,2,3,4,5,7,8
    - (b) region 6 except those areas lying between State Highway 26 and State Road in Grant County, and except S 1/2, Sec. 2, T20N, R25E., W.M.
  - (30) nutsedge, yellow  
*Cyperus esculentus*  
Highway 28, and westerly of Dodson
  - (31) oxtongue, hawkweed  
*Picris hieracioides*
  - (32) parrot feather  
*Myriophyllum brasiliense*
  - (33) pepperweed, perennial  
*Lepidium latifolium*
  - (34) ragwort, tansy  
*Senecio jacobaea*
  - (35) sandbur, longspine  
*Cenchrus longispinus*
  - (36) skeletonweed, rush  
*Chondrilla juncea*
  - (c) region 9 except:
    - (i) except those areas lying within the following boundary description within Yakima County: Beginning at the intersection of Highway 12 and Parker Heights Road and continuing easterly to Konnowac Pass Road follow said road north to the intersection of Konnowac Pass Road and Nightingale Road. The northern boundary shall be the Roza Canal, continuing from the established point at Nightingale Road. The boundaries will follow the Roza Canal easterly to the County Line Road. The east boundaries will be the Yakima/Benton County Line from a point beginning at the County Line and Highway 22 (near Byron) continuing westerly along Highway 22 (to near the city of Mabton) to the intersection of Highway 22 and the Reservation Boundary (Division Road) and continuing north to the Yakima River. Then it will follow the river northwest to the Wapato-Donald Road continuing north along said road to Highway 12 then Highway 12 to Parker Heights Road.
    - (ii) an area lying southerly of State Route 4 and within T2N, Ranges 13 and 14 E of Klickitat County
  - (d) region 10 except Walla Walla County.
    - (a) regions 1,2,3,4,5,6,7,9,10
    - (b) region 8 except Skamania County.
    - (a) regions 1,2,3,4,5,6,7,9,10
    - (b) region 8 except Clark, Cowlitz, and Wahkiakum counties.
    - (a) regions 1,2,3,4,5,7,8,10
    - (b) Grant County lying northerly of Township 21, North, W.M.
    - (c) Intercounty Weed Districts No. 51 and 52
    - (d) Adams County of region 6.
    - (a) regions 3,4,6,7,9,10
    - (b) region 5, that portion of Pierce County lying south or east of a boundary beginning at the White River and State Highway 410, then west along State Highway 410 to intersection with State Highway 162 (Orting) to intersection with Orville Road, then south along Orville Road to intersection with Kapowsin Highway (304th Street East), then west following Kapowsin Highway to intersection with State Route 7, then south along State Route 7 to intersection with State Route 702, then west along State Route 702 to intersection with State Route 507, then southwest along State Route 507 to intersection with the Nisqually River.
    - (a) regions 1,2,3,4,5,7,8
    - (b) Adams County of region 6 except for that area lying within Intercounty Weed District No. 52
    - (c) Intercounty Weed District No. 51.
    - (a) regions 1,2,3,5,8,9
    - (b) Franklin County except T13N, R36E; and T14N, R36E
    - (c) Adams County except those areas lying west of a line running north from Franklin County along the western boundary of Range 36 East to State Highway 26 then north on Sage Road until it intersects Lee Road, then due north until intersection with Providence Road, then east to State Highway 261, then north along State Highway 261 to its intersection with Interstate 90, henceforth on a due north line to intersection with Bauman Road, then north along Bauman Road to its

- (37) sowthistle, perennial  
*Sonchus arvensis arvensis*
  - (38) spurge, leafy  
*Euphorbia esula*
  - (39) starthistle, yellow  
*Centaurea solstitialis*
  - (40) Swainsonpea  
*Sphaerophysa salsola*
  - (41) thistle, musk  
*Carduus nutans*
  - (42) thistle, plumeless  
*Carduus acanthoides*
  - (43) thistle, Scotch  
*Onopordum acanthium*
  - (44) toadflax, Dalmatian  
*Linaria genistifolia*  
*spp. dalmatica*
  - (45) watermilfoil, Eurasian  
*Myriophyllum spicatum*
- terminus, then due north to the Lincoln County line.
- (d) region 6 except that portion lying within Grant County that is southerly of State Highway 28, northerly of Interstate Highway 90 and easterly of Grant County Road E Northwest
  - (e) Pend Oreille and Stevens counties north of Township 33 North
  - (f) Ferry County
  - (g) Asotin County of region 10
  - (h) Garfield and Columbia counties south of Highway 12
  - (i) Whitman County lying in Ranges 43 through 46 East of Townships 15 through 20 North; T14N, Ranges 44 through 46 East; and T13N, Ranges 45 and 46 East.
- (a) regions 1,2,3,4,5,7,8,9,10
  - (b) Adams County of region 6.
- (a) regions 1,2,3,4,5,6,8,9,10
  - (b) region 7 except as follows:
    - (i) T27N, R37E, Sections 34,35,36; T27N, R38E, Sections 31,32,33; T26N, R37E, Sections 1,2,3,10, 11,12,13,14,15,16,26; T26N, R38E, Sections 5, 6,7,8 of Lincoln County
    - (ii) T24N, R43E, Section 12, Qtr. Section 3, Parcel No. 9068 of Spokane County.
- (a) regions 1,2,3,5,6,8
  - (b) region 4 except those areas within Stevens County bounded by a line beginning at the intersection of State Highway 20 and State Highway 25, then north to intersection with Pinkston Creek Road, then east along Pinkston Creek Road to intersection with Highland Loop Road, then south along Highland Loop Road to intersection with State Highway 20, then west along State Highway 20 to intersection with State Highway 25
  - (c) region 7 except those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
  - (d) Franklin County
  - (e) region 9 except Klickitat County
  - (f) in all lands lying within Asotin County, Region 10, except as follows: T11N, R44E, Sections 25,26,27,28,29,31,32, 33,34, and 35; T11N, R45E, Sections 21,22,23, and 25; T11N, R36E, Sections 19,20,21,28,29,30,31,32, and 33; T10N, R44E, Sections 1,2,3,4,5,6,8,9,10,11, 12,15, and 16; T10N, R45E, Sections 23 and 24; T10N, R46E, Sections 7,8, 17,18,19,20,21,22,27,34, and 35; T9N, R46E, Sections 1,2,12,13,14,23,24, 25,26,35, and 36; T9N, R47E, Sections 18,19,30, and 31; T8N, R46E, Sections 1,2,3,9,10,11,12,13,14,15,16,23, and 24; T8N, R47E, Sections 8,17,18,19,20,29, 30,31, and 32.
- (a) regions 1,2,3,4,5,7,8
  - (b) Columbia, Garfield, Asotin, and Franklin counties
  - (c) an area beginning at the Washington — Oregon border at the southwest portion of Section 15, R32E, T6N, then north to the northwest corner of Section 3, R32E, T7N, then east to the northeast corner of Section 3, R36E, T7N, then south to the southeast portion of Section 15, R36E, T6N, at the Washington — Oregon border, then west along the Washington — Oregon border to the point of beginning
  - (d) Weed District No. 3 of Grant County
  - (e) Adams County of region 6.
- (a) regions 1,2,3,5,6,7,8,9,10
  - (b) Spokane and Pend Oreille counties.
- (a) regions 1,2,3,5,6,7,8,9,10
  - (b) region 4 except those areas within Stevens County lying north of State Highway 20.
  - (a) regions 1,2,3,4,5,6,8,9
  - (b) region 7 except for those areas within Whitman County lying south of State Highway 26 from the Adams County line to Colfax and south of State Highway 195 from Colfax to Pullman and south of State Highway 270 from Pullman to the Idaho border
  - (c) Franklin County.
  - (a) regions 1,2,5,8,10
  - (b) Kittitas, Chelan, Douglas, and Adams counties of region 6
  - (c) Intercounty Weed District No. 51
  - (d) Weed District No. 3 of Grant County
  - (e) Lincoln and Adams counties
  - (f) The western two miles of Spokane County of region 7
  - (g) region 9 except as follows:
    - (i) those areas lying within Yakima County
    - (ii) those areas lying west of the Klickitat River and within Klickitat County.
  - (a) regions 1,((8,))9,10
  - (b) region 7 except Spokane County
  - (c) region 8 except within 200 feet of the Columbia River
  - (d) Adams County of region 6.

**AMENDATORY SECTION** (Amending WSR 94-01-076, filed 12/10/93, effective 1/10/94)

**WAC 16-750-015 State noxious weed list—Class C noxious weeds.**

Common Name	Scientific Name
babysbreath	<i>Gypsophila paniculata</i>
bindweed, field	<i>Convolvulus arvensis</i>
<u>canary grass, reed</u>	<u><i>Phalaris arundinacea</i></u>
carrot, wild	<i>Daucus carota</i>
chervil, wild	<i>Anthriscus sylvestris</i>
cinquefoil, sulphur	<i>Potentilla recta</i>
cockle, white	<i>Lynchnis alba</i>
cocklebur, spiny	<i>Xanthium spinosum</i>
cross, hoary	<i>Cardaria draba</i>
dodder, smoothseed alfalfa	<i>Cuscuta approximata</i>
garden rocket	<i>Eruca vesicaria</i> spp. sativa
goatgrass, jointed	<i>Aegilops cylindrica</i>
henbane, black	<i>Hyoscyamus niger</i>
houndstongue	<i>Cynoglossum officinale</i>
<u>knotweed, Japanese</u>	<u><i>Polygonum cuspidatum</i></u>
kochia	<i>Kochia scoparia</i>
mayweed, scentless	<i>Matricaria maritima</i> var. <i>agrestis</i>
mullein, common	<i>Verbascum thapsus</i>
nightshade, bitter	<i>Solanum dulcamara</i>
poison-hemlock	<i>Conium maculatum</i>
puncturevine	<i>Tribulus terrestris</i>
rye, cereal	<i>Secale cereale</i>
saltcedar	<i>Tamarix</i> species
snapdragon, dwarf	<i>Chaenorrhinum minus</i>
spikeweed	<i>Hemizonia pungens</i>
St. Johnswort, common	<i>Hypericum perforatum</i>
tansy, common	<i>Tanacetum vulgare</i>
toadflax, yellow	<i>Linaria vulgaris</i>
thistle, bull	<i>Cirsium vulgare</i>
thistle, Canada	<i>Cirsium arvense</i>
whiteweed, hairy	<i>Cardaria pubescens</i>
wormwood, absinth	<i>Artemisia absinthium</i>

PERMANENT

**WSR 95-06-003  
PERMANENT RULES  
PUGET SOUND AIR  
POLLUTION CONTROL AGENCY**  
[Filed February 16, 1995, 11:12 a.m.]

Date of Adoption: February 9, 1995.

Purpose: To provide clarification.

Citation of Existing Rules Affected by this Order:  
Repealing PSAPCA Regulation I - Section 9.04; and  
amending PSAPCA Regulation I - Sections 3.07 and 8.03.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 95-02-009 on Decem-  
ber 23, 1994.

Effective Date of Rule: Thirty-one days after filing.  
February 15, 1995

James Nolan  
Director - Compliance

**AMENDATORY SECTION**

**REGULATION I SECTION 3.07 COMPLIANCE TESTS**

(a) Testing of sources for compliance with emission standards shall be performed in accordance with current U.S. Environmental Protection Agency approved methods unless specific methods have been adopted by the Board. Where there is no federally approved or Board approved method, testing shall be performed in accordance with a method approved in writing by the Control Officer.

(b) The owner or operator of a source shall notify the Agency in writing at least 2 weeks prior to any compliance test(±) and provide the Agency an opportunity to review the test plan(±) and ((an opportunity)) to observe the test.

(c) The owner or operator of any source required to perform a compliance test shall submit a report to the Agency no later than 60 days after the test. The report shall include:

- (1) A description of the source and the sampling location;
- (2) The time and date of the test;
- (3) A summary of results, reported in units and for averaging periods consistent with the applicable emission standard;
- (4) A description of the test methods and quality assurance procedures employed;
- (5) The amount of fuel burned or raw material processed by the source during the test;
- (6) The operating parameters of the source and control equipment during the test;
- (7) Field data and example calculations; and
- (8) A statement signed by the senior management official of the testing firm certifying the validity of the source test report.

**AMENDATORY SECTION**

**REGULATION I SECTION 8.03 OUTDOOR FIRES - PROHIBITED AREAS**

(a) It shall be unlawful for any person to cause or allow any outdoor fire as described in Section 8.02 (c)(4) or (5) of this Regulation(±)

~~(1) Within Snohomish County Fire District #11 or King County Fire District #25;~~

~~(2) In any area where federal or state ambient air quality standards are exceeded for pollutants emitted by outdoor burning, including but not limited to carbon monoxide and particulates (PM<sub>10</sub>); or~~

~~(3) In~~ in any area in which the applicable fire protection agency, county, or conservation district has determined not to issue burning permits for outdoor fires pursuant to RCW 70.94.745, RCW 70.94.750, RCW 70.94.775, and/or RCW 70.94.780.

(b) It shall be unlawful for any person to cause or allow any outdoor fire as described in Section 8.02 (c)(4) or (5) of this Regulation within the Urban Growth Areas as defined by RCW 36.70A.030 for ((±)) Snohomish, King, and Pierce Counties.

**REPEALER**

**REGULATION I SECTION 9.04 DEPOSITION OF PARTICULATE MATTER**

**WSR 95-06-025  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**  
[Order 3834—Filed February 22, 1995, 11:39 a.m.]

Date of Adoption: February 22, 1995.

Purpose: New WAC 388-513-1300 Applicability of alternate living and institutional rules, this new rule, as requested by Evergreen Legal Services, will define which sections of chapter 388-513 WAC apply to alternate living situations, and which sections apply to clients institutionalized in a nursing facility.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 95-03-084 on January 17, 1995.

Effective Date of Rule: Thirty-one days after filing.  
February 22, 1995

Dewey Brock, Chief  
Office of Vendor Services  
by Rosemary Carr

**NEW SECTION**

**WAC 388-513-1300 Applicability of alternate living and institutional rules.** (1) The department shall determine sections WAC 388-513-1305 and 388-513-1310 of this chapter apply to persons in alternate living situations.

(2) The department shall determine all sections other than WAC 388-513-1305 of this chapter apply to institutionalized persons as described under WAC 388-513-1365 (1)(f).

PERMANENT

**WSR 95-06-026**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3837—Filed February 22, 1995, 11:40 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: Amends the wording to include as boarders both foster care adults and foster care children.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-250 Boarders.

Statutory Authority for Adoption: RCW 74104.510 [74.04.510].

Other Authority: 7 CFR 273.9(c) and 273.1(b).

Pursuant to notice filed as WSR 95-02-002 on December 21, 1994.

Effective Date of Rule: April 1, 1995.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 2762, filed 2/13/89)

**WAC 388-49-250 Boarders.** (1) The department defines a boarder as an individual residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), or (c) ~~((or (d)))~~ who is:

(a) A person paying reasonable compensation to the household for lodging and meals; or

(b) A person in foster ~~((child))~~ care.

(2) The department shall not grant separate household status to boarders.

(3) The department shall consider a person paying less than reasonable compensation to be a member of the household that provides meals and lodging.

(4) The department shall include any boarder in the food stamp household, at the household's request.

(5) Residents of a commercial boarding home are not eligible for food stamps.

**WSR 95-06-027**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3838—Filed February 22, 1995, 11:42 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: A person living with a spouse or child of their own can be a separate food stamp household from the person's parent when the person, spouse, and/or child purchase and prepare meals separate from the parent. A household member must be an adult to maintain parental control. Ineligible students are treated as nonhousehold members rather than ineligible household members. A group of persons living together must be one household when they purchase or prepare meals together.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-190 Household concept.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Other Authority: Public Law 103-66, Administrative Notice 94-39, 7 CFR 273.1(b).

Pursuant to notice filed as WSR 95-01-010 on December 8, 1994.

Effective Date of Rule: April 1, 1995.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 3762, filed 7/27/94, effective 9/1/94)

**WAC 388-49-190 Household concept.** (1) The department shall consider the following as households:

(a) A person living alone;

(b) A group of persons living together and purchasing ~~((and))~~ or preparing meals together;

(c) A person living with others and purchasing and preparing meals separate from the others;

(d) A permanently disabled and elderly person unable to prepare meals provided the:

(i) Person's spouse shall be included in the household; and

(ii) Income of other individuals, except the person's spouse, living with the person does not exceed one hundred sixty-five percent of the poverty level.

(e) A person ~~((spouse))~~ and child living with the person's parent when the person ~~((spouse))~~ and child purchase and prepare meals separate from the parent;

(f) A person and spouse living with the person's parent when the person and spouse purchase and prepare meals separate from the parent;

(g) A person twenty-two years of age or older living with a parent when the person purchases and prepares meals separate from the parent; or

~~((g))~~ (h) A person, living with a sibling, who purchases and prepares meals separate from the sibling when the sibling is not under parental control of the person.

(2) The department shall consider the following as households regardless of the purchase and prepare arrangements:

(a) A parent and the parent's natural, adoptive, or stepchild twenty-one years of age or younger;

(b) A person seventeen years of age or younger ~~((who is))~~ under parental control of ~~((a member of the household))~~ any adult other than their parent and the ~~((person))~~ adult who is maintaining the control;

~~((b) A parent and the parent's natural, adoptive, or stepchild twenty-one years of age or younger;))~~ or

(c) A person and the person's spouse.

(3) The department shall consider the following persons living with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household except ineligible students:

(a) Roomers;

(b) Live-in attendants; ~~((or))~~

(c) Ineligible students; or

PERMANENT

(d) 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 living with the household as ineligible household members:

- (a) Persons disqualified for intentional program violation;
- (b) Persons disqualified because of noncompliance with work requirements as described under WAC 388-49-360;
- (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.

**WSR 95-06-028**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3840—Filed February 22, 1995, 11:44 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: Adds foster care adults to the "boarder" definition. Clarifies that ineligible students are treated as nonhousehold members rather than ineligible household members. Under parental control pertains to when a child seventeen years of age or younger is living with an adult that is not the child's parent. Adds that a child living with a spouse or child of their own is not under parental control.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-020 Definitions.

Statutory Authority for Adoption: RCW 74.04.050 and 74.04.510.

Other Authority: 7 CFR 273.9(c) and 7 CFR 273.1(b).

Pursuant to notice filed as WSR 95-01-012 on December 8, 1994.

Effective Date of Rule: April 1, 1995.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

**AMENDATORY SECTION** (Amending Order 3787, filed 9/28/94, effective 10/29/94)

**WAC 388-49-020 Definitions.** (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not a person committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by:

(a) Department action or failure to act when the household properly and accurately reported all the household's circumstances to the department; or

(b) For households determined categorically eligible under WAC 388-49-180(1), department action or failure to act which resulted in the household's improper eligibility for

public assistance, provided a claim can be calculated based on a change in net food stamp income and/or household size.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to preside over adjudicative proceedings.

(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 residing with the household, except a person described under WAC 388-49-190 (2)(a), (b), or (c) ~~((or (d)))~~ who is a person:

(a) ~~((Person))~~ Paying reasonable compensation to the household for lodging and meals; or

(b) In foster ~~((child))~~ care.

(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 seventeen years of age or younger, and under parental control.

(14) "Collateral contact" means oral contact in person or by telephone 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) "Department" means the department of social and health services.

(17) "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.

(18) "Destitute household" means a household with a migrant or seasonal farmworker with little or no income at the time of application and in need of immediate food assistance.

(19) "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;
- (i) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or
- (ii) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.
- (d) Is a surviving:
  - (i) Spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or
  - (ii) Child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;
- (e) A surviving spouse or child of a veteran and:
  - (i) Entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC; and
  - (ii) Has a disability considered permanent under section 221(i) of the Social Security Act.
- (f) Receives disability retirement benefits from a federal, state, or local government agency because of a disability considered permanent under section 221(i) of the Social Security Act;
- (g) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:
  - (i) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or
  - (ii) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.
- (h) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.
- (20) "Documentary evidence" means written confirmation of a household's circumstances.
- (21) "Documentation" means the process of recording the source, date, and content of verifying information.
- (22) "Elderly person" means a person sixty years of age or older.
- (23) "Eligible food" means:
  - (a) For a homeless food stamp household, meals prepared and served by an authorized homeless meal provider; or
  - (b) For a blind or a disabled resident, meals prepared and served by a group living arrangement facility.
- (24) "Entitlement" means the food stamp benefit a household received including a disqualified household member.
- (25) "Equity value" means fair market value less encumbrances.
- (26) "Expedited services" means providing 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 monthly income and liquid resources which are less than the household's current monthly rent or mortgage and either the:
    - (i) Standard utility allowance as set forth in WAC 388-49-505; or
    - (ii) Actual utility costs, whichever is higher; or
  - (d) Includes all members who are homeless individuals;

or

- (e) Includes a destitute migrant or seasonal farmworker.
- (27) "Fair hearing" means an adjudicative proceeding in which the department hears and decides an applicant/recipients appeal from the department's action or decision.
- (28) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.
- (29) "Food coupon" means food stamps and the two terms are interchangeable.
- (30) "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.
- (31) "Food stamp monthly reporting cycle" means the three-month reporting cycle consisting of the budget month, the process month, and the payment month.
- (32) "Gross income eligibility standard" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.
- (33) "Group living arrangement" means a public or private nonprofit residential setting which:
  - (a) Serves not more than sixteen blind or disabled residents as defined under WAC 388-49-020(19); and
  - (b) Is certified by the appropriate state agency under section 1616(e) of the Social Security Act.
- (34) "Head of household" means the person designated by the household to be named on the case file, identification card, and FCA card.
- (35) "Household employment representative" means:
  - (a) The household member selected as the head of household for employment and training purposes and voluntary quit provisions. Selection is limited to households with:
    - (i) An adult parent of children, of any age, living in the household; or
    - (ii) An adult who has parental control over children, under eighteen years of age, living in the household; or
  - (b) The principal wage earner if no selection is made by the household, or the household is not entitled to make a selection.
- (36) "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.
- (37) "Homeless individual" means a person lacking a fixed and regular nighttime residence or a person whose primary nighttime residence is a:
  - (a) Supervised shelter designed to provide temporary accommodations;
  - (b) Halfway house or similar institution providing temporary residence for persons needing or coming out of institutionalization;
  - (c) Temporary accommodation in the residence of another person; or
  - (d) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.
- (38) "Homeless meal provider" means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by the division of income assistance (DIA) and authorized by food and nutrition service (FNS).

(39) "Household" means the basic client unit in the food stamp program.

(40) "Household disaster" means when food coupons, food purchased with food coupons, or food coupon authorization cards are destroyed by a natural disaster, such as flood, fire, etc.

(41) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.

(42) "Inadvertent household error overissuance" means any overissuance caused by either:

(a) Misunderstanding or unintended error by a household:

(i) Not determined categorically eligible under WAC 388-49-180(1); or

(ii) Determined categorically eligible under WAC 388-49-180(1) if a claim can be calculated based on a change in net food stamp income and/or household size; or

(b) Social Security Administration action or failure to take action which resulted in the household's categorical eligibility, if a claim can be calculated based on a change in net food stamp income and/or household size.

(43) "Ineligible household member" means the member 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 requirements as described under WAC 388-49-360;

(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.

(44) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(45) "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.

(46) "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 before August 8, 1983, consists of any action by a person or persons 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.

(47) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.

(48) "Live-in attendant" means a person residing with a household to provide medical, housekeeping, child care, or other similar personal services.

(49) "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.

(50) "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.

(51) "Migrant farmworker" means a person working in seasonal agricultural employment who is required to be absent overnight from the person's permanent residence.

(52) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.

(53) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as a:

(a) Roomer;

(b) Live-in attendant; ~~((f))~~

(c) Ineligible student; or

(d) Person who does not purchase and prepare meals with the food stamp household except for persons described under WAC 388-49-190(2).

(54) "Nonstriker" means any person:

(a) Exempt from work registration the day before 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 to employees by employer in order to resist demands of employees, e.g., a lockout.

(55) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.

(56) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.

(57) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.

(58) "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.

(59) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.

(60) "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.



(61) "Principal wage earner" means the household member with the greatest source of earned income in the two months prior to the month of violation of employment and training and voluntary quit provisions, including members not required to register.

(62) "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.

(63) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.

(64) "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.

(65) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(66) "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.

(67) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.

(68) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.

(69) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.

(70) "Resident of an institution" means a person residing in an institution that provides the person with the majority of meals as part of the institution's normal service.

(71) "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.

(72) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(73) "Roomer" means a person to whom a household furnishes lodging, but not meals, for compensation.

(74) "Seasonal farmworker" means a person working in seasonal agricultural employment who is not required to be absent overnight from the person's permanent residence.

(75) "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 shelter ownership such as loan repayments for the purchase of a mobile home including interest on such payments.

(76) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(77) "Sibling" means a natural or an adopted brother, sister, half brother, half sister, or stepbrother or stepsister.

(78) "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.

(79) "Sponsored alien" means an alien lawfully admitted for permanent residence who has an affidavit of support or similar agreement executed by a person on behalf of the alien as a condition of the alien's admission into the United States as a permanent resident.

(80) "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.

(81) "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.

(82) "Student" means any person:

- (a) At least eighteen but less than fifty years of age;
- (b) Physically and mentally fit for employment; and
- (c) Enrolled at least half time in an institution of higher education.

(83) "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.

(84) "Temporary disability" means a nonpermanent physical illness or injury that incapacitates beyond the initial issuance month.

(85) "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.

(86) "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 AFDC grant as the person's own payee;
- (b) Receiving, as the person's own payee, gross income equal to, or exceeding, the AFDC grant payment standard as described under WAC 388-250-1400(2); ~~(or)~~
- (c) Married and living with a spouse; or
- (d) Living with the person's own child.

(87) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(88) "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.

(89) "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 95-06-029**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3839—Filed February 22, 1995, 11:45 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: Clarifies that ineligible students are treated as nonhousehold members except that they can not be considered for separate eligibility because they are ineligible for food stamp benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-260 Nonhousehold and ineligible household members.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.1(b).

Pursuant to notice filed as WSR 95-01-011 on December 8, 1994.

Effective Date of Rule: April 1, 1995.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 2662, filed 8/2/88)

**WAC 388-49-260 Nonhousehold and ineligible household members.** (1) For nonhousehold members, the department shall:

(a) Consider separate household eligibility for those persons defined in WAC 388-49-190(3) except for ineligible students; and

(b) Not consider nonhousehold members when determining:

- (i) Household size,
- (ii) Income eligibility, or
- (iii) Benefit level(~~;~~ ~~and~~

~~(e) Consider the income and resources of nonhousehold members available to the household per WAC 388-49-410 and 388-49-485).~~

(2) For ineligible household members, the department shall:

(a) Not authorize food stamps for those persons ~~((defined in))~~ described under WAC 388-49-190(4); and

(b) Not consider ineligible household members when determining income eligibility or benefit levels of the household(~~;~~ ~~and~~

~~(c) Consider the income and resources of ineligible household members per WAC 388-49-410, 388-49-420, and 388-49-480).~~

**WSR 95-06-030**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3841—Filed February 22, 1995, 11:47 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: Implements a food and nutrition service (FNS) approved waiver that allows the department to certify food stamp program households without earned income in which all members are elderly for up to twenty-four months. Previously, the maximum certification period was twelve months.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-160 Certification periods.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: Waiver to 7 CFR 273.10 (f)(6).

Pursuant to notice filed as WSR 94-24-010 on November 28, 1994.

Effective Date of Rule: April 1, 1995.

February 22, 1995  
 Dewey Brock, Chief  
 Office of Vendor Services  
 by Rosemary Carr

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

**WAC 388-49-160 Certification periods.** The department shall certify households:

(1) Receiving assistance to coincide with the assistance review or to the end of the assistance period whichever is earlier;

(2) Consisting of migrants up to three months;

(3) Without earned income in which all members are ~~((elderly or))~~ disabled or all members are disabled or elderly for up to twelve months;

(4) Without earned income in which all members are elderly for up to twenty-four months;

(5) With little likelihood of change for six months;

~~((5))~~ (6) Reporting monthly for six months;

~~((6))~~ (7) Consisting of an individual with a minor child living with the individual's parent or sibling and purchasing and preparing food separately per WAC 388-49-190 (1)(e) up to six months; and

~~((7))~~ (8) All other households for up to three months.

PERMANENT

**WSR 95-06-031**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3836—Filed February 22, 1995, 11:49 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: Excludes the value of a fishing boat when the boat is essential to the self-employment of a household member. Exclusion continues for one year from termination of self-employment. Clarifies resources of a nonhousehold member, including a student, are exempt.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-410 Resources—Exempt and 388-49-430 Resources—Vehicles.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.1(b), 273.8 (e)(5) and 273.8 (h)(1)(i).

Pursuant to notice filed as WSR 95-03-044 on January 11, 1995.

Effective Date of Rule: April 1, 1995.

February 22, 1995  
Dewey Brock, Chief  
Office of Vendor Services  
by Rosemary Carr

**AMENDATORY SECTION** (Amending Order 3756, filed 7/27/94, effective 9/1/94)

**WAC 388-49-410 Resources—Exempt.** (1) The department shall exempt the following resources:

- (a) An occupied home and surrounding property not separated by intervening property owned by others;
- (b) An unoccupied home and surrounding property if the household:

- (i) Is making a good faith effort to sell; or
- (ii) Intends to return to the home and the house is unoccupied due to:

- (A) Employment;
- (B) Training for future employment;
- (C) Illness; or
- (D) Uninhabitability due to casualty or natural disaster.
- (c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

- (d) Personal effects;
- (e) Household goods;
- (f) One burial plot per household member;
- (g) Cash value of:
  - (i) Life insurance policies; and
  - (ii) Pension funds.
- (h) Vehicles as provided under WAC 388-49-430;
  - (i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (g);
  - (j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;
  - (k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

- (l) Property essential to the employment or self-employment of a household member. Property excluded under this provision because the property is used by a self-employed farmer or fisherman shall retain its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

- (m) Resources held separately by a nonhousehold member (~~or an ineligible student~~);

- (n) Indian lands:

- (i) Held jointly with the tribe; or

- (ii) Sold only with the approval of the Bureau of Indian Affairs.

- (o) Resources prorated as income for self-employed persons or eligible students. These funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

- (p) Cash value of resources not accessible to the household;

- (q) Funds in a trust and the income produced by that trust, to the extent they are not available;

- (r) Resources excluded by express provision of federal law from consideration in the food stamp program;

- (s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

- (t) Value of the property sold under an installment contract;

- (u) The value of property held for security if the purchase price is consistent with fair market value;

- (v) Real or personal property when:

- (i) Secured by a lien as a result of obtaining a business loan; and

- (ii) The security or lien agreement prohibits the household from selling the asset or assets.

- (w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

- (x) Energy assistance payments or allowances made under federal, state, or local laws;

- (y) Resources of persons residing in shelters for battered women and children if:

- (i) The resources are jointly owned with members of the former household; and

- (ii) Access to the resources depends on the agreement of the joint owner.

- (z) Payments received under the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, as follows:

- (i) Payments from the annuity fund established by P.L. 101-41 made to a Puyallup Tribe member upon reaching twenty-one years of age;

- (ii) The investments or purchases made directly with the annuity payment up to the amount from the annuity fund payment; and

- (iii) Payments from the trust fund established by P.L. 101-41 made to a Puyallup Tribal member.

- (2) The department shall continue to exempt a household's funds commingled in an account with nonexempt funds for up to six months from the date the funds are commingled.

- (3) The department shall exempt a resource of a household member who receives a supplemental security

income (SSI) or aid to families with dependent children (AFDC) grant.

**AMENDATORY SECTION** (Amending Order 3756, filed 7/27/94, effective 9/1/94)

**WAC 388-49-430 Resources—Vehicles.** (1) The department shall exclude the entire value of a licensed vehicle even during periods of temporary unemployment if the vehicle is:

(a) Used for income-producing purposes over fifty percent of the time the vehicle is in use. A vehicle excluded under this provision because the vehicle is used by a self-employed farmer or fisherman retains its exclusion for one year from the date the household member terminates self-employment from farming or fishing;

(b) Annually producing income consistent with its fair market value;

(c) Necessary for long distance travel, other than daily commuting, that is essential to the employment of a household member, ineligible alien, or disqualified person whose resources are considered available to the household;

(d) Necessary for subsistence hunting or fishing;

(e) Used as the household's home;

(f) Used to carry fuel for heating or water for home use when such transported fuel or water is the primary source of fuel or water for the household; or

(g) Necessary to transport a temporarily or permanently physically disabled:

(i) Household member;

(ii) Ineligible alien whose resources are available to the household; or

(iii) Disqualified person whose resources are available to the household.

The exclusion is limited to one vehicle per physically disabled person.

(2) The department shall count the equity value of an unlicensed vehicle even during periods of temporary unemployment unless the vehicle is:

(a) Annually producing income consistent with its fair market value (FMV) even if only used on a seasonal basis; or

(b) Work-related equipment necessary for employment or self-employment of a household member.

(3) The department shall consider unlicensed vehicles the same as licensed vehicles if the vehicles are driven by Indian tribal members on those reservations not requiring vehicle licensing.

(4) The department shall count toward the household's resource maximum either the FMV in excess of four thousand five hundred fifty dollars or the equity value of licensed vehicles, whichever is greater. Except, the department shall only count the FMV in excess of four thousand five hundred fifty dollars for the following vehicles:

(a) One licensed vehicle per household regardless of the vehicle's use; and

(b) Any other licensed vehicle used for:

(i) Transportation to and from employment;

(ii) Seeking employment; or

(iii) Transportation for training or education.

(5) The department shall determine the FMV using vehicles listed in publications written for the purpose of

providing guidance to automobile dealers and loan companies.

**WSR 95-06-032**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3835—Filed February 22, 1995, 11:50 a.m., effective April 1, 1995]

Date of Adoption: February 22, 1995.

Purpose: Redefines "ineligible student" as a nonhousehold member for the food stamp program to be consistent with 7 CFR 273.1(b). Clarifies resources of ineligible food stamp household members are considered available to remaining household members, and resources of nonhousehold members including ineligible students are exempt.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-420 Resources—Nonexempt.

Statutory Authority for Adoption: RCW 74.04.050.

Other Authority: 7 CFR 273.1(b).

Pursuant to notice filed as WSR 95-03-045 on January 11, 1995.

Effective Date of Rule: April 1, 1995.

February 22, 1995

Dewey Brock, Chief

Office of Vendor Services

by Rosemary Carr

**AMENDATORY SECTION** (Amending Order 3277, filed 10/31/91, effective 12/1/91)

**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) The department shall exempt funds having been commingled in an account with nonexempt 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:

(a) The resource is inaccessible to one of the households, and

(b) Ownership is verified, if questionable.

(5) The department shall consider resources of ~~((the following persons as available to the remaining household members:~~

~~(a) Ineligible aliens;~~

~~(b) Persons disqualified for failure to meet Social Security number requirements;~~

~~(c) Persons disqualified for intentional program violation;~~

~~(d) Persons disqualified for failure to comply with work requirements as described under WAC 388-49-360; or~~

~~(e) Persons who fail to sign the application attesting to their citizenship or alien status))~~ ineligible household members as available to the remaining household members.

(6) Excluding one thousand five hundred dollars, the department shall consider resources of an alien sponsor and spouse living together available:

(a) To the household as specified in WAC 388-49-270, for three years following the alien's admission to the United States for permanent residence;

(b) To the extent deemed resources are divided by the number of sponsored aliens applying for or participating in the program, if the alien can demonstrate the sponsor is sponsoring other aliens; and

(c) Until one of the following occurs:

(i) Alien obtains a new sponsor, should the alien lose a sponsor during the three-year limit;

(ii) The three-year period for applying the sponsored alien provisions expires; or

(iii) The sponsor dies.

#### WSR 95-06-041

#### PERMANENT RULES

#### DEPARTMENT OF REVENUE

[Filed February 24, 1995, 9:00 a.m.]

Date of Adoption: February 24, 1995.

Purpose: To implement and administer the 1993 legislative changes made to RCW 84.36.041.

Citation of Existing Rules Affected by this Order: New section WAC 458-16A-010 Nonprofit homes for the aging.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.36.041.

Pursuant to notice filed as WSR 94-22-110 on November 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: The definition of "new construction" in subsection (2) was deleted and replaced with a definition of "construction" to conform with the language of the revised statute. All references to "new" construction throughout the rule were deleted. Subsection (2)(b) was changed to remove the term "facilitates" from the definition of "assistance with activities of daily living" to clarify the amount of direct involvement a home for the aging must have in procuring assistance with activities of daily living for its residents. An explanatory statement and an example were added to subsection (5)(f) to clarify what the department will do when a home is no longer eligible to receive a total exemption due to tax exempt bond financing. Subsection (7)(a) was revised to expressly state that a CCRC resident may not impair his and/or her ability to meet the obligations set forth in the continuing care contract after signing the contract.

Effective Date of Rule: Thirty-one days after filing.

February 24, 1995

William N. Rice

Assistant Director

Property Tax Division

#### NEW SECTION

#### WAC 458-16A-010 Nonprofit homes for the aging.

(1) **Introduction.** Under RCW 84.36.041, a nonprofit home for the aging may be totally or partially exempt from property tax. This section explains the exemptions allowed and the criteria that must be met in order to receive an exemption under this statute. Throughout this section, all requirements will pertain to all types of homes for the aging including, but not limited to, adult care homes, assisted living facilities, continuing care retirement communities (CCRC), and independent housing, unless a particular type of home is separately identified.

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Acquisition" means that an existing home for the aging (or home) currently in operation is acquired by a nonprofit organization and the ownership of the facility will change as a result of a purchase, gift, foreclosure, or other method.

(b) "Assistance with activities of daily living" means the home provides, brokers, or contracts for the provision of auxiliary services to residents, such as meal and housekeeping service, transportation, ambulatory service, and attendant care including, but not limited to, bathing and other acts related to personal hygiene, dressing, shopping, food preparation, monitoring of medication, and laundry services.

(c) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding calendar year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding calendar year by reason of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(d) "Complete and separate dwelling units" means that the individual units of a home contain complete facilities for living, sleeping, cooking, and sanitation.

(e) "Construction" means the actual construction or building of all or a portion of a home that did not exist prior to the construction.

(f) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(g) "Continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing,

medical, health-related or personal care services, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, and/or the payment of periodic charges in consideration for the care and services provided. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(h) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(i) "Disposable income" means adjusted gross income as defined in the federal Internal Revenue Code, as amended prior to January 1, 1994, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(i) Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal Internal Revenue Code, or gain excluded from income under section 121 of the federal Internal Revenue Code to the extent it is reinvested in a new principal residence;

(ii) Amounts deducted for loss;

(iii) Amounts deducted for depreciation;

(iv) Pension and annuity receipts;

(v) Military pay and benefits other than attendant-care and medical-aid payments;

(vi) Veterans benefits other than attendant-care and medical-aid payments;

(vii) Federal Social Security Act and railroad retirement benefits;

(viii) Dividend receipts; and

(ix) Interest received on state and municipal bonds.

(j) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as a principal place of residence as of January 1st of the year in which the claim for exemption is filed. The exemption will not be nullified if the eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by the federal Department of Housing and Urban Development (HUD) for the county in which the person resides and in effect as of January 1 of the year the application for exemption is submitted.

(k) "Home for the aging" or "home" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(l) "HUD" means the federal Department of Housing and Urban Development.

(m) "Local median income" means the median income adjusted for family size as most recently determined by HUD for the county in which the home is located and in effect on January 1st of the year the application for exemption is submitted.

(n) "Low income" means that the combined disposable income of a resident is eighty percent or less of the median income adjusted for family size as most recently determined by HUD for the county in which the home is located and in effect as of January 1st of the year the application for exemption is submitted.

(o) "Occupied dwelling unit" means a living unit that is occupied on January 1st of the year in which the claim for exemption is filed.

(p) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and

(ii) The use of which is restricted to residents, guests, or employees of a home.

(q) "Refinancing" means the discharge of an existing debt with funds obtained through the creation of new debt. For purposes of this section, even if the application for tax exempt bond financing to refinance existing debt is treated by the financing agent as something other than refinancing, an application for a property tax exemption because of refinancing by tax exempt bonds will be treated as refinancing and the set-asides specific to refinancing will be applied. "Refinancing" shall include tax exempt bond financing in excess of the amount of existing debt that is obtained to modify, improve, restore, extend, or enlarge a facility currently being operated as a home.

(r) "Rehabilitation" means that an existing building or structure, not currently used as a home, will be modified, improved, restored, extended, or enlarged so that it will be used as a home for elderly and disabled individuals. A project will be considered a rehabilitation if the costs of rehabilitation exceed five thousand dollars. If a home has acquired tax exempt bond financing and does not meet the definition of "rehabilitation" contained in this subsection, the home may be eligible for a total exemption under the "refinancing" definition and if it meets the "refinancing" set-aside requirements. If such a home is not eligible for a total exemption, the department will determine the home's eligibility for a partial exemption in accordance with the pertinent parts of RCW 84.36.041 and this section.

(s) "Set-aside(s)" means the percentage of dwelling units reserved for low-income residents when the construction, rehabilitation, acquisition, or refinancing of a home is financed under a financing program using tax exempt bonds.

(t) "Shared dwelling units" or "shared units" means individual dwelling units of a home that do not contain complete facilities for living, eating, cooking, and sanitation.

(u) "Taxable value" means the value of the home upon which the tax rate is applied in order to determine the amount of property taxes due.

(v) "Total amount financed" means the total amount of financing required by the home to fund construction, acquisition, rehabilitation, or refinancing. Seventy-five percent of this amount must be supplied by tax exempt bonds to receive the total exemption from property tax available under the tax exempt bond financing provision of RCW 84.36.041.

(3) **General requirements.** To be exempt under this section, a home for the aging must be:

(a) Exclusively used for the purposes for which exemption is granted, except as provided in RCW 84.36.805;

(b) Operated by an organization that is exempt from income tax under section 501(c) of the federal Internal Revenue Code; and

(c) The benefit of the exemption must inure to the home.

(4) **Total exemption.** There are three ways in which a home may be totally exempt from property tax. All real and personal property used by a nonprofit home that is reasonably necessary for the purposes of the home is exempt if it meets the general requirements listed in subsection (3) of this section and:

(a) At least fifty percent of the occupied dwelling units in the home are occupied by eligible residents;

(b) The home is subsidized under a HUD program; or

(c) The construction, rehabilitation, acquisition, or refinancing of a home is financed under a program using bonds exempt from federal income tax if at least seventy-five percent of the total amount financed uses tax exempt bonds and the financing program requires the home to reserve or set-aside a percentage of all dwelling units so financed for low-income residents. See subsections (5), (6), and (7) of this section for tax exempt bond requirements and the percentage of units that must be set-aside for low-income residents in order for the home to be totally exempt.

(5) **Homes or CCRCs financed by tax exempt bonds—Generally.** All real and personal property used by a nonprofit home or CCRC may be totally exempt from property tax if at least seventy-five percent of the total amount financed for construction, rehabilitation, acquisition, or refinancing uses tax exempt bonds and the financing program requires the home or CCRC to reserve or set-aside a percentage of all dwelling units so financed for low-income residents.

(a) The percentage of set-aside units required will vary depending on whether the home is a CCRC, the purpose for which the tax exempt bond financing was obtained, the type of dwelling unit, and the receipt of Medicaid funds. The set-aside requirements for homes are set forth in subsection (6) of this section and for CCRCs are set forth in subsection (7) of this section.

(b) The exemption will be granted in direct correlation between the total amount financed by tax exempt bonds and the portion of the home or CCRC that is constructed, acquired, rehabilitated, or refinanced by tax exempt bonds.

(c) If tax exempt bonds are used for refinancing, the set-aside requirements set forth in subsections (6) and (7) of this section will be applied to the actual area or portion of the home or CCRC to which the bonds correspond.

(i) Example 1. A CCRC (that accepts Medicaid funds) is composed of a multistory building, six duplexes, and two independent homes and the CCRC has secured tax exempt bonds to satisfy an existing mortgage on the multistory building. Only the multistory building will be considered eligible for a total exemption from property tax because of tax exempt bond financing. To receive the exemption, at least twenty percent of the dwelling units of the multistory building must be set-aside for residents at or below fifty percent of the local median income or at least forty percent of the dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(ii) Example 2. A home obtains tax exempt bonds to refinance a portion of the home and to fund construction. The department will separately consider the area of the home that corresponds to the purpose for which the tax exempt bonds were obtained. The set-aside requirements related to refinancing will be applied to the portion of the home that corresponds to the mortgage being refinanced and the set-aside requirements related to construction will be applied to the area of the home to be newly constructed. The department will determine the eligibility for partial exemption of the remainder of the home that is not being refinanced or constructed.

(d) If a total exemption is granted under the tax exempt bond financing provision, the total exemption will remain in effect as long as:

(i) The home or CCRC remains in compliance with the requirements under which it received the tax exempt bonds;

(ii) The tax exempt bonds are outstanding; and

(iii) The set-aside requirements are met.

(e) If a home or CCRC has obtained tax exempt bond financing to modify, improve, restore, extend, or enlarge its existing facility and the project does not meet the definition of rehabilitation contained in subsection (2) of this section, the project will not be considered a rehabilitation and the set-aside requirements related to refinancing or acquisition will be applied in determining eligibility for a total exemption.

(f) When a home or CCRC no longer meets the criteria for exemption under the tax exempt bond financing portion of the statute, eligibility for exemption under RCW 84.34.041 will be determined by the other provisions of the statute. In other words, a home may receive a total or partial exemption depending on the number of residents who are deemed to be "eligible residents" or who require "assistance with activities of daily living." For example, if a home that previously received a total exemption due to the receipt of tax exempt bond financing has one hundred dwelling units and sixty of those dwelling units are occupied by eligible residents, the home may receive a total exemption.

(6) **Set-aside requirements related to homes and tax exempt bond financing.** A specified number of dwelling units within a home must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for homes will be determined according to the type of dwelling units contained in the home and the purpose for which the tax exempt bond financing was obtained. The provisions of this section do not apply to CCRCs. The specific set-aside requirements for CCRCs are described in subsection (7) of this section.

(a) Complete and separate dwelling units - construction or rehabilitation. If financing was obtained for the construction or rehabilitation of a home with any complete and separate units, the following set-asides will apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Ten percent of the total dwelling units must be set-aside for residents at or below fifty percent of the local median income.

(b) Complete and separate dwelling units - acquisition or refinancing. If financing was obtained to acquire or refinance a home with any complete and separate units, the following set-asides will apply:

(i) Twenty percent of the total dwelling units financed must be set-aside for residents with incomes at or below fifty percent of the local median income; or

(ii) Forty percent of the total dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(c) Shared dwelling units - construction, rehabilitation, acquisition, or refinancing. If financing was obtained for the construction, rehabilitation, acquisition, or refinancing of a home with only shared units, the following set-asides apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Ten percent of the total dwelling units must be set-aside for residents at or below fifty percent of the local median income.

(7) **Set-aside requirements related to CCRCs and tax exempt bond financing.** A specified number of dwelling units of a CCRC must be set-aside for low income residents to obtain a total property tax exemption because of tax exempt bond financing. The set-aside requirements for CCRCs will be determined by whether the CCRC does or does not have Medicaid contracts for continuing care contract residents and the purpose for which the tax exempt bond financing was obtained. The provisions of this section do not apply to other homes. The specific set-aside requirements for other homes are described in subsection (6) of this section.

(a) The continuing care contract between the resident and the CCRC is a contract to provide shelter along with nursing, medical, health-related or personal care services to the resident for the duration of the resident's life or for a term in excess of one year. A resident's tenancy may not be terminated due to inability of the resident to fully pay the monthly service fee when the resident establishes facts to justify a waiver or reduction of these charges. This provision shall not apply if the resident, without the CCRC's consent, has impaired his and/or her ability to meet financial obligations required by the continuing care contract due to a transfer of assets, after signing the continuing care contract, other than to meet ordinary and customary living expenses, or by incurring unusual or unnecessary new financial obligations.

(b) A CCRC without Medicaid contracts for continuing care contract residents may not receive Medicaid funds from Washington state or the federal government during the term that the bonds are outstanding, except during the initial transition period as allowed by state law or if the regulatory

agreement with the tax exempt bond financier exempts the CCRC from compliance with this requirement.

(c) CCRCs not receiving Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) - construction or rehabilitation. If financing was obtained for the construction or rehabilitation of a CCRC without Medicaid contracts for continuing care contract residents, the following set-asides apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Fifteen percent of the total dwelling units must be set-aside for residents at or below one hundred percent of the local median income.

(d) CCRCs not receiving Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) - acquisition or refinancing. If financing was obtained to acquire a CCRC or to refinance a CCRC without Medicaid contracts for continuing care contract residents, the following set-asides apply:

(i) Twenty percent of the total dwelling units financed must be set-aside for residents with incomes at or below fifty percent of the local median income; or

(ii) Forty percent of the total dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(e) CCRCs receiving Medicaid funds - construction or rehabilitation. If financing was obtained for the construction or rehabilitation of a CCRC with Medicaid contracts for continuing care contract residents, the following set-asides apply:

(i) Ten percent of the total dwelling units financed must be set-aside for residents with incomes at or below eighty percent of the local median income; and

(ii) Ten percent of the total dwelling units must be set-aside for residents at or below fifty percent of the local median income.

(f) CCRCs receiving Medicaid funds - acquisition or refinancing. If financing was obtained to acquire a CCRC or to refinance a CCRC with Medicaid contracts for continuing care contract residents, the following set-asides apply:

(i) Twenty percent of the total dwelling units financed must be set-aside for residents with incomes at or below fifty percent of the local median income; or

(ii) Forty percent of the total dwelling units must be set-aside for residents at or below sixty percent of the local median income.

(8) **Partial exemption.** If a home does not qualify for a total exemption from property tax, the home may receive a partial exemption for its real property on a unit by unit basis and a total exemption for its personal property.

(a) **Real property exemption.** If the real property of a home is used in the following ways, the portion of the real property so used will be exempt and the home may receive a partial exemption for:

(i) Each dwelling unit occupied by a resident requiring significant assistance with activities of daily living;

(ii) Each dwelling unit occupied by an eligible resident; and



(iii) Common or shared areas of the home that are jointly used for two or more purposes that are exempt from property tax under chapter 84.36 RCW.

(b) Assistance with activities of daily living. A home may receive a partial exemption for each dwelling unit that is occupied by a resident who requires significant assistance with the activities of daily living and the home provides, brokers, facilitates, or contracts for the provision of this assistance. A resident requiring assistance with the activities of daily living must be a resident who requires significant assistance with at least three of the nonexclusive list of activities set forth below and who, unless he or she receives the assistance, would be at risk of being placed in a nursing home. Activities of daily living include, but are not limited to:

- (i) Shopping;
- (ii) Meal and/or food preparation;
- (iii) Housekeeping;
- (iv) Transportation;
- (v) Dressing;
- (vi) Bathing;
- (vii) General personal hygiene;
- (viii) Monitoring of medication;
- (ix) Ambulatory services;
- (x) Laundry services;
- (xi) Incontinence management; and
- (xii) Cuing for the cognitively impaired.

(c) Examples of assistance with the activities of daily living:

(i) If the resident of a home requires someone to assist him or her with daily dressing, bathing, and personal hygiene, weekly housekeeping chores, and daily meal preparation, he or she is a resident requiring significant assistance with activities of daily living and the home may receive a partial exemption for the dwelling unit in which he or she resides.

(ii) If the resident of a CCRC only requires someone to clean his or her house weekly and to do the laundry weekly, the resident does not require significant assistance with activities of daily living and the CCRC may not receive a partial exemption for the dwelling unit.

(d) Common or shared areas. Areas of a home that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a partial property tax exemption may be granted.

(ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(e) Amount of partial exemption. The amount of partial exemption will be calculated by multiplying the assessed value of the property reasonably necessary for the purposes of the home, minus/less the assessed value of any common or shared areas, by a fraction. The numerator of the fraction is the number of the dwelling units occupied on January 1st of the assessment year by eligible residents and by residents requiring assistance with activities of daily living. The denominator of the fraction is the total number of occupied dwelling units as of January 1st of the assessment year. Example:

Assessed value of home:	\$500,000
Less assessed value of common area:	- 80,000
Total	\$420,000

Number of units occupied on 1/1 by eligible residents and people requiring assistance with daily living activities =	6
Total of occupied units on 1/1	40 or .15

$\$420,000 \times .15 = \$63,000$  Amount of partial exemption  
 $\$420,000 - \$63,000 = \$357,000$  Taxable value of home

(f) Valuation of the home. The assessor will value a home that receives a partial exemption by considering only the current use of the property during the period in which the partial exemption is received and will not consider any potential use of the property.

(9) **Income verification required from some residents.** If a home seeks a total property tax exemption because at least fifty percent of the occupied dwelling units are occupied by eligible residents or seeks to receive a partial exemption based upon the number of units occupied by eligible residents, the residents must submit income verification forms. The department may request income verification forms from residents of homes receiving a total exemption because of tax exempt bond financing.

(a) The income verification forms must be submitted to the assessor of the county in which the home is located by July 1st of the assessment year in which the application for exemption is made.

(b) The income verification form will be prescribed and furnished by the department of revenue.

(c) If an eligible resident filed an income verification form for a previous year, he or she is not required to submit a new form unless there is a change in status affecting the resident's eligibility, such as a significant increase or decrease in disposable income, or the assessor or the department requests a new income verification form to be submitted.

(10) **Three-year phase in for a home with increased taxable value.** If the taxable value of a home is increased because of the change in the method of calculating the amount of partial exemption, the increased taxable value shall be phased in over a period of three years.

(a) Eligibility requirements for phase in. If the home meets the following conditions the increased taxable value may be phased in:

(i) The home was exempt or partially exempt for taxes levied in 1993 for collection in 1994;

(ii) The home is partially exempt for taxes levied in 1994 for collection in 1995; and

(iii) The taxable value of the home increased for taxes levied in 1994 for collection in 1995 due to the change

PERMANENT

prescribed by chapter 151, Laws of 1993 with respect to the numerator of the fraction used to determine the amount of partial exemption.

(b) Method of phase in. The increase in taxable value shall be phased in as follows:

(i) For taxes levied in 1994 for collection in 1995, the home will pay taxes based on the taxable value in 1993 plus one-third of the increase in the taxable value from 1993 to the taxable value calculated under subsection (8)(e) of this section.

(ii) For taxes levied in 1995 for collection in 1996, the home will pay taxes based on the taxable value in 1994 plus one-half of the increase in the taxable value from 1994 to

<u>Column 1</u> Year	<u>Column 2</u> Value after partial exemption	<u>Column 3</u> Increase in Value (Col. 2 minus TV from Prior Year)	<u>Column 4</u> Annual % of Increase to be Paid	<u>Column 5</u> Amount of Increase to be Paid (Col. 3 x Col 4)	<u>Column 6</u> Taxable Value ("TV") (Col. 5 + TV from Prior Year)
1993	\$292,300	—	—	—	\$292,300
1994	\$357,000*	\$64,700	33.00%	\$21,351	\$313,651
1995	\$336,000**	\$22,349	50.00%	\$11,175	\$324,826
1996	\$325,500	\$674	100.00%	\$674	\$325,500
1997	\$367,500	—	—	—	\$367,500

\* This value is a continuation of the example in subsection (8)(e) of this section.

\*\* For the purposes of this example, we are assuming that the home is located in a county on a four year revaluation cycle and that value of this home after the partial exemption will fluctuate each year because the number of eligible residents and residents who require assistance with the activities of daily living will change each year. In this example, the number of units exempt from property tax within the home used in the example in subsection (8)(e) are as follows: Eight in 1995, nine in 1996, and five in 1997.

(11) **Additional requirements.** Any nonprofit home for the aging that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-020 and 458-16-165. WAC 458-16A-020 contains information regarding the initial application and renewal procedures relating to the exemption discussed in this section. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

**WSR 95-06-042**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed February 24, 1995, 9:02 a.m.]

Date of Adoption: February 24, 1995.

Purpose: To implement and administer the 1993 legislative changes made to RCW 84.36.041.

Citation of Existing Rules Affected by this Order: New section WAC 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal; and repealing WAC 458-16-265.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.36.041.

Pursuant to notice filed as WSR 94-22-111 on November 2, 1994.

the taxable value calculated under subsection (8)(e) of this section.

(iii) For taxes levied in 1996 for collection in 1997 and for taxes levied thereafter, this subsection does not apply and the home will pay taxes on the taxable value without reference to this subsection.

(c) Example: Assume, for the purposes of this example, in 1993 the assessed value of a home was \$475,000, the value of the shared area was \$80,000, and twenty-six percent of the units were exempt. Therefore, the assessed value minus the value of the shared area or \$395,000 multiplied by .74 = a taxable value of \$292,300.

Changes Other than Editing from Proposed to Adopted Version: Subsection (7) was amended to allow the department to request income verification forms from the residents of a home if the set-aside requirements in the tax exempt bond regulatory agreement is different than the set-asides set forth in WAC 458-16A-010. There are multiple tax exempt bond financiers and the set-aside requirements established by the financiers do not necessarily coincide with the set-aside requirements established by the department. This requirement is necessary to ensure the required number of units are set aside for low income residents.

Effective Date of Rule: Thirty-one days after filing.  
February 24, 1995  
William N. Rice  
Assistant Director  
Property Tax Division

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 458-16-265 Nonprofit homes for the aging

NEW SECTION

**WAC 458-16A-020 Nonprofit homes for the aging—Initial application and annual renewal.** (1) **Introduction.** This section explains the initial application process that must be followed for a home for the aging wishes to obtain a property tax exemption under RCW 84.36.041. This section also describes the annual renewal requirements that a home must follow to retain its exempt status, as well as the role of the assessor's office and the department of revenue in administering this exemption. Throughout this section, all requirements will pertain to all types of homes for the aging including, but not limited to, adult care homes, assisted living facilities, continuing care retirement communities (CCRC), and independent housing.

PERMANENT

(2) **Definitions.** For purposes of this section, the following definitions apply:

(a) "Assessor" means the county assessor or any agency or person who is duly authorized to act on behalf of the assessor.

(b) "Combined disposable income" means the disposable income of the person submitting the income verification form, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the dwelling unit for the preceding calendar year, less amounts paid by the person submitting the income verification form or his or her spouse or cotenant during the previous year for the treatment or care of either person received in the dwelling unit or in a nursing home.

(i) If the person submitting the income verification form was retired for two months or more of the preceding calendar year, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person during the months the person was retired by twelve.

(ii) If the income of the person submitting the income verification form is reduced for two or more months of the preceding calendar year by reason of the death of the person's spouse, the combined disposable income of the person will be calculated by multiplying the average monthly combined disposable income of the person after the death of the spouse by twelve.

(c) "Continuing care retirement community" or "CCRC" means an entity that provides shelter and services under continuing care contracts with its residents or includes a health care facility or health service.

(d) "Continuing care contract" means a contract to provide a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, that is conditioned upon the transfer of property, the payment of an entrance fee to the provider of the services, and/or the payment of periodic charges in consideration for the care and services provided. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(e) "Cotenant" means a person who resides with an eligible resident and who shares personal financial resources with the eligible resident.

(f) "Department" means the department of revenue.

(g) "Eligible resident" means a person who:

(i) Occupied the dwelling unit as his or her principal place of residence as of January 1st of the year in which the claim for exemption is filed. The exemption will continue if the eligible resident is confined to a hospital or nursing home and the dwelling unit is temporarily unoccupied or occupied by a spouse, a person financially dependent on the claimant for support, or both;

(ii) Is sixty-one years of age or older on December 31st of the year in which the claim for exemption is filed, or is, at the time of filing, retired from regular gainful employment by reason of physical disability. A surviving spouse of a person who was receiving an exemption at the time of the person's death will qualify for this exemption if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this subsection; and

(iii) Has a combined disposable income that is no more than the greater of twenty-two thousand dollars or eighty percent of the median income adjusted for family size as determined by federal Department of Housing and Urban Development (HUD) for the county in which the person resides.

(h) "Homes for the aging" or "home(s)" means a residential housing facility that:

(i) Provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) Has only residents who are at least sixty-one years of age or who have needs for care generally compatible with persons who are at least sixty-one years of age; and

(iii) Provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(i) "HUD" means the federal Department of Housing and Urban Development.

(j) "Occupied dwelling unit" means a living unit that is occupied on January 1st of the year in which the claim for exemption is filed.

(k) "Property that is reasonably necessary" means all property that is:

(i) Operated and used by a home; and

(ii) The use of which is restricted to residents, guests, or employees of a home.

(3) **Application for exemption.** The tax exemption authorized by RCW 84.36.041 is claimed by and benefits a nonprofit home for the aging, not the residents of a home. Therefore, the claim for this exemption is submitted by a home to the department.

(a) If a claim for exemption is filed on behalf of a home under RCW 84.36.041 and the exemption is granted, no resident of that home may receive a personal exemption under RCW 84.36.381.

(b) A listing of the varying levels of care and supervision provided or coordinated by the home must accompany all initial applications submitted for exemption. Examples of the varying levels of care and supervision include, but are not limited to, the following:

(i) Conducting routine room checks;

(ii) Arranging for or providing transportation;

(iii) Arranging for or providing meals;

(iv) On site medical personnel;

(v) Monitoring of medication; or

(vi) Housekeeping services.

(c) Homes having real property that is used for purposes other than as a home (for example, property used for a barber shop) must provide the department with a floor plan identifying the square footage devoted to each exempt and nonexempt use.

(d) At the time an application for exemption is submitted, the home must submit proof that it is recognized by the Internal Revenue Service as a 501(c) organization.

(e) Homes that apply for a total exemption because of tax exempt bond financing must submit a copy of the regulatory agreement between the home and the entity that issues the bonds. When only a portion of the home is financed by a program using tax exempt bonds, the home must submit a site plan of the home indicating the areas so financed.

(4) **Segregation.** A nonprofit organization that provides shelter and services to elderly and disabled individuals may use the facility for more than one purpose that is exempt from property tax under chapter 84.36 RCW. Property that is used for more than one exempt purpose and that qualifies for exemption under a statute other than RCW 84.36.041 will be segregated and exempted pursuant to the applicable statute.

(a) If a home includes a nursing home, the department will segregate the home and the part of the facility that is used as a nursing home. The department will separately determine the eligibility of the home under RCW 84.36.041 and the nursing home under RCW 84.36.040 for the property tax exemption available under each statute.

Exception: If the home does not receive Medicaid funds (including CCRCs that are permitted to receive Medicaid funds during an initial transition period only) and is seeking a total exemption because of tax exempt bond financing, the home and nursing home will be considered as a whole when the set-aside requirements are applied.

(b) Dwelling units that are occupied by residents who do not meet the age or disability requirements of RCW 84.36.041 will be segregated and taxed.

(c) Common or shared areas. Areas of a home that are jointly used for two or more purposes exempt from property tax under chapter 84.36 RCW will be exempted under RCW 84.36.041.

(i) The joint use of the common or shared areas must be reasonably necessary for the purposes of the nonprofit organization, association, or corporation exempt from property tax under chapter 84.36 RCW. A kitchen, dining room, and laundry room are examples of the types of common or shared areas for which a property tax exemption may be granted. (ii) Example. A nonprofit organization uses its facility as a home for the aging and a nursing home. The home and nursing home jointly use the kitchen and dining room. The home may receive a property tax exemption for the common or shared areas under RCW 84.36.041. The eligibility of the other areas of the facility will be determined by the appropriate statute. The home's eligibility will be determined by RCW 84.36.041 and the nursing home's eligibility will be determined by RCW 84.36.040.

(5) **Homes subsidized by HUD.** Homes subsidized by a HUD program must initially and each March 31st thereafter provide the department with a letter of certification from HUD of continued HUD subsidy and a list of the name, age, and/or disability of all residents.

(6) **Homes that are not subsidized by HUD.** If a home is not subsidized by HUD or does not meet the requirements to receive a total exemption because of tax exempt bond financing, it may receive a total or partial exemption from property tax. The extent of the exemption will be determined by the number of dwelling units occupied by eligible residents. If more than fifty percent of the dwelling units are occupied by eligible residents, the home may receive a total exemption. Alternatively, if less than fifty percent of the dwelling units are occupied by eligible residents, the home may receive partial exemption for its real property on a unit by unit basis and a total exemption for its personal property. An income verification form, Form REV 64-0043, will be used to determine if a resident of a home meets the criteria of "eligible resident."

(a) Between January 1st and July 1st of the year preceding the year in which the tax is due, residents must file Form REV 64-0043 with the assessor of the county in which the home is located.

(b) If two or more residents occupy one unit, only one cotenant is required to file verification of combined disposable income, as defined in subsection (2) of this section, with the assessor.

(c) Form REV 64-0043 will not be accepted by the assessor if it is submitted or postmarked after July 1st.

(d) At any time after the initial application for exemption is approved, assessors and/or the department may:

(i) Request residents to complete Form REV 64-0043, the verification of income form;

(ii) Conduct audits; and

(iii) Request other relevant information to ensure continued eligibility.

(e) If a home not subsidized by HUD wishes to retain its exempt property tax status, the home must by March 31st of each year file with the department a list of the total number of dwelling units in their complex, the number of occupied dwelling units in their complex as of January 1st, the number of previously qualified dwelling units in their complex that are no longer occupied by the same eligible residents, and a list of the name, age, and/or disability of all residents and the date upon which they moved into or occupied the home.

(7) **Homes financed by tax exempt bonds.** Homes that receive a total property tax exemption because of tax exempt bond financing must initially and each March 31st thereafter provide the department with a letter of certification from the agency or organization monitoring compliance with the bond requirements. The letter of certification must verify that the home is in full compliance with all requirements and set-asides of the underlying regulatory agreement.

(a) If the set-aside requirements contained in the regulatory agreement differ from the set-aside requirements established by the department and set forth in WAC 458-16A-010, the department may require the residents of the home to submit income verification forms (Form REV 64-0043) to the assessor of the county in which the home is located.

(b) The home must also annually submit a list of the name, age, and/or disability of all residents to the department.

(8) **Assessor's responsibilities.** Assessors will determine the age or disability and income eligibility of all residents who file Form REV 64-0043, the income verification form. By July 15th each year, the assessor will forward a copy of Form REV 64-0043 to the department for each resident who meets the eligibility requirements.

(9) **Department of revenue responsibilities.** The department will make its determination by August 31st, or within thirty days of the date all required information is submitted to the department, of the exempt status of a home that applies for this exemption.

(10) **Appeals.** An applicant who is determined not to be an "eligible resident" by the assessor and a home that is denied a property tax exemption by the department each have the right to appeal. Appeals must be filed within thirty days of the date the notice of ineligibility or denial was mailed by the assessor or the department.

(a) If the assessor determines that an applicant does not meet the criteria to be an "eligible resident" of a home, the resident may appeal this decision to the board of equalization of the county in which the home is located.

(b) If the department denies, in whole or in part, an application for exemption, the home may appeal this denial to the state board of tax appeals.

(11) **Additional requirements.** Any nonprofit home for the aging that applies for a property tax exemption under this section must also comply with the provisions of WAC 458-16A-010 and 458-16-165. WAC 458-16A-010 contains information regarding the basic eligibility requirements to receive a total or partial exemption under RCW 84.36.041. WAC 458-16-165 sets forth additional requirements that must be complied with to obtain a property tax exemption pursuant to RCW 84.36.041.

**WSR 95-06-043**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed February 24, 1995, 9:05 a.m.]

Date of Adoption: February 24, 1995.

Purpose: To provide a rate of inflation for 1994 that is used by county officials to calculate interest in certain circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-590 Rates of inflation.

Statutory Authority for Adoption: RCW 84.34.310, 84.34.360.

Pursuant to notice filed as WSR 95-02-062 on January 3, 1995.

Effective Date of Rule: Thirty-one days after filing.  
 February 24, 1995  
 William N. Rice  
 Assistant Director  
 Property Tax Division

**AMENDATORY SECTION** (Amending WSR 94-11-098, filed 5/17/94; effective 6/17/94)

**WAC 458-30-590 Rates of inflation.** (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550.

(2) **Rates of inflation.** The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1982	6.2	1988	4.1
1977	6.5	1983	3.2	1989	4.8
1978	7.6	1984	4.3	1990	5.4
1979	11.3	1985	3.5	1991	4.2
1980	13.5	1986	1.9	1992	3.3
1981	10.3	1987	3.7	1993	2.7
				<u>1994</u>	<u>2.2</u>

**WSR 95-06-044**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed February 24, 1995, 9:07 a.m.]

Date of Adoption: February 24, 1995.

Purpose: To update the rule so that it reflects the current rate of interest to be included when property taxes are refunded.

Citation of Existing Rules Affected by this Order: Amending WAC 458-18-220 Refunds—Rates of interest.

Statutory Authority for Adoption: RCW 84.69.100.

Other Authority: RCW 84.08.010, 84.08.070.

Pursuant to notice filed as WSR 95-02-064 on January 3, 1995.

Effective Date of Rule: Thirty-one days after filing.  
 February 24, 1995  
 William N. Rice  
 Assistant Director  
 Property Tax Division

**AMENDATORY SECTION** (Amending WSR 94-05-063, filed 2/11/94, effective 3/14/94)

**WAC 458-18-220 Refunds—Rate of interest.** The following rates of interest shall apply on refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 in accordance with RCW 84.69.100. The following rates shall also apply to judgments entered in favor of the plaintiff pursuant to RCW 84.68.030. The interest rate is derived from the equivalent coupon issue yield of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted after June 30th of the calendar year preceding the date the taxes were paid or the claim for refund is filed, whichever is later. The rate thus determined shall be applied to the amount of the judgment or the amount of the refund, until paid:

Year tax paid (chapter 84.68 RCW); Year tax paid or claim filed (whichever is later) (chapter 84.69 RCW)

Auction Year	Rate
1984	11.27%
1985	7.36%
1986	6.11%
1987	5.95%
1988	7.04%
1989	8.05%
1990	8.01%
1991	5.98%
1992	3.42%
1993	3.19%
<u>1994</u>	<u>4.92%</u>

**WSR 95-06-048**  
**PERMANENT RULES**  
**HEALTH SERVICES COMMISSION**  
 [Filed February 24, 1995, 1:10 p.m., effective March 1, 1995]

Date of Adoption: February 24, 1995.

PERMANENT

Purpose: This changes the effective date for WAC 245-04-090 through 245-04-115 from March 1, 1995, to July 1, 1995. These rules that establish requirements for selection and termination of providers by registered employer health plans and certified health plans (CHPs), provide standards for provider selection criteria, and guidelines for the resolution of provider disputes.

Citation of Existing Rules Affected by this Order: Amending WAC 245-04-090 through 245-04-115.

Statutory Authority for Adoption: RCW 49.43.170 (2)(4), 43.72.100 (6)(14), 43.72.040(20).

Pursuant to notice filed as WSR 95-03-101 on January 18, 1995.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Reasons for this finding: Without immediate implementation of this amendment the adopted rules will go into effect on March 1, 1995.

Effective Date of Rule: March 1, 1995.

February 24, 1995  
Bernadene Dochnahl  
Commission Chair

**WSR 95-06-057**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SERVICES FOR THE BLIND**

[Filed February 28, 1995, 9:32 a.m.]

Date of Adoption: February 28, 1995.

Purpose: To update WACs according to the Rehabilitation Act and amendments of 1992 (federal law) and to clarify language to be understandable.

Citation of Existing Rules Affected by this Order: Amending WAC 67-25-005 - 67-25-590 (entire chapter of vocational rehabilitation).

Statutory Authority for Adoption: Chapter 74.15 RCW.

Pursuant to notice filed as WSR 94-24-068 on December 6, 1994.

Effective Date of Rule: Thirty-one days after filing.

January 31, 1995  
Shirley A. Smith  
Director

**AMENDATORY SECTION** (Amending WSR 91-20-010, filed 9/20/91, effective 10/21/91)

**WAC 67-25-005 Definitions.** (1) (~~"Accepted for services" shall mean that the department has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.~~

~~(2)) "Act" or "the law," except when context indicates otherwise, means the Rehabilitation Act of 1973 (29 U.S.C. ((chapter 16)) Section 701 et seq.), as amended.~~

~~((3) "Adaptive skills assessment and training" includes assessment and training in the skills which are necessary for blind persons to function independently in all settings as distinguished from the vocational skills necessary to perform a specific occupation. The adaptive skills assessment and training provided by the department include communications, personal management, orientation and mobility, personal~~

~~adjustment, home management, activities of daily living, and client's use of residual vision.~~

~~(4)) (2) "Applicant" ((shall)) means an individual who has submitted to the department ((a letter or)) an application or letter requesting vocational rehabilitation services ((which:~~

~~(a) Has been signed by the individual, his/her parents or guardian or other representative; and~~

~~(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.~~

~~(5) "Client" shall mean any handicapped individual:~~

~~(a) Who has applied for services from the department; and~~

~~(b) For whom services have not been denied or terminated by the department.~~

~~(6) "Comparable services and benefits" is a financial resource for which a client is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The financial resource must be an organized, ongoing form of service or financial assistance, whether public or private. It must be free or may require a deductible, coinsurance feature, token payment or personal claim.~~

~~(7)) in accordance with WAC 67-25-010.~~

~~(3) "Assessment" means one or more of the following as appropriate in each case:~~

~~(a) A preliminary assessment to determine eligibility of an individual with a disability for vocational rehabilitation services;~~

~~(b) A comprehensive assessment to determine, with the individual, the employment objective to be achieved, and a detailed plan of services needed to attain an employment outcome;~~

~~(c) An extended evaluation, for a total period not exceeding eighteen months, if there is a question about the applicant's ability to benefit in terms of an employment outcome from vocational rehabilitation services due to severity of the disability.~~

~~(4) "Client assistance program (CAP)" means a program, authorized under Section 112 of the act, which assists individuals with disabilities to receive vocational rehabilitation services by providing information and advocacy.~~

~~(5) "Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more vocational rehabilitation services which enable individuals with disabilities to maximize opportunities for employment, including career advancement. Services include:~~

~~(a) Medical, psychiatric, psychological, social, and vocational services provided under one management;~~

~~(b) Testing, fitting, or training in the use of prosthetic and orthotic devices;~~

~~(c) Recreational therapy;~~

~~(d) Physical and occupational therapy;~~

~~(e) Speech, language and hearing therapy;~~

~~(f) Psychiatric, psychological and social services, including positive behavior management;~~

~~(g) Assessment for determining eligibility and vocational rehabilitation needs;~~

~~(h) Rehabilitation technology;~~

~~(i) Job development, placement, and retention services;~~

~~(j) Evaluation or control of specific disabilities;~~

~~(k) Assessment and training in adaptive skills of blindness;~~

~~(l) Extended employment;~~

(m) Psychosocial rehabilitation services;

(n) Supported employment services and extended services;

(o) Services to family members when necessary for the vocational rehabilitation of the participant;

(p) Personal assistance services; or

(q) Services similar to those described in (a) through (p) of this subsection.

(6) "Department of services for the blind" ((shall)) means the legal authority in its entirety:

(a) "Advisory council" ((shall)) means the members appointed by the governor as the vocational rehabilitation advisory ((body)) council.

(b) "Department" ((shall)) means the agency which carries out the operations of the Washington department of services for the blind.

((8)) (7) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

((9)) (8) "Eligible" or "eligibility certification," when used in relation to an individual's qualification for vocational rehabilitation services, ((refers to)) means a certification that:

(a) The individual is legally blind or ((visually impaired);

(b) Has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(c) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(10) "Employability" means a determination that with the provision of vocational rehabilitation services, the individual is likely to enter or retain as a primary objective, full time employment or, if appropriate, part time employment, consistent with the capacities or abilities of the individual in the competitive labor market; the practice of a profession; self employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; home based employment; supported employment; or other gainful work.

(11) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness or visual impairment and a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(12) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(13) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services)) has a visual impairment which alone or combined with other disabilities results in a substantial impediment to employment; and

(b) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, or retain gainful employment.

(9) "Employment outcome" means entering or retaining:

(a) Full-time or, if appropriate, part-time competitive employment (including supported employment) in the integrated labor market;

(b) Self-employment;

(c) Business enterprises;

(d) Homemaking;

(e) Farm or family work (including work for which payment is in kind rather than in cash);

(f) Extended employment; or

(g) Other employment consistent with the participant's abilities, capabilities, interests, and informed choice, as supported by an assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257.

(10) "Individual with a disability" for purposes of this chapter means an individual who:

(a) Has a physical or mental impairment which results in a substantial impediment to employment; and

(b) Can benefit in terms of an employment outcome from vocational rehabilitation services.

(11) "Individual with a severe disability" means an individual:

(a) Who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs.

(12) "Individual's representative" means a parent, guardian, family member, advocate, or other representative authorized by the participant.

(13) "Integrated setting" means a setting in which the majority of people, excluding service providers, with whom a participant interacts are individuals who are not disabled.

(14) "Legal blindness" ((for purposes of this chapter is)) means a physical ((disability)) impairment defined as ((follows)):

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses; or

(b) A field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°.

(15) "Medical consultant" ((shall)) means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual ((clients)) participants.

(16) "Ophthalmological consultant" ((shall)) means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

(17) ((~~"Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.~~)) "Participant" means any individual with a disability:

(a) Who has applied for vocational rehabilitation services from the department; and

(b) For whom services have not been denied or terminated by the department.

(18) "Physical or mental ((disability)) impairment" means ((a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or)) an injury, disease, or other disorder that materially reduces, or if not treated will probably result in materially reducing, mental or physical functioning. The term "physical ((disability)) impairment" includes legal blindness and/or visual impairment.

(19) ((~~"Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:~~

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(20) "Referral" is defined as any individual who applied or has been referred to a department office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(21) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Orientation and mobility training and other adjustment services;

(j) Braille instruction;

(k) Evaluation or control of specific disabilities;

(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(22)) "Rehabilitation teacher" (RT) ((shall refer to)) means an employee of the department who has responsibility to ((determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or purchased as determined by the needs of the individual written rehabilitation program-

(23)):



(a) Provide or supervise the provision of all vocational rehabilitation services to participants with a vocational objective of homemaker; and

(b) Provide adaptive skills of blindness assessment and training to all vocational rehabilitation participants as needed.

(20) "Residence" or "residency" means, for purposes of this chapter, voluntarily living in the state for other than temporary reasons at the time of application.

(21) "Special modes of communication" means specialized media systems for individuals with disabilities including:

(a) Interpreters, open and closed captioned videos, and use of specialized services such as telecommunication devices and relay services for individuals who are deaf or hearing impaired;

(b) Materials in Braille, large print, or audio recordings for individuals who are blind; and

(c) Special materials for individuals who are deaf-blind.

(22) "Substantial ((handicap)) impediment to employment" means that a physical or mental ((disability)) impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing ((his/her)) him or her from obtaining, retaining, or preparing for employment consistent with his((/)) or her capacities and abilities.

((24)) (23) "Visual impairment" for ((the)) purposes of this chapter ((is)), means a physical ((disability)) condition defined as follows:

(a) Visual acuity in the best eye between 20/200 and 20/70 with correction; or

(b) Angle of vision subtends between 20° and 30°((/)); or

(c) Severe functional visual problem; or

(d) A progressive condition which ultimately will lead to a visual ((handicap)) impairment or to legal blindness.

((25)) (24) "Vocational rehabilitation counselor" (VRC) ((shall refer to)) means an employee of the department who has direct responsibility for providing((/)) or supervising the provision of all vocational rehabilitation services to a ((client of the department)) participant.

((26)) (25) "Vocational rehabilitation services((/))" ((shall)) means any ((of the following):

(a) Any)) goods or services ((provided to a client that is likely to enable him/her to enter or retain employment consistent with his/her capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his/her rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

(27) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabil-

itation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.) necessary for a participant to achieve an employment outcome. (See WAC 67-25-350 for description and limitations.)

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-010 Application for services. (1) Any ((blind or visually impaired person)) individual who is legally blind or who has a visual impairment may apply for vocational rehabilitation services, including ((persons)) any individual who ((have)) has previously applied for, ((have)) has previously received, or ((have)) has previously been denied such services.

(2) Any ((handicapped person)) individual who is legally blind or who has a visual impairment seeking to obtain vocational rehabilitation services from the department shall submit a written letter or application for services to the department.

(3) The written letter or application for services shall be signed and dated by the ((person)) individual requesting services or ((by his/her parent or guardian or other representative.

((4) The written application shall contain the following information)), if appropriate, by the individual's representative, and shall include:

(a) The applicant's name and address;

(b) The ((nature of the)) applicant's disability; and

(c) The applicant's ((age and sex;

(d) The date of application;

(e) The name of the person or agency, if any, who has referred the applicant to the department)) Social Security number.

((5)) (4) The department shall not provide vocational rehabilitation services to any ((person)) individual who has failed to submit a signed, and dated letter or application ((in writing)) containing the above information.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-015 Initial interview. (1) An applicant for vocational rehabilitation services shall be interviewed personally by a vocational rehabilitation counselor or ((by a vocational rehabilitation teacher)) other appropriate staff member as soon as possible ((after application)) upon receipt of an application by the department.

(2) ((At this initial interview)) The interviewer shall:

(a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant;

(b) Specifically inform the applicant of the right to appeal any decision made by the department ((with regard to his/her case)) on his or her behalf through: Administrative appeal ((and)) in accordance with WAC 67-25-560; fair hearing ((procedures)) in accordance with WAC 67-25-570; and judicial review; ((review by the secretary of the federal office of education;))

(c) Inform the applicant of his(~~(h)~~) or her right of confidentiality of information possessed by the department in accordance with WAC 67-25-550; (~~and~~)

(d) Provide to the applicant a description of client assistance program services; and

(e) Obtain (~~any general~~) information from the applicant (~~which might be useful in determining his/her~~) necessary to determine his or her eligibility for vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-020 Preliminary (~~diagnostic study~~) assessment.** (1) A preliminary (~~diagnostic study will~~) assessment shall be conducted for each applicant to determine whether:

(a) The individual (~~has a physical or mental disability which for such individual constitutes or~~) is legally blind or has a visual impairment which alone or combined with other disabilities results in a substantial (~~handicap~~) impediment to employment; and

(b) Vocational rehabilitation services (~~may reasonably be expected to benefit~~) are required for the individual (in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

~~(2) The preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to determine eligibility:~~

~~(a) In all cases, will include an appraisal of the current general health status of the individual; and~~

~~(b) In all cases, will include an examination of the individual's eyes by an ophthalmologist, a physician skilled in the diseases of the eye or by a licensed optometrist.~~

~~(3) The department shall record in writing the results of each applicant's preliminary study)) to prepare for, enter, engage in, or retain an employment outcome.~~

~~(2) The preliminary assessment shall, to the maximum extent possible, be based on a review of existing data in accordance with confidentiality requirements. The assessment shall, where appropriate, include information provided by the individual or the individual's family, education records, information used by the Social Security Administration, and determinations made by other agencies.~~

~~(3) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, the assessment may include provision of vocational rehabilitation services necessary to determine whether the individual is eligible.~~

~~(4) The preliminary assessment must include an appraisal of the current visual condition of the applicant based on ophthalmological or optometric findings.~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-025 Eligibility for services.** (1) The department shall (~~make an eligibility determination as to every applicant~~) determine whether an individual is eligible for vocational rehabilitation services(~~The determination of eligibility shall be made as soon as possible after application.~~

~~(2) The department shall base its eligibility determination on the results of the preliminary diagnostic study and extended evaluation, if any)) within sixty days after receipt of an application for services unless:~~

~~(a) The department notifies the individual that exceptional and unforeseen circumstances beyond the control of the department preclude completion of the determination within sixty days, and the individual agrees that an extension of time is warranted; or~~

~~(b) An extended evaluation as described in WAC 67-25-070 is required to determine eligibility.~~

~~(2) The department shall utilize results of the preliminary assessment and extended evaluation (if required) to determine eligibility.~~

AMENDATORY SECTION (Amending WSR 91-20-010, filed 9/20/91, effective 10/21/91)

**WAC 67-25-030 Eligibility for services—Criteria.**

(1) Eligibility shall be based only upon evidence that:

(a) The (~~existence of a condition of legal blindness or visual impairment as defined in WAC 67-25-005;~~

~~(b) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and~~

~~(c) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.~~

~~(2) Persons who are found to be blind or visually impaired and who also have a physical or mental disability which for that person constitutes or results in a substantial handicap to employability, but for whom the usual scope of services offered by the department are not expected to benefit the individual in terms of employability may be referred to other service providers or may be provided services through a cooperative plan with other service providers)) individual is legally blind or has a visual impairment, as defined in WAC 67-25-005, which alone or combined with other disabilities results in a substantial impediment to employment; and~~

~~(b) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, or retain an employment outcome.~~

~~(2) It shall be presumed that an individual with a disability can benefit in terms of an employment outcome from vocational rehabilitation services unless the department can demonstrate by clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of his or her disability.~~

~~(3) Eligibility requirements (~~will be provided by the department~~) are applied without regard to (~~sex, race, age, creed, color, or national origin of the individual applying for service~~) the race, color, sex, religion, national origin, creed, marital status, or age of the applicant.~~

~~(4) No (~~person~~) individual or group of (~~persons~~) individuals shall be found ineligible (~~for services~~) solely on the basis of the type of disability.~~

~~(5) No (~~person~~) individual shall be found ineligible (~~for services solely on the basis of age.~~~~

~~(6) No person shall be found ineligible for services based on residence requirement, durational or other)) based on requirements for duration of residence.~~

~~(6) No individual shall be found ineligible solely on the basis of lack of U.S. citizenship.~~

~~(7) Eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.~~

~~(8) An individual who has a visual problem which does not result in an impediment to employment, but who may have other disabilities which might result in impediments to employment, may be referred to other service providers or may be provided services through a cooperative plan with other service providers.~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-050 Certification for decision of eligibility or ineligibility.** (1) There ~~((with))~~ shall be a certification ~~((that the individual has met the basic))~~ of eligibility if the individual meets the requirements specified in ~~((eligibility criteria))~~ WAC 67-25-030. The ~~((statement of eligibility will))~~ certification shall be dated and signed by the vocational rehabilitation counselor or ~~((rehabilitation teacher))~~ other appropriate staff member.

(2) ~~((Whenever it has been determined on the basis of clear evidence that an))~~ If the individual is determined ineligible for vocational rehabilitation services, there shall be a certification~~((s))~~ of ineligibility which shall be dated and signed by the vocational rehabilitation counselor or ~~((rehabilitation teacher))~~ other appropriate staff member.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-055 Eligibility determination—Notice to applicant.** (1) The ~~((individual))~~ applicant shall be notified in writing, using special modes of communication or the individual's native language if necessary, of the action taken on eligibility or ineligibility.

(2) ~~((He/she shall be informed of the department's procedure for administrative review, fair hearings, and judicial review if he/she is dissatisfied with the department's decision:))~~ The individual shall be advised of the right to appeal any decision made by the department on his or her behalf including: The procedure for administrative review in accordance with WAC 67-25-560; fair hearing in accordance with WAC 67-25-570; and judicial review. A description of client assistance program services shall also be provided.

(3) If the applicant ~~((was))~~ is determined ~~((to be))~~ ineligible for vocational rehabilitation services, the ~~((certification))~~ notice shall clearly specify how he~~((s))~~ or she failed to meet the ~~((criteria of))~~ eligibility criteria.

(4) If the applicant ~~((was))~~ is determined ~~((to be))~~ eligible for vocational rehabilitation services, the notice shall clearly specify the date of ~~((certification of))~~ eligibility certification.

~~((5) Decisions of ineligibility will be reviewed at least annually. The individual will be given a full opportunity to participate in the review and reconsideration of eligibility:))~~

## NEW SECTION

### **WAC 67-25-056 Ineligibility determination—Review.**

(1) The department shall initiate a review of an ineligibility determination within twelve months unless:

- (a) The individual has refused the review;
- (b) The individual is no longer present in the state; or
- (c) His or her whereabouts are unknown.

(2) Ineligibility determinations not requiring a review shall include a clear statement as to why the case does not require a review.

(3) If services have been provided under an individualized written rehabilitation program, in accordance with WAC 67-25-260, a determination of ineligibility based on evidence that the individual is incapable of achieving an employment outcome, in accordance with WAC 67-25-280, shall be reviewed annually if requested by the individual, or if appropriate, the individual's representative.

(4) The individual, or if appropriate, the individual's representative, shall be given an opportunity to participate in any review and reconsideration of eligibility.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-070 Extended evaluation.** Extended evaluation is the process ~~((by which diagnostic and other))~~ of providing assessment and related vocational rehabilitation services ~~((are provided))~~ to an applicant for the limited purpose of ~~((facilitating the))~~ eligibility determination ~~((of his/her rehabilitation potential and eligibility))~~, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of his or her disability. Extended evaluation is provided only when ~~((a))~~ an eligibility determination ~~((of eligibility has not and))~~ can not be made within the usual ~~((eligibility determination))~~ procedure.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-075 Extended evaluation—Eligibility criteria.** ~~((Furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:~~

(1) ~~The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment (physical disability includes a primary disability of blindness or visual impairment); and~~

(2) ~~An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential:))~~ Eligibility for extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services shall be based only upon evidence that:

(1) The individual is legally blind or has a visual impairment, as defined in WAC 67-25-005, which alone or combined with other disabilities results in a substantial impediment to employment;

(2) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, or retain gainful employment; and

(3) There is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to severity of his or her disability.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-077 Certification for extended evaluation to determine ((~~rehabilitation potential~~)) an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services. (1) Prior to, and as a basis for providing an extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation ((potential)) services, there ((will)) shall be a certification that the individual ((has met the)) meets eligibility ((requirements)) criteria specified in WAC 67-25-075. The ((certified statement will)) certification shall be dated and signed by the vocational rehabilitation counselor or ((rehabilitation teacher)) other appropriate staff member.

(2) The participant shall receive written notification of the eligibility determination for extended evaluation using special modes of communication or the individual's native language if necessary.

(3) The participant shall be advised of the right to appeal any decision made by the department on his or her behalf, including: The procedure for administrative review in accordance with WAC 67-25-560; fair hearing in accordance with WAC 67-25-570; and judicial review. A description of client assistance program services shall also be provided.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-080 Extended evaluation—Individualized written rehabilitation program. (1) After certification for extended evaluation to determine ((rehabilitation potential)) an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services, an individualized written rehabilitation program shall be ((developed)) jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or ((rehabilitation teacher)) other appropriate staff member and the ((handicapped individual)) participant or, ((as)) if appropriate, ((parent, guardian or other)) the individual's representative.

(2) ((A copy of the written program and any amendments thereto shall be provided to the handicapped individual or, as appropriate, parent, guardian or other representative.)) The individualized written rehabilitation program for extended evaluation shall be designed to assess the participant's ability to benefit in terms of an employment outcome from vocational rehabilitation services consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual.

(3) The program shall include ((the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.

(4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements

which shall be made to provide for and/or otherwise secure such necessary services.

(5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.

(6) The terms and conditions for the provision of vocational rehabilitation services including:

(a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program;

(b) The extent of client participation in the cost of services based on the financial need of the client; and

(c) The extent to which the individual is eligible for similar benefits under any other program.

(7) An assurance that the handicapped individual has been informed of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including the opportunity for an administrative review of the department's action and fair hearings; and the opportunity for judicial review):

(a) Justification that an extended evaluation of the individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services is necessary to determine eligibility;

(b) Specific and measurable intermediate rehabilitation objectives related to determination of eligibility;

(c) Specific vocational rehabilitation services to be provided to achieve the intermediate rehabilitation objectives;

(d) Projected initiation dates and the anticipated duration of each service;

(e) Objective criteria, and an evaluation procedure and schedule to determine whether goals and objectives are being achieved;

(f) The views of the individual, in the words of the individual, or, as appropriate, in the words of the individual's representative, describing how he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services, including alternatives in integrated settings;

(g) How, to the maximum extent possible, information will be provided to the individual, or if appropriate, to the individual's representative, in his or her native language or using special modes of communication;

(h) Terms and conditions for provision of vocational rehabilitation services, including:

(i) Responsibilities of the individual in implementing the program;

(ii) The extent to which goods and services shall be provided in integrated settings, consistent with the informed choices of the individual;

(iii) The extent to which comparable services and benefits are available to the individual under any other program;

(iv) The entity or entities that will provide services and the process used to provide or procure services;

(i) Information regarding the right to appeal any decision made on behalf of the individual by the department including the procedure for administrative review, fair hearing, and judicial review; and

(j) A description of client assistance program services.

(4) An individualized written rehabilitation program for extended evaluation shall be implemented in accordance with provisions for participation of the individual in WAC 67-25-270 and procedures for annual review in WAC 67-25-275.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-085 Extended evaluation—Services provided. The following vocational rehabilitation services ~~((will be available to individuals:~~

- (1) Evaluation, including diagnostic and related services;
- (2) Counseling and guidance;
- (3) Physical and mental restoration services;
- (4) Training, including personal and vocational adjustment, books, tools, and other training materials;
- (5) Maintenance;
- (6) Transportation;
- (7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;
- (8) Reader services for the blind;
- (9) Interpreter services for the deaf;
- (10) Telecommunications, sensory and other technological aids and devices; and
- (11) Other goods and services including rehabilitation teaching and orientation and mobility which are necessary to determine the client's rehabilitation potential)) may be provided as necessary during extended evaluation:

(1) Assessment to determine eligibility and vocational rehabilitation needs in accordance with WAC 67-25-020, 67-25-255, and 67-25-257;

(2) Counseling and guidance in accordance with WAC 67-25-412;

(3) Vocational and other training in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;

(4) Services to family members in accordance with WAC 67-25-408;

(5) Physical and mental restoration services in accordance with WAC 67-25-384;

(6) Maintenance in accordance with WAC 67-25-400;

(7) Interpreting and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;

(8) Reader services in accordance with WAC 67-25-416;

(9) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;

(10) Transportation in connection with provision of vocational rehabilitation services in accordance with WAC 67-25-404;

(11) Rehabilitation technology, including telecommunications in accordance with WAC 67-25-432;

(12) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;

(13) Transition services for students in accordance with WAC 67-25-399;

(14) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;

(15) Other goods and services in accordance with WAC 67-25-452, except as prohibited in WAC 67-25-090, necessary to determine the individual's eligibility for vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-090 Extended evaluation—Services not provided. The following goods and services cannot be provided until ~~((decisions have been reached as to a client's))~~ the participant's specific employment objective(s) is determined and, therefore, shall not be provided under an extended evaluation plan:

(1) Placement services including job search assistance, placement assistance, job retention services, and post-employment services in accordance with WAC 67-25-440;

(2) Occupational licenses, tools ~~((and))~~, equipment, or initial stocks and supplies in accordance with WAC 67-25-448;

(3) Business enterprises in accordance with WAC 67-25-448;

(4) ~~((Occupational licenses.))~~ Supported employment services in accordance with WAC 67-25-436.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-095 Extended evaluation—Duration ~~((and scope))~~ of services. ~~((1) Vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, may be provided to a handicapped individual for a total period not in excess of eighteen months.~~

(2) Other conditions:

(a) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential. Only one period not in excess of eighteen months shall be permitted during the period that the case is open. If a case has been closed as a result of determination that the handicapped individual's needs have changed, such a case may be reopened and a subsequent evaluation of rehabilitation potential may be carried out, provided that the conditions in "basic conditions of extended evaluation to determine rehabilitation" are met.

(b) Vocational rehabilitation services authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required has been executed by the vocational rehabilitation counselor or rehabilitation teacher.)) (1) The extended evaluation period shall not exceed eighteen months and shall begin on the date of certification for extended evaluation.

(2) Services shall be discontinued after the extended evaluation period unless the individual is determined eligible for vocational rehabilitation services in accordance with WAC 67-25-030.

(3) Only one extended evaluation shall be permitted while the case is open. If a case has been closed, it may be reopened and a subsequent extended evaluation may be conducted if eligibility criteria for extended evaluation specified in WAC 67-25-075 are met.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-100 Extended evaluation—Assessment.** ~~((A thorough assessment of the individual's progress will be made as frequently as necessary, but at least once in every ninety day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the provision of such services and to determine whether such individual may be determined to be eligible or ineligible.))~~ (1) The individual's progress shall be assessed as necessary, but at least once every ninety days during an extended evaluation period.

(2) Assessments shall include reports from the service provider which shall be used to evaluate the results of service provision and whether the individual may be determined eligible or ineligible for vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-110 Extended evaluation—Termination.** ~~((1) At any time prior to the expiration of an eighteen-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:~~

~~(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he/she can be expected to benefit in terms of employability from vocational rehabilitation services; or~~

~~(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined on the basis of clear evidence that he/she cannot be expected to benefit in terms of employability from vocational rehabilitation services.~~

~~(2) In such cases the procedures outlined in WAC 67-25-280 must be followed.))~~ (1) An eighteen-month extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services shall be terminated at any time prior to expiration when:

(a) There is clear and convincing evidence that the individual is incapable of benefitting in terms of an employment outcome from vocational rehabilitation services; or

(b) There is not clear and convincing evidence to overcome the presumption that the individual can benefit in terms of an employment outcome from vocational rehabilitation services in accordance with WAC 67-25-030.

(2) Certification of eligibility or ineligibility for vocational rehabilitation services shall be completed in accordance with WAC 67-25-050.

(3) The participant shall be notified of the action taken on eligibility or ineligibility, including appeal procedures, in accordance with WAC 67-25-055.

(4) If the individual is determined ineligible for vocational rehabilitation services, the individualized written rehabilitation program for extended evaluation shall be terminated in accordance with WAC 67-25-280.

(5) If the individual is determined ineligible for vocational rehabilitation services, he or she shall be notified of

the opportunity for review and reconsideration of the decision within twelve months in accordance with WAC 67-25-056.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-255 ((Thorough diagnostic study.)) Comprehensive assessment.** ~~((1) There will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.~~

~~(2) The thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are needed to attain vocational goals of the handicapped individual, and that the findings of such study will be recorded in the individualized written rehabilitation program.~~

~~(3) The thorough evaluation shall include, to the extent necessary, an appraisal of the following factors:~~

~~(a) Intelligence level;~~

~~(b) Educational achievements;~~

~~(c) Work experience;~~

~~(d) Ability to function in the community;~~

~~(e) Personal, vocational and social adjustment;~~

~~(f) Employment opportunities;~~

~~(g) Patterns of work behavior;~~

~~(h) Ability to acquire occupational skills;~~

~~(i) Capacity for successful job performance which may include trial job situations (simulated or real) to assess capabilities to perform adequately in a work environment.~~

~~(4) The thorough evaluation shall include specialty medical examinations as required below whenever the individual is known to have the following conditions:~~

~~(a) Blindness or visual impairment—ophthalmological or optometric evaluation;~~

~~(b) Hearing impairment or deafness—otological and audiological evaluation;~~

~~(c) Mental retardation—psychological evaluation;~~

~~(d) Mental illness—psychological evaluation.))~~ (1) To

the extent necessary, there shall be a comprehensive assessment of the unique strengths, resources, priorities, interests, and needs of the participant conducted in the most integrated setting possible, consistent with the informed choice of the individual.

(2) The comprehensive assessment must be limited to information necessary to identify the rehabilitation needs and develop the rehabilitation program with the individual, and may, if necessary, include:

(a) A comprehensive analysis of pertinent medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors affecting the employment and rehabilitation needs of the individual;

(b) An analysis of the individual's personality, interests, interpersonal skills, intelligence and related functions, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(c) An appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance;

(d) An assessment of the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice.

(3) The comprehensive assessment shall, to the maximum extent possible and appropriate, be based on existing information provided by the individual and by the individual's family in accordance with confidentiality requirements.

AMENDATORY SECTION (Amending Order 85-02, filed 3/1/85)

WAC 67-25-257 ((Prevocational skills)) Assessment—Adaptive skills of blindness. (1) There ~~((will))~~ shall be an assessment of each individual's ~~((prevocational skills prior to the development of an individual written rehabilitation plan. The results of the prevocational assessment will be incorporated into a plan of training as part of the individual written rehabilitation plan))~~ use of and ability to benefit from adaptive skills of blindness. Rehabilitation objectives and service needs identified with the individual during this assessment shall be incorporated into the individualized written rehabilitation program.

(2) ~~((The prevocational assessment may include any combination of the following skill areas. Training in these skills will be provided according to the plan developed with each individual client.))~~ Adaptive skills of blindness assessment include, as appropriate in each case:

- (a) Communications, including braille and keyboarding;
- (b) Personal management;
- (c) Orientation and mobility;
- (d) Home management;
- (e) Activities of daily living;
- (f) Personal adjustment to blindness and/or other disabilities;
- (g) ~~((Degree and))~~ Ability to benefit from rehabilitation technology; and
- (h) Use of residual vision.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-260 ((Vocational rehabilitation program—Individual)) Individualized written rehabilitation program. ~~((The individualized written rehabilitation program shall place primary emphasis on the determination and achievement of a vocational goal, and as appropriate, shall include, but shall not necessarily be limited to statements concerning the following:~~

- ~~(1) The basis on which the determination of eligibility has been made;~~
- ~~(2) The long range employment goals established with the individual and the intermediate rehabilitation objectives related to the attainment of such goals;~~
- ~~(3) The determination of the specific vocational rehabilitation services to be provided in order to achieve established~~

~~employment goals and the terms and conditions for the provision of such services;~~

~~(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service and the time within which the objectives and goals for each individual might be achieved;~~

~~(5) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation program:~~

~~(a) Extent of client participation in the cost of services based on the financial need of the client; and~~

~~(b) Extent to which the individual is eligible for similar benefits under any other programs;~~

~~(6) An assurance that the handicapped individual has been informed of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including the opportunity for an administrative review of action or fair hearings; judicial review; and review of the director's decision by the secretary of the federal office of education;~~

~~(7) The basis on which the individual has been determined to be rehabilitated; and~~

~~(8) Any plans for the provision of post-employment services after a suitable employment objective has been achieved and the basis on which such plans are developed.~~

~~(9) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his/her parents, guardian or other representative.)~~ (1) The individualized written rehabilitation program shall be designed to achieve the employment objective of the participant consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. To the extent possible, consistent with the informed choice of the individual, the program shall include placement in an integrated setting.

(2) The program shall include:

(a) The individual's long-term vocational goal based on the assessment for determining vocational rehabilitation needs and the career interests of the individual;

(b) Specific and measurable intermediate rehabilitation objectives to achieve the vocational goal, based on the assessment for determining vocational rehabilitation needs;

(c) Specific vocational rehabilitation services to be provided to achieve the intermediate rehabilitation objectives;

(d) Projected initiation dates and the anticipated duration of each service;

(e) Objective criteria, and an evaluation procedure and schedule to determine whether goals and objectives are being achieved;

(f) The views of the individual, in the words of the individual, or, as appropriate, in the words of the individual's representative, describing how he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services, including alternatives in integrated settings;

(g) How, to the maximum extent possible, information will be provided to the individual, or if appropriate, to the individual's representative, in his or her native language or using special modes of communication;

(h) Terms and conditions for provision of vocational rehabilitation services, including:

(i) Responsibilities of the individual in implementing the program;

(ii) The extent to which goods and services shall be provided in integrated settings, consistent with the informed choices of the individual;

(iii) The extent to which comparable services and benefits are available to the individual under any other program;

(iv) The entity or entities that will provide services and the process used to provide or procure services;

(i) Assessment of the expected need for post-employment services and, if appropriate, extended services, including provision for reassessment of these needs prior to the individual's successful rehabilitation;

(j) Information regarding the right to appeal any decision made on behalf of the individual by the department including the procedure for administrative review, fair hearing, and judicial review; and

(k) A description of client assistance program services.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-270 ((Vocational)) Individualized written rehabilitation program—Participation of ((client)) the individual. (1) The individualized written rehabilitation program shall be ((developed)) jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or ((rehabilitation teacher)) other appropriate staff member and the ((handicapped individual)) participant, or ((;)) as appropriate, ((his/her parent, guardian or other representative, and a copy of the written program, and any amendments thereto, shall be provided to the handicapped individual or, as appropriate, his/her parent, guardian or other)) the individual's representative.

(2) Participants must take an active role in their own rehabilitation programs, including making meaningful and informed choices about the selection of vocational goals, objectives, and the vocational rehabilitation services they receive.

(3) A copy of the individualized written rehabilitation program and copies of any revisions and addendums shall be provided to the participant or, as appropriate, to the individual's representative, in the individual's native language using special modes of communication as necessary.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-275 ((Vocational)) Individualized written rehabilitation program—Annual review. (1) The individualized written rehabilitation program shall be reviewed as ((often as)) necessary but at least ((on an annual basis at which time each handicapped individual, or, as appropriate, his/her parent, guardian or other representative will be afforded)) annually. The participant, or if appropriate, the individual's representative, shall be given an opportunity to review ((such)) the program and ((; if necessary;)) jointly redevelop and agree to its terms.

(2) The services shall be modified as needed and incorporated into the program.

(3) If the vocational objective of the participant changes, the new program shall not take effect until agreed upon and

signed by the participant, or if appropriate, the individual's representative.

(4) If a participant's vision is restored so that he or she is not legally blind or has no visual impairment, and if he or she has no other disability which results in an impediment to employment, further services shall be limited to those already identified in the individualized written rehabilitation program.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-280 ((Vocational)) Individualized written rehabilitation program—Termination due to ineligibility. ((When the services are terminated under a written program on the basis of a determination that a vocational goal cannot be achieved and the client is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his/her parent, guardian, or other representative.

(2) The views of the individual or his/her representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his/her case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his/her request.

(5) If through physical restoration an individual's vision is restored so as to allow that individual to perform ordinary activities, further services will be limited to those included at the time in the client's individual written rehabilitation program.

(6) Consultation or annual review would not be scheduled if:

(a) There is a recorded statement by the individual indicating that he/she does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is no longer in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other compelling reasons that would make an annual review impractical.) (1) The services under an individualized written rehabilitation program shall be terminated if it is determined that the individual is incapable of achieving a vocational goal and is therefore not eligible for vocational rehabilitation services.

(2) A decision to terminate the program shall only be made with participation of the individual, or as appropriate, the individual's representative.

(3) The views of the individual, or the individual's representative, concerning the decision shall be documented in the program.



(4) Rationale for the decision must be documented as part of the program.

(5) When an individual is determined ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or other appropriate staff member, placed in the individual's file.

(6) The participant shall be notified of the opportunity for review and reconsideration of the decision within twelve months in accordance with WAC 67-25-056.

#### NEW SECTION

**WAC 67-25-284 Individualized written rehabilitation program—Termination for reasons other than ineligibility.** (1) Vocational rehabilitation services provided under an individualized written rehabilitation program shall be terminated prior to completion if a participant:

(a) Has died;

(b) Cannot be located by the department after reasonable efforts to do so;

(c) Has been institutionalized under circumstances which preclude provision of services for a substantial or indefinite period of time;

(d) Has moved to another jurisdiction and the department is unable to continue provision of services;

(e) Declines to accept or utilize vocational rehabilitation services after reasonable efforts have been made to encourage participation.

(2) A decision to terminate services for any reason described in subsection (1) of this section does not require a review and reconsideration within twelve months pursuant to WAC 67-25-056.

#### NEW SECTION

**WAC 67-25-288 Individualized written rehabilitation program—Termination—Notification of rights.** The department shall provide written notification, in the individual's native language or using special modes of communication if appropriate, to every individual who has applied for services when a determination is made to terminate services to the individual. The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the participant of his or her right to an administrative review in accordance with WAC 67-25-560, a fair hearing in accordance with WAC 67-25-570, and judicial review of the decision. A description of client assistance program services shall also be provided.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-300 ((Objective)) Purpose of vocational rehabilitation.** The ((objective)) purpose of vocational rehabilitation ((services)) is to enable an eligible individual to enter or retain full-time or, if appropriate, part-time competitive employment ((consistent with his/her capacities and abilities)) in the ((competitive)) integrated labor market, ((the practice of a profession, self-employment, homemaking, farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; home-

~~bound employment; or other gainful work. Vocational rehabilitation services will be limited to those necessary to fit the client for his/her vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions. However, if a handicapped individual wishes to change occupations or to progress beyond industry accepted norms for competent entry level employment, the department has no obligation to provide further assistance)) supported employment, or other employment consistent with the individual's abilities, capabilities, and interests.~~

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

**WAC 67-25-325 Services available from other agencies.** ((The department's)) Vocational rehabilitation funds shall not be expended to purchase services for ((which a client is eligible)) a participant when another agency has primary responsibility for providing the needed service.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-326 Services to ((civil employees of the United States)) special groups of individuals with disabilities.** (1) In accordance with Section 101 (a)(13)(A) of the act, the department ((will make)) shall provide vocational rehabilitation services ((available)) to civil employees of the United States government who ((are)) become disabled in the line of duty under the same terms and conditions applied to other ((handicapped)) individuals who are blind or visually impaired.

(2) In accordance with Section 101 (a)(13)(B) of the act, the department shall give priority to individuals who are blind or visually impaired whose disability resulted from an impairment sustained in the line of duty as a public safety officer, and the immediate cause of that impairment was a criminal act, apparent criminal act, or a hazardous condition directly related to the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

(3) The department shall actively recruit applicants from under-served populations to reflect the cultural and ethnic diversity of people in the state.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-350 Vocational rehabilitation—Services provided.** Each ((client accepted for services may be provided such)) eligible participant shall be provided vocational rehabilitation services ((found by the diagnostic study to be necessary for the realization of his/her rehabilitation objective including but not limited to)), identified during the preliminary and comprehensive assessments, necessary for the individual to achieve an appropriate employment outcome. Services may include:

(1) ((Evaluation of)) Assessment to determine vocational rehabilitation ((potential)) needs in accordance with WAC 67-25-255 and 67-25-257;

(2) Counseling and guidance in accordance with WAC 67-25-380;

(3) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;

(4) Physical and mental restoration services;

~~((4))~~ (5) Vocational and other training (~~(services, including personal and vocational adjustment, books, tools, and other training materials)~~) in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;

~~((5))~~ (6) Maintenance in accordance with WAC 67-25-400;

~~((6))~~ (7) Transportation in connection with the provision of vocational rehabilitation services in accordance with WAC 67-25-404;

~~((7))~~ (8) Services to (~~(members of a handicapped individual's)~~) family (~~(when such services are necessary to the adjustment of rehabilitation of the handicapped individual)~~) members in accordance with WAC 67-25-408;

~~((8))~~ (9) Interpreter and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;

(10) Reader services(~~(, note taking, rehabilitation teaching services, and orientation and mobility services for the blind)~~) in accordance with WAC 67-25-408;

~~((9) Interpreter services for the deaf and note-taking services for the blind;~~

~~(10) Telecommunications, sensory, and other technological aids and devices;)~~

(11) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;

(12) Recruitment and training services to (~~(provide)~~) develop new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other (~~(appropriate)~~) public service employment in accordance with WAC 67-25-440;

~~((12) Placement in suitable employment;~~

~~(13) Post-employment services, necessary to assist handicapped individuals to maintain suitable employment;~~

~~(14) Occupational licenses, tools, equipment, initial stocks (including livestock), and supplies; and~~

~~(15) Other goods and services which can reasonable [reasonably] be expected to benefit a handicapped individual in terms of employability;)~~ (13) Job search and placement assistance, and job retention services in accordance with WAC 67-25-440;

(14) Supported employment services in accordance with WAC 67-25-436;

(15) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;

(16) Post-employment services in accordance with WAC 67-25-444;

(17) Occupational licenses, tools, equipment, initial stocks, and supplies in accordance with WAC 67-25-448;

(18) Rehabilitation technology and telecommunications services in accordance with WAC 67-25-448;

(19) Transition services for students in accordance with WAC 67-25-399;

(20) Other goods and services necessary for the participant to achieve an employment outcome in accordance with WAC 67-25-452.

AMENDATORY SECTION (Amending Order 85-10, filed 8/30/85)

WAC 67-25-360 Vocational rehabilitation services—  
~~((Similar))~~ Comparable services and benefits. (1) ~~((In as much as full))~~ Consideration of (~~(similar)~~) comparable services and benefits is required by (~~(federal regulations)~~) Section 101 (a)(8) of the act. Therefore, this section prevails over all other sections describing (~~(the)~~) conditions under which vocational rehabilitation services (~~(will)~~) shall be provided. (~~(Similar benefits include all sources of public funds and private insurance benefits for which the client may be eligible.)~~)

(2) Comparable services and benefits includes any financial or other resource for which a participant is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The resource must be an organized, ongoing form of service provision or financial assistance, whether public or private. It must be free or may require a deductible, co-insurance feature, token payment or personal claim.

(3) Participants are required to apply for and accept comparable services and benefits which they are entitled to receive before vocational rehabilitation funds can be expended, except as provided in subsections (5) and (6) of this section.

(4) Vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform participants of known sources for comparable services and benefits and shall assist with application for these services when necessary.

(5) The following services are provided without (~~(full)~~) consideration of (~~(similar)~~) comparable services and benefits:

- (a) ~~((Evaluation of rehabilitation potential))~~ Assessment;
- (b) Counseling and guidance;
- (c) ~~((Guidance;))~~
- ~~(d))~~ Referral;
- ~~((e) Placement;~~
- ~~(f) Vocational and other training services not provided in an institution of higher education.~~

(3) Training in institutions of higher education may be provided only after the client produces proof of application for and denial of eligibility for federal grant programs. Institutions of higher education include universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

~~(4))~~ (d) Vocational and other training services including personal and vocational adjustment, books, and other training materials, except that no training in institutions of higher education (universities, colleges, community colleges, vocational schools, technical institutes, or hospital schools of nursing) shall be paid for with vocational rehabilitation funds unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for training;

(e) Placement services;

(f) Rehabilitation technology services;

(g) Services listed in (a) through (f) of this subsection as post-employment services.

(6) Determination of comparable services and benefits shall not be required if:

(a) Utilization of such a service would delay provision of vocational rehabilitation services to an individual determined to be at extreme medical risk, based on medical evidence provided by an appropriate, qualified medical professional; or

(b) An immediate job placement would be lost due to a delay resulting from utilization of comparable services and benefits.

(7) The following services may be provided only after ((giving full)) consideration ((to similar)) of comparable services and benefits:

(a) Physical and mental restoration services;

(b) Maintenance;

(c) Transportation;

(d) Services to family members;

(e) Interpreter and note-taking services for ((the)) individuals who are deaf and tactile interpreting services for individuals who are deaf-blind;

(((d))) (f) Reader services ((for the blind));

(((e)) Recruitment and training services in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public services employment;

(f) Rehabilitation teaching services;

(g) Orientation and mobility services for the blind;)) (g)

Training at institutions of higher education;

(h) Supported employment services;

(i) Personal assistance services;

(j) Post-employment services, except as specified in subsection (5) of this section;

(k) Occupational licenses, tools, equipment, initial stocks and supplies;

(((i)) Transportation;

(j) Telecommunications, sensory, and other technological aids and devices.

(5) Clients are required to apply for and accept similar benefits to which they are entitled before rehabilitation funds may be expended for services.

(6) The vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform clients of known sources of similar benefits and to assist in application for such services when necessary.

(7) Exception to policy in two areas of service:

(a) Physical and mental restoration; and

(b) Maintenance may be made with supervisory approval when it has been determined that the lack of such services will delay completion of the client's rehabilitation program.))

(l) Transition services;

(m) Other goods and services not specified in this section.

(8) ((The)) Consideration of ((similar)) comparable services and benefits ((will)) shall be documented in the ((client's case)) participant's record of services. ((The)) Documentation ((will)) shall include sources of assistance considered, whether the ((client)) participant applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation ((funding)) funds for services described in subsection((s (3) and (4))) (7) of this section.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-380 Vocational rehabilitation services— Counseling and guidance.** (1) Counseling and guidance is a necessary ((and key function)) component of ((the)) vocational rehabilitation ((counselors and rehabilitation teachers in facilitating the development of the individual being served)) to help each participant develop work skills, a strong self-image, and the adaptive skills of blindness needed to achieve an employment outcome.

(((4))) (2) Counseling and guidance services ((will be provided by the department as necessary to:

(a) Assist the individual to understand his/her capacities, aptitudes and interests.

(b) Assist the individual to understand his/her limitations and the health problems, personal problems and social problems which may be encountered during the course of and after completion of the rehabilitation process.

(c) Assist the client to select a suitable and realistic vocational goal.

(d) Assist the individual to understand the services available to him/her from the department and other community resources and to understand how such resources can best be obtained and utilized in his/her rehabilitation process.

(e) Assist the individual to adjust to situations encountered during the rehabilitation process. This may include but not be limited to control of anxieties concerning physical restoration, development of appropriate study and work habits, improvements in physical appearance, management of finances, preparation for job interviews and tests, and the establishment and maintenance of effective interpersonal relationships.

(f) Family members, relatives and friends of the individual to aid and assist in the rehabilitation process.

(g) Prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

(2) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type of services needed, locations of service providers, and length of time needed to complete the rehabilitation.

(3) Counseling and guidance will continue even though the client may be a student in the department's rehabilitation center.

(4) Counseling and guidance will be provided without regard to economic need), based on needs of the participant, shall be available throughout all phases of the rehabilitation process to assist the participant with:

(a) Adjustment to blindness and other disabilities; understanding the importance of developing and using adaptive skills of blindness; and, identifying strategies to overcome negative social attitudes regarding disability;

(b) Identifying his or her unique strengths, resources, priorities, concerns, abilities, and capabilities related to planning for and achieving an employment outcome;

(c) Identifying and overcoming potential barriers to achieving an employment outcome including impairment-related, personal, and social factors;

(d) Selecting a vocational goal consistent with his or her abilities, capabilities, and interests;

(e) Obtaining and utilizing resource information to make meaningful and informed choices regarding selection of vocational rehabilitation goals, objectives, services, and providers;

(f) Overcoming potential barriers and achieving an employment outcome through development of skills such as: Study and work habits; grooming; management of finances; preparation for job interviews and tests; self-advocacy; and effective interpersonal relationships.

(3) Counseling and guidance services may also be provided to:

(a) Assist family members to effectively participate in the rehabilitation process;

(b) Assist prospective employers to develop positive attitudes regarding hiring and accommodating individuals who are blind or visually impaired.

(4) Counseling and guidance shall be provided without consideration of comparable services and benefits pursuant to WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-384 Vocational rehabilitation services—Physical and mental restoration services.** (1) Physical and mental restoration services ~~((will))~~ shall be provided to ~~((or arranged for))~~ a ~~((client))~~ participant under an individualized written rehabilitation program when ~~((, in the judgment of))~~ the vocational rehabilitation counselor ~~((and))~~ or rehabilitation teacher, in consultation with the medical or ophthalmological consultant as appropriate, ~~((it can be determined that:~~

~~(a) The clinical status of the client is stable or slowly progressive, as evidenced in the diagnostic study; and~~

~~(b) Such services may be expected to eliminate or substantially reduce the handicapping condition in terms of employability within a reasonable period of time; or~~

~~(c) When such services will maintain or improve functional capabilities consistent with a client's vocational rehabilitation.~~

~~(2) Diagnostic and treatment services for clients with any diseases of the eye will be provided by or under the direction of a qualified ophthalmologist to assure that there is no eye disease or other eye condition which needs consideration.~~

~~(3))~~ determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment for the participant.

(2) All authorized physical and mental restoration services ~~((may))~~ shall be provided by qualified physicians, dentists, ~~((and))~~ or other ~~((health related))~~ health professionals ~~((who are))~~ licensed in the state.

~~((4) The client has the option;)~~ (3) When receiving physical and mental restoration services, ~~((to))~~ the participant may choose the physician or other ~~((health related))~~ health professional and ~~((the))~~ appropriate facilities from ~~((among))~~ those licensed in the state. ~~((These))~~ Service providers and ~~((the))~~ facilities must be willing to accept reimbursement in accordance with the *Washington State Department of Social and Health Services Schedule of Maximum Allowances and Program Descriptions*.

~~((5) For clients in extended evaluation, restorative))~~ (4) Physical and mental restoration services may be provided to a participant during extended evaluation if it is necessary to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

(5) Physical and mental restoration services include but are not limited to:

(a) Surgical and therapeutic treatment;

(b) Diagnosis and treatment for mental or emotional disorders;

(c) Dental treatment;

(d) Nursing services;

(e) Hospitalization (inpatient or outpatient) in connection with surgery or treatment and clinic services;

(f) Convalescent or nursing home care;

(g) Drugs and supplies;

(h) Prosthetic, orthoptic or other assistive devices;

(i) Eyeglasses and vision-related services;

(j) Podiatry;

(k) Physical therapy;

(l) Occupational therapy;

(m) Medical or medically-related social work services;

(n) Speech or hearing therapy;

(o) Special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for treatment of individuals with end-stage renal disease.

(6) Physical and mental restoration services shall be provided only after consideration of comparable services and benefits except as specified in WAC 67-25-360.

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

**WAC 67-25-388 Vocational rehabilitation services—~~((Vocational and other))~~ General training provisions.** (1) The ~~((department may provide, within budget constraints;))~~ individualized written rehabilitation program may include any organized form of instruction ~~((which provides))~~ providing the knowledge~~((s))~~ and skills ~~((that are essential for performing the tasks involved in an occupation))~~ necessary for a participant to perform competitively in an occupation and achieve an employment outcome. ~~((Such))~~ Knowledge~~((s))~~ and skills may be acquired through training in an institution, on the job, by correspondence, by tutors, or through a combination of these methods. Training may be given for any occupation, except as ~~((provided))~~ prohibited in subsection ~~((5))~~ (2) of this section.

(2) ~~((The department will operate and maintain an orientation and training center for prevocational training for those clients for whom such training in the training center is determined to be appropriate.~~

(3) ~~Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless a client can demonstrate application for, and denial of, federal or state grant assistance.~~

(4) ~~The department may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client. The amount of assistance provided on a quarterly or~~

semester basis for students carrying a full academic load will be established by the director of the department, provided that exceptions can be made on a case-by-case basis. Students attending less than full-time will have amount reduced proportionately.

~~(5))~~ The Washington state Constitution forbids ~~((the))~~ use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

~~((6))~~ Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that amount charged at the University of Washington or the actual cost, whichever is less.

~~(7)~~ The department may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

~~(8)~~ Training will be provided to the extent that it meets the criteria established by the client and the department in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.)

(3) Programs or schools used to provide training shall generally be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated.

(4) The department may provide books, tools and other training materials.

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

WAC 67-25-390 Vocational rehabilitation services—Training—((College)) Institutions of higher education.

~~((1))~~ College training may be provided when

~~(a)~~ The nature of the client's disability is such as to require college training to place him/her on a reasonably competitive basis in a suitable occupation.

~~(b)~~ The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training.

~~(c)~~ Evaluation of the client's motivation, study habits, personality and character traits, or other relevant factors, indicates that it would be appropriate to provide him/her with college training even though he/she has otherwise failed to meet minimal intellectual or academic achievement standards.

~~(2)~~ A client provided with college training services shall be required to meet established scholastic standards. If his/her grades fall below the standards required in the field of his/her choice, it may be necessary to select a new objective for college training through joint planning between the client and the vocational rehabilitation counselor or to modify or cancel that portion of the rehabilitation plan which involves college training. If college training is cancelled, the vocational rehabilitation counselor shall then counsel with the client about a vocational objective which does not require college training.)

(1) Training at a university, college, community college, vocational school, technical institute, or

hospital school of nursing may be provided if necessary to achieve the employment objective agreed upon by the participant and vocational rehabilitation counselor.

(2) Training or training services in institutions of higher education shall be funded in accordance with WAC 67-25-360.

(3) Participants may attend private or out-of-state institutions of higher education in preparation for an employment outcome; however, financial assistance shall be limited to the tuition amount at the University of Washington or the actual cost, whichever is less. Exceptions may be made when required training is not available, or if other significant factors preclude the participant from attending an available training program at a public institution of higher education in the state.

(4) The department may provide financial assistance to a participant wishing to obtain a post-graduate degree when the training is necessary to achieve the individual's employment objective. However, financial assistance shall not be provided to a participant pursuing a graduate program for the sole purpose of achieving upward mobility.

(5) A participant receiving training at an institution of higher education must meet established scholastic standards required by the program of his or her choice. If the participant's grades fall below minimum standards, it shall be necessary, through assessment, counseling, and planning with the participant, to revise the individualized written rehabilitation program including the possible selection of a new employment objective.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-394 Vocational rehabilitation services  
~~((provided))—Training—((Employment)) On-the-job.~~ (1)  
~~((Employment)) On-the-job training (OJT) services may be provided ((to a client)) when necessary to ((attainment of the client's vocational goal. "Employment training services" shall mean))~~ achieve the participant's employment objective.

(2) OJT services shall be provided as a program of organized training ((by which a client is given)), giving a participant the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

~~((2) Employment training))~~ (3) OJT services shall be provided to ~~((an individual client))~~ a participant only when the vocational rehabilitation counselor ~~((has established))~~ establishes that the following conditions have been or ~~((will))~~ shall be met:

(a) The training program has been prepared in advance and outlined in detail ~~((and in advance));~~

(b) The ~~((client's))~~ participant's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the ~~((client's))~~ participant's selected occupation;

(c) A mutual understanding has been reached between the trainee—~~((client))~~ participant, the trainer—employment training ~~((facility))~~ provider, and the vocational rehabilitation counselor ~~((as to the provisions of the client's))~~ regarding the participant's employment training plan~~((;))~~ including: Length of the training period~~((;))~~; financial arrangements~~((;))~~; and operations and skills to be learned;

(d) ~~The employer ((will provide careful supervision of the client's)) agrees to closely supervise the participant's work and ((will)) shall submit regular reports on the ((client's attendance and)) participant's progress and performance to the vocational rehabilitation counselor;~~

(e) The training program ((will)) meets any requirements for licensing in the trade or occupation ((which exists in the field or work)) in which the ((client)) participant is to be employed;

(f) ~~((It has been ascertained that))~~ The employment training program for the participant is acceptable to other employees of the training ((facility)) provider.

(4) A business or industrial establishment utilized by the department to provide OJT services shall:

(a) Have personnel qualified with appropriate knowledge, skills, and personality to provide instruction;

(b) Have sufficiently diversified operations and adequate, suitable materials and equipment to insure a trainee thorough preparations and training within the scope and limits of his or her occupational objective;

(c) Ensure that training VR participants is only incidental to the business activity of the facility.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 67-25-105 Extended evaluation—Revision of program.
- WAC 67-25-120 Certification of termination of extended evaluation and notice.
- WAC 67-25-281 Vocational rehabilitation program—Notification of rights.
- WAC 67-25-385 Vocational rehabilitation services—Physical and mental restoration.
- WAC 67-25-392 Vocational rehabilitation services provided—Training—Trade schools.

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-396 Vocational rehabilitation services—Training—~~((Sheltered workshop))~~ Vocational adjustment.** ~~(((1) The department may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his/her ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in interpersonal situations, work characteristics, and manipulative skills.~~

~~(2) The purpose of work adjustment services in sheltered workshops shall be to:~~

~~(a) Assist clients in understanding the meaning, value, and demands of work;~~

~~(b) Modify or develop attitudes, personal characteristics, and work behaviors;~~

~~(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.~~

~~(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:~~

~~(a) There shall be an individualized written program establishing immediate and long range goals and objectives developed and monitored by a qualified staff person.~~

~~(b) The program will be in direct response to those problems defined in the evaluation process.~~

~~(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.~~

~~(d) All programs will be developed with the full knowledge and agreement of the vocational rehabilitation counselor or rehabilitation teacher and the client.~~

~~(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.~~

~~(f) After September 30, 1984, work adjustment services will be undertaken only in state certified rehabilitation facilities.)~~

(1) Vocational adjustment and related employment training services may be provided to a participant through a community rehabilitation program. This option may be appropriate if a participant is not ready for, or does not wish to receive training in an integrated setting.

(2) Vocational adjustment training may be provided to assist the participant with:

(a) Understanding the meaning, value, and demands of work;

(b) Developing appropriate attitudes, habits, and work behaviors; and/or

(c) Developing functional capacities necessary to achieve an optimum employment outcome.

(3) Prior to provision of vocational adjustment training, there shall be an assessment of the individual's patterns of work behavior, and the services needed for him or her to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, social skills, and behavior patterns suitable for successful job performance.

(4) Vocational adjustment training shall meet the following criteria:

(a) The training program shall be outlined in detail and agreed upon by the participant, or if appropriate, his or her representative, the vocational rehabilitation counselor, and the community rehabilitation program, and shall include: Anticipated length of training; methods to be used; and objectives to be achieved.

(b) The training program shall, consistent with the informed choice of the participant, be designed to assist him or her to achieve an employment outcome in an integrated setting.

(c) The community rehabilitation program agrees to assess the participant's progress and shall submit reports to the vocational rehabilitation counselor.

(d) The community rehabilitation program is certified by the department of social and health services division of vocational rehabilitation to provide vocational adjustment training.

NEW SECTION**WAC 67-25-398 Vocational rehabilitation services—**

**Training—Adaptive skills of blindness.** (1) Adaptive skills of blindness are those skills necessary for individuals who are blind or visually impaired to function independently in as distinguished from the vocational skills necessary to perform a specific occupation. Adaptive skills include:

- (a) Communications, including Braille and keyboarding;
- (b) Personal management;
- (c) Orientation and mobility;
- (d) Personal adjustment to blindness;
- (e) Home management;
- (f) Activities of daily living;
- (g) Use of rehabilitation technology; and
- (h) Use of residual vision.

(2) Training in adaptive skills of blindness shall be provided to a participant in accordance with standards established by the department for instruction of the specific adaptive skill.

(3) Training in adaptive skills of blindness may be provided to a participant under an individualized written rehabilitation program in accordance with WAC 67-25-080 and 67-25-260, or during the assessment to determine rehabilitation needs in accordance with WAC 67-25-257.

(4) The department shall operate and maintain an orientation and training center as a structured setting to provide assessment and training in adaptive skills of blindness for participants.

NEW SECTION**WAC 67-25-399 Vocational rehabilitation services—**

**Transition services for students.** (1) Transition services are activities which directly facilitate the smooth and efficient movement of a student who is blind or visually impaired from the K through 12 public or private education system to the vocational rehabilitation program. This includes any activity or program designed to introduce the student to a wide variety of available occupational choices, or to provide the student with work experience opportunities.

(2) Transition services shall be provided, when appropriate, to any student who is blind or visually impaired, age fourteen or older, who is enrolled in a public or private school.

(3) Transitioning students shall, to the extent necessary and appropriate, receive a thorough assessment of their abilities, interests and rehabilitation needs in the following areas:

- (a) Adaptive skills of blindness;
- (b) Social and interpersonal skills;
- (c) Vocational exploration and work experience.

(4) A transition plan or the prevocational component of a student's individualized education plan (IEP), with specific goals and objectives based on the assessment, shall be developed for each student. Services shall be planned jointly by the student, the family, and department staff. Maximum efforts shall be made to coordinate all services with the local school district.

(5) Transition services may include, but are not limited to:

- (a) Counseling and guidance for participants and their parents/representatives;

(b) Training in specific areas identified through the needs assessment after all other resources and approaches to remediation have been explored and found to be unobtainable;

(c) Conferences and workshops for participants, parents/representatives, education personnel and vocational rehabilitation counselors;

(d) Information and referral;

(e) Advocacy for the rights of all students who are blind or visually impaired to assure equal and appropriate access to the same educational, recreational, cultural and social opportunities as their sighted peers.

AMENDATORY SECTION (Amending Order 88-1, filed 4/11/88)**WAC 67-25-400 Vocational rehabilitation services—**

**Maintenance.** (1) Maintenance ~~((services include the client's basic))~~ for living expenses ~~((, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him/her to receive full benefit from other vocational rehabilitation services))~~ may be provided only when these expenses are in excess of the normal subsistence expenses of a participant, and only when necessary for the individual to participate in services under an individualized written rehabilitation program. Maintenance includes monetary support for food, shelter, clothing and other subsistence items.

(2) Maintenance ~~((services may))~~ shall be provided ~~((to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.~~

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until such time as the client has actually received remuneration for his employment, ~~for a period not to exceed sixty days))~~ only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 88-1, filed 4/11/88)**WAC 67-25-404 Vocational rehabilitation services—**

**Transportation.** (1) ~~((The department will provide or cause to be provided, within budget constraints, necessary))~~ Transportation services may be authorized for travel and related expenses ~~((required to transport clients, thereby enabling them to receive services))~~ necessary for ~~((the achievement of))~~ a participant to receive any vocational rehabilitation ~~((objectives))~~ service.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances~~((-));~~

(b) Food and/or lodging while in travel status~~((-));~~

(c) ~~((Attendants or escorts for clients and the attendants' or escorts' travel costs.))~~ Wages, travel, and related expenses for an attendant or aide if the services of that person are necessary for the participant to travel;

(d) ~~((Reimbursement for))~~ Relocation and moving expenses ~~((when a satisfactory adjustment to a job has been made and job security has been established)), if necessary for the vocational rehabilitation of the individual.~~

(3) Transportation services shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-408 Vocational rehabilitation services— Services to family members.** (1) ~~((Services to family members may be provided to assist a client in successful completion of his/her extended evaluation program or vocational rehabilitation program and subsequent vocational adjustment.))~~ A family member is an individual:

(a) Who is a relative or guardian of a participant, or who lives in the same household as a participant;

(b) Who is integrally involved in the vocational adjustment or rehabilitation of the participant; and

(c) Whose receipt of vocational rehabilitation services would further the vocational adjustment or rehabilitation of the participant.

(2) ~~((The))~~ Services provided to family members may include any ~~((of the))~~ vocational rehabilitation services available to ~~((clients of the department))~~ participants in accordance with WAC 67-25-085 and 67-25-350. However, the services must be directly related to the vocational rehabilitation of the ~~((client))~~ participant. Family members of any age may be served. ~~((Services provided to family members must be documented and justified in ways consistent with department vocational rehabilitation case documentation procedures and vocational rehabilitation policies.~~

~~(3) Other resources and similar benefits available to the family member(s) who may be served under this section must be considered under the same rules and conditions as those of the client.~~

~~(4) When the service provided to a family member(s) no longer substantially contributes to a client's vocational rehabilitation program or extended evaluation program, it will be terminated.))~~

(3) A vocational rehabilitation service provided to family members shall be terminated when it no longer substantially contributes to the vocational rehabilitation of the participant.

(4) Services to family members shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-412 Vocational rehabilitation services— Interpreter services for individuals who are deaf ((persons)).** ~~((The department will provide interpreter services for deaf persons needing this service in all stages of involvement with the department while a client or applicant, or during appeal of a contested decision by an employee of the department which directly affects the client or applicant.))~~

(1) Interpreter services shall be provided for a participant who is deaf, or for the individual's representative if appropriate, during all phases of the rehabilitation process including during any administrative appeal, fair hearing, and judicial review.

(2) Interpreter services shall be authorized in accordance with the department of social and health services schedule of maximum allowances and program descriptions.

(3) Interpreter services shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-416 Vocational rehabilitation services— Reader services.** (1) ~~((The department will provide or cause to be provided reader services to those clients.))~~ Reader services may be provided when necessary to complete an intermediate objective under an individualized written rehabilitation program ~~((who are engaging in vocational training in institutions of higher learning, business schools, technical or trade schools, and other types of training where significant amounts of reading are essential to the completion of the course and/or the advancement of the client's vocational objective. Reader services may also be provided for clients entering employment where substantial amounts of reading are necessary, but only as it relates to the initial stages of their employment.))~~ or, during assessment if necessary to the provision of other rehabilitation services.

(2) Reader services consist of ~~((oral))~~ orally reading ~~((to the blind individual of))~~ ink-print material to the blind participant which is not available ~~((through any of the usual, special, nonvisual methods of reading used by blind persons.~~

~~(3) Reader services may be provided, despite the availability of alternatives to ink print, when the client's skills in using nonvisual methods are not sufficient to fulfill the blind client's immediate rehabilitation needs, progress, or initial adjustment in employment.~~

~~(4) The employment and rates of payment will be governed by the department's procedures for purchase of reader services. Ordinarily, readers will be paid no more than the national minimum wage; however, exceptions may be made under the department's procedures governing reader services.~~

~~(5) The department's vocational rehabilitation program will encourage clients to make the most efficient use of readers; both as a sound economic practice and for the purpose of having clients learn to make effective use of readers in future employment and/or training settings))~~ in an appropriate, alternative format.

(3) If reader services are necessary beyond the initial stages of employment, the department shall, if desired by the individual, assist him or her to negotiate with the employer for reader services as a reasonable accommodation.

(4) Reader services shall be purchased in accordance with the department's procedures for purchase of reader services and shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

(5) Participants shall be encouraged through counseling and guidance to use reader services efficiently and effectively.



**NEW SECTION**

**WAC 67-25-418 Vocational rehabilitation services—Personal assistance services.** (1) Personal assistance services may be provided to assist a participant with on-the-job or related daily living activities that the individual typically would perform if he or she did not have a disability, and will not be able to perform even after receiving adaptive skills training. These services shall, to the extent appropriate and desired by the participant, include training in managing, supervising, and directing personal assistance services.

(2) Personal assistance services may be provided if necessary for the participant to achieve an employment outcome, and shall be provided only while the participant is receiving other vocational rehabilitation services.

(3) Provision of personal assistance services under an individualized written rehabilitation program is contingent on an assurance that ongoing services will be available for the individual at completion of the rehabilitation program.

(4) Personal assistance services are provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

**AMENDATORY SECTION** (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-432 Vocational rehabilitation services—Rehabilitation technology and—Telecommunications.** ~~((1) The provision of telecommunications, sensory or other technological aids and devices, individualized prescriptions and fittings must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with state licensure laws, or be appropriately certified professionals. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.~~

~~(2) Telecommunications may be utilized when service delivery methods can be improved by the use of these devices. Cost benefit will be considered in the development of telecommunication services.)~~ (1) Rehabilitation technology is the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address barriers confronted by participants in education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(2) The department maintains an assistive technology program to coordinate provision of rehabilitation technology services throughout all phases of the vocational rehabilitation process for participants. Services include:

(a) Assessment to determine rehabilitation technology needs;

(b) Job site and training site analysis;

(c) Rehabilitation engineering services;

(d) Comprehensive training in the use of assistive technology devices;

(e) Procurement, installation and follow-up related to assistive technology devices.

(3) Any assistive technology device requiring an individualized prescription or fitting must be provided by a professional who meets any state licensing or certification

requirements to fill the prescription or to perform the fitting. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

(4) Telecommunications services include telecommunication devices and relay services for individuals who are deaf or hearing-impaired. Telecommunications shall be utilized as necessary for service delivery.

(5) Rehabilitation technology services shall be provided without consideration of comparable services and benefits pursuant to WAC 67-25-360.

**NEW SECTION**

**WAC 67-25-436 Vocational rehabilitation services—Supported employment services and extended services.**

(1) Supported employment is competitive employment in an integrated setting for a participant with a severe disability who needs intensive, ongoing support to perform in a work setting. Typically, competitive employment has not traditionally occurred for these individuals or, has been interrupted or intermittent due to a severe disability.

(2) An individual shall be eligible to receive supported employment services if:

(a) The individual is eligible for vocational rehabilitation services in accordance with WAC 67-25-030;

(b) The individual needs intensive supported employment services from the department and ongoing services from other resources to perform competitive work due to the nature and severity of his or her disabilities; and

(c) Supported employment is an appropriate rehabilitation objective for the individual based on a comprehensive assessment of his or her rehabilitation needs.

(3) A participant with a vocational objective of supported employment may receive any vocational rehabilitation service described in WAC 67-25-350. Supported employment services typically include as appropriate:

(a) Individualized assessment in addition to the comprehensive assessment of rehabilitation needs;

(b) Intensive job skill training at the work site provided by skilled job trainers;

(c) Job development and placement;

(d) Interpersonal skills training;

(e) Regular observation or supervision of the individual;

(f) Follow-up services including regular contact with the employer, the individual, the individual's representative, and other appropriate professionals to reinforce and stabilize the job placement;

(g) Facilitation of natural supports at the worksite; and

(h) Other services similar to those in (a) through (g) of this subsection.

(4) Supported employment must occur in an integrated work setting for the maximum number of hours possible, based on the unique strengths, resources, interests, concerns, abilities, and capabilities of the participant with severe disabilities. An integrated setting is one where:

(a) Most co-workers are not disabled and the participant is not part of a work group of individuals with disabilities; or

(b) Most co-workers are not disabled, and if a job site as described in (a) of this subsection is not possible, the

participant is part of a small work group of not more than eight individuals with disabilities; or

(c) If there are no co-workers, or the only co-workers are members of a small work group of not more than eight individuals all of whom have disabilities, the participant has regular contact with nondisabled individuals (other than personnel providing support services) in the immediate work setting.

(5) The participant must be paid wages consistent with the Fair Labor Standards Act. Subminimum wages may be paid in accordance with the act, depending on the severity of the individual's disability and the nature of training and support services available to the individual.

(6) The department shall provide intensive training and support during the first eighteen months of supported employment to facilitate the participant's adjustment at the worksite and determine the need for extended services from other resources. Additional services may be authorized as an exception to policy based on strong evidence that additional support is needed to stabilize the individual in employment. Support must include:

(a) Worksite visits and observation provided at least twice per month; and

(b) If appropriate and desired by the participant, off-site monitoring which must include two face-to-face meetings with the participant and one contact with the employer each month.

(7) The participant shall transition to extended services after receiving supported employment services from the vocational rehabilitation program. Extended services are ongoing support services and other appropriate services needed to support and maintain the participant in supported employment. Long-term funding for extended services may be provided through cooperative agreements with public agencies, nonprofit agencies or organizations; employers; natural supports; and any resource other than federal vocational rehabilitation funds.

(8) An individualized written rehabilitation program for supported employment must specify the expected extended services needed and, must identify the source, including natural supports, of extended services. If the source of extended services cannot be identified when the individualized written rehabilitation program is developed, supported employment services shall be initiated if documentation supports a reasonable expectation that such sources will become available within six months.

(9) A participant with a vocational objective of supported employment may receive post-employment services in accordance with WAC 67-25-444 when the services to be provided are not the responsibility of the extended services provider.

(10) The department shall provide transitional employment services as supported employment services for a participant with a severe disability due to mental illness. Transitional employment is a series of temporary competitive job placements in integrated work settings with ongoing support services. In transitional employment, ongoing support services must include continuing sequential job placements until job permanency is achieved.

(11) Supported employment services are provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-440 Vocational rehabilitation services—Placement.** (1) ~~((The department may provide or cause to be provided placement services to clients))~~ Placement services shall be provided to a participant under an individualized written rehabilitation program~~((The department and clients will be mutually responsible in the endeavor to find and secure suitable employment. While the department will meet its responsibilities stated in this section, clients will be held responsible under their individualized written rehabilitation programs for actively and independently applying themselves in job-seeking efforts and self-placement.~~

(2) Placement services prepare a client for work and assist him/her in obtaining appropriate employment and may include the following range of activities:

(a) Organized and identifiable attempts to establish or improve the linkage of a client and a work situation.

(b) Sustained collaboration with the client in a variety of work-oriented activities culminating in the client's engagement in a job, including self-employment.

(c) Communicating and negotiating with a variety of employment resources in the community and other community resources regarding the employment of blind persons. This may or may not be on behalf of specific clients.

(d) Assisting the client in stabilizing himself/herself in a work setting to the point that the placement goal has been satisfactorily achieved.

(3)) to assist the individual with obtaining and retaining appropriate employment consistent with his or her vocational objective.

(2) The department and participant shall be mutually responsible to find and secure suitable employment for the individual. The individualized written rehabilitation program shall describe the nature and scope of placement services to be provided by the department, and the participant's responsibility to actively and independently conduct job-seeking efforts.

(3) Placement services include the following range of activities:

(a) Job development and employer relations which may or may not be on behalf of a specific participant;

(b) Job task analysis to determine how a person who is blind or visually impaired can be accommodated in a position;

(c) Job-seeking skills training to prepare a participant for employment;

(d) Communication and negotiation with a variety of employment resources and other community resources regarding employment of people who are blind or visually impaired;

(e) Work skill building, counseling, and other follow-up services to stabilize the participant in employment until the placement goal has been satisfactorily achieved.

(4) Placement services may be provided ((as follows)) using the following methods:

(a) Vocational rehabilitation counselors ((with)) shall deliver placement services to ((clients)) participants as a primary function and the principal focus of their professional responsibilities and activities.

(b) ~~((A job training and placement counselor whose principle function will be to communicate and negotiate with a variety of community resources, especially employers, regarding the employment of blind persons will provide placement services. This function may or may not be on behalf of specific clients.))~~ An employee specializing in business relations may provide placement services through communication and negotiation with a variety of employers and community resources, regarding employment of people who are blind or visually impaired.

(c) ~~((Existing, noneest))~~ No-cost placement resources in the community such as the state department of employment security, projects with industry, private industry council, and other entities shall be utilized whenever possible.

(d) ~~((In certain situations,))~~ Placement services may be purchased when it is in the ~~((client's))~~ participant's vocational interests, when the department's services are not otherwise available, or ~~((are))~~ when placement is offered by a vendor as part of a ~~(("package" involving placement as a service. The specific conditions under which placement services may be purchased are addressed in the department's procedures governing such purchase))~~ service package.

~~((4))~~ (5) Placement services ~~((will))~~ shall be terminated when the ~~((client))~~ participant has been provided vocational rehabilitation services, in accordance with an individualized written rehabilitation program, ~~((and been determined to have maintained a suitable employment goal))~~ which have enabled the individual to obtain and retain employment consistent with his or her capacities and abilities for at least sixty days.

~~((5))~~ Suitable placement refers to a determination that the provision of vocational rehabilitation services has enabled a client to enter or retain employment consistent with client's capacities and abilities.))

(6) ~~((Clients placed by the department))~~ If a participant is placed in extended employment ~~((in rehabilitation facilities will have their statuses))~~ (formerly extended sheltered employment) in a community rehabilitation program, his or her status shall be reviewed and reevaluated by the department at least annually. The department ~~((will))~~ shall make maximum efforts to place these individuals in competitive employment ~~((or))~~, including supported employment, or in training for competitive employment ~~((whenever feasible))~~ consistent with the informed choice of the individual or the individual's representative if appropriate.

(7) Placement services ~~((will))~~ shall be provided without consideration of ~~((similar benefits except when the purchase of placement services is contemplated))~~ comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-444 Vocational rehabilitation services—Post-employment services.** ~~((1))~~ The department may provide such follow up services to clients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.

(2) The department may provide post-employment services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to overcome emergent or latent problems related to the original

~~disability or handicap for which he/she was receiving services prior to termination.~~

(3) All follow up and post-employment services provided will have the same requirements to meet the economic needs test as those services that require the needs test for a regular program of services.)) (1) Post-employment services may be provided to a participant, subsequent to achieving an employment outcome, if necessary for the participant to maintain, regain, or advance in employment consistent with the individual's abilities, capabilities, and interests.

(2) Post-employment services are intended to provide short-term intervention related to the established rehabilitation objective. Accordingly, post-employment services do not require a new determination of eligibility, and may be provided as long as the established individualized written rehabilitation program and necessary documentation are available and pertinent.

(3) Post-employment services include all vocational rehabilitation services identified in WAC 67-25-350 and are subject to any conditions affecting provision of that vocational rehabilitation service.

AMENDATORY SECTION (Amending WSR 92-09-090, filed 4/17/92, effective 5/18/92)

**WAC 67-25-446 Vocational rehabilitation—Services to groups.** ~~((The department may provide for facilities and services that may be expected to contribute substantially to the rehabilitation of a group of individuals with handicaps but that are not related to the individualized written rehabilitation program of any one individual with handicaps.)) (1) The department may provide the following vocational rehabilitation services to groups of individuals:~~

(a) Establishment, development, or improvement of a public or other nonprofit community rehabilitation program providing services that promote integration and competitive employment.

(b) Development and implementation of services that enhance the use of special modes of communication and/or telecommunications for individuals with disabilities.

(c) Technical assistance and support services, such as job site modification and other reasonable accommodations, for businesses not subject to Title I of the Americans with Disabilities Act of 1990 that are seeking to employ individuals with disabilities.

(d) Establishment of small business enterprises, operated by individuals with the most severe disabilities under supervision of the department, including, management services and supervision, and the acquisition of vending facilities, equipment, initial stocks, and supplies.

(e) Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized written rehabilitation program of any one individual.

(2) Services to groups are provided in accordance with department procedures for the provision of these services.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-448 Vocational rehabilitation services—Occupational licenses, tools, equipment, initial stocks and supplies.** (1) ~~((The department may provide or cause to be~~

~~provided, within budget constraints, initial stocks and supplies as required in the client's individualized written rehabilitation program.~~

~~(a))~~ Goods and services described in this section may be provided only under an individualized written rehabilitation program when necessary for the participant to achieve an appropriate employment outcome. Initial stocks and supplies may be provided only when a participant enters a self-employment business.

(2) Occupational licenses ((with)) include any license, permit, or other written authority required by a state, city, or other government unit ((to be obtained in order)) for the individual to enter an occupation or ((enter a small)) business.

~~((b))~~ (3) Occupational tools ((with)) include those customarily required for a worker to perform efficiently on the job, and which are normally provided by workers in the same or similar trade or profession((-and)). These may ((also)) include specialized tools adapted to ((use for blind persons or any accompanying disabling condition the client may have. Any tools provided must be directly applicable and significantly useful in the employment or training of the client)) accommodate the individual's disability.

~~((c))~~ (4) Occupational equipment ((with)) includes occupational fixtures normally found in places of business. These ((may consist of apparatuses,)) include machinery, and appliances that are usually ((of a)) stationary ((nature)) during ((the time of)) utilization ((in a particular business trade or profession)). However, self-powered vehicles may also be provided ((under this section)).

~~((d))~~ (5) Initial stocks ((with)) include the initial inventory of merchandise or goods necessary for a ((client entering)) participant to enter self-employment. It may also include the initial purchase of livestock as a base stock, and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment.

~~((e))~~ (6) Initial supplies ((with)) include expendable items necessary ((to enable the client)) for the participant to carry out ((the)) day-to-day business operations, and which are consumed on the premises in the course of the ((client's)) participant's self-employment business.

~~((2) Occupational tools and equipment will be provided only when provision of such items becomes central to the effective training of a client for a specific occupation or trade and/or effective placement in and employment, self-employment, or post-employment setting where the items will be used.~~

~~(3) Initial stocks and supplies will be provided only when a client enters a self-employment business.~~

~~(4) The specific kinds of items and the particular methods by which they may be provided under this section are addressed in detail in the department's procedures governing their provision.~~

~~(5) The matters of)~~ (7) Purchase, accountability, legal title, insurance, maintenance, and ((similar)) other considerations ((with regard to occupational tools, equipment, initial stocks and supplies)) regarding provision of goods and services described in this section are addressed in ((detail in)) the department's procedures governing their provision.

~~((6) In the provision of items under this section, thorough consideration will be given to similar benefits and resources available to the client.~~

~~(7) Occupational licenses, tools, equipment, initial stocks, and supplies will be provided based on the client's economic need.)~~ (8) Goods and services described in this section shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-452 Vocational rehabilitation services provided—Other goods and services. ~~((1) Such other goods and services may be provided to the client as are essential to a determination of his/her rehabilitation potential, to his/her rehabilitation plan, or to render him/her fit to engage in a gainful occupation.~~

~~(2) The provision of other goods and services shall be conditioned upon the economic need of the client except when provided in connection with diagnostic services.)~~ (1) Other goods and services not described in this chapter may be provided to a participant when necessary to determine the individual's eligibility for services and rehabilitation needs, or when necessary for the individual to achieve an appropriate employment outcome.

(2) Other goods and services, except those required for assessment of the individual, shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-540 ((Completion of vocational rehabilitation program)) Individualized written rehabilitation program—Successful rehabilitation. ~~((Services shall be terminated on the basis of the completion of the client's vocational rehabilitation if:~~

~~(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed. Services may be terminated in spite of the failure to comply with this requirement only if the vocational rehabilitation counselor and the client have mutually decided that it is necessary and/or appropriate for the client to accept employment before completing the total plan of services set forth in his rehabilitation program; and~~

~~(2) Substantial rehabilitation services have been rendered to the client by the department. No client shall be terminated as rehabilitated unless the department has provided him/her with the following substantial services:~~

~~(a) Adequate and necessary guidance in developing an understanding of his/her capacities and limitations, his/her vocational potentialities, and the health, personal, and social problems related to his/her vocational adjustment;~~

~~(b) Assistance in understanding the services available from the department and other community resources and in obtaining and utilizing these services to achieve the best possible vocational adjustment;~~

~~(c) Counseling and assistance in adjusting to situations encountered during the rehabilitation process, such as control of anxieties concerning physical restoration, development of appropriate study and work habits, improving personal appearance, managing finances, and devising effective interpersonal relationships;~~

~~(d) Completion of alternative skills training.~~

~~(3) The client must have been, as a minimum, determined to have achieved a suitable employment objective which has been maintained for a period of time not less than sixty days. An occupation shall be considered suitable when, after a reasonable period of time has passed since placement, it has been confirmed that the following conditions have, insofar as possible, been met:~~

~~(a) The client and employer are mutually satisfied;~~

~~(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment;~~

~~(c) The occupation is consistent with the client's capacities, skills, and abilities;~~

~~(d) The employment and working conditions will not aggravate the client's disability, and his disability in the employment situation will not jeopardize the health or safety of himself/herself or others;~~

~~(e) The wage and working conditions conform to state and federal legal requirements;~~

~~(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work-)) (1) An individual shall be considered successfully rehabilitated when he or she has maintained an employment outcome for at least sixty days that is:~~

~~(a) The result of services provided under an individualized written rehabilitation program;~~

~~(b) Commensurate with the individual's abilities, capabilities, interests, and informed choice; and~~

~~(c) In the most integrated setting possible, consistent with the individual's informed choice.~~

~~(2) The individual shall be notified of the termination decision and appeal procedures in accordance with WAC 67-25-288.~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-545 Notification of termination. The department shall provide written notification, using special modes of communication if appropriate, to every individual who has applied for services ~~((whenever any))~~ when a determination is made to terminate services to ((them)) the individual. ~~((Such))~~ The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the ((client)) participant of his((f)) or her right to an administrative review, a fair hearing ((on the decision)), and judicial review of the decision. A description of client assistance program services shall also be provided.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-550 Confidential information—((Disclosure)) Protection, use and release. ~~((1))~~ The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the department, given or made available to the department, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses,

information with respect to clients' financial resources, records of the department's evaluations of factual information regarding a client, and all other information about a client, whether recorded or not recorded.

~~(2) The department shall disclose confidential information, whether directly or indirectly, only under the following circumstances:~~

~~(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program; or~~

~~(b) Where required by order of a court of competent jurisdiction; or~~

~~(c) Where the client has given his/her informed consent in writing to such disclosure; or~~

~~(d) Where necessary for purposes of audit to determine compliance with standards and regulations.~~

~~(3) The department shall refuse to disclose confidential information even when disclosure has been expressly or impliedly requested by the client if the information in question has been provided to the department on the basis that it will not be disclosed to the client. Information so withheld shall be briefly identified and listed, and said list shall be provided to the client or his/her authorized representative. Such confidential information shall be provided to the client only under the following circumstances:~~

~~(a) Where the person or agency which provided the information has given the department express written authorization to release the information to the client; or~~

~~(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.~~

~~(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The department shall release to an employer only such confidential information regarding a client as is essential to his/her successful placement.~~

~~(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:~~

~~(a) The client has requested services under circumstances from which his/her consent may be presumed;~~

~~(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and~~

~~(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.~~

~~(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:~~

~~(a) The research is directly connected with the administration of the vocational rehabilitation program;~~

~~(b) The organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;~~

~~(c) The organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any~~

person about whom information has been obtained from the department without the written consent of the person involved and of the department.

~~(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency. Provided,~~

~~(a) That only such information as is relevant to the needs of the client shall be released; and~~

~~(b) In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the department, or to the client by a physician or by a licensed or certified psychologist.)~~

(1) Confidential information refers to all documented and undocumented personal information, including lists of names and photographs, about any past or present participant in the vocational rehabilitation program, given or made available to the department, its representatives, or its agents in the course of the administration of the program.

(2) Participants, their representatives as appropriate, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and policies governing its use. This information shall be provided to the participant or to the individual's representative in the individual's native language or using special modes of communication if appropriate and shall include:

(a) Identification of the authority under which information is collected;

(b) Explanation of the principal purposes for which the department intends to use or release information;

(c) Explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;

(d) Identification of those situations where the department requires or does not require informed written consent of the individual before information may be released; and

(e) Identification of other agencies to which information is routinely released.

(3) All personal information must be used only for purposes directly connected with the administration of the vocational rehabilitation program. Personal information shall not be shared with advisory or other bodies not having official responsibility for administration of the program.

(4) Except as provided in (a) and (b) of this subsection, the department shall, upon receipt of a written request by a participant, release all information in that individual's record, to the individual or the individual's representative within fifteen working days.

(a) Medical, psychological, or other information that the department determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual's representative or released through a qualified medical or psychological professional.

(b) Personal information obtained from service providers and cooperating agencies under assurances that the information shall not be further divulged may be released only under conditions established by the other agency or organization except as provided in subsections (5) and (6) of this section.

(5) Personal information may be released to an organization, agency, or individual the purposes of audit, evaluation, or research directly connected with administration of the vocational rehabilitation program, or for purposes that would significantly improve the quality of life for participants and only if the organization, agency, or individual assures that:

(a) Information shall be used only for the purposes for which it is being provided;

(b) Information shall be released only to persons officially connected with the audit, evaluation, or research;

(c) Information shall not be released to the participant;

(d) Information shall be managed in a manner to safeguard confidentiality; and

(e) The final product shall not reveal any personal identifying information without the informed written consent of the participant or the individual's representative.

(6) The department may release personal information to other agencies and programs under the following conditions:

(a) Upon receiving the informed written consent of the participant, or, the individual's representative if appropriate, the department may release personal information to another agency or organization only to the extent that the information may be released to the participant, and only to the extent that the agency or organization demonstrates that the information requested is necessary for its program.

However, medical or psychological information that the department determines may be harmful to the individual may be released if the agency or organization assures the department that information shall be used only for the purpose for which it is being provided and shall not be released to the participant.

(b) The department shall release personal information if required by federal law or regulation.

(c) The department shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, and in response to judicial order.

(d) The department may release personal information to protect the participant or others if the individual poses a threat to his or her safety or to the safety of others.

**AMENDATORY SECTION** (Amending WSR 90-11-047, filed 5/11/90, effective 6/11/90)

**WAC 67-25-560 Administrative review.** (1) Any ((client)) participant who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents ((with regard to his/her)) concerning the provision or denial of vocational rehabilitation ((ease)) services may ((file a)) request ((with the department for, and shall thereupon receive, an administrative review by the director or his/her designee, or a fair hearing by an administrative law judge)) a fair hearing in accordance with WAC 67-25-570, or an administrative review as described in this section. Administrative review is an informal process conducted by the director or the director's designee to resolve a request for review without conducting a formal hearing.

(2) A ((client who)) request((s-an)) for administrative review ((shall indicate by signature that he/she has been informed of administrative review and fair hearing rights and procedures, and that, if he/she elects an administrative

review, the forty-five day time period for scheduling a fair hearing is waived until conclusion of the administrative review process)) must be made by the participant, the individual's representative, or an advocate working with permission of the participant, and must be submitted within sixty days after the date of the decision or action by the department which is the basis for the request.

(3) ((A request for administrative review may be made by the client, a parent or guardian, or by an advocate working in the client's interest and with the client's permission.)) The request for review may be made to any agency representative either verbally or in writing. A verbal request shall promptly be reduced to writing by the agency representative ((receiving the request.

(4) All requests for administrative review)) and shall:

(a) Specify the date of the decision or action being appealed;

(b) Specify as precisely as possible the issue to be resolved by the administrative review;

(c) ((Set forth)) Include the address of the ((client)) participant or ((of his/her)) individual's representative; ((and

(d) Be signed by the client or by his/her representative.

(5) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.

((6)) (d) Include information concerning administrative review and fair hearing rights and procedures, and a description of client assistance program services; and

(e) Indicate by signature of the participant, or the individual's representative, that the individual agrees to waive the forty-five-day time period for scheduling a fair hearing, in accordance with WAC 67-25-570, until conclusion of the administrative review process.

(4) An administrative review ((and redetermination)) shall be ((provided by the director's designee, and shall be provided)) conducted within thirty days after ((the)) submission of the request for review.

((7)) (5) Within ((twenty-one)) twenty days after the conclusion of the administrative review the ((designee)) reviewer shall ((certify his/her findings)) make a determination and shall provide to the ((client in writing specifying in reasonable detail the reasons for his/her findings and informing the client of his/her right to request and receive a fair hearing if dissatisfied with those findings)) participant, or to the individual's representative, a written report of the findings and grounds for the decision. The individual shall also be advised of the right to request and receive a fair hearing by an administrative law judge, in accordance with WAC 67-25-570, if dissatisfied with the administrative review decision.

AMENDATORY SECTION (Amending WSR 90-11-047, filed 5/11/90, effective 6/11/90)

WAC 67-25-570 Fair hearing. (1) Any ((client)) participant who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents ((with regard to his/her)) concerning the provision or denial of vocational rehabilitation ((plan)) services or is dissatisfied with the results of an administrative review, may request from the department, and shall thereupon be granted,

a fair hearing. A ((client)) participant who desires a fair hearing shall request ((such)) the hearing within sixty days after the date of the decision or action by the department which is the basis for the request for fair hearing.

(2) A request for fair hearing shall be sent to the Director, Department of Services for the Blind ((at)), 521 East Legion Way, Olympia, WA 98504-4093, who ((will)) shall forward it to the office of administrative hearings within five working days.

(3) The office of administrative hearings ((will)) shall appoint an administrative law judge and shall schedule a fair hearing within forty-five days ((of the receipt of)) after receiving the request ((for fair hearing)).

(4) The individual, or the individual's representative shall be given an opportunity to:

(a) Present additional evidence, information, and witnesses to the administrative law judge;

(b) Be represented by counsel or other appropriate advocate;

(c) Examine all witnesses and other relevant sources of information and evidence.

(5) Within thirty days after completion of the hearing, the administrative law judge ((will)) shall make an initial decision ((and forward this initial decision to the client and/or their designated representative and to the director of the department of services for the blind, who will make a final determination)) based on provisions of the approved state plan, the act, and federal and state vocational rehabilitation regulations and policies, and shall provide to the individual, or the individual's representative, and to the director of the department a full written report of the findings and grounds for the decision.

((5)) (6) The director ((will)) shall notify the ((client)) participant or the individual's representative in writing within ((fifteen)) twenty days ((of receipt of)) after receiving the administrative law judge's ((initial)) decision that:

(a) The ((initial)) decision is accepted as the final determination((;)); or((;))

(b) The ((director will notify the client within fifteen days of receipt of the administrative law judge's initial decision that the)) director ((will)) has decided to review the initial decision of the administrative law judge.

((6)) (7) If the director fails to ((notify the client of his/her intent to review)) provide notice in accordance with subsection (6) of this section, the administrative law judge's decision ((within fifteen days, the administrative law judge's decision)) becomes ((the)) a final ((determination)) decision.

((7) If the director decides to review the decision of the administrative law judge, the client, or, if appropriate, the client's parent, legal guardian, or other representative shall be provided the opportunity for submission of additional evidence and information relative to the final determination.

(8) The director will make a final determination within thirty days after the date of the decision of written notice of intent to review the administrative law judge's initial decision.

(9) The director will base the decision to review the decision of the administrative law judge on)) (8) The director shall not overturn or modify a decision, or part of a decision, of an administrative law judge that supports the position of the individual unless the director concludes, based on clear

and convincing evidence that one or more of the following criteria apply:

(a) The initial decision appears arbitrary(~~(;)~~) or capricious(~~(; or otherwise unreasonable)~~);

(b) The initial decision does not appear to be supported by substantial evidence;

(c) The (~~(impartial hearing officer)~~) administrative law judge has not given adequate (~~(and appropriate)~~) consideration to: Federal statute and regulations(~~(;)~~); the department state plan(~~(;)~~); the department policies and procedures (~~(manual, state agency)~~); options in service delivery authorized by federal statute(~~(;)~~); restrictions on service provision specified by federal statute(~~(;)~~); or (~~(approved)~~), other state or federal policies.

(9) If the director decides to review the decision of the administrative law judge, the participant, or the individual's representative, shall be given opportunity to submit additional evidence and information relevant to the final decision.

(10) Within thirty days after providing notice of intent to review the administrative law judge's decision, the director shall make a final decision, and shall provide to the individual, or the individual's representative, a full written report of the findings and grounds for the decision.

((40)) (11) A ((client)) participant who is dissatisfied with the final result of the fair hearing ((process)) may file a petition for reconsideration with the office of administrative hearings in accordance with RCW 34.05.470, or the individual may file a petition for review in superior court.

(12) The department shall not suspend, reduce, or terminate any services being provided under an individualized written rehabilitation program pending a final determination of any administrative review or fair hearing, unless the individual, or the individual's representative so requests, or the department has evidence that the services were obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual.

(13) Communication with the participant or the individual's representative during any administrative review, fair hearing or judicial review shall be conducted in a language reasonably expected to be understood by the individual including use of special modes of communication as appropriate.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-590 Client records.** The department (~~(will))~~ shall maintain for each (~~(applicant for vocational rehabilitation services))~~ participant a (~~(case))~~ record (~~(which will))~~ of services that includes, to the extent pertinent, the following (~~(information))~~ documentation:

(1) (~~(Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;~~

(2) ~~In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;~~

(3) ~~Data supporting any determination that the handicapped individual is a severely handicapped individual;~~

(4) ~~Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential;~~

(5) ~~An individualized written rehabilitation program as developed and any amendments to such program;~~

(6) ~~In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;~~

(7) ~~Documentation supporting any decision to provide services to family members;~~

(8) ~~Data relating to the participation by the handicapped individual in the cost of vocational rehabilitation services;~~

(9) ~~Data relating to the eligibility of the individual for similar benefits under any other program;~~

(10) ~~Documentation that the individual has been advised of the confidentiality of all information pertaining to his case and documentation and other material pertinent to the release of any information concerning the handicapped individual on the basis of the written consent of the handicapped individual;~~

(11) ~~Documentation as to the reason and justification for closing the case, including the employment status of the client, and if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable;~~

(12) ~~Documentation of any plans for the provision of post-employment objective has been achieved, the basis on which such plans were developed, and a description of the services provided and the outcomes achieved;~~

(13) ~~Documentation as to any action and decision involving the handicapped individual's request for an administrative review of agency action; fair hearings; and judicial review; and~~

(14) ~~In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination)) If an applicant has been determined ineligible:~~

(a) ~~A written and dated statement of ineligibility signed by the appropriate staff member;~~

(b) ~~Documentation specifying reasons for the ineligibility determination; and~~

(c) ~~Documentation of a review of the determination not later than twelve months after the determination was made, except as provided in WAC 67-25-056.~~

(2) When an individual is determined eligible:

(a) A written and dated statement of eligibility signed by the appropriate staff member; and

(b) Supporting rationale for the determination, including documentation from the assessment for determining eligibility, in accordance with WAC 67-25-020.

(3) If it is determined that an extended evaluation for an individual with a severe disability is necessary to make an eligibility determination:

(a) A written and dated statement of this determination signed by the appropriate staff member;

(b) Supporting documentation, including the determination that the individual is an individual with a severe disability; and



(c) Documentation of periodic assessments in accordance with WAC 67-25-100.

(4) The individualized written rehabilitation program for the individual in accordance with WAC 67-25-260, 67-25-270, and 67-25-275.

(5) Documentation from the assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257 to support:

(a) The determination of the long-term vocational goal and intermediate rehabilitation objectives for the individual; and

(b) The nature and scope of services needed to achieve the intermediate objectives and long-term goal.

(6) Documentation of how the individual was provided information necessary to make informed choices in selecting the long-term vocational goal, intermediate rehabilitation objectives, rehabilitation services, and providers of services identified in the individualized written rehabilitation program.

(7) Documentation of how the individual was provided information regarding the level of integration of service provision and job placement options. If the individualized written rehabilitation program provides for services or a job placement in a nonintegrated setting, a justification for that nonintegrated setting.

(8) If physical and mental restoration services are provided, documentation supporting the determination that the clinical status of the individual is stable or slowly progressive.

(9) Documentation supporting any decision to provide services to family members.

(10) Documentation of the individual's participation in the cost of any vocational rehabilitation services.

(11) Documentation of the individual's eligibility for and use of any comparable services and benefits.

(12) Documentation that the individual has been advised of the confidentiality of all personal information, and that any information about the individual has been released with the individual's informed written consent, in accordance with WAC 67-25-550.

(13) Documentation of the reason for terminating services to an individual, and, if the individual was determined rehabilitated, the basis for that determination in accordance with WAC 67-25-540.

(14) Documentation of any plans to provide post-employment services after the employment outcome has been achieved, the basis on which these plans were developed, and a description of services provided and outcomes achieved.

(15) Documentation concerning any action and decision resulting from a request for administrative review or fair hearing in accordance with WAC 67-25-560 or 67-25-570.

(16) If an individual has been provided vocational rehabilitation services under an individualized written rehabilitation program, but after the initiation of these services he or she has been determined no longer capable of achieving an employment outcome, documentation of any reviews of this determination in accordance with WAC 67-25-056.

## REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 67-25-420 Vocational rehabilitation services—Rehabilitation teaching services.
- WAC 67-25-428 Vocational rehabilitation services—Orientation and mobility services.
- WAC 67-25-500 Purchase of services.
- WAC 67-25-505 Purchase of services—Selection criteria—Schools.
- WAC 67-25-510 Purchase of services—Selection criteria—Employment training facilities.
- WAC 67-25-525 Termination of services for reason of ineligibility.
- WAC 67-25-530 Termination of services for reasons other than ineligibility.

**WSR 95-06-066  
PERMANENT RULES  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

[Filed February 28, 1995, 4:20 p.m.]

Date of Adoption: February 27, 1995.

Purpose: To increase the rate of charges paid by credit unions to the department and to change the asset charge assessment dates; to provide authority for the director to accelerate asset charge assessments.

Citation of Existing Rules Affected by this Order: Amending WAC 419-18-020, 419-18-030, 419-18-040, 419-18-050, 419-18-060, and 419-18-070.

Statutory Authority for Adoption: RCW 31.12.535 and [31.12].545.

Pursuant to notice filed as WSR 95-03-091 on January 18, 1995.

Changes Other than Editing from Proposed to Adopted Version:

1. Increase in rate of charges.

As indicated in the proposed rule, the division has recently incurred significant unanticipated/extraordinary expenses, including the cost of defending the division against tort litigation. In order to raise sufficient revenue to cover these expenses, the proposed rule:

a. Amended existing sections of chapter 419-18 WAC to increase the rate of each of the various examination and supervision charges by 6.21 percent (the current fiscal growth factor), effective March 31, 1995.

b. Added new WAC 419-18-080 to provide for annual increases to the rate of these charges. The annual increases would have taken effect each July 1, in the amount of the state's fiscal growth factor, until the increases were determined by the director to no longer be necessary.

The increase described in "a" above has not been changed in the final rule. However, the increases described in "b" above have been changed in the final rule. The final rule differs from the proposed rule by providing that the scheduled rate increases under WAC 419-18-080 will occur as follows:

a. On August 1, 1995, an increase of 5.13 percent and

b. On August 1 of each year thereafter, an increase equal to the then current fiscal growth factor, if the cash balance of the credit unions examination fund drops below \$300,000 during the prior fiscal year (July 1 to June 30).

These scheduled increases are intended to cover operational costs of the division. The division determined that it was prudent to keep a minimum balance of \$300,000 which approximates three months' operational costs.

In addition, the division has determined, because the cost of tort litigation is a completely new type of expense, that it is appropriate for this expense to be passed on to credit unions in a new type of charge. Consequently, the department has decided to propose, in the near future, a separate rule to assess a new charge to cover this expense. The charge would be used only to pay such costs of defense.

2. Change in asset charge assessment and payment dates.

No change from proposed rule.

3. Authority to accelerate asset charge assessment dates.

No change from proposed rule.

Effective Date of Rule: Thirty-one days after filing.

February 28, 1995

B. Anne Pulitano  
Assistant Director

**Chapter 419-18 WAC  
EXAMINATION AND SUPERVISION ((FEES))  
CHARGES FOR CREDIT UNIONS**

AMENDATORY SECTION (Amending Order 83-4, filed 9/26/83)

**WAC 419-18-020 Collection of examination and supervision costs—Collection method.** The requirement of RCW ((31.12.320)) 31.12.545 that the ((supervisor)) director collect from each credit union the actual costs of examinations and supervision shall be met in accordance with the procedures established in this chapter. The ((fee)) charges for this purpose shall consist of ((three elements)): (1) An hourly charge for ((the number of hours spent by division personnel in)) conducting an examination of the credit union, (2) a semiannual asset charge, ((and)) (3) an hourly charge for ((the number of hours of extraordinary or special services)) legal assistance, (4) an hourly charge for supervisory review of examinations, and (5) an hourly charge for special examinations. Charges must be paid promptly when due.

AMENDATORY SECTION (Amending WSR 91-06-062, filed 3/1/91, effective 4/1/91)

**WAC 419-18-030 Hourly charge for examinations.**

(1) The hourly charge for hours spent by personnel of the credit union division ((of savings and loan)) in conducting examinations shall be assessed as follows:

((+)) (a) For division personnel classified as ((savings and loan)) analyst, ((\$40.00)) \$42.48 per hour;

((2)) (b) For division personnel classified as ((savings and loan)) senior analyst, ((\$45.00)) \$47.79 per hour; and

((3)) (c) For division personnel classified as review analyst or above, ((\$50.00)) \$53.10 per hour.

(2) In addition, the ((supervisor)) director may charge the actual cost of examinations performed under personal service contracts by third parties.

(3) The ((supervisor)) director shall submit a statement for the ((forgoing [foregoing])) charges following the completion of any applicable examination, and the charges ((shall)) must be paid not later than thirty days after submission of ((such)) the statement.

(4) The rate of the charges set forth in subsection (1) of this section is subject to increase as provided in WAC 419-18-080.

AMENDATORY SECTION (Amending WSR 91-06-062, filed 3/1/91, effective 4/1/91)

**WAC 419-18-040 Semiannual asset charge.** (1) The semiannual asset charge will be assessed at a rate of ((three)) 3.1863 cents per thousand dollars of total assets (defined below), computed on total assets as of ((June 30)) March 31 and ((December 31)) September 30 of each calendar year, and payable no later than ((July 15 and January 15 next following the respective assessment dates)) fifteen days after the respective date. ((Those)) Credit unions ((the)) with total assets of ((which are)) less than two hundred thousand dollars as of a particular assessment date ((shall)) are not ((be)) required to pay ((an)) the asset charge for ((the semiannual period immediately preceding such)) that assessment date. ((Assets included in total assets include))

(2) For the purpose of this section, "total assets" includes all assets held by a Washington chartered credit union whether held within this state or a branch in another state and assets of foreign credit unions held through branches within the state of Washington ((, provided that the supervisor shall have the authority to)). However, the director may waive the assessment of asset ((fees)) charges on assets held by Washington chartered credit unions ((in)) through branches within other states based upon reciprocal agreements with the foreign state's regulatory authority. The assessment of asset charges set forth in this section is subject to acceleration as provided in WAC 419-18-045.

(3) The rate of the charges set forth in this section is subject to increase as provided in WAC 419-18-080.

NEW SECTION

**WAC 419-18-045 Credit unions examination fund—Minimum cash balance—Acceleration of semiannual asset charge.**

(1) The director shall use best efforts to maintain a minimum cash balance in the credit unions examination fund of at least one month's allotment (defined below). However, if the balance drops below this figure, the director may declare the next semiannual asset charge due and payable within thirty days after the declaration. The charge will be based on the then most current report of condition of each credit union. The director will bill each credit union for the accelerated asset charge; payment is in lieu of the next regularly scheduled semiannual asset charge.

(2) For the purpose of this section, "one month's allotment" means the quotient resulting from the division of the amount of the then current biennial budget (of the credit union division) by twenty-four.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 91-06-062, filed 3/1/91, effective 4/1/91)

**WAC 419-18-050 Hourly charge for legal assistance.**

(1) The hourly charge for ~~((consultation involving))~~ legal assistance rendered by an assistant attorney general shall be assessed at the rate of ~~((60.00))~~ \$63.72 per hour. Legal assistance ~~((shall))~~ includes, but is not ~~((be))~~ limited to, legal assistance rendered in connection with supervisory committee meetings and board meetings ~~((requiring legal assistance;))~~; preparation and enforcement of removal actions, involuntary liquidations, declarations of insolvency, cease and desist orders, and other agreements or actions ~~((requiring legal advice; and to))~~; preparation for administrative hearings; and preparation of memorandum opinions ~~((which relate to a specific credit union))~~ and legal opinions.

(2) The rate of the charges set forth in this section is subject to increase as provided in WAC 419-18-080.

**AMENDATORY SECTION** (Amending WSR 91-06-062, filed 3/1/91, effective 4/1/91)

**WAC 419-18-060 Hourly charge for supervisory review of examinations.** (1) Upon completion of each examination, the analyst's report shall be reviewed and an examination letter prepared by administrative personnel. The hourly charge for the review and preparation of the examination letter ~~((shall))~~ will be assessed at the rate of ~~((50.00))~~ \$53.10 per hour.

(2) The rate of the charges set forth in this section is subject to increase as provided in WAC 419-18-080.

**AMENDATORY SECTION** (Amending WSR 91-06-062, filed 3/1/91, effective 4/1/91)

**WAC 419-18-070 Hourly charge for special examinations.** (1) Special examinations ~~((shall))~~ will be assessed at the rate of ~~((50.00))~~ \$53.10 per hour, per examiner. Special examinations ~~((shall))~~ include, but are not ~~((be))~~ limited to, electronic data processing examinations, special investigations, special investigations in the course of processing applications, special examinations involving the division's staff supervisory personnel, and other special examinations and reviews the ~~((supervisor))~~ director deems necessary.

(2) The rate of the charges set forth in this section is subject to increase as provided in WAC 419-18-080.

**NEW SECTION**

**WAC 419-18-080 Scheduled increases in rate of examination and supervision charges.** (1) The rate of charges set forth in WAC 419-18-030, 419-18-040, 419-18-050, 419-18-060, and 419-18-070 will increase:

(a) On August 1, 1995, by 5.13 percent (the fiscal growth factor for fiscal 1996); and

(b) On August 1 of each year thereafter, by the fiscal growth factor for the then current fiscal year, if the cash balance of the credit unions examination fund dropped below \$300,000 at any time during the prior fiscal year. For example, if the cash balance of the credit unions examinations fund drops below \$300,000 during fiscal year 1996, the rate of the credit union division's examination and supervi-

sion charges will increase, effective August 1, 1996, by the fiscal growth factor for fiscal year 1997.

(2) The assistant director will notify credit unions of any rate increase under subsection (1)(b) of this section at least one month before the increase takes effect.

(3) For the purposes of this section,

(a) "Fiscal year" means the period beginning July 1 through the following June 30. Fiscal years are denoted by the last year in the period. For example, fiscal year 1997 means the period July 1, 1996 through June 30, 1997.

(b) "Fiscal growth factor" means the fiscal growth factor as defined in RCW 43.135.025 and established by the Washington state office of financial management.

**WSR 95-06-068**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 93-35—Filed February 28, 1995, 4:45 p.m.]

Date of Adoption: February 28, 1995.

Purpose: Improve the cost effectiveness of the motor vehicle emission inspection program by eliminating the testing of one-year old vehicles and discontinuing visual checks of emission control equipment with the emission test. Also improve the effectiveness of repairs to vehicles that failed the emission test.

Citation of Existing Rules Affected by this Order: Amending chapter 173-422 WAC.

Statutory Authority for Adoption: Chapter 70.120 RCW.

Pursuant to notice filed as WSR 94-23-101 on November 18, 1994.

Changes Other than Editing from Proposed to Adopted Version: Deleted proposed amendments for a \$450 limit on repairs needed to obtain a waiver for 1981 and newer vehicles in Spokane, a \$200 limit in the Puget Sound and Vancouver areas and the use of an EPA developed emission test, IM240, for 1981 and newer vehicles in Spokane.

Effective Date of Rule: Thirty-one days after filing.

February 28, 1995

Mary Riveland

Director

**AMENDATORY SECTION** (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-020 Definitions.** Unless a different meaning is clearly indicated by context, the following definitions will apply:

(1) ~~((("Accuracy" means the degree of correctness by which the true value of a measured sample is determined.~~

~~((2) "Calibration gases" mean a blend of hydrocarbon (propane), carbon monoxide (CO), and carbon dioxide using nitrogen as carrier gas. The concentrations are to be traceable to within two percent of NBS standards.~~

~~((3)) "Appropriate repair" means the diagnosis of the cause(s) of an emission test failure and the repair of one or more of these causes. An appropriate repair should reduce at least one emission test reading.~~

(2) "Certificate of acceptance" means an official form, issued by someone authorized by the department, which

certifies that ~~((all of))~~ the following conditions have been met: ~~((The recipient's vehicle initially failed the emission inspection, the recipient has provided original receipts proving that more than one hundred dollars on a 1980 or earlier model year motor vehicle or one hundred fifty dollars on a 1981 or later model motor vehicle were spent after the first inspection and before the final inspection on repairs performed by a "certified emission specialist" solely to reduce emissions, the vehicle on final reinspection again failed to meet such standards, and the repair information section of the test report has been completed and the vehicle has been in use for more than five years or fifty thousand miles, and any component of the vehicle installed by the manufacturer for the purpose of reducing emissions, or its appropriate replacement, is installed and operative.~~

After January 1, 1995, if needed to prevent federal sanctions, owners of vehicles registered in either the Puget Sound or Spokane emission contributing area must prove with original receipts that more than four hundred fifty dollars was spent.

~~((4)) (a) The vehicle failed an emission inspection; and~~

~~(b) The vehicle failed a reinspection; and~~

~~(c) The vehicle has been in use for more than five years or fifty thousand miles; and~~

~~(d) All primary emission control components installed by the vehicle manufacturer, or its appropriate replacement, are installed and operative; and~~

~~(e) The recipient has provided original receipts listing and providing the cost of each appropriate repair performed by an authorized emission specialist between the initial and last inspection; and~~

~~(f) The total cost of the appropriate repairs must equal or exceed:~~

<u>Pre-1981 vehicles</u>	<u>\$100</u>
<u>1981 and newer</u>	<u>\$150</u>

If needed to prevent federal sanctions, the minimum total cost of appropriate repairs required to obtain a certificate of acceptance may be increased to four hundred fifty dollars.

Before increasing the repair cost requirement ecology shall evaluate ways to alleviate the economic hardships resulting from vehicle repair costs incurred by vehicle owners in an effort to comply with this regulation.

(3) "Certificate of compliance" means an official form, issued by someone authorized by the department, which certifies that the recipient's vehicle on inspection complied with applicable emission inspection standards.

~~((5))~~ "Certified" (4) "Authorized emission specialist" means an individual who has been issued a certificate of instruction by the department as authorized in RCW 70.120.020 (2)(a) and has maintained the certification by meeting requirements of WAC 173-422-190(2).

~~((6))~~ (5) "Dealer" means a motor vehicle dealer, as defined in ~~((RCW 46.70.011))~~ chapter 46.70 RCW as amended, that is licensed pursuant to chapter 46.70 RCW.

~~((7))~~ (6) "Department" means the department of ecology.

~~((8))~~ "Drift" means the change in the reading of the analyzer to a given sample over a period of time with no adjustment to the analyzer having been made between the initial and final measurements.

~~((9))~~ (7) "Emission contributing area" means a land area within whose boundaries are registered motor vehicles that contribute significantly to the violation of motor vehicle related air quality standards in a noncompliance area.

~~((10))~~ "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies, and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another.

~~((11))~~ (8) "Fleet" means a group of fifteen or more motor vehicles owned or leased concurrently by one owner assigned a fleet identifier code by the department of licensing.

~~((12))~~ (9) "Gross vehicle weight rating (GVWR)" means the manufacturer stated gross vehicle weight rating.

~~((13))~~ "HC and CO emissions" means the concentration of hydrocarbons (measured as n-hexane) and carbon monoxide in the engine exhaust.

~~((14))~~ (10) "Motor vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.

~~((15))~~ "Motoreyele" 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.

(16) "NBS" means National Bureau of Standards.

(17) (11) "Noncompliance area" means a land area within whose boundaries any air quality standard for any air contaminant from the emissions of motor vehicles will probably be exceeded.

~~((18))~~ (12) "PPM" means parts per million by volume.

~~((19))~~ (13) "Primary emission control components" means the components of the vehicle installed by the manufacturer for the purpose of reducing emissions or its replacement or modification which is acceptable to the United States Environmental Protection Agency. These components are the fuel inlet restrictor, the catalytic converter or thermal reactor, the air injection system components, the thermostatic air cleaner, the exhaust gas recirculation system components, the evaporative emission system components including the gas cap, the positive crankcase ventilation system components and the electronic control unit components that control the air/fuel mixture and/or ignition timing including all related sensors.

The primary emission control components of a vehicle with a different engine than the engine originally installed shall be an Environmental Protection Agency certified engine/emission control combination for that vehicle or its newer model.

~~((20))~~ "Repeatability" means the ability of an analyzer to report the same value for successive measurements of the same sample.

~~((21))~~ "Response" means how quickly there is a change in reading following a change in concentration at the sample probe inlet.

(22) "Sensitivity" means the smallest change in the value of a measured sample that can be detected by the analyzer.

(23) "Zero calibration gases" means air or nitrogen in which total impurities do not exceed 0.01 percent.)

PERMANENT

PERMANENT

**AMENDATORY SECTION** (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-030 Vehicle emission inspection requirement.** All motor vehicles, not specifically exempted by WAC 173-422-170, which are registered or reregistered within the boundaries of an emission contributing area, as specified in WAC 173-422-050, are subject to the vehicle emission inspection requirements of this chapter. In addition, the department may require an emission inspection of a motor vehicle, except military tactical vehicles, operated for more than sixty days a year on a federal installation located within an emission contributing area, or a vehicle garaged at a location within an emission contributing area, or a vehicle which has previously passed an emission inspection but has been identified using on road testing as likely to no longer comply with the inspection standards. Neither the department of licensing nor its agents may change the registered owner or may issue or renew a motor vehicle license for any vehicle registered in an emission contributing area, as that area is established under RCW ~~((70.120.040))~~ 70.120.150, unless the application for issuance or renewal is: (1) Accompanied by a valid certificate of compliance issued pursuant to RCW ~~((70.120.060,))~~ 70.120.080 ~~((7))~~ or ~~((70.120.090))~~ 70.120.170 or a valid certificate of acceptance issued pursuant to RCW 70.120.070; or (2) exempted from this requirement pursuant to RCW 46.16.015(2). The certificates must have a date of validation which is within six months of the date of application for the vehicle license, license renewal or registered owner change. Certificates for fleet or owner tested vehicles may have a date of validation which is within twelve months of the assigned license renewal date.

**AMENDATORY SECTION** (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

**WAC 173-422-035 Registration requirements.** (1) Persons residing in emission contributing areas as defined under WAC 173-422-050 shall register their motor vehicles within that area.

(2) Any person who violates this section shall reregister their motor vehicle within the emission contributing area, obtain a certificate of compliance or acceptance within thirty days, and is subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(3) Any civil penalty imposed by the department hereunder shall be appealable to the pollution control hearings board as provided for in chapter 43.21B RCW.

**AMENDATORY SECTION** (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-050 Emission contributing areas.** Emission contributing areas within which the motor vehicle emission inspection program applies are designated by the following United States Postal Service ZIP codes as of ~~((January 1, 1993))~~ September 1, 1994, set forth below:

(1) Puget Sound Region

98001	98036	98083
98002	98037	<u>98092</u>
98003	98038	<u>98093</u>

98004	98039	98101 thru 98199
98005	98040	inclusive except 98110
98006	98041	98201 thru 98208
98007	98042	98258
98008	98043	98270
98009	98046	98271
98011	98047	98275
98012	98052	98290
98015	98053	98291
98020	98054	98327
98021	98055	98332
98023	98056	98335
98025	98057	98338
98026	98058	98344
98027	98059	98352
98028	98062	98354
98031	98063	98371 thru 98374
98032	98064	98387
98033	98071	98388
98034	98072	98390
98035	98073	98401 thru 98499

(2) Spokane Region

99001
99005
99014
99016
99019
99021
99025
99027
99037
99201 thru 99299

(3) Vancouver Region

98607
98660 thru 98668
98671 except Skamania County
98682-86

**AMENDATORY SECTION** (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

**WAC 173-422-060 Gasoline vehicle emission standards.** Gasoline motor vehicles subject to this chapter shall: ~~((1) Beginning June 1, 1995, with the exception of vehicles whose model year is 1980 or earlier, have the "primary emission control components" installed and operative, and have an engine that is or was available from the vehicle manufacturer for use with that vehicle or a vehicle of the same or newer model year with the same chassis; and~~

~~((2))~~ Meet the ~~((following))~~ applicable exhaust emission standards from the following table prior to receiving a certificate of compliance.

Exhaust Emission Standards			
Model Year	CO(%)*	HC (ppm)*	<del>((Opacity (%))</del>
68-74	6.0	900	<del>((30))</del>
75-80	3.0	600	<del>((30))</del>
<del>((81-93))</del>			
<u>81-99 (0-8500 GVWR)</u>	1.2	220	<del>((30))</del>

<del>((81-93))</del>			
81-99 (Greater than 8500 GVWR)	3.0	400	((30))
<del>((94-99))</del>	<del>0.5</del>	<del>100</del>	<del>30))</del>

\* The concentration of the gases, carbon monoxide (CO) and hydrocarbons (HC), measured as either a percentage (%) or parts per million (ppm) of the exhaust volume.

**AMENDATORY SECTION** (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

**WAC 173-422-065 Diesel vehicle exhaust emission standards.** Diesel motor vehicles subject to this chapter shall meet the following opacity standards using the test procedures specified in WAC 173-422-075.

Model Year	Opacity (%)
1968 - 1973	70
1974 - 1991	60
1992 and later	40

~~((Vehicles tested at locations over 1000 feet above sea level will be allowed an additional 10% opacity.))~~

**AMENDATORY SECTION** (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-070 Gasoline vehicle ((inspection)) exhaust emission testing procedures.** All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the ~~((following))~~ exhaust emission testing procedures described in (II) Two Speed Idle Test; or (III) Loaded Test of Appendix B-Test Procedures of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, unless equivalent procedures have been approved by the department.

Variations to the procedures specified may be established by the department for all or certain vehicles. Vehicles, not repaired as required by an emission recall for which owner notification was attempted after January 1, 1995, shall not be inspected until compliance with the recall is established.

~~((1))~~ The vehicle exhaust emissions of carbon monoxide, hydrocarbons, and carbon dioxide shall be measured using either a:

~~(a) Two speed (idle and 2500 rpm) test with the transmission in neutral or park; or~~

~~(b) A loaded test with the transmission in drive for automatic transmissions or in second gear for manual transmissions for the loaded mode and in park or neutral for the idle mode. A vehicle with an automatic transmission may be tested in drive for the idle mode if the idle rpm in neutral or park exceeds 1100 rpm. However, the idle rpm as tested cannot exceed 1100 rpm unless allowed to do so by the vehicle manufacturer's specifications.~~

~~(2) The engine shall be at normal operating temperature during the emission test with all accessories off.~~

~~(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.~~

~~(4) Vehicles shall be approximately level during the test.~~

~~(5) Vehicles with more than one exhaust pipe shall be tested by sampling one exhaust pipe if the exhaust pipes originate from a common point in the exhaust system or simultaneously sampling each exhaust pipe.~~

~~(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the sum of the carbon monoxide and the carbon dioxide concentration does not equal or exceed six percent.~~

~~(7) If the engine stalls during the test, the exhaust sample probe shall be removed, the engine restarted, and one additional attempt made to complete the test after reinserting the exhaust sample probe.~~

~~(8) Two speed test sequence.~~

~~(a) Insert the exhaust sample probe.~~

~~(b) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:~~

~~(i) The vehicle shall pass the idle mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 3ppm HC and 0.5 percent CO.~~

~~(ii) The vehicle shall pass the idle mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards:~~

~~(e) Increase the engine speed to 2500 ± 300 rpm.~~

~~(d) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass or fail determination shall be made for the vehicle and the 2500 rpm mode terminated for vehicles that passed the idle mode test as follows:~~

~~(i) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.~~

~~(ii) The vehicle shall pass the 2500 rpm mode test and this mode terminated if, at any time between an elapsed time of thirty seconds and one hundred eighty seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.~~

~~(e) A pass or fail determination shall be made for vehicles that failed the idle mode test and the 2500 rpm mode test terminated at the end of an elapsed time of one hundred eighty seconds.~~

~~(f) If the vehicle fails the initial idle mode test and passed the high speed mode test, a second idle test will be conducted.~~

~~(9) Loaded test sequence.~~

~~(a) Insert the exhaust sample probe.~~

~~(b) The test shall start when the dynamometer speed is within the following limits:~~

Engine Cylinders	Speed (mph)	Brake Horsepower
4 or less	22-25	2.8-4.1
5-6	29-32	6.8-8.4
7 or more	32-35	8.4-10.8

PERMANENT

PERMANENT

If the dynamometer speed falls outside the limits for more than five seconds in one excursion, or fifteen seconds over all excursions, the test shall be restarted.

(e) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the loaded mode and this mode terminated if at any point between an elapsed time of thirty seconds and ninety seconds, the exhaust gas concentrations are less than or equal to the applicable emission standards.

(d) The idle mode shall start when the dynamometer speed is zero and the vehicle engine speed is less than 1100 rpm. If engine speed exceeds 1100 rpm the idle mode test shall be restarted.

(e) The pass/fail analysis shall begin after an elapsed time of ten seconds. A pass determination shall be made for the vehicle and the idle mode terminated if:

(i) Prior to an elapsed time of thirty seconds, exhaust gas concentrations are less than or equal to 100 ppm HC and 0.5 percent CO.

(ii) At any time between an elapsed time of thirty seconds and ninety seconds, exhaust gas concentrations are less than or equal to the applicable emission standards.

(10) Before failing a 1981-1987 model year Ford Motor Company vehicle with a gross vehicle weight of 8500 pounds or less, or a 1984-85 model year Honda Prelude, the engine shall be shut off for ten seconds and then restarted and the failing mode repeated.)

**AMENDATORY SECTION** (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

**WAC 173-422-090 Exhaust gas analyzer specifications.** Only exhaust gas analyzers meeting the ((following)) specifications ((at the time of certification testing may be used for certification testing. Any person authorized by the department to certify vehicles is solely responsible for insuring that the testing equipment is operating within the following specifications at the time of)) contained in (I) Steady-State Exhaust Analysis System of Appendix D-Steady-State Short Test Equipment of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, at the time of certification testing may be used for certification testing, unless equivalent specifications have been approved by the department.

((1) Accuracy: The readings or the printed test results of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances:

HC Measured as n-hexane		
0 to	400 ppm	±12 ppm
401 to	1000 ppm	±30 ppm
1001 to	2000 ppm	±80 ppm
CO		
0	2.00	±0.06
2.01	5.00	±0.15
5.01	9.99	±0.40
CO <sub>2</sub>		
0	4.0	±0.6
4.1	14.0	±0.5

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed 15 ppm HC, 0.1% CO or 0.5% CO<sub>2</sub> in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change ±10 ppm: 15% CO<sub>2</sub> in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change ±0.05%: 15% CO<sub>2</sub> in N<sub>2</sub>, 1600 ppm HC in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO<sub>2</sub> reading to change ±0.20%: 1600 ppm HC in N<sub>2</sub>, 10% CO in N<sub>2</sub>, 3000 ppm NO in N<sub>2</sub>, 10% O<sub>2</sub> in N<sub>2</sub>, and 3% H<sub>2</sub>O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within the following tolerances during five successive measurements of the same sample:

HC, ppm	0	400	8
as hexane	401	1000	15
	1001	2000	30
CO, %	0	2.00	0.03
	2.01	5.00	0.08
	5.01	9.99	0.15
CO <sub>2</sub> , %	0	14.0	0.3

(7) Response: The response of the exhaust analyzers shall be at least ninety percent of the final value within eight seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be equal to or less than 10 ppm HC, 0.05% CO and 0.2% CO<sub>2</sub>.

(9) Range of measurement: The analyzer shall have a range equal to or greater than 0-2000 ppm HC (n-Hexane); 0 to 10% CO, and 0 to 6% CO<sub>2</sub>.)

**AMENDATORY SECTION** (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

**WAC 173-422-100 Testing equipment maintenance and calibration.** (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The ((following)) procedures for equipment maintenance and calibration procedures described in (I) Steady-State Test Equipment of Appendix A-Calibrations, Adjustments and Quality Control of Subpart S-Inspection/Maintenance Program Requirements of Part 51 of chapter 1, Title 40 of the Code of Federal Regulations adopted November 1, 1992, shall be followed by all testing facilities unless equivalent procedures have been approved by the depart-

ment. (~~Exhaust analyzers and all electronic components that could affect the gas concentration results shall be warmed up for at least thirty minutes prior to performing any test on equipment, calibration, span, or zero checks:~~

~~(a) Each test. Before each test can start, the zero and span setting must be checked on the opacity meter and the exhaust gas analyzer readings must be less than 10 ppm HC, 0.1% CO and 0.5% CO<sub>2</sub>. If during a test the sampling system flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.~~

~~(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:~~

~~(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.~~

~~(ii) Adjust the exhaust analyzer using the electronic span.~~

~~(iii) Check the calibration of the exhaust analyzer using a calibration gas of approximately twenty to forty percent of each range.~~

~~(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.~~

~~(e) Weekly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last seven days. The following procedure shall be used:~~

~~(i) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.~~

~~(ii) Adjust the exhaust analyzer using the electronic span.~~

~~(iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range. (CO<sub>2</sub> must be present at concentrations of at least 2.0%.)~~

~~(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.~~

~~(v) Check the calibration of the exhaust analyzer using a calibration gas with a CO concentration of 1.2 to 2.4%, a HC concentration of 150 to 300 ppm measured as n-hexane, and a CO<sub>2</sub> concentration of 4.0 to 6.0%.~~

~~(vi) Adjust and repair as necessary to insure the accuracy of the exhaust analyzer is within .05% CO and 6 ppm HC.~~

~~(d) Repair check. A multipoint calibration as specified in (e) of this subsection shall be performed before the analyzer is used for certification testing following the replacement of an optical or electronic component that can cause a variation in the analyzer reading.~~

~~The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.~~

~~(e) Leak check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the testing, CO readings have been taken while introducing calibration gas through the calibration port and through the probe. Discrepancies of over 3% in the readings shall require repair of leaks. No analyzer adjustments shall be permitted during this check. Other leak check procedures may be used if it can be shown to the department's satisfaction that the~~

~~method identifies leaks as well as the method in this subsection.)~~

AMENDATORY SECTION (Amending Order 91-46, filed 5/3/93, effective 6/3/93)

**WAC 173-422-120 Quality assurance.** The department, or its designee, may monitor the operation of each authorized emission inspection/certification facility with unidentified or unannounced and unscheduled inspections to check the calibration and maintenance of the exhaust analyzers, test procedures, and records.

The department (or its designee) may immediately require the suspension of vehicle inspections/certifications in all or part by the inspection/certification facility if violations of this chapter are found during an ((inspection)) audit of the inspection facility.

AMENDATORY SECTION (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-160 Fleet and diesel owner vehicle testing requirements.** The department may authorize emission inspections by fleet operators including government agencies and the owners of diesel motor vehicles with a gross vehicle weight rating in excess of 8500 pounds or by an automotive service or testing facility engaged by the vehicle owner for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to authorized fleet vehicles or diesel vehicles with a gross vehicle weight rating in excess of 8500 pounds.

~~(1) ((The exhaust analyzers used for certification testing of gasoline fleet vehicles shall meet the specifications in WAC 173-422-090.~~

~~(2)) All persons engaged in testing of gasoline fleet or diesel vehicles must comply with all applicable provisions of this chapter except ((WAC 173-422-100 (2)(b)(iii) and (iv) and (e)(iii) and (iv). The checks specified in WAC 173-422-100 (2)(e) except (e)(iii) and (iv), in addition to being required weekly, shall be performed after each relocation of the analyzer.~~

~~(3)) as approved by the department.~~

~~(2) All persons conducting tests for the purpose of issuing certificates for fleet or diesel vehicles shall be ecology ((certified)) authorized emission specialists.~~

~~((4)) (3) Legibly completed forms will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance. Alternative arrangements for providing and((f))or storing this information using automated data storage devices may be approved or required by the department.~~

Forms must be purchased from the department in advance of issuance through payment of twelve or less dollars to the department for each certificate requested. Refunds or credit may be given for unused certificates returned to the department.



Payment for fleet forms is waived for state and local government fleets.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding. Refunds will not be made for voided forms.

~~((5))~~ (4) All persons authorized to conduct fleet or government vehicle inspections under this section shall be subject to performance audits and compliance inspections by the department, during normal business hours.

~~((6))~~ (5) Fleet vehicles may be inspected any time between their scheduled license renewals.

~~((7))~~ (6) Certificates of acceptance may not be issued under this section.

**AMENDATORY SECTION** (Amending Order 93-10, filed 2/8/94, effective 3/11/94)

**WAC 173-422-170 Exemptions.** The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) Vehicles whose model year is 1967 or earlier.

(3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(4) Motor vehicles that use propulsion units powered exclusively by electricity.

(5) Motor-driven cycles as defined ~~((by RCW 46.04.332))~~ in chapter 46.04 RCW as amended.

(6) Farm vehicles as defined ~~((by RCW 46.04.181))~~ in chapter 46.04 RCW as amended.

(7) Vehicles ~~((exempted from licensing pursuant to RCW 46.16.010))~~ not required to be licensed.

(8) Mopeds as defined ~~((by RCW 46.04.304))~~ in chapter 46.04 RCW as amended.

(9) Vehicles garaged and operated out of the emission contributing area.

(10) Vehicles registered with the state but not for highway use.

(11) Used vehicles ~~((sold))~~ at the time of sale by a Washington licensed motor vehicle dealer.

(12) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas and so ~~((recognized))~~ registered by the department of licensing.

(13) Motor vehicles whose manufacturer or engine manufacturer provides information that the vehicle cannot meet emission standards because of its design. In lieu of exempting these vehicles, alternative standards and ~~((f))~~ or inspection procedures may be established.

(14) Motor vehicles whose registered ownership is being transferred between parents, siblings, grandparents, grandchildren, spouse or present co-owners and all transfers to the legal owner or a public agency.

(15) To ensure a biennial inspection of vehicles registered in the emission contributing areas, motor vehicles with

model year matching (even to even, odd to odd) the expiration year of the license being purchased. This does not apply to vehicles being inspected because the registered owner is being changed.

(16) When the model year of the vehicle is the same as the year in which the vehicle's license expires.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-190 Emission specialist (~~((certification))~~ authorization.** (1) To become ~~((a certified))~~ an authorized emission specialist an individual shall:

(a) Pass a course of study, approved by the department ~~((on motor vehicle maintenance, engine and exhaust analysis equipment usage, and emission control system repair and maintenance));~~ and

(b) Agree in writing to meet the requirements of subsection (2) of this section and all requirements of law or regulation regarding the serving of motor vehicle emission control systems or the motor vehicle emission inspection program.

(2) To maintain certification, ~~((a certified))~~ an authorized emission specialist shall:

(a) Successfully complete a department-approved course on emission repair within ~~((the second year after the date of certification, and within each second year thereafter;))~~ twelve months of being required to do so by the department; and

(b) Sign, including the specialist identification number, all receipts ~~((for tune-up))~~ and other forms required by the department for emission repairs or adjustments performed ~~((;)).~~ These receipts must be prenumbered, preprinted with the business's name and address and clearly itemize all appropriate repairs performed by the specialist; and

(c) Record on all receipts;

(i) The vehicle's emission readings after ~~((the work is completed when an exhaust analyzer is available;))~~ appropriate repairs; and

(ii) A vehicle description including the license number and vehicle identification number (VIN); and

(iii) Any missing or inoperative primary emission control components; and

(iv) Any further recommended appropriate repairs; and

(d) Not tamper with emission control systems, including adjusting an engine outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Not obtain or attempt to obtain a certificate of compliance, a certificate of acceptance (repair waiver) or an exemption from the inspection requirements by providing false information or by any fraudulent means (chapter 173-422 WAC ~~((173-422-145)))~~; and

(f) Not aid or abet any individual in committing a violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145)).~~

(3) The certification of ~~((a certified))~~ an authorized emission specialist may be revoked for a first violation of chapter 173-421 WAC or WAC 173-422-145, for a period of no more than one year, and may be permanently revoked for a second violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145)).~~

The certification of ~~((a certified))~~ an authorized emission specialist may be temporarily revoked for violation of

PERMANENT

subsection (2) of this section and may be permanently revoked for continued willful violation of subsection (2) of this section.

~~((A certified))~~ An authorized emission specialist whose certification is revoked permanently or temporarily may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

(4) ~~((A certified))~~ An authorized emission specialist whose certification has been temporarily revoked may reapply for certification twelve months after the date of revocation by applying to the department and meeting all requirements of subsection (1) of this section. An application for certification by a permanently revoked ~~((certified))~~ authorized emission specialist will be denied.

**AMENDATORY SECTION** (Amending WSR 90-06-062, filed 3/6/90, effective 4/6/90)

**WAC 173-422-195 Listing of ~~((certified))~~ authorized emission specialists.** (1) A list of ~~((certified))~~ authorized emission specialists will be available to the public. Specialists will be listed under ~~((their))~~ one employer's ~~((shop))~~ business name when the ~~((shop))~~ business is approved for listing. The list will be updated by the department at least once every six months.

(2) The employer's business name and address will be listed by the department, when the employer agrees in writing to:

(a) Require the use of a properly maintained and correctly calibrated exhaust analyzer as a final check for ~~((all tune-up and))~~ emission repairs or adjustments;

(b) Have all ~~((tune-up and))~~ emission repairs or adjustments performed by ~~((a certified))~~ an authorized emission specialist;

(c) Require ~~((any person performing tune-up and emission repairs or adjustments))~~ the authorized emission specialist to sign the customer's receipt for ~~((tune-up and))~~ emission repairs or adjustments, and to record the vehicle's emission readings on the receipt after the work is completed;

(d) Require that all employees not aid or abet any person to tamper with emission control systems, including adjusting a vehicle outside of the manufacturer's specifications (chapter 173-421 WAC); and

(e) Require that all employees not aid or abet any person to obtain a fraudulent certificate of compliance, certificate of acceptance or an exemption from the inspection requirement (repair waiver) (chapter 173-422 WAC ~~((173-422-145)))~~).

(f) Notify the department when an authorized emission specialist begins or ends employment.

(3) An employer may be removed from the ~~((certified))~~ authorized emission specialist list for a first violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145))~~ for a period of no more than one year and may be permanently removed after a second violation of chapter 173-421 or 173-422 WAC ~~((or WAC 173-422-145))~~).

An employer may be temporarily removed from the ~~((certified))~~ authorized emission specialist list when failing to comply with the requirements of subsection (2) of this section and may be permanently revoked for continued and willful violation of subsection (2) of this section.

(4) An employer who has been temporarily removed from the ~~((certified))~~ authorized emission specialist list may reapply for listing twelve months after the date of removal from the listing by applying to the department and meeting all requirements of subsection (2) of this section. An application for listing from an employer permanently removed from the ~~((certified))~~ authorized emission specialist list will be denied.

(5) An employer who is removed from ~~((a certified))~~ an authorized emission specialist list or denied listing in ~~((a certified))~~ an authorized emission specialist list may appeal to the pollution control hearings board as provided for in RCW 43.21B.310.

~~((A certified emission specialist whose employer is not listed may request to be placed on a separate list available to the public. The employer's name will not be listed. The specialist may specify an address and phone number to be included in the list.~~

~~((7))~~(a) An employer approved for listing may display the "state ~~((certified))~~ authorized emission specialist" sign available from the department. Any employer advertising or providing of information to the public based on the department's certification of ~~((a certified))~~ an authorized emission specialist must be ~~((able to be))~~ discontinued immediately ~~((upon revocation of the employer's listing or certification of the certified emission specialist))~~ when the employer no longer meets the requirements.

(b) An employer violating (a) of this subsection shall be subject to a civil penalty not to exceed two hundred fifty dollars for each violation.

(c) A civil penalty imposed by the department may be appealed to the pollution control hearings board as provided for in RCW 43.21B.310.

**WSR 95-06-069  
PERMANENT RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed March 1, 1995, 8:25 a.m., effective April 10, 1995]

Date of Adoption: March 1, 1995.

Purpose: Include interest in the calculation of retrospective premium adjustments; realign the premium size groupings to achieve more equitable treatment of participants of different premium sizes; cap claim cost for any one claim or group of claims arising from a single accident at a maximum of \$500,000; and eliminate confusion and clearly state that there are two mandatory adjustments for each retrospective rating coverage year.

Citation of Existing Rules Affected by this Order: WAC 296-17-913(1) Qualifications for employer participation in a retrospective rating plan; 296-17-914 Retrospective rating formula; 296-17-915 Evaluation of incurred losses dividend and retrospective rating plans; 296-17-919 Table I Retrospective rating plans A, A1, A2, A3 and B; 296-17-91901 Table II Retrospective rating plan A; 296-17-91902 Table III Retrospective rating plan B; 296-17-91903 Table IV Retrospective rating plan A1; 296-17-91914 Table V Retrospective rating plan A2; and 296-17-91905 Table VI Retrospective rating plan A3.

Statutory Authority for Adoption: RCW 51.04.020.

PERMANENT

Pursuant to notice filed as WSR 95-01-116 on December 21, 1994.

Effective Date of Rule: April 10, 1995.

March 1, 1995

Mark O. Brown

Director

**AMENDATORY SECTION** (Amending WSR 91-24-053, filed 11/27/91, effective 1/1/92)

**WAC 296-17-904 Definitions.** The definitions in this section shall apply throughout WAC 296-17-905 through 296-17-91902.

(1) "Coverage period" means a one-year period beginning the first day of either January, April, July, or October.

(2) "Group" means those members of an association who have elected to have a group dividend and/or retrospective premium calculated based on the combined premium and incurred loss data of the participants, and have satisfactorily complied with eligibility requirements for doing so.

(3) "Premium" means only that portion of the money collected from an employer for worker's compensation (not to include any money paid in penalties or security deposits), which is deposited in the accident fund and the medical aid fund.

(4) "Standard premium" for a particular coverage period means premium collected or due for insurance coverage provided during the period, prior to any adjustments under a dividend or retrospective rating plan.

(5) "Incurred losses" for a coverage period means the estimated ultimate cost to the accident fund and medical aid fund of claims arising from incidents occurring during the coverage period, subject to the special evaluation methods prescribed in WAC 296-17-915.

(6) "Loss development factor" means an actuarially determined factor which is multiplied times individual case basis estimates of claim costs to produce incurred losses for a firm or group of firms during a coverage period. Loss development factors allow for reopenings, aggravations, and any other individually unpredictable contingencies which may affect claim costs based on past experience of the accident fund and medical aid fund as a whole.

(7) "Loss ratio" means incurred losses divided by standard premium.

(8) "Dividend" is a partial refund of standard premium based on a firm's standard premium and loss ratio.

(9) "Retrospective premium" is a premium determined after a coverage period has ended, based on a firm's standard premium, incurred losses, and other preselected parameters for the coverage period.

(10) "Retrospective premium adjustment" is an additional assessment or refund of premium owing to an employer's retrospective premium as of a given evaluation date being more or less than the premium previously paid for the coverage period. Additional assessments of premium will be deposited entirely in the accident fund and refunds will be paid entirely from the accident fund.

(11) "Performance adjustment factor" means an actuarially determined factor which is multiplied times incurred losses prior to application of the retrospective rating formula (~~to produce "adjusted incurred losses."~~). This adjustment will produce (~~net retrospective premium credits~~

~~for employers and employer groups participating in the retrospective rating program when they have combined experience which is more favorable than other state fund experience. Conversely, this adjustment will produce net retrospective premium penalties for employers and employer groups participating in the retrospective rating program when their combined experience is more adverse than other state fund experience~~) an overall net refund or additional assessment for retrospective rating participants, collectively, which is based on the experience of the retrospective rating program as a whole. The purpose of the performance adjustment factor is to retain a consistent economic incentive for ~~(those)~~ participating employers to improve their accident cost experience while participating in these plans.

**AMENDATORY SECTION** (Amending Order 87-17, filed 5/29/87)

**WAC 296-17-913 Qualifications for employer participation in a retrospective rating plan.** The department may enroll interested employers in a retrospective rating plan as a means of insuring their workers' compensation obligations provided the following conditions are met:

(1) The employer submits to the department no later than the 15th day of the month preceding the start of the coverage period a satisfactorily completed retrospective rating plan agreement for each employer account to be enrolled.

(2) The employer has an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premium, penalties or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.

(3) The employer may be required to post a surety bond or other security deposit separate from the cash deposit required for establishing an industrial insurance account with the department:

(a) The employer's surety bond must be on the prescribed forms authorized by the department;

(b) The employer's surety bond shall be secured in one thousand dollar increments provided further that if the estimated maximum premium falls within two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The employer's surety bond shall remain in full force and effect for the period required retrospective premium calculations are made.

Such surety bond or security deposit would be sufficient to cover the difference between the employer's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

(4) The employer maintains any existing retrospective rating account in good standing with the department with no outstanding additional premium assessments or interest therein due at the time the agreement is processed. The department may at its discretion, determine that an employer is in good standing if the employer and the department agree upon a payment schedule or other arrangements satisfactory to the department for payment of additional premium

assessments or interest due. Said payment schedule or other established satisfactory arrangements shall be made prior to the time the agreement is processed.

Final determination as to the employer's eligibility under this section and financial ability to assume the responsibilities under the retrospective rating plan rests with the department subject to review under chapter 51.52 RCW.

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

**WAC 296-17-914 Retrospective rating formula.**

Employers who elect to have their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department. This application must be received by the department no later than the 15th day of the month preceding the start of the coverage period. The employer must preselect a "maximum premium ratio" and either Plan A, A1, A2, A3, or B.

The employer's retrospective premium shall be calculated from the formula:

Retrospective Premium =

(Basic Premium Ratio x Standard Premium)

+

(Loss Conversion Factor x Adjusted Incurred Losses)

In the above formula, the basic premium ratio and loss conversion factor are taken from Plan A (WAC 296-17-91901) or Plan B (WAC 296-17-91902) or Plan A1 (WAC 296-17-91903) or Plan A2 (WAC 296-17-91904) or Plan A3 (WAC 296-17-91905) based on the employer's standard premium and preselected maximum premium ratio. Adjusted incurred losses equal incurred losses times the performance adjustment factor applicable to the coverage period. ((When the aggregate experience of retrospectively rated accounts is superior to other state fund experience, the performance adjustment factor will not exceed 1.00.)) The performance adjustment factor for each coverage period shall be calculated independently of results for previous coverage periods. Evaluation of incurred losses will be done according to the methods prescribed in WAC 296-17-915.

The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plans A1, A2, and A3, the minimum retrospective premium is the product of the minimum premium ratio times the employer's standard premium. If the retrospective premium formula produces a value less than the minimum premium, the retrospective premium shall be increased to the minimum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio effective January 1, 1989, will be .058 if the firm selects and qualifies for an unlimited maximum premium.

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

**WAC 296-17-915 Evaluation of incurred losses dividend and retrospective rating plans.** The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be approximately twelve months following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall be approximately twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments ((consistent with the following evaluation methods applicable to experience rating: (1) ~~Retroactive adjustments — revision of losses between valuation dates~~

No claim value shall be revised between valuation dates and no retroactive adjustment of a retrospective premium adjustment shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) ~~In cases where incurred loss values are included or excluded through mistake other than error of judgment;~~

(b) ~~In cases where a third party recovery is made;~~

(c) ~~In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.~~

**(2) ~~Third party recovery~~**

~~In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim. This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments.~~

**(3) ~~Second injury claims~~**

~~The value of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.~~

~~The incurred losses for each employer shall be determined by multiplying the individual claim cost estimates by loss development factors, and adding the resulting developed losses for all the employer's claims. The following special procedures will be used for making individual claim cost estimates:~~

**~~Fatal claims — retrospective rating plan~~**

~~Each fatal claim shall include all payments made as of the valuation date and a pension reserve, if any, based on the annuity value at the time the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.~~

**~~Fatal claims — dividend plan~~**

~~Each fatal claim shall be assigned the "average death value," said value to be the average incurred cost for all fatal claims occurring during the coverage period.~~

**~~Permanent total claims~~**

Pension costs for permanent total injuries will be based on the annuity value at the time that the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

**Occupational disease claims**

The cost of any occupational disease claim paid and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment. Each employer's share of the claim cost shall be assigned to the coverage period during which the employer last employed the claimant under conditions of injurious exposure, provided the employer's share is at least ten percent of the total claim cost). The claim cost for any one claim or group of claims arising from a single accident shall be limited to a maximum of \$500,000.

**AMENDATORY SECTION** (Amending WSR 94-24-007, filed 11/28/94, effective 1/1/95)

**WAC 296-17-919 Table I.**

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective ((January 1)) April 10, 1995

Size Group Number	Standard Premium Range
<del>84</del>	<del>\$ 4,089 \$ 4,717</del>
<del>83</del>	<del>4,718 5,416</del>
<del>82</del>	<del>5,417 6,190</del>
<del>81</del>	<del>6,191 7,048</del>
<del>80</del>	<del>7,049 7,997</del>
<del>79</del>	<del>7,998 9,042</del>
<del>78</del>	<del>9,043 10,191</del>
<del>77</del>	<del>10,192 11,456</del>
<del>76</del>	<del>11,457 12,844</del>
<del>75</del>	<del>12,845 14,363</del>
<del>74</del>	<del>14,364 16,024</del>
<del>73</del>	<del>16,025 17,837</del>
<del>72</del>	<del>17,838 19,814</del>
<del>71</del>	<del>19,815 21,969</del>
<del>70</del>	<del>21,970 24,312</del>
<del>69</del>	<del>24,313 26,859</del>
<del>68</del>	<del>26,860 27,598</del>
<del>67</del>	<del>27,599 29,150</del>
<del>66</del>	<del>29,151 30,813</del>
<del>65</del>	<del>30,814 32,600</del>
<del>64</del>	<del>32,601 34,521</del>
<del>63</del>	<del>34,522 36,586</del>
<del>62</del>	<del>36,587 38,814</del>
<del>61</del>	<del>38,815 41,216</del>
<del>60</del>	<del>41,217 43,811</del>
<del>59</del>	<del>43,812 46,618</del>
<del>58</del>	<del>46,619 49,657</del>
<del>57</del>	<del>49,658 52,953</del>
<del>56</del>	<del>52,954 56,533</del>
<del>55</del>	<del>56,534 60,428</del>
<del>54</del>	<del>60,429 64,669</del>
<del>53</del>	<del>64,670 69,297</del>
<del>52</del>	<del>69,298 74,355</del>
<del>51</del>	<del>74,356 79,892</del>

<del>50</del>	<del>79,893</del>	<del>85,965</del>
<del>49</del>	<del>85,966</del>	<del>92,638</del>
<del>48</del>	<del>92,639</del>	<del>99,986</del>
<del>47</del>	<del>99,987</del>	<del>108,091</del>
<del>46</del>	<del>108,092</del>	<del>117,051</del>
<del>45</del>	<del>117,052</del>	<del>126,980</del>
<del>44</del>	<del>126,981</del>	<del>134,155</del>
<del>43</del>	<del>134,156</del>	<del>142,978</del>
<del>42</del>	<del>142,979</del>	<del>152,615</del>
<del>41</del>	<del>152,616</del>	<del>163,160</del>
<del>40</del>	<del>163,161</del>	<del>174,724</del>
<del>39</del>	<del>174,725</del>	<del>187,435</del>
<del>38</del>	<del>187,436</del>	<del>201,445</del>
<del>37</del>	<del>201,446</del>	<del>216,924</del>
<del>36</del>	<del>216,925</del>	<del>234,074</del>
<del>35</del>	<del>234,075</del>	<del>253,127</del>
<del>34</del>	<del>253,128</del>	<del>274,366</del>
<del>33</del>	<del>274,367</del>	<del>298,111</del>
<del>32</del>	<del>298,112</del>	<del>324,753</del>
<del>31</del>	<del>324,754</del>	<del>354,754</del>
<del>30</del>	<del>354,755</del>	<del>388,671</del>
<del>29</del>	<del>388,672</del>	<del>427,173</del>
<del>28</del>	<del>427,174</del>	<del>471,075</del>
<del>27</del>	<del>471,076</del>	<del>521,377</del>
<del>26</del>	<del>521,378</del>	<del>579,308</del>
<del>25</del>	<del>579,309</del>	<del>646,392</del>
<del>24</del>	<del>646,393</del>	<del>724,546</del>
<del>23</del>	<del>724,547</del>	<del>816,192</del>
<del>22</del>	<del>816,193</del>	<del>924,423</del>
<del>21</del>	<del>924,424</del>	<del>1,053,235</del>
<del>20</del>	<del>1,053,236</del>	<del>1,207,852</del>
<del>19</del>	<del>1,207,853</del>	<del>1,395,191</del>
<del>18</del>	<del>1,395,192</del>	<del>1,624,558</del>
<del>17</del>	<del>1,624,559</del>	<del>1,908,651</del>
<del>16</del>	<del>1,908,652</del>	<del>2,124,267</del>
<del>15</del>	<del>2,124,268</del>	<del>2,370,275</del>
<del>14</del>	<del>2,370,276</del>	<del>2,645,210</del>
<del>13</del>	<del>2,645,211</del>	<del>3,085,165</del>
<del>12</del>	<del>3,085,166</del>	<del>3,627,724</del>
<del>11</del>	<del>3,627,725</del>	<del>4,759,430</del>
<del>10</del>	<del>4,759,431</del>	<del>6,495,500</del>
<del>9</del>	<del>6,495,501</del>	<del>8,459,314</del>
<del>8</del>	<del>8,459,315</del>	<del>11,428,175</del>
<del>7</del>	<del>11,428,176</del>	<del>16,102,964</del>
<del>6</del>	<del>16,102,965</del>	<del>24,127,195</del>
<del>5</del>	<del>24,127,196</del>	<del>&amp; Over))</del>
<del>63</del>	<del>\$ 4,000</del>	<del>\$ 4,834</del>
<del>62</del>	<del>4,835</del>	<del>5,803</del>
<del>61</del>	<del>5,804</del>	<del>6,905</del>
<del>60</del>	<del>6,906</del>	<del>8,171</del>
<del>59</del>	<del>8,172</del>	<del>9,617</del>
<del>58</del>	<del>9,618</del>	<del>11,245</del>
<del>57</del>	<del>11,246</del>	<del>13,097</del>
<del>56</del>	<del>13,098</del>	<del>15,194</del>
<del>55</del>	<del>15,195</del>	<del>17,535</del>
<del>54</del>	<del>17,536</del>	<del>20,173</del>
<del>53</del>	<del>20,174</del>	<del>23,141</del>
<del>52</del>	<del>23,142</del>	<del>26,435</del>
<del>51</del>	<del>26,436</del>	<del>27,857</del>
<del>50</del>	<del>27,858</del>	<del>29,982</del>
<del>49</del>	<del>29,983</del>	<del>32,302</del>
<del>48</del>	<del>32,303</del>	<del>34,865</del>

PERMANENT

<u>47</u>	<u>34,866</u>	-	<u>37,700</u>	<u>25</u>	<u>263,748</u>	-	<u>294,154</u>
<u>46</u>	<u>37,701</u>	-	<u>40,816</u>	<u>24</u>	<u>294,155</u>	-	<u>329,753</u>
<u>45</u>	<u>40,817</u>	-	<u>44,279</u>	<u>23</u>	<u>329,754</u>	-	<u>371,713</u>
<u>44</u>	<u>44,280</u>	-	<u>48,138</u>	<u>22</u>	<u>371,714</u>	-	<u>420,756</u>
<u>43</u>	<u>48,139</u>	-	<u>52,404</u>	<u>21</u>	<u>420,757</u>	-	<u>479,459</u>
<u>42</u>	<u>52,405</u>	-	<u>57,182</u>	<u>20</u>	<u>479,460</u>	-	<u>550,343</u>
<u>41</u>	<u>57,183</u>	-	<u>62,549</u>	<u>19</u>	<u>550,344</u>	-	<u>635,211</u>
<u>40</u>	<u>62,550</u>	-	<u>68,526</u>	<u>18</u>	<u>635,212</u>	-	<u>739,820</u>
<u>39</u>	<u>68,527</u>	-	<u>75,278</u>	<u>17</u>	<u>739,821</u>	-	<u>870,308</u>
<u>38</u>	<u>75,279</u>	-	<u>82,929</u>	<u>16</u>	<u>870,309</u>	-	<u>1,031,766</u>
<u>37</u>	<u>82,930</u>	-	<u>91,526</u>	<u>15</u>	<u>1,031,767</u>	-	<u>1,391,785</u>
<u>36</u>	<u>91,527</u>	-	<u>101,337</u>	<u>14</u>	<u>1,391,786</u>	-	<u>1,895,123</u>
<u>35</u>	<u>101,338</u>	-	<u>112,571</u>	<u>13</u>	<u>1,895,124</u>	-	<u>2,297,512</u>
<u>34</u>	<u>112,572</u>	-	<u>125,325</u>	<u>12</u>	<u>2,297,513</u>	-	<u>2,778,867</u>
<u>33</u>	<u>125,326</u>	-	<u>135,626</u>	<u>11</u>	<u>2,778,868</u>	-	<u>3,510,061</u>
<u>32</u>	<u>135,627</u>	-	<u>147,797</u>	<u>10</u>	<u>3,510,062</u>	-	<u>5,045,595</u>
<u>31</u>	<u>147,798</u>	-	<u>161,403</u>	<u>9</u>	<u>5,045,596</u>	-	<u>7,405,056</u>
<u>30</u>	<u>161,404</u>	-	<u>176,843</u>	<u>8</u>	<u>7,405,057</u>	-	<u>10,528,520</u>
<u>29</u>	<u>176,844</u>	-	<u>194,440</u>	<u>7</u>	<u>10,528,521</u>	-	<u>15,512,942</u>
<u>28</u>	<u>194,441</u>	-	<u>214,344</u>	<u>6</u>	<u>15,512,943</u>	-	<u>24,127,195</u>
<u>27</u>	<u>214,345</u>	-	<u>237,250</u>	<u>5</u>	<u>24,127,196</u>	-	<u>&amp; Over</u>
<u>26</u>	<u>237,251</u>	-	<u>263,747</u>				

PERMANENT

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

WAC 296-17-91901 Table II.

RETROSPECTIVE RATING PLAN A  
 BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective ((January 1, 1989)) April 10, 1995

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
------------------------------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

Size Group

<del>84</del>	<del>.976</del>	<del>.957</del>	<del>.941</del>	<del>.929</del>	<del>.918</del>	<del>.908</del>	<del>.900</del>	<del>.892</del>	<del>.886</del>	<del>.879</del>	<del>.867</del>	<del>.857</del>	<del>.847</del>	<del>.828</del>
<del>83</del>	<del>.973</del>	<del>.953</del>	<del>.937</del>	<del>.923</del>	<del>.912</del>	<del>.902</del>	<del>.893</del>	<del>.885</del>	<del>.878</del>	<del>.871</del>	<del>.858</del>	<del>.847</del>	<del>.836</del>	<del>.817</del>
<del>82</del>	<del>.971</del>	<del>.949</del>	<del>.932</del>	<del>.917</del>	<del>.905</del>	<del>.895</del>	<del>.886</del>	<del>.877</del>	<del>.870</del>	<del>.862</del>	<del>.849</del>	<del>.838</del>	<del>.826</del>	<del>.806</del>
<del>81</del>	<del>.968</del>	<del>.945</del>	<del>.927</del>	<del>.912</del>	<del>.899</del>	<del>.888</del>	<del>.878</del>	<del>.870</del>	<del>.862</del>	<del>.854</del>	<del>.840</del>	<del>.828</del>	<del>.816</del>	<del>.795</del>
<del>80</del>	<del>.966</del>	<del>.941</del>	<del>.921</del>	<del>.906</del>	<del>.893</del>	<del>.881</del>	<del>.871</del>	<del>.862</del>	<del>.853</del>	<del>.846</del>	<del>.831</del>	<del>.818</del>	<del>.806</del>	<del>.783</del>
<del>79</del>	<del>.963</del>	<del>.937</del>	<del>.916</del>	<del>.900</del>	<del>.886</del>	<del>.874</del>	<del>.863</del>	<del>.854</del>	<del>.845</del>	<del>.837</del>	<del>.822</del>	<del>.808</del>	<del>.795</del>	<del>.771</del>
<del>78</del>	<del>.960</del>	<del>.933</del>	<del>.912</del>	<del>.894</del>	<del>.880</del>	<del>.867</del>	<del>.856</del>	<del>.846</del>	<del>.836</del>	<del>.828</del>	<del>.812</del>	<del>.798</del>	<del>.784</del>	<del>.759</del>
<del>77</del>	<del>.958</del>	<del>.929</del>	<del>.907</del>	<del>.889</del>	<del>.874</del>	<del>.860</del>	<del>.849</del>	<del>.838</del>	<del>.828</del>	<del>.819</del>	<del>.802</del>	<del>.787</del>	<del>.773</del>	<del>.746</del>
<del>76</del>	<del>.956</del>	<del>.925</del>	<del>.902</del>	<del>.883</del>	<del>.867</del>	<del>.853</del>	<del>.841</del>	<del>.829</del>	<del>.819</del>	<del>.810</del>	<del>.792</del>	<del>.776</del>	<del>.761</del>	<del>.734</del>
<del>75</del>	<del>.953</del>	<del>.921</del>	<del>.896</del>	<del>.876</del>	<del>.860</del>	<del>.845</del>	<del>.832</del>	<del>.821</del>	<del>.810</del>	<del>.800</del>	<del>.782</del>	<del>.766</del>	<del>.750</del>	<del>.722</del>
<del>74</del>	<del>.950</del>	<del>.916</del>	<del>.891</del>	<del>.870</del>	<del>.853</del>	<del>.838</del>	<del>.825</del>	<del>.812</del>	<del>.801</del>	<del>.791</del>	<del>.772</del>	<del>.754</del>	<del>.738</del>	<del>.709</del>
<del>73</del>	<del>.947</del>	<del>.912</del>	<del>.885</del>	<del>.864</del>	<del>.846</del>	<del>.830</del>	<del>.816</del>	<del>.804</del>	<del>.792</del>	<del>.781</del>	<del>.762</del>	<del>.743</del>	<del>.727</del>	<del>.696</del>
<del>72</del>	<del>.943</del>	<del>.907</del>	<del>.880</del>	<del>.858</del>	<del>.839</del>	<del>.823</del>	<del>.808</del>	<del>.795</del>	<del>.783</del>	<del>.772</del>	<del>.751</del>	<del>.732</del>	<del>.715</del>	<del>.682</del>
<del>71</del>	<del>.940</del>	<del>.902</del>	<del>.874</del>	<del>.851</del>	<del>.832</del>	<del>.815</del>	<del>.800</del>	<del>.786</del>	<del>.774</del>	<del>.762</del>	<del>.740</del>	<del>.721</del>	<del>.702</del>	<del>.669</del>
<del>70</del>	<del>.937</del>	<del>.897</del>	<del>.868</del>	<del>.844</del>	<del>.824</del>	<del>.807</del>	<del>.791</del>	<del>.777</del>	<del>.764</del>	<del>.752</del>	<del>.730</del>	<del>.709</del>	<del>.690</del>	<del>.656</del>
<del>69</del>	<del>.933</del>	<del>.892</del>	<del>.862</del>	<del>.837</del>	<del>.817</del>	<del>.799</del>	<del>.783</del>	<del>.768</del>	<del>.754</del>	<del>.742</del>	<del>.719</del>	<del>.698</del>	<del>.678</del>	<del>.643</del>
<del>68</del>	<del>.929</del>	<del>.886</del>	<del>.855</del>	<del>.830</del>	<del>.808</del>	<del>.790</del>	<del>.773</del>	<del>.758</del>	<del>.744</del>	<del>.731</del>	<del>.707</del>	<del>.686</del>	<del>.666</del>	<del>.630</del>
<del>67</del>	<del>.925</del>	<del>.880</del>	<del>.848</del>	<del>.822</del>	<del>.800</del>	<del>.781</del>	<del>.764</del>	<del>.748</del>	<del>.734</del>	<del>.721</del>	<del>.696</del>	<del>.674</del>	<del>.654</del>	<del>.618</del>
<del>66</del>	<del>.920</del>	<del>.875</del>	<del>.841</del>	<del>.814</del>	<del>.792</del>	<del>.772</del>	<del>.754</del>	<del>.738</del>	<del>.723</del>	<del>.710</del>	<del>.685</del>	<del>.662</del>	<del>.641</del>	<del>.604</del>
<del>65</del>	<del>.916</del>	<del>.869</del>	<del>.834</del>	<del>.807</del>	<del>.783</del>	<del>.763</del>	<del>.745</del>	<del>.728</del>	<del>.713</del>	<del>.699</del>	<del>.673</del>	<del>.649</del>	<del>.628</del>	<del>.590</del>
<del>64</del>	<del>.911</del>	<del>.863</del>	<del>.827</del>	<del>.799</del>	<del>.775</del>	<del>.754</del>	<del>.735</del>	<del>.718</del>	<del>.702</del>	<del>.688</del>	<del>.661</del>	<del>.637</del>	<del>.615</del>	<del>.576))</del>
<del>63</del>	<del>.907</del>	<del>.856</del>	<del>.820</del>	<del>.791</del>	<del>.766</del>	<del>.745</del>	<del>.725</del>	<del>.708</del>	<del>.692</del>	<del>.677</del>	<del>.649</del>	<del>.625</del>	<del>.602</del>	<del>.563</del>
<del>62</del>	<del>.902</del>	<del>.850</del>	<del>.813</del>	<del>.783</del>	<del>.757</del>	<del>.735</del>	<del>.715</del>	<del>.698</del>	<del>.681</del>	<del>.666</del>	<del>.638</del>	<del>.612</del>	<del>.590</del>	<del>.550</del>
<del>61</del>	<del>.897</del>	<del>.844</del>	<del>.805</del>	<del>.774</del>	<del>.748</del>	<del>.726</del>	<del>.705</del>	<del>.687</del>	<del>.670</del>	<del>.654</del>	<del>.625</del>	<del>.600</del>	<del>.577</del>	<del>.536</del>
<del>60</del>	<del>.892</del>	<del>.838</del>	<del>.798</del>	<del>.766</del>	<del>.739</del>	<del>.716</del>	<del>.695</del>	<del>.676</del>	<del>.658</del>	<del>.642</del>	<del>.613</del>	<del>.587</del>	<del>.563</del>	<del>.522</del>
<del>59</del>	<del>.888</del>	<del>.831</del>	<del>.790</del>	<del>.758</del>	<del>.730</del>	<del>.706</del>	<del>.684</del>	<del>.665</del>	<del>.647</del>	<del>.630</del>	<del>.600</del>	<del>.574</del>	<del>.550</del>	<del>.508</del>
<del>58</del>	<del>.883</del>	<del>.825</del>	<del>.783</del>	<del>.749</del>	<del>.720</del>	<del>.696</del>	<del>.674</del>	<del>.654</del>	<del>.635</del>	<del>.618</del>	<del>.588</del>	<del>.561</del>	<del>.537</del>	<del>.495</del>
<del>57</del>	<del>.878</del>	<del>.818</del>	<del>.775</del>	<del>.740</del>	<del>.711</del>	<del>.686</del>	<del>.663</del>	<del>.643</del>	<del>.624</del>	<del>.607</del>	<del>.576</del>	<del>.548</del>	<del>.524</del>	<del>.482</del>

56	.872	.810	.766	.731	.701	.675	.652	.631	.612	.594	.563	.535	.511	.468
55	.865	.802	.757	.721	.690	.664	.640	.619	.599	.582	.550	.522	.497	.455
54	.858	.794	.747	.710	.679	.652	.628	.607	.587	.569	.537	.509	.484	.442
53	.851	.785	.738	.700	.668	.641	.616	.595	.575	.556	.524	.496	.471	.429
52	.843	.776	.728	.690	.657	.629	.605	.582	.562	.544	.511	.483	.458	.417
51	.836	.767	.718	.679	.646	.618	.592	.570	.550	.531	.498	.470	.446	.405
50	.828	.758	.708	.668	.634	.605	.580	.557	.537	.518	.485	.457	.432	.392
49	.821	.748	.697	.656	.622	.593	.567	.544	.524	.505	.472	.444	.419	.379
48	.813	.739	.686	.645	.610	.581	.555	.531	.511	.492	.459	.431	.406	.367
47	.804	.729	.675	.633	.598	.568	.542	.519	.498	.479	.446	.418	.394	.355
46	.796	.718	.663	.620	.584	.554	.528	.505	.484	.465	.433	.406	.382	.344
45	.787	.707	.650	.607	.571	.541	.514	.491	.471	.452	.420	.394	.371	.334
44	.778	.695	.638	.594	.557	.527	.501	.478	.458	.440	.408	.382	.360	.324
43	.768	.683	.625	.580	.544	.514	.488	.465	.445	.427	.396	.371	.349	.314
42	.758	.671	.612	.567	.530	.500	.474	.451	.431	.413	.383	.357	.336	.301
41	.748	.659	.599	.554	.517	.486	.460	.437	.417	.399	.368	.343	.322	.288
40	.737	.647	.586	.540	.503	.472	.446	.423	.403	.385	.355	.330	.309	.276
39	.726	.635	.573	.526	.489	.458	.432	.409	.389	.372	.342	.317	.296	.264
38	.714	.622	.560	.513	.476	.445	.418	.396	.376	.359	.329	.305	.284	.252
37	.702	.608	.546	.499	.462	.431	.405	.383	.363	.346	.317	.293	.273	.242
36	.688	.594	.532	.485	.448	.417	.392	.369	.350	.333	.304	.281	.262	.231
35	.673	.578	.516	.469	.433	.402	.377	.355	.336	.320	.292	.269	.250	.221
34	.657	.562	.500	.454	.418	.388	.363	.342	.323	.307	.280	.258	.240	.211
33	.640	.546	.484	.439	.403	.374	.349	.329	.310	.295	.268	.247	.229	.202
32	.623	.529	.468	.424	.389	.360	.336	.316	.298	.283	.257	.237	.220	.193
31	.607	.512	.452	.408	.373	.345	.322	.302	.285	.270	.246	.226	.210	.185
30	.589	.495	.435	.392	.358	.331	.308	.289	.273	.259	.235	.216	.201	.178
29	.571	.478	.419	.377	.344	.317	.295	.277	.261	.247	.225	.207	.193	.171
28	.553	.461	.403	.361	.329	.303	.282	.264	.248	.235	.213	.195	.181	.160
27	.537	.446	.388	.346	.314	.288	.267	.248	.233	.219	.197	.179	.165	.143
26	.521	.430	.373	.331	.299	.273	.252	.234	.218	.205	.183	.165	.151	.129
25	.504	.414	.358	.317	.285	.259	.238	.220	.205	.192	.170	.152	.138	.117
24	.482	.394	.339	.300	.269	.245	.225	.208	.194	.181	.161	.145	.132	.113
23	.460	.374	.321	.283	.254	.231	.213	.197	.184	.172	.153	.138	.127	.109
22	.437	.355	.304	.268	.241	.219	.201	.187	.174	.163	.146	.132	.121	.105
21	.414	.336	.288	.254	.228	.208	.191	.177	.166	.156	.139	.127	.117	.102
20	.394	.318	.272	.239	.214	.194	.179	.166	.155	.145	.130	.119	.110	.096
19	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
18	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
17	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
16	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
15	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
14	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
13	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
12	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
11	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
10	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
9	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
8	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
7	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
6	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
5	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063

PERMANENT

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

**WAC 296-17-91902 Table III.**

RETROSPECTIVE RATING PLAN B  
 BASIC PREMIUM RATIOS  
 AND LOSS CONVERSION FACTORS  
 Effective (January 1, 1989) April 10, 1995

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
------------------------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

Size  
Group

<del>(84</del> Basic Premium Ratio	.999	.997	.996	.994	.993	.991	.990	.988	.987	.985	.982	.979	.976	.970
<del>Loss Conversion Factor</del>	.001	.003	.004	.006	.007	.009	.010	.012	.013	.015	.018	.021	.024	.030
83 Basic Premium Ratio	.998	.997	.995	.993	.992	.990	.989	.987	.985	.984	.980	.977	.974	.967
Loss Conversion Factor	.002	.003	.005	.007	.008	.010	.011	.013	.015	.016	.020	.023	.026	.033

PERMANENT

82	Basic Premium Ratio	.998	.996	.995	.993	.991	.989	.988	.986	.984	.982	.979	.975	.972	.965
	Loss Conversion Factor	.002	.004	.005	.007	.009	.011	.012	.014	.016	.018	.021	.025	.028	.035
81	Basic Premium Ratio	.998	.996	.994	.992	.990	.989	.987	.985	.983	.981	.977	.973	.969	.962
	Loss Conversion Factor	.002	.004	.006	.008	.010	.011	.013	.015	.017	.019	.023	.027	.031	.038
80	Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.976	.972	.967	.959
	Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.024	.028	.033	.041
79	Basic Premium Ratio	.998	.996	.994	.991	.989	.987	.985	.983	.981	.979	.974	.970	.966	.957
	Loss Conversion Factor	.002	.004	.006	.009	.011	.013	.015	.017	.019	.021	.026	.030	.034	.043
78	Basic Premium Ratio	.998	.995	.993	.991	.988	.986	.984	.981	.979	.977	.972	.967	.963	.953
	Loss Conversion Factor	.002	.005	.007	.009	.012	.014	.016	.019	.021	.023	.028	.033	.037	.047
77	Basic Premium Ratio	.997	.995	.992	.990	.987	.984	.982	.979	.977	.974	.969	.964	.958	.948
	Loss Conversion Factor	.003	.005	.008	.010	.013	.016	.018	.021	.023	.026	.031	.036	.042	.052
76	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.981	.978	.976	.973	.968	.962	.957	.946
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.019	.022	.024	.027	.032	.038	.043	.054
75	Basic Premium Ratio	.997	.994	.992	.989	.986	.983	.981	.978	.975	.972	.967	.961	.956	.945
	Loss Conversion Factor	.003	.006	.008	.011	.014	.017	.019	.022	.025	.028	.033	.039	.044	.055
74	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.970	.964	.958	.952	.940
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.030	.036	.042	.048	.060
73	Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.977	.974	.971	.968	.961	.955	.948	.936
	Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.023	.026	.029	.032	.039	.045	.052	.064
72	Basic Premium Ratio	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.957	.950	.943	.929
	Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.043	.050	.057	.071
71	Basic Premium Ratio	.996	.992	.988	.984	.980	.976	.972	.969	.965	.961	.953	.945	.937	.921
	Loss Conversion Factor	.004	.008	.012	.016	.020	.024	.028	.031	.035	.039	.047	.055	.063	.079
70	Basic Premium Ratio	.996	.991	.987	.983	.978	.974	.970	.965	.961	.957	.948	.939	.931	.913
	Loss Conversion Factor	.004	.009	.013	.017	.022	.026	.030	.035	.039	.043	.052	.061	.069	.087
69	Basic Premium Ratio	.995	.991	.986	.981	.977	.972	.967	.963	.958	.953	.944	.935	.925	.907
	Loss Conversion Factor	.005	.009	.014	.019	.023	.028	.033	.037	.042	.047	.056	.065	.075	.093
68	Basic Premium Ratio	.995	.990	.985	.981	.976	.971	.966	.961	.956	.952	.942	.932	.923	.903
	Loss Conversion Factor	.005	.010	.015	.019	.024	.029	.034	.039	.044	.048	.058	.068	.077	.097
67	Basic Premium Ratio	.995	.990	.985	.980	.975	.970	.965	.959	.954	.949	.939	.929	.919	.899
	Loss Conversion Factor	.005	.010	.015	.020	.025	.030	.035	.041	.046	.051	.061	.071	.081	.101
66	Basic Premium Ratio	.995	.989	.984	.978	.973	.967	.962	.956	.951	.946	.935	.924	.913	.891
	Loss Conversion Factor	.005	.011	.016	.022	.027	.033	.038	.044	.049	.054	.065	.076	.087	.109
65	Basic Premium Ratio	.994	.988	.982	.976	.971	.965	.959	.953	.947	.941	.929	.917	.906	.882
	Loss Conversion Factor	.006	.012	.018	.024	.029	.035	.041	.047	.053	.059	.071	.083	.094	.118
64	Basic Premium Ratio	.994	.987	.981	.974	.968	.962	.955	.949	.942	.936	.923	.910	.898	.872
	Loss Conversion Factor	.006	.013	.019	.026	.032	.038	.045	.051	.058	.064	.077	.090	.102	.128
63	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.938	.931	.917	.903	.889	.861
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.062	.069	.083	.097	.111	.139
62	Basic Premium Ratio	.992	.985	.977	.970	.962	.954	.947	.939	.931	.924	.909	.893	.878	.848
	Loss Conversion Factor	.008	.015	.023	.030	.038	.046	.053	.061	.069	.076	.091	.107	.122	.152
61	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.926	.917	.901	.884	.868	.835
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.074	.083	.099	.116	.132	.165
60	Basic Premium Ratio	.991	.982	.973	.964	.955	.946	.937	.928	.919	.910	.892	.874	.856	.819
	Loss Conversion Factor	.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.181
59	Basic Premium Ratio	.990	.980	.971	.961	.951	.941	.931	.921	.912	.902	.882	.862	.843	.803
	Loss Conversion Factor	.010	.020	.029	.039	.049	.059	.069	.079	.088	.098	.118	.138	.157	.197
58	Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.926	.915	.904	.894	.872	.851	.830	.787
	Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.074	.085	.096	.106	.128	.149	.170	.213
57	Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.886	.863	.840	.817	.771
	Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.114	.137	.160	.183	.229
56	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.914	.902	.890	.878	.853	.829	.805	.756
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.086	.098	.110	.122	.147	.171	.195	.244
55	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.741
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.259
54	Basic Premium Ratio	.986	.972	.959	.945	.931	.917	.904	.890	.876	.862	.835	.807	.780	.724
	Loss Conversion Factor	.014	.028	.041	.055	.069	.083	.096	.110	.124	.138	.165	.193	.220	.276



53	Basic Premium Ratio	.985	.971	.956	.941	.927	.912	.898	.883	.868	.854	.824	.795	.766	.707
	Loss Conversion Factor	.015	.029	.044	.059	.073	.088	.102	.117	.132	.146	.176	.205	.234	.293
52	Basic Premium Ratio	.984	.969	.953	.938	.922	.907	.891	.876	.860	.845	.814	.783	.752	.690
	Loss Conversion Factor	.016	.031	.047	.062	.078	.093	.109	.124	.140	.155	.186	.217	.248	.310
51	Basic Premium Ratio	.983	.967	.950	.934	.917	.901	.884	.868	.851	.835	.802	.769	.735	.669
	Loss Conversion Factor	.017	.033	.050	.066	.083	.099	.116	.132	.149	.165	.198	.231	.265	.331
50	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.841	.823	.787	.752	.717	.646
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.159	.177	.213	.248	.283	.354
49	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.810	.772	.734	.696	.621
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.379
48	Basic Premium Ratio	.980	.959	.939	.919	.898	.878	.858	.837	.817	.797	.756	.716	.675	.594
	Loss Conversion Factor	.020	.041	.061	.081	.102	.122	.142	.163	.183	.203	.244	.284	.325	.406
47	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.805	.783	.740	.696	.653	.566
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.195	.217	.260	.304	.347	.434
46	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.677	.631	.539
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.323	.369	.461
45	Basic Premium Ratio	.976	.951	.927	.902	.878	.854	.829	.805	.780	.756	.707	.658	.609	.512
	Loss Conversion Factor	.024	.049	.073	.098	.122	.146	.171	.195	.220	.244	.293	.342	.391	.488
44	Basic Premium Ratio	.974	.948	.922	.897	.871	.845	.819	.793	.767	.742	.690	.638	.587	.483
	Loss Conversion Factor	.026	.052	.078	.103	.129	.155	.181	.207	.233	.258	.310	.362	.413	.517
43	Basic Premium Ratio	.973	.945	.918	.891	.863	.836	.809	.781	.754	.727	.672	.617	.562	.453
	Loss Conversion Factor	.027	.055	.082	.109	.137	.164	.191	.219	.246	.273	.328	.383	.438	.547
42	Basic Premium Ratio	.970	.941	.911	.881	.852	.822	.792	.763	.733	.703	.644	.585	.525	.406
	Loss Conversion Factor	.030	.059	.089	.119	.148	.178	.208	.237	.267	.297	.356	.415	.475	.594
41	Basic Premium Ratio	.968	.935	.903	.870	.838	.806	.773	.741	.708	.676	.611	.546	.481	.352
	Loss Conversion Factor	.032	.065	.097	.130	.162	.194	.227	.259	.292	.324	.389	.454	.519	.648
40	Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.718	.682	.647	.576	.506	.435	.294
	Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.282	.318	.353	.424	.494	.565	.706
39	Basic Premium Ratio	.962	.923	.885	.847	.808	.770	.732	.693	.655	.616	.540	.463	.386	.233
	Loss Conversion Factor	.038	.077	.115	.153	.192	.230	.268	.307	.345	.384	.460	.537	.614	.767
38	Basic Premium Ratio	.958	.917	.875	.834	.792	.751	.709	.668	.626	.585	.502	.419	.336	.170
	Loss Conversion Factor	.042	.083	.125	.166	.208	.249	.291	.332	.374	.415	.498	.581	.664	.830
37	Basic Premium Ratio	.955	.910	.865	.820	.776	.731	.686	.641	.596	.551	.461	.371	.282	.102
	Loss Conversion Factor	.045	.090	.135	.180	.224	.269	.314	.359	.404	.449	.539	.629	.718	.898
36	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.514	.417	.320	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.486	.583	.680	.777	.971
35	Basic Premium Ratio	.947	.895	.842	.789	.736	.684	.631	.578	.525	.473	.367	.262	.156	.000
	Loss Conversion Factor	.053	.105	.158	.211	.264	.316	.369	.422	.475	.527	.633	.738	.844	.987
34	Basic Premium Ratio	.943	.886	.829	.771	.714	.657	.600	.543	.486	.428	.314	.200	.085	.000
	Loss Conversion Factor	.057	.114	.171	.229	.286	.343	.400	.457	.514	.572	.686	.800	.915	.969
33	Basic Premium Ratio	.938	.876	.814	.752	.690	.628	.567	.505	.443	.381	.257	.133	.009	.000
	Loss Conversion Factor	.062	.124	.186	.248	.310	.372	.433	.495	.557	.619	.743	.867	.991	.953
32	Basic Premium Ratio	.933	.866	.799	.732	.665	.598	.531	.463	.396	.329	.195	.061	.000	.000
	Loss Conversion Factor	.067	.134	.201	.268	.335	.402	.469	.537	.604	.671	.805	.939	.984	.939
31	Basic Premium Ratio	.927	.854	.781	.707	.634	.561	.488	.415	.342	.268	.122	.000	.000	.000
	Loss Conversion Factor	.073	.146	.219	.293	.366	.439	.512	.585	.658	.732	.878	.994	.965	.925
30	Basic Premium Ratio	.920	.840	.760	.680	.600	.520	.440	.360	.280	.200	.040	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.400	.480	.560	.640	.720	.800	.960	.975	.949	.913
29	Basic Premium Ratio	.913	.826	.739	.651	.564	.477	.390	.303	.216	.128	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.349	.436	.523	.610	.697	.784	.872	.990	.958	.935	.902
28	Basic Premium Ratio	.904	.807	.711	.615	.519	.422	.326	.230	.134	.037	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.385	.481	.578	.674	.770	.866	.963	.969	.940	.918	.887
27	Basic Premium Ratio	.892	.785	.677	.570	.462	.355	.247	.140	.032	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.215	.323	.430	.538	.645	.753	.860	.968	.983	.946	.918	.897	.868
26	Basic Premium Ratio	.881	.761	.642	.522	.403	.283	.164	.044	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.119	.239	.358	.478	.597	.717	.836	.956	.983	.960	.925	.899	.879	.851
25	Basic Premium Ratio	.868	.736	.604	.472	.340	.208	.075	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.132	.264	.396	.528	.660	.792	.925	.987	.961	.940	.907	.883	.864	.838

PERMANENT

24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.210	.421	.631	.841	.990	.957	.932	.912	.896	.882	.862	.847	.835
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.242	.484	.726	.968	.966	.936	.913	.895	.881	.869	.851	.837	.827
19	Basic Premium Ratio	.720	.439	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.280	.561	.841	.979	.942	.915	.894	.878	.865	.854	.838	.826	.817
18	Basic Premium Ratio	.672	.344	.016	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.328	.656	.984	.954	.920	.896	.877	.863	.851	.842	.827	.817	.810
17	Basic Premium Ratio	.617	.234	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.383	.766	.977	.932	.902	.879	.863	.850	.839	.831	.819	.810	.803
16	Basic Premium Ratio	.550	.100	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.450	.900	.953	.913	.885	.865	.851	.839	.830	.823	.812	.804	.798
15	Basic Premium Ratio	.477	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.523	.992	.932	.896	.872	.854	.841	.831	.822	.816	.806	.799	.794
14	Basic Premium Ratio	.414	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.586	.973	.912	.881	.861	.846	.834	.825	.818	.812	.804	.797	.793
13	Basic Premium Ratio	.344	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.656	.953	.889	.867	.851	.838	.828	.821	.814	.809	.801	.796	.791
12	Basic Premium Ratio	.256	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.744	.931	.874	.856	.842	.831	.823	.816	.810	.806	.799	.794	.790
11	Basic Premium Ratio	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.841	.906	.860	.846	.834	.825	.818	.812	.807	.803	.796	.792	.788
10	Basic Premium Ratio	<del>((.032))</del>	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	<del>((.968))</del> <u>.042</u> <u>.958</u>	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.982	.850	.838	.828	.820	.813	.808	.803	.800	.797	.792	.788	.786
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.838	.828	.820	.813	.808	.803	.800	.796	.794	.790	.787	.784
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.917	.828	.820	.813	.807	.803	.799	.796	.793	.791	.788	.785	.783
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.876	.818	.812	.806	.802	.798	.795	.792	.790	.788	.785	.783	.782
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.826	.809	.804	.800	.797	.794	.791	.789	.787	.786	.783	.782	.780

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

**WAC 296-17-91903 Table IV.**

RETROSPECTIVE RATING PLAN A1  
 MINIMUM PREMIUM RATIOS  
 BASIC PREMIUM RATIO = .058  
 LOSS CONVERSION FACTOR = .729  
 Effective (~~(January 1, 1989))~~ April 10, 1995

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
------------------------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

Size Group	<del>((84</del>	<del>.995</del>	<del>.990</del>	<del>.986</del>	<del>.981</del>	<del>.977</del>	<del>.972</del>	<del>.968</del>	<del>.963</del>	<del>.959</del>	<del>.955</del>	<del>.947</del>	<del>.939</del>	<del>.931</del>	<del>.917</del>
	<del>83</del>	<del>.995</del>	<del>.990</del>	<del>.985</del>	<del>.980</del>	<del>.975</del>	<del>.970</del>	<del>.966</del>	<del>.961</del>	<del>.957</del>	<del>.952</del>	<del>.944</del>	<del>.935</del>	<del>.927</del>	<del>.912</del>

PERMANENT



7	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
6	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
5	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

WAC 296-17-91904 Table V.

RETROSPECTIVE RATING PLAN A2  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective ((January 1, 1989)) April 10, 1995

Maximum Premium Ratio: 1.05 1.10 1.15 1.20 1.25 1.30 1.35 1.40 1.45 1.50 1.60 1.70 1.80 2.00

PERMANENT

Size  
Group

<del>(84)</del>	Basic Premium Ratio	.517	.508	.500	.494	.488	.483	.479	.475	.472	.469	.463	.458	.453	.443
	Minimum Premium Ratio	.993	.986	.980	.974	.968	.963	.958	.953	.948	.943	.934	.924	.916	.899
83	Basic Premium Ratio	.516	.506	.498	.491	.485	.480	.476	.472	.468	.465	.458	.453	.447	.438
	Minimum Premium Ratio	.992	.985	.979	.972	.966	.961	.955	.950	.945	.939	.930	.920	.911	.893
82	Basic Premium Ratio	.515	.504	.495	.488	.482	.477	.472	.468	.464	.460	.454	.448	.442	.432
	Minimum Premium Ratio	.992	.984	.977	.971	.965	.959	.953	.947	.941	.936	.925	.915	.905	.887
81	Basic Premium Ratio	.513	.502	.493	.485	.479	.473	.468	.464	.460	.456	.449	.443	.437	.427
	Minimum Premium Ratio	.991	.983	.976	.969	.963	.956	.950	.944	.938	.933	.922	.911	.900	.881
80	Basic Premium Ratio	.512	.500	.490	.482	.476	.470	.465	.460	.456	.452	.445	.438	.432	.421
	Minimum Premium Ratio	.991	.983	.975	.968	.961	.954	.948	.941	.935	.929	.917	.906	.895	.875
79	Basic Premium Ratio	.511	.498	.487	.479	.472	.466	.461	.456	.452	.448	.440	.433	.427	.415
	Minimum Premium Ratio	.990	.981	.973	.966	.958	.951	.944	.938	.931	.925	.913	.901	.889	.868
78	Basic Premium Ratio	.509	.496	.485	.476	.469	.463	.457	.452	.447	.443	.435	.428	.421	.409
	Minimum Premium Ratio	.990	.980	.972	.964	.956	.948	.941	.934	.927	.920	.907	.895	.883	.860
77	Basic Premium Ratio	.508	.494	.483	.474	.466	.459	.454	.448	.443	.439	.430	.423	.416	.402
	Minimum Premium Ratio	.989	.979	.970	.961	.953	.945	.937	.930	.923	.915	.902	.888	.876	.852
76	Basic Premium Ratio	.507	.492	.480	.471	.463	.456	.450	.444	.439	.434	.425	.417	.410	.396
	Minimum Premium Ratio	.988	.978	.968	.959	.950	.942	.934	.926	.919	.911	.897	.883	.870	.845
75	Basic Premium Ratio	.506	.490	.477	.467	.459	.452	.445	.440	.434	.429	.420	.412	.404	.390
	Minimum Premium Ratio	.988	.977	.967	.957	.948	.939	.931	.923	.915	.907	.892	.878	.864	.838
74	Basic Premium Ratio	.504	.487	.475	.464	.456	.448	.442	.435	.430	.425	.415	.406	.398	.384
	Minimum Premium Ratio	.987	.976	.965	.955	.945	.936	.927	.918	.910	.902	.886	.871	.857	.830
73	Basic Premium Ratio	.503	.485	.472	.461	.452	.444	.437	.431	.425	.420	.410	.401	.393	.377
	Minimum Premium Ratio	.986	.974	.963	.952	.942	.933	.923	.914	.905	.897	.880	.865	.849	.821
72	Basic Premium Ratio	.501	.483	.469	.458	.449	.441	.433	.427	.421	.415	.405	.395	.387	.370
	Minimum Premium Ratio	.986	.973	.961	.950	.939	.929	.919	.910	.901	.892	.874	.858	.842	.813
71	Basic Premium Ratio	.499	.480	.466	.455	.445	.437	.429	.422	.416	.410	.399	.390	.380	.364
	Minimum Premium Ratio	.985	.972	.959	.948	.936	.926	.916	.906	.896	.886	.868	.851	.835	.804
70	Basic Premium Ratio	.498	.478	.463	.451	.441	.433	.425	.418	.411	.405	.394	.384	.374	.357
	Minimum Premium Ratio	.984	.970	.957	.945	.934	.922	.912	.901	.891	.881	.862	.844	.827	.796
69	Basic Premium Ratio	.496	.475	.460	.448	.438	.429	.421	.413	.406	.400	.389	.378	.368	.351
	Minimum Premium Ratio	.984	.969	.956	.943	.931	.919	.908	.897	.887	.876	.857	.838	.821	.788
68	Basic Premium Ratio	.494	.472	.457	.444	.433	.424	.416	.408	.401	.395	.383	.372	.362	.344
	Minimum Premium Ratio	.983	.968	.954	.940	.928	.916	.904	.893	.883	.872	.852	.833	.815	.782
67	Basic Premium Ratio	.492	.469	.453	.440	.429	.420	.411	.403	.396	.390	.377	.366	.356	.338
	Minimum Premium Ratio	.982	.966	.952	.938	.925	.913	.901	.890	.879	.868	.848	.828	.810	.776
66	Basic Premium Ratio	.489	.467	.450	.436	.425	.415	.406	.398	.391	.384	.372	.360	.350	.331
	Minimum Premium Ratio	.981	.965	.950	.936	.922	.909	.897	.885	.874	.863	.841	.822	.803	.769
65	Basic Premium Ratio	.487	.464	.446	.433	.421	.411	.402	.393	.386	.379	.366	.354	.343	.324
	Minimum Premium Ratio	.981	.963	.948	.933	.919	.905	.893	.880	.868	.857	.835	.815	.796	.761
64	Basic Premium Ratio	.485	.461	.443	.429	.417	.406	.397	.388	.380	.373	.360	.348	.337	.317
	Minimum Premium Ratio	.980	.962	.945	.930	.916	.902	.888	.876	.864	.852	.829	.808	.788	.753))





5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.061	
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586

AMENDATORY SECTION (Amending Order 88-26, filed 12/1/88, effective 1/1/89)

WAC 296-17-91905 Table VI.

RETROSPECTIVE RATING PLAN A3  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .729  
 Effective ((January 1, 1989)) April 10, 1995

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
------------------------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

Size Group

((84	Basic Premium Ratio	.832	.812	.793	.783	.767	.765	.754	.747	.736	.733	.720	.705	.694	.667
	Minimum Premium Ratio	.986	.974	.964	.955	.948	.940	.934	.928	.923	.917	.907	.898	.889	.873
83	Basic Premium Ratio	.832	.811	.793	.782	.767	.761	.748	.744	.731	.726	.714	.702	.687	.660
	Minimum Premium Ratio	.984	.972	.961	.952	.944	.936	.930	.923	.918	.912	.901	.891	.882	.865
82	Basic Premium Ratio	.832	.810	.793	.781	.766	.757	.747	.740	.731	.724	.709	.693	.680	.653
	Minimum Premium Ratio	.983	.969	.958	.948	.940	.932	.925	.918	.912	.906	.895	.885	.875	.857
81	Basic Premium Ratio	.832	.810	.793	.777	.764	.753	.746	.732	.726	.717	.703	.689	.674	.646
	Minimum Premium Ratio	.981	.967	.955	.945	.936	.928	.920	.914	.907	.901	.889	.878	.868	.849
80	Basic Premium Ratio	.832	.810	.791	.771	.761	.752	.738	.727	.724	.713	.697	.684	.666	.638
	Minimum Premium Ratio	.980	.965	.952	.942	.932	.923	.916	.909	.901	.895	.883	.871	.861	.841
79	Basic Premium Ratio	.831	.810	.788	.770	.757	.745	.733	.725	.715	.706	.691	.675	.658	.629
	Minimum Premium Ratio	.979	.962	.949	.938	.928	.919	.911	.903	.896	.889	.876	.864	.853	.832
78	Basic Premium Ratio	.830	.805	.785	.768	.751	.741	.727	.716	.708	.698	.679	.664	.648	.618
	Minimum Premium Ratio	.977	.960	.946	.934	.924	.914	.906	.898	.890	.883	.870	.857	.845	.823
77	Basic Premium Ratio	.829	.803	.781	.760	.745	.732	.719	.710	.700	.688	.672	.654	.636	.607
	Minimum Premium Ratio	.976	.958	.943	.931	.920	.910	.901	.892	.884	.877	.862	.849	.837	.813
76	Basic Premium Ratio	.829	.802	.776	.757	.739	.727	.712	.701	.689	.679	.661	.644	.627	.595
	Minimum Premium Ratio	.974	.955	.940	.927	.916	.905	.896	.887	.879	.871	.856	.842	.829	.805
75	Basic Premium Ratio	.828	.796	.771	.753	.736	.722	.705	.693	.682	.671	.653	.634	.618	.586
	Minimum Premium Ratio	.973	.953	.937	.923	.911	.900	.891	.882	.873	.865	.849	.835	.821	.796
74	Basic Premium Ratio	.828	.796	.767	.750	.730	.713	.698	.687	.675	.665	.644	.627	.609	.575
	Minimum Premium Ratio	.971	.950	.934	.919	.907	.896	.886	.876	.867	.858	.842	.826	.812	.786
73	Basic Premium Ratio	.827	.791	.767	.746	.727	.708	.694	.681	.670	.658	.634	.618	.597	.565
	Minimum Premium Ratio	.969	.948	.930	.915	.902	.891	.880	.870	.860	.851	.835	.818	.804	.776
72	Basic Premium Ratio	.827	.790	.762	.738	.720	.703	.690	.674	.662	.649	.627	.608	.588	.554
	Minimum Premium Ratio	.967	.945	.927	.912	.898	.886	.874	.864	.854	.845	.827	.810	.795	.766
71	Basic Premium Ratio	.826	.789	.760	.736	.716	.696	.681	.667	.653	.641	.619	.598	.577	.543
	Minimum Premium Ratio	.965	.942	.923	.907	.893	.881	.869	.858	.848	.838	.819	.802	.786	.756
70	Basic Premium Ratio	.825	.787	.754	.731	.712	.693	.676	.660	.647	.634	.609	.588	.568	.532
	Minimum Premium Ratio	.964	.939	.920	.903	.888	.875	.863	.852	.841	.831	.812	.794	.777	.746
69	Basic Premium Ratio	.824	.784	.751	.725	.704	.686	.667	.653	.641	.626	.602	.578	.557	.521
	Minimum Premium Ratio	.962	.936	.916	.899	.884	.870	.858	.846	.834	.824	.804	.786	.769	.737
68	Basic Premium Ratio	.824	.779	.746	.718	.697	.677	.660	.644	.631	.615	.592	.567	.547	.510
	Minimum Premium Ratio	.959	.933	.912	.895	.879	.865	.852	.840	.828	.818	.797	.779	.761	.729
67	Basic Premium Ratio	.824	.778	.742	.713	.690	.669	.653	.636	.621	.607	.582	.559	.538	.500
	Minimum Premium Ratio	.957	.929	.908	.890	.874	.860	.846	.834	.822	.811	.790	.771	.753	.721
66	Basic Premium Ratio	.821	.774	.737	.709	.684	.663	.645	.629	.613	.598	.571	.548	.526	.490
	Minimum Premium Ratio	.955	.926	.904	.885	.869	.854	.840	.827	.815	.804	.783	.763	.745	.711
65	Basic Premium Ratio	.821	.769	.732	.702	.677	.657	.637	.619	.604	.588	.561	.538	.517	.479
	Minimum Premium Ratio	.952	.923	.900	.881	.864	.848	.834	.821	.808	.797	.775	.754	.735	.701
64	Basic Premium Ratio	.818	.764	.727	.697	.670	.648	.629	.612	.596	.580	.552	.528	.507	.469
	Minimum Premium Ratio	.950	.920	.896	.876	.859	.843	.828	.814	.801	.789	.767	.746	.726	.691
63	Basic Premium Ratio	.818	.762	.722	.692	.666	.642	.622	.603	.586	.571	.543	.517	.495	.458
	Minimum Premium Ratio	.947	.916	.892	.871	.853	.837	.822	.808	.795	.782	.759	.738	.718	.682

PERMANENT









**WSR 95-06-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 95-17—Filed February 15, 1995, 4:50 p.m., effective February 17, 1995, 11:59 p.m.]

Date of Adoption: February 15, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-04600Z; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This rule is necessary to meet interim-allocation goals resulting from federal court decisions on treaty shellfish rights. There is insufficient time to promulgate a permanent rule to provide allocation prior to the April 15, 1995, closing date. This also provides the opportunity to remove gear as weather conditions have prevented access and removal.

Effective Date of Rule: February 17, 1995, 11:59 p.m.

February 15, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

**WAC 220-52-04600A Crab fishery — Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046, effective 11:59 p.m. February 17, 1995 until further notice it is unlawful to fish for or possess crab taken for commercial purposes from those waters of Puget Sound, except that until 5:00 p.m. February 20, 1995 it shall be lawful to retain lawful crab taken from lawful gear that was set and baited prior to 11:59 p.m. February 17, 1995.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600Z Crab fishery—Seasons and areas (95-16)

**WSR 95-06-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 95-18—Filed February 20, 1995, 3:50 p.m.]

Date of Adoption: February 20, 1995.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-52-04600A; and amending WAC 220-52-046.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: The harvestable quota allocated to the nontreaty crab fishery in Puget Sound has been taken. Adverse weather conditions have prevented recovery of gear. This rule allows for the timely removal of crab gear and is necessary because there is inadequate time to promulgate permanent rules.

Effective Date of Rule: Immediately.

February 20, 1995

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

**WAC 220-52-04600B Crab fishery—Seasons and areas.** Notwithstanding the provisions of WAC 220-52-046, effective immediately until further notice it is unlawful to fish for or possess crab taken for commercial purposes from the waters of Puget Sound, except that crab gear that was set prior to February 18, 1995, may be retrieved until 5:00 p.m. February 22, 1995, and it is lawful to retain lawful crab taken from such gear.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-04600A Crab fishery—Seasons and areas (95-17)

**WSR 95-06-087**  
**EMERGENCY RULES**  
**PUBLIC EMPLOYMENT**  
**RELATIONS COMMISSION**  
[Filed March 1, 1995, 11:15 a.m.]

Date of Adoption: February 27, 1995.

Purpose: To repeal an outdated WAC section, due to passage of SSB 6195 by the 1994 legislature.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 391-45-431.

Statutory Authority for Adoption: RCW 41.56.090.

Other Authority: RCW 41.58.050.

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

Reasons for this Finding: WAC 391-45-431 was adopted based (and expressly cited) on the provisions of

RCW 41.56.190. However, RCW 41.56.190 was repealed by section 3, chapter 58, laws of 1994, effective June 9, 1994.

Effective Date of Rule: Immediately.

February 27, 1995  
Marvin L. Schurke  
Executive Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 391-45-431 Special provision—Public employees.

EMERGENCY

**WSR 95-06-005**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—February 16, 1995]

Board of Trustees Meeting  
 February 16, 1995  
 Sno-King Building  
 Room 103  
 4:00-5:05

Part of the meeting may be video taped.

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

**WSR 95-06-006**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**  
 [Memorandum—February 15, 1995]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, February 22, 1995, at 1:30 p.m. in Room 310 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

**WSR 95-06-007**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LIBRARY**  
 (Public Information Access Policy Task Force)  
 [Memorandum—February 14, 1995]

**CORRECTION**

On March 6, 1995, Monday, from 10:00 a.m. until 3:00 p.m., the Public Information Access Policy Task Force will meet at the WIT Central Office, 710 Sleater-Kinney Road, Suite Q, Lacey, WA. A notice dated January 17, 1995, stated the meeting was to be held at another location.

The Public Information Access Policy Task Force will also meet on the following dates and places:

April 26, 1995, Wednesday, from 10:00 a.m. until 3:00 p.m., in the Old Hearing Room #5, 4th Floor, at the John A. Cherberg Building, Capitol Campus, Olympia, Washington.

May 23, 1995, Tuesday and June 29, 1995, Thursday, from 10:00 a.m. until 3:00 p.m. in Senate Conference Rooms, B & C, at the John A. Cherberg Building, Capitol Campus, Olympia, Washington.

**WSR 95-06-008**  
**INDETERMINATE SENTENCE**  
**REVIEW BOARD**  
 [Filed February 16, 1995, 3:26 p.m.]

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

The following is a revision to WAC 381-70-400 for publication in the Washington State Register and Washington Administrative Code.

Date of Adoption: February 13, 1995.  
 Effective Date: February 13, 1995.

I certify pursuant to RCW 34.05.030 that WAC 381-70-400 is exempt from the Administrative Procedure Act and is being submitted for publication pursuant to the protocol.

Kathryn S. Bail  
 Chair

AMENDATORY SECTION (Amending WSR 91-14-029, filed 6/26/91, effective 7/27/91)

**WAC 381-70-400 Rules of evidence—Admissibility.**

All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness.

"Relevant evidence" means evidence having a tendency to make the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts in the state of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence, or order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. If the sole evidence to support the allegation is hearsay that would be inadmissible in a superior court proceeding and is not substantiated or corroborated, the board shall not enter a finding of guilt. If the sole evidence presented to substantiate the allegation is the result of a polygraph examination, a finding of guilty shall not be made.

The results of polygraph examinations shall not be admissible into evidence at parole revocation hearings unless the following circumstances are present:

(1) The parties have stipulated that the polygraph examination be conducted and the results be admissible in a parole revocation hearing. Such stipulation may be evidenced by showing that the parolee has submitted to a condition of parole that he or she submit himself or herself to polygraph examination at the request of the community corrections officer and that the results of said examination(s) shall be admissible at a subsequent parole revocation hearing. Other stipulations shall be in writing, signed by the

community corrections officer or his agent and by the parolee; and

(2) The board panel or member specifically finds that the polygraph examiner is qualified and the proper conditions existed during administration of the test; and

(3) The parties have been afforded an opportunity to confrontation of the examiner, unless good cause for nonconfrontation is specifically found or confrontation is waived.

The board will require polygraph examinations in appropriate cases. ~~((However, the condition will not require that the parolee submit to a polygraph at his/her own expense.))~~ Polygraphs will be provided to indigent parolees at state expense, through the department of corrections. Parolees who are not indigent will be required to obtain a polygraph at his/her own expense.

**WSR 95-06-009**  
**RULES COORDINATOR**  
**GAMBLING COMMISSION**  
[Filed February 16, 1995, 4:06 p.m.]

In accordance with RCW 34.05.310, I wish to notify you that the rules coordinator for the Washington State Gambling Commission is:

Patricia Norman-Cole  
Special Agent 3  
Washington State Gambling Commission  
P.O. Box 42400  
649 Woodland Square Loop S.E.  
Olympia, WA 98504-2400

I also wish to name a second person as an alternate:

Carrie L. Tellefson Sutherland  
Special Assistant to the Director  
Washington State Gambling Commission  
P.O. Box 42400  
649 Woodland Square Loop S.E.  
Olympia, WA 98504-2400

Frank L. Miller  
Director

**WSR 95-06-014**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
(Title and Registration Advisory Committee)  
[Memorandum—February 17, 1995]

Following is a public meeting notice for the Title and Registration Advisory Committee (TRAC):

Date: April 24, 1995  
Time: 1:30 p.m. to 4:00 p.m.  
Place: Room 413  
Highways-Licenses Building  
1125 Washington S.E.  
Olympia, WA

**WSR 95-06-020**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
[Memorandum—February 21, 1995]

Eastern Washington University  
Board of Trustees  
February 24, 1995, 9:00 a.m.  
Louise Anderson Hall, First Floor Lounge

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the PUB Council Chambers, Room 323.

Following the board meeting, Mr. Stewart will conduct a tour of the new classroom project in Patterson Hall, the PUB expansion, and the Science Building remodel. Lunch will be served at the University House after the tour.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling the President's Office, 359-2371.

**WSR 95-06-021**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Barley Commission)  
[Memorandum—February 15, 1995]

The Washington Barley Commission's March 8, 1995, regular meeting has been rescheduled. The meeting will now be held on March 7, 1995. The meeting will convene at the previously scheduled time. According to RCW 42.30.075 we are required to notify you of any meeting schedule changes at least twenty days prior to the rescheduled meeting date. Please accept this as the appropriate notification.

If you have any questions, please do not hesitate to call our office at (509) 456-4400.

**WSR 95-06-022**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHLINE COMMUNITY COLLEGE**  
[Memorandum—February 15, 1995]

The board of trustees of Community College District 9 will hold its March 9, 1995, meeting at the HCC Federal Way Campus, 33320 First Avenue South, Building A, Campus Square, Federal Way, WA. The study session will begin at 8:00 a.m. with the public meeting at 9:45 a.m. A community discussion is scheduled for 10:30 a.m. until 12:00 noon.

NOTICE OF CHANGE IN LOCATION AND TIME OF MEETING

The Highline Community College District 9 board of trustees will hold its March 9, 1995, meeting at the HCC Federal Way Campus, 33320 First Avenue South, Building A, Campus Square, Federal Way, WA. The public meeting will begin at 9:45 a.m. with a community discussion scheduled from 10:30 a.m. until 12:00 noon.

WSR 95-06-023
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
[Memorandum—February 21, 1995]

Regular Meeting
March 6, 1995
8:30 a.m. - 4:00 p.m.
Natural Resources Building, Room 175
1111 Washington Street S.E.
Olympia, WA

Note: Opening sessions will commence as shown; all other times are approximate. If you need special accommodations to participate in this meeting, please notify us by February 17 at (360) 902-3000 or TDD (360) 902-1996.

30th Anniversary Celebration in the State Reception Room (Legislative Building, Capitol Campus) at 4:30 p.m.

Next Meeting: July 12-14, 1995, Lakeway Inn, Bellingham, Washington.

WSR 95-06-037
RULES OF COURT
STATE SUPREME COURT
[February 22, 1995]

IN THE MATTER OF THE ADOPTION ) ORDER
OF THE AMENDMENT )
TO BJAR 2 ) NO. 25700-A-555

The Court of Appeals and the Board for Judicial Administration having recommended the adoption of the proposed amendment to BJAR 2, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendment as attached hereto is adopted.
(b) That pursuant to the emergency provisions of GR 9(g), the amendment is effective immediately.

DATED at Olympia, Washington this 16th day of February, 1995.

Durham, C. J.

Robert F. Utter

Guy, J.

J. M. Dolliver

Madsen, J.

Smith, J.

Talmadge, J.

Johnson, J.

Alexander, J.

BJAR 2
GR 9(d) Cover Sheet

(1) Background: The amendment to BJAR 2 was proposed by the judges of the Court of Appeals and has been endorsed by the Board for Judicial Administration.

(2) Purpose. The purpose of the amendment to BJAR 2 is to have a representative from each Division of the Court of Appeals on the BJA. The current rule provides for two members, and an internal Court of Appeals Administrative Rule requires the two members to come from different Divisions. However, because the court meets en banc only three times a year, it is difficult for the Division without a representative to be informed on all issues before the BJA. It is also difficult for the court's two members to receive input from all judges prior to voting on an issue or for the members to express an opinion on behalf of all Divisions. The amendment would alleviate this problem.

(3) Washington State Bar Association Action: No action is requested on this issue.

(4) Supporting Materials: None

(5) Spokesperson: Presiding Chief Judge Walter Webster, Division I Court of Appeals or Chief Judge Philip Thompson, Division III Court of Appeals.

(6) Hearing: Not recommended.

BOARD FOR JUDICIAL ADMINISTRATION RULES

RULE 2

COMPOSITION

(a) Membership. The Board for Judicial Administration shall be representative of the judicial branch of government of the state of Washington and its members shall consist of the Chief Justice and Acting Chief Justice of the Supreme Court; three Court of Appeals judges, one from each Division, to include the Presiding Chief Judge and two one chief Judges' of the Court of Appeals; three judges designated by the Superior Court Judges' Association; and three judges designated by the District and Municipal Court Judges' Association.

(b) Nonvoting Representatives. In addition the board shall have the following nonvoting representatives: two members of the Washington State Bar Association appointed by the Board of Governors.

(c) Terms of Office. The Superior Court and District and Municipal Court representatives shall serve staggered 3-year terms. The terms of all other members shall be commensurate with the term of the officers designated in section (a). Nonvoting representatives shall serve 2-year terms.

(d) Operation.

(1) The Chief justice of the Supreme Court shall be the chair of the board.

(2) The vice-chair shall be elected annually from among the voting members representing the other levels of the judiciary.

(3) Meetings of the board shall be held quarterly, or more often as needed, at the direction of the chair, or at the request of any two members. The board and the Court Management Council shall meet jointly twice a year.

(4) Ad hoc and standing committees and task forces may be appointed for the purpose of facilitating the work of the board, conducting special studies and making recommendations to the Board for Judicial Administration. Such committees and task forces may include persons who are not

MISCELLANEOUS

members of the judiciary or of the board such as lay persons, trial court clerks and administrators.

(5) The Board for Judicial Administration will speak on behalf of the judicial branch of government on those matters which it has unanimously approved and may state the position of the various levels of the court on matters where there is a diversity of opinion.

(e) **Scope.** The Board for Judicial Administration does not replace or restrict the activities of the existing judicial associations or courts. This rule shall not be construed as extending the Supreme Court's control over the courts.

#### WSR 95-06-038

##### NOTICE OF PUBLIC MEETINGS

#### TRANSPORTATION COMMISSION

[Memorandum—February 21, 1995]

The March 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Wednesday, March 15, and 9:00 a.m. on Thursday, March 16, 1995, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Wednesday, March 15, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

The Transportation Commission will also hold a joint meeting with the Oregon Transportation Commission at 10:00 a.m. on Wednesday, March 8, 1995, in the ODOT Region 1 Building, 123 Northwest Flanders, Portland, OR.

The April 1994 Washington State Transportation Commission meetings will be held at 1:00 p.m. on Tuesday, April 11, and 9:00 a.m. on Wednesday, April 12, 1995, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be committee meetings at 9:00 a.m., Tuesday, April 11, in the Transportation Building, Rooms 1D2 and 3F21, Olympia, Washington.

#### WSR 95-06-045

##### NOTICE OF PUBLIC MEETINGS

#### MARITIME COMMISSION

[Memorandum—February 22, 1995]

The monthly meeting of the Washington State Maritime Commission scheduled for March 2, 1995, is cancelled. Appropriate notification will be sent to interested parties and posted at the meeting location.

#### WSR 95-06-047

##### EXECUTIVE ORDER

#### OFFICE OF THE GOVERNOR

[EO 95-01]

#### REESTABLISHING THE GOVERNOR'S COUNCIL ON SUBSTANCE ABUSE AND SUPERSEDING EXECUTIVE ORDER 94-09

**WHEREAS**, there are significant economic, social and human costs associated with the misuse and abuse of alcohol and other drugs in Washington State, for which there are no simple solutions; and

**WHEREAS**, to reduce these costs will require individuals, families, and communities working in partnership with government, private industry, law enforcement, and schools to create innovative and coordinated solutions to the problem, and strengthen existing programs which are successfully reducing substance abuse;

**NOW, THEREFORE, I, Mike Lowry, Governor of the State of Washington, by virtue of the authority invested in me, do hereby reestablish the Governor's Council on Substance Abuse as follows:**

1. The Council shall be composed of twenty-six members. Fifteen members of the Council shall be appointed by the Governor and shall represent private industry, local and tribal government, treatment providers, community groups, educators, and law enforcement. The directors (or director's designee) of the Department of Social and Health Services, the Department of Community, Trade and Economic Development, the Department of Health, the Department of Corrections, the Chief of the State Patrol (or designee), the Chair of the Liquor Control Board (or designee), and the Superintendent of Public Instruction (or designee) shall serve as members of the council. The membership shall also include four Legislators, two from the Senate and two from the House of Representatives, to be appointed by their respective caucuses.

The terms of members appointed by the Governor shall be three years, except initial appointments shall be one, two, or three years. The Governor shall appoint the Chair.

A majority of the Council shall constitute a quorum, and a majority of those present can approve Council action.

2. The Council shall have the following responsibilities:
  - A. Develop recommendations for a state and local strategy on substance abuse and seek community involvement on issues relating to the strategy, such as public safety and health. The strategy should balance prevention, education, intervention, treatment, and law and justice.
  - B. Advise the Governor on substance abuse issues.
  - C. Review and develop recommendations regarding state, local and federal funding of substance abuse issues.
  - D. Consult with and advise the Family Policy Council established in Ch. 198, Laws of 1992, on substance abuse issues.
  - E. Provide policy recommendations to state agencies on alcohol and other drug issues.
3. The Department of Community, Trade and Economic Development shall provide such administrative support and resources as may be necessary to carry out the functions of the Council. The Washington Interagency



Network on Substance Abuse (WIN) shall serve as a resource to the Council. Members of the Council may receive per diem and travel expenses in accordance with OFM policies.

- 4. This Executive Order supersedes Executive Order 94-09, which is hereby rescinded.

This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia on this 22nd day of February, A.D., nineteen hundred and ninety-five .

\_\_\_\_\_  
Mike Lowry  
Governor of Washington

BY THE GOVERNOR:

\_\_\_\_\_  
Ralph Munro  
Secretary of State

**WSR 95-06-053**  
**JOINT ADMINISTRATIVE**  
**RULES REVIEW COMMITTEE**  
[Filed February 27, 1995, 10:20 a.m.]

February 21, 1995

Dennis Cooper, Code Reviser  
State of Washington  
Legislative Building  
Olympia, WA 98504

Dear Mr. Cooper:

The Joint Administrative Rules Review Committee (JARRC) held on July 27, 1987 that WAC 388-100-005 did not conform with the intent of the Legislature. This rule, adopted by the Department of Social and Health Services (DSHS), excluded inmates of federal or state prisons from eligibility for the limited casualty-medically indigent program of medical assistance.

As authority for its opinion, the committee cited RCW 70.48.130 of the City and County Jail Act of 1977 which requires DSHS to reimburse local governments for inmate medical costs provided to otherwise eligible inmates.

There has been no amendment to RCW 70.48.130 changing its meaning since 1986. Effective May 15, 1993, an amendment resulted in even further emphasis of the intent of the Legislature that all jail inmates receive cost-effective medical care. (1993 C 409 § 2)

On May 31, 1994, DSHS refiled a permanent rule, WSR 94-10-065, WAC 388-503-0370 which recodified WAC 388-100-005. The eligibility requirement that an applicant for the medically indigent program not be an inmate of a federal or state prison is retained in the new rule.

Since neither the statutory authority nor the substance of the rule has changed since the JARRC decision of July 27, 1987,

the committee is of the opinion that DSHS has not modified, amended, withdrawn or repealed WAC 388-100-005 to conform with the intent of the Legislature. This being the case, pursuant to RCW 34.05.640 (5) and (6), the committee respectfully requests that the notice of objection published along with WAC 388-100-005 continue to be published along with WAC 388-503-0370.

Thank you for your consideration.

Sincerely,

Senator Betti L. Sheldon, Chair

**WSR 95-06-058**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**  
[Memorandum—February 28, 1995]

REVISED  
WASHINGTON STATE BOARD OF EDUCATION  
SCHEDULE OF REGULAR MEETING DATES AND LOCATIONS  
1995 CALENDAR YEAR

- |                       |                                                                                                                          |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------|
| January 25-27, 1995   | Educational Service District 113<br>Thurston Room<br>601 McPhee Road S.W.<br>Olympia, WA 98502-5080<br>(360) 586-2933    |
| March 22-24, 1995     | North Thurston School District<br>Board Room<br>305 College Street N.E.<br>Lacey, WA 98516-5390<br>(360) 493-9002        |
| May 17-19, 1995       | Saint Martin's College<br>Worthington Conference Center<br>5300 Pacific Avenue S.E.<br>Lacey, WA 98503<br>(360) 491-4700 |
| July 19-21, 1995      | Coupeville Middle and High School<br>Library<br>501 South Main<br>Coupeville, WA 98239<br>(360) 678-4409                 |
| September 20-22, 1995 | Department of Labor and Industries<br>Auditorium<br>7273 Linderson Way S.W.<br>Olympia, WA 98501<br>(360) 956-5800       |
| November 15-17, 1995  | Spokane School District<br>Board Room No. 101<br>200 North Bernard<br>Spokane, WA 99201-0282<br>(509) 353-5242           |

MISCELLANEOUS

WSR 95-06-080
NOTICE OF PUBLIC MEETINGS
PERSONNEL RESOURCES BOARD
[Memorandum—March 1, 1995]

The Personnel Resources Board meeting scheduled at 10:00 a.m. on Thursday, March 9, 1995, has been canceled. The next regular board meeting will be held on April 13, 1995, at the Department of Personnel, 521 Capitol Way South, Olympia, WA.

If you have any questions regarding this matter, please contact Judy Montoure at 586-1770.

WSR 95-06-082
DEPARTMENT OF ECOLOGY
[Filed March 1, 1995, 10:10 a.m.]
ANNOUNCEMENT OF AVAILABILITY OF
DRAFT GENERAL PERMITS FOR MUNICIPAL
STORMWATER

Introduction:

The Washington Department of Ecology (ecology) has tentatively decided to issue three general permits for the discharge of stormwater from municipal separate storm sewers owned or operated by the following municipalities and state agency:

- King County
City of Seattle
Snohomish County
Pierce County
City of Tacoma
Washington State Department of Transportation (WSDOT)

Each of the general permits will cover a specific geographic area which generally aligns with watershed management areas previously defined by ecology. The watershed management areas and the permittees named for each of those areas is as follows:

Table with 2 columns: Watershed Management Area, Permittees. Rows include Cedar/Green, Island/Snohomish, and South Puget Sound.

Initially, only the entities listed above will be required to obtain coverage under these general permits. Additional entities owning or operating municipal separate storm sewers within the referenced watershed management areas may be added in the future in response to federal or state requirements.

These permits are being developed to meet the requirements of state statute and regulation and the requirements of section 402(p) of the federal Clean Water Act and regulations adopted by the United States Environmental Protection Agency (amendments to Title 40 of the Code of Federal Regulations (CFR), Part 122, published in the federal register

on November 16, 1990). Federal law requires the entities named above to obtain a National Pollutant Discharge Elimination System (NPDES) permit to discharge stormwater from a municipal separate storm sewer system.

Ecology is issuing these permits under authority granted it by the State Water Pollution Control Act, chapter 90.48 RCW. Applicable provisions of that statute include: RCW 90.48.030 Jurisdiction of department; RCW 90.48.162 Waste disposal permits required of counties, municipalities and public corporations; and RCW 90.48.260 Federal Clean Water Act - Department designated as state agency, authority - Powers, duties, and functions.

Explanation of Permit; Purpose; Anticipated Effects

These permits authorize the discharge of stormwater from municipal separate storm sewers, owned or operated by the permittees, to surface and ground waters of the state of Washington. Each of these permits requires the named permittees to develop and implement stormwater management programs. The purposes of these programs are: To reduce the discharge of pollutants; to reduce the impacts to receiving waters; to address illicit discharges; and to make progress toward compliance with surface water, ground water, and sediment management standards of the state of Washington.

The permits include conditions defining stormwater management program requirements and schedules for approval of stormwater programs. Implementation of an approved stormwater management program constitutes reduction of pollutants to the "maximum extent practicable" during the life of the permit as required in section 402 (p)(3)(B) of the federal Clean Water Act. The stormwater management programs are subject to review and approval by ecology after an opportunity for public comment.

Economic Impact Analysis

Ecology was not required to prepare an economic impact analysis for these general permits. The waste discharge general permit program regulation at WAC 173-226-120 requires such analyses only for general permits which are intended to directly cover small businesses.

Available Information

Ecology has prepared a fact sheet which describes the reasons for the requirements of the permits, and other background information. Copies of the fact sheet and the draft permits will be available at the public workshop and the public hearing. Copies of these documents can also be obtained by calling (360) 407-6614.

Copies of the draft permits, fact sheet, and the permit applications submitted by the six applicants listed above are also available for viewing at the Department of Ecology, 300 Desmond Drive, Lacey. Arrangements for viewing can be made by calling (360) 407-6614, or by writing to Sharon Lewis, Stormwater Unit, Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696.

Public Workshop and Hearing

On April 20, ecology will hold a public workshop on the draft municipal stormwater permits. The purpose of the workshop is to explain the general permits, answer questions,

MISCELLANEOUS

and facilitate meaningful testimony during the hearing. On April 27, ecology will hold a public hearing. The purpose of the hearing is to provide interested parties an opportunity to give formal oral testimony and comments on the draft general permits. The workshop and hearing are scheduled for the following time and location:

7 p.m.  
Ecology Northwest Regional Office  
3190 160th Ave S.E.  
Bellevue, WA

Written directions and a map to this location are available by calling (360) 407-6614.

**Where to Submit Written Comments:**

If you wish to comment on the proposed permits, you may also send your written comments to this address:

Ann Wessel  
Water Quality Program  
Washington Department of Ecology  
P.O. Box 47696  
Olympia, WA 98504-7696

Written comments must be postmarked by May 5th.

**Final Determination:**

Ecology intends to issue these permits on or after June 7th. A final determination to issue these permits will not be made until ecology evaluates all public testimony and written comments received pursuant to this notice. If ecology issues the general permits, a copy of the final determination and the responsiveness summary will be sent to all persons who submitted written comment or gave public testimony. In addition, ecology will publish a notice of the issuance of the general permits in the State Register.

Ecology is an equal opportunity agency. If you have special accommodation needs or require this document in an alternative format, please contact Ann Wessel at (360) 407-6459 or (360) 407-6006 (TDD).



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-101-700	AMD-W	95-04-036	51-20-003	REP-P	95-04-106	51-20-1807	REP-P	95-04-106
16-585-010	NEW-P	95-05-071	51-20-004	REP-P	95-04-106	51-20-2300	REP-P	95-04-106
16-585-020	NEW-P	95-05-071	51-20-005	REP-P	95-04-106	51-20-2312	REP-P	95-04-106
16-585-030	NEW-P	95-05-071	51-20-007	REP-P	95-04-106	51-20-2700	REP-P	95-04-106
16-585-040	NEW-P	95-05-071	51-20-008	REP-P	95-04-106	51-20-2710	REP-P	95-04-106
16-585-050	NEW-P	95-05-071	51-20-009	REP-P	95-04-106	51-20-3000	REP-P	95-04-106
16-585-060	NEW-P	95-05-071	51-20-0100	REP-P	95-04-106	51-20-3007	REP-P	95-04-106
16-585-070	NEW-P	95-05-071	51-20-0104	REP-P	95-04-106	51-20-3100	REP-P	95-04-106
16-585-080	NEW-P	95-05-071	51-20-0300	REP-P	95-04-106	51-20-3101	REP-P	95-04-106
16-585-090	NEW-P	95-05-071	51-20-0307	REP-P	95-04-106	51-20-3102	REP-P	95-04-106
16-750-011	AMD	95-06-002	51-20-0400	REP-P	95-04-106	51-20-3103	REP-P	95-04-106
16-750-015	AMD	95-06-002	51-20-0404	REP-P	95-04-106	51-20-3104	REP-P	95-04-106
50-60-010	AMD-P	95-05-084	51-20-0407	REP-P	95-04-106	51-20-3105	REP-P	95-04-106
50-60-020	AMD-P	95-05-084	51-20-0409	REP-P	95-04-106	51-20-3106	REP-P	95-04-106
50-60-030	AMD-P	95-05-084	51-20-0414	REP-P	95-04-106	51-20-3107	REP-P	95-04-106
50-60-035	NEW-P	95-05-084	51-20-0417	REP-P	95-04-106	51-20-3108	REP-P	95-04-106
50-60-040	AMD-P	95-05-084	51-20-0420	REP-P	95-04-106	51-20-3109	REP-P	95-04-106
50-60-042	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106	51-20-3110	REP-P	95-04-106
50-60-045	AMD-P	95-05-084	51-20-0503	REP-P	95-04-106	51-20-3111	REP-P	95-04-106
50-60-050	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106	51-20-3112	REP-P	95-04-106
50-60-060	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106	51-20-3113	REP-P	95-04-106
50-60-070	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106	51-20-3114	REP-P	95-04-106
50-60-080	AMD-P	95-05-084	51-20-0600	REP-P	95-04-106	51-20-3151	REP-P	95-04-106
50-60-08001	NEW-P	95-05-084	51-20-0605	REP-P	95-04-106	51-20-3152	REP-P	95-04-106
50-60-08002	NEW-P	95-05-084	51-20-0700	REP-P	95-04-106	51-20-3153	REP-P	95-04-106
50-60-08003	NEW-P	95-05-084	51-20-0702	REP-P	95-04-106	51-20-3154	REP-P	95-04-106
50-60-08004	NEW-P	95-05-084	51-20-0800	REP-P	95-04-106	51-20-3155	REP-P	95-04-106
50-60-08005	NEW-P	95-05-084	51-20-0801	REP-P	95-04-106	51-20-3156	REP-P	95-04-106
50-60-08006	NEW-P	95-05-084	51-20-0802	REP-P	95-04-106	51-20-3300	REP-P	95-04-106
50-60-08007	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106	51-20-3304	REP-P	95-04-106
50-60-08008	NEW-P	95-05-084	51-20-0901	REP-P	95-04-106	51-20-3306	REP-P	95-04-106
50-60-09001	NEW-P	95-05-084	51-20-0902	REP-P	95-04-106	51-20-3315	REP-P	95-04-106
50-60-09002	NEW-P	95-05-084	51-20-1000	REP-P	95-04-106	51-20-3350	REP-P	95-04-106
50-60-09003	NEW-P	95-05-084	51-20-1011	REP-P	95-04-106	51-20-3800	REP-P	95-04-106
50-60-09004	NEW-P	95-05-084	51-20-1200	REP-P	95-04-106	51-20-3801	REP-P	95-04-106
50-60-100	AMD-P	95-05-084	51-20-1201	REP-P	95-04-106	51-20-3802	REP-P	95-04-106
50-60-110	AMD-P	95-05-084	51-20-1210	REP-P	95-04-106	51-20-3900	REP-P	95-04-106
50-60-120	AMD-P	95-05-084	51-20-1215	REP-P	95-04-106	51-20-3901	REP-P	95-04-106
50-60-125	NEW-P	95-05-084	51-20-1223	REP-P	95-04-106	51-20-3903	REP-P	95-04-106
50-60-130	AMD-P	95-05-084	51-20-1224	REP-P	95-04-106	51-20-5100	REP-P	95-04-106
50-60-140	AMD-P	95-05-084	51-20-1225	REP-P	95-04-106	51-20-5103	REP-P	95-04-106
50-60-150	AMD-P	95-05-084	51-20-1226	REP-P	95-04-106	51-20-5105	REP-P	95-04-106
50-60-160	AMD-P	95-05-084	51-20-1227	REP-P	95-04-106	51-20-5400	REP-P	95-04-106
50-60-165	AMD-P	95-05-084	51-20-1228	REP-P	95-04-106	51-20-5401	REP-P	95-04-106
50-60-180	REP-P	95-05-084	51-20-1229	REP-P	95-04-106	51-20-93100	REP-P	95-04-106
50-60-190	NEW-P	95-05-084	51-20-1230	REP-P	95-04-106	51-20-93115	REP-P	95-04-106
50-60-200	NEW-P	95-05-084	51-20-1231	REP-P	95-04-106	51-20-93116	REP-P	95-04-106
50-60-210	NEW-P	95-05-084	51-20-1232	REP-P	95-04-106	51-20-93117	REP-P	95-04-106
51-20	PREP	95-03-086	51-20-1233	REP-P	95-04-106	51-20-93118	REP-P	95-04-106
51-20-001	REP-P	95-04-106	51-20-1234	REP-P	95-04-106	51-20-93119	REP-P	95-04-106
51-20-002	REP-P	95-04-106	51-20-1800	REP-P	95-04-106	51-20-93120	REP-P	95-04-106

















**Table of WAC Sections Affected**

WAC #		WSR #	WAC #	WSR #	WAC #	WSR #
490-500-620	AMD	95-04-050				
490-500-622	NEW	95-04-050				
490-500-625	AMD	95-04-050				
490-500-627	NEW	95-04-050				
490-500-630	NEW	95-04-050				
490-500-635	NEW	95-04-050				
504-15-060	AMD-P	95-06-061				
504-15-100	AMD-P	95-06-061				
504-15-210	AMD-P	95-06-061				
504-15-250	AMD-P	95-06-061				
504-15-350	AMD-P	95-06-061				
504-15-450	AMD-P	95-06-061				
504-15-460	AMD-P	95-06-061				
504-15-470	AMD-P	95-06-061				
504-15-540	AMD-P	95-06-061				
504-15-560	AMD-P	95-06-061				
504-15-580	AMD-P	95-06-061				
504-15-600	AMD-P	95-06-061				
504-15-650	AMD-P	95-06-061				
504-15-750	AMD-P	95-06-061				
504-15-810	AMD-P	95-06-061				
504-15-830	AMD-P	95-06-061				
504-15-860	AMD-P	95-06-061				
504-15-930	NEW-P	95-06-061				
504-24-020	REP-P	95-06-062				
504-40-010	AMD-P	95-04-028				
504-40-020	AMD-P	95-04-028				
504-40-030	AMD-P	95-04-028				
504-40-040	REP-P	95-04-028				
504-40-045	NEW-P	95-04-028				
504-40-050	REP-P	95-04-028				
504-40-055	NEW-P	95-04-028				
504-40-060	AMD-P	95-04-028				
516-12-400	AMD-P	95-05-073				
516-12-470	AMD-P	95-05-073				

TABLE



## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>ADMINISTRATIVE RULES REVIEW, JOINT COMMITTEE</b>		Rules coordinator	MISC	95-01-096
Social and health services, department of inmate medical costs	MISC	<b>95-06-053</b>		
<b>AGRICULTURE, DEPARTMENT OF</b>		<b>BENTON COUNTY CLEAN AIR AUTHORITY</b>		
Agricultural emergency, definition and declaration	PERM	Meetings	MISC	95-04-026
Barley commission meetings	MISC	<b>BLIND, DEPARTMENT OF SERVICES FOR THE</b>		
Beef commission assessments	<b>PROP</b>	Vendors		
brand inspection assessments	PREP	agreements with department	PERM	95-01-066
meetings	MISC	facilities, bidding and assignment	PERM	95-01-066
Food processing		responsibilities of vendors and department	PREP	95-04-012
civil penalties	PREP		PROP	95-05-040
plants, sanitary certificates	PERM		<b>PERM</b>	<b>95-06-057</b>
Food safety		Vocational rehabilitation services		
civil penalties	PREP			
frozen dessert mixes, pasteurization	EMER	<b>BUILDING CODE COUNCIL</b>		
intrastate shipment standards	<b>PREP</b>	Energy code		
	PERM	log and solid timber homes	PERM	95-01-126
Hop commission meetings	MISC	Fire code		
Milk and milk products		adoption and amendment of 1994 uniform fire code	PERM	95-01-125
pasteurized milk ordinance	PROP	fireplace design standards	PROP	95-05-054
pasteurized milk standards	PROP	repeal of 1991 edition	PREP	95-03-087
Noxious weed control board			PREP	95-04-105
noxious weed list	<b>PERM</b>	Mechanical code	PREP	95-03-086
scheduled of penalties	<b>PERM</b>	adoption and amendment of 1994 uniform mechanical code	PROP	95-04-106
Pesticides		repeal of 1991 edition	PROP	95-04-106
agricultural emergencies, definition and declaration	PERM	Meetings	MISC	95-05-019
dessicants and defoliant		Plumbing code		
Walla Walla county	<b>PREP</b>	amendment of 1991 uniform plumbing code	PERM	95-01-124
phosdrin, use restrictions	PERM	State building code		
vegetable seeds, pesticide application	PERM	adoption and amendment of 1994 uniform building code and standards	PERM	95-01-127
Puget Sound gillnet salmon commission creation	PREP	repeal of 1991 edition	PERM	95-01-129
	PROP		PROP	95-05-055
Red raspberry commission meetings	MISC	Ventilation and indoor air quality code	PERM	95-01-128
Strawberry commission	MISC	<b>CENTRAL WASHINGTON UNIVERSITY</b>		
Vegetables		Meetings	MISC	95-01-024
seeds, pesticide application	PERM		MISC	95-03-065
Weights and measures inspection fees	<b>PREP</b>	<b>CENTRALIA COLLEGE</b>		
<b>ASIAN AMERICAN AFFAIRS, COMMISSION ON</b>		Meetings	MISC	95-01-047
Meetings	MISC	Rules coordinator	MISC	95-03-009
Rules coordinator	MISC	<b>CLARK COLLEGE</b>		
<b>ATTORNEY GENERAL'S OFFICE</b>		Meetings	MISC	95-01-083
Agricultural products' embargo, food control areas (1995, No. 1)	MISC	Rule-making agenda	MISC	95-02-007
County treasurers, service charges for special assessments (1994, No. 24)	MISC	Rules coordinator	MISC	95-01-112
Court reporters, transcription services fees (1994, No. 23)	MISC	<b>CLEMENCY AND PARDONS BOARD</b>		
Firearms dealers' licenses (1994, No. 22)	MISC	(See <b>GOVERNOR, OFFICE OF THE</b> )		
Notice of request for attorney general's opinion	MISC	<b>CLOVER PARK TECHNICAL COLLEGE</b>		
	MISC	Meetings	MISC	95-01-084
	MISC	<b>COLUMBIA BASIN COLLEGE</b>		
	MISC	Meetings	MISC	95-01-032
	MISC	<b>COLUMBIA RIVER GORGE COMMISSION</b>		
	MISC	Appeals from decisions under gorge commission ordinances	MISC	95-02-008
	MISC	Land use ordinances	MISC	95-02-021
	MISC	<b>COMBINED FUND DRIVE, STATE EMPLOYEE</b>		
	MISC	(See <b>GOVERNOR, OFFICE OF THE</b> )		
<b>BELLEVUE COMMUNITY COLLEGE</b>		<b>COMMUNITY AND TECHNICAL COLLEGES, BOARD FOR</b>		
Meetings	MISC	Retirement, mandatory retirement age	PREP	95-05-026
<b>BELLINGHAM TECHNICAL COLLEGE</b>		Running start program	<b>PROP</b>	<b>95-06-064</b>
Meetings	MISC		<b>PROP</b>	<b>95-06-054</b>
	MISC			
	MISC			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			permits	MISC	<b>95-06-082</b>
Community economic revitalization board meetings	MISC	95-05-074	Underground storage tanks		
Emergency food assistance program pilot projects	PREP	95-05-002	contractor certification program	PERM	95-04-102
Emergency response commission meetings	MISC	95-02-048	Water resources		
Fire protection policy board meetings	MISC	95-03-022	Columbia River		
Fire protection services division meetings	MISC	95-01-045	withdrawal of unappropriated waters	PERM	95-02-066
Public records, procedures	MISC	95-04-014	Methow valley river basin		
Public works board meetings	PREP	<b>95-06-051A</b>	domestic water systems	PROP	<b>95-06-055</b>
			water conservation and management	PROP	<b>95-06-055</b>
			SNAKE RIVER		
			withdrawal of unappropriated waters	PERM	95-02-066
Uniform procedural rules	PREP	<b>95-06-051</b>			
<b>CONVENTION AND TRADE CENTER</b>			<b>ECONOMIC DEVELOPMENT FINANCE AUTHORITY</b>		
Meetings	MISC	95-01-081	Meetings	MISC	95-03-043
	MISC	95-01-082	Policies	PREP	95-04-016
	MISC	95-03-006		PROP	95-04-017
	MISC	<b>95-06-006</b>			
<b>CRIMINAL JUSTICE TRAINING COMMISSION</b>			<b>EDMONDS COMMUNITY COLLEGE</b>		
Correctional employees training exemptions	PREP	95-03-020	Meetings	MISC	95-01-036
	PROP	95-04-068		MISC	95-04-009
Meetings	MISC	95-01-056		MISC	<b>95-06-005</b>
<b>EASTERN WASHINGTON UNIVERSITY</b>			<b>EDUCATION, STATE BOARD OF</b>		
Meetings	MISC	95-04-027	Certification		
	MISC	<b>95-06-020</b>	fees, use	PREP	95-05-043
Rule-making agenda	MISC	95-02-057	Educational clinics	PROP	95-05-076
<b>ECOLOGY, DEPARTMENT OF</b>			Interscholastic activities	PROP	95-05-077
Air quality			Meetings	MISC	<b>95-06-058</b>
agricultural burning program	PERM	95-03-083	School construction		
motor vehicle emission inspection program	PERM	<b>95-06-068</b>	contracts, award	PREP	95-05-035
particulate matter standard				PROP	95-05-080
Seattle, Duwamish Valley, and Tacoma tideflats	MISC	95-01-103	inventory of available space, exclusions	PREP	95-05-038
	MISC	95-02-060		PROP	95-05-083
registration program	PROP	95-01-104	procedures	PREP	95-05-037
sources, regulations	PREP	<b>95-06-067</b>	project approval	PREP	95-05-036
Dangerous waste			public works compliance	PROP	95-05-082
waste management and testing	PREP	95-05-062	state support level, additional assistance	PROP	95-01-016
Director, delegation of authority	PREP	95-01-089	study and survey	PROP	95-05-081
Ecological commission	PROP	95-05-065	Teachers		
Fish hatcheries			preparation program review	PREP	<b>95-06-024</b>
upland fin-fish hatching and rearing facilities, permits	MISC	95-04-109	Vocational certification	PREP	95-05-042
Flood control			<b>EMPLOYMENT SECURITY DEPARTMENT</b>		
grant awards	MISC	95-04-077	Benefits		
Ground water management area programs			claims, filing procedures	PREP	95-04-104
Blaine	MISC	95-01-087	eligibility	PREP	95-01-115
Redmond-Bear Creek	MISC	95-03-079		PREP	95-03-098
Growth Management Act integration with State Environmental Policy Act (SEPA)	EMER	95-03-059	Housekeeping changes	PROP	<b>95-06-081</b>
Practice and procedure	PREP	95-03-080	Family independence program		
	PROP	95-03-081	employment, training, and education	PROP	95-01-113
Rules coordinator	MISC	95-01-088		PERM	95-05-048
Shoreline master programs			Temporary total disability benefit eligibility	PREP	95-01-114
King County	PREP	95-04-101	<b>ENERGY FACILITY SITE EVALUATION COUNCIL</b>		
Kitsap County	PREP	95-04-076	Meetings	MISC	95-02-006
	PROP	95-05-064	<b>EXECUTIVE ETHICS BOARD</b>		
Lake Forest Park, city of	PREP	95-05-063	Ethical standards		
Orting, city of	PROP	95-03-082	implementation procedures	PREP	95-04-003
Tacoma, city of	PROP	95-03-078	organization and procedural rules	EMER	95-04-004
State Environmental Policy Act (SEPA) integration with Growth Management Act	EMER	95-03-059	Meetings	MISC	95-01-117
Stormwater, municipal discharge			<b>FINANCIAL INSTITUTIONS, DEPARTMENT OF</b>		
			Credit unions		
			department charges and assessments	MISC	95-01-121
				PROP	95-03-091
			field of membership expansion	PERM	<b>95-06-066</b>
			Franchises	PROP	95-02-059
			uniform franchise offering circular	PROP	95-04-097
			Mortgage brokers		
			licensing	PROP	95-05-084



## Subject/Agency Index

(Citation in bold type refer to material in this issue)

<b>FINANCIAL MANAGEMENT, OFFICE OF</b>					
Rules coordinator	MISC	95-03-052			PERM 95-03-029
<b>FISH AND WILDLIFE, DEPARTMENT OF</b>					PERM 95-03-030
Dogs harassing deer or elk, custody or destruction	EMER	95-01-030	Hunter education program		PERM 95-03-040
<u>Fishing, commercial</u>			<u>Hunting seasons</u>		<b>PROP 95-06-100</b>
coastal bottomfish			big game auction permits		PERM 95-02-070
catch limits	EMER	95-02-012	bighorn sheep, 1995		<b>PROP 95-06-096</b>
	EMER	95-05-007			PERM 95-03-037
	EMER	95-05-021	bighorn sheep, 1996		<b>PROP 95-06-101</b>
	<b>PROP</b>	<b>95-06-094</b>	Canada goose, 1994-95		<b>PROP 95-06-105</b>
trawl rules	PREP	95-04-116	cougar, 1995-96		EMER 95-01-093
crab fishery	EMER	95-01-052	deer, permit quotas		<b>PROP 95-06-104</b>
	EMER	95-05-056	deer and bear, 1994-97		<b>PROP 95-06-097</b>
	<b>EMER</b>	<b>95-06-001</b>	deer and elk, 1994-95		PERM 95-03-031
	<b>EMER</b>	<b>95-06-016</b>	deer and elk, 1995-96		PERM 95-03-036
herring					EMER 95-03-068
areas and seasons	EMER	95-04-088			<b>PROP 95-06-107</b>
salmon			elk, 1994-97		PERM 95-03-033
Klickitat River	EMER	95-01-015	elk, 1995-96		<b>PROP 95-06-098</b>
license buy-back program	<b>PROP</b>	<b>95-03-088</b>	hunting hours and small game seasons, 1994-97		PERM 95-03-032
sea urchins					PERM 95-03-035
areas and seasons	EMER	95-02-029	migratory game birds, 1995-97		PERM 95-03-035
	EMER	95-03-064	moose, 1995		<b>PROP 95-06-102</b>
	EMER	95-03-067	mountain goat		<b>PROP 95-06-103</b>
smelt			special closures and firearm restriction areas		<b>PROP 95-06-099</b>
areas and seasons	EMER	95-03-013	special closures and firearm restriction areas, 1995-96		PERM 95-03-038
sturgeon					<b>PROP 95-06-106</b>
areas and seasons	EMER	95-03-002	special hunting and trapping seasons		PERM 95-03-034
	EMER	95-04-087	special species, 1994-95		<b>PROP 95-06-099</b>
<u>Fishing, personal use</u>			special species, 1995-96		PERM 95-03-039
game fish seasons and catch limits, 1994-95			Road killed animals		PREP 95-05-087
Alkali Flat Creek	<b>PROP</b>	<b>95-06-093</b>			<b>PROP 95-06-095</b>
Alkali Lake	<b>PROP</b>	<b>95-03-066</b>	<b>FOREST PRACTICES BOARD</b>		
Cedar River	EMER	95-01-046	Marbled murrelet		
Crab Creek	<b>PROP</b>	<b>95-06-093</b>	critical wildlife habitats	EMER	95-04-074
Green/Duwamish River	<b>PROP</b>	<b>95-06-093</b>		PROP	95-04-073
Kalama River	<b>PROP</b>	<b>95-06-093</b>	Meetings	MISC	95-01-130
Lake Washington	<b>PROP</b>	<b>95-06-093</b>	Spotted owl		
Lewis River	<b>PROP</b>	<b>95-06-093</b>	critical wildlife habitats	PREP	95-04-073
Methow River	<b>PROP</b>	<b>95-06-093</b>		EMER	95-04-074
opening day	EMER	95-04-065	<b>GAMBLING COMMISSION</b>		
Palouse River	<b>PROP</b>	<b>95-06-093</b>	Adjusted net gambling receipts	<b>PROP</b>	<b>95-06-012</b>
Roosevelt Lake	<b>PROP</b>	<b>95-06-093</b>	Amusement games		
Salmon Bay	EMER	95-01-046	conduct	<b>PROP</b>	<b>95-06-010</b>
Sammamish River	EMER	95-01-046	Assistant directors	PREP	95-03-057
Toutle River	<b>PROP</b>	<b>95-06-093</b>		PROP	95-04-043
Tucannon River	<b>PROP</b>	<b>95-06-093</b>	Bingo		
Washougal River	<b>PROP</b>	<b>95-06-093</b>	retail sales establishments	<b>PROP</b>	<b>95-06-010</b>
Wind River	<b>PROP</b>	<b>95-06-093</b>	Cardrooms		
recreational foodfish	EMER	95-05-049	hours of operation	PREP	95-05-069
rules and definitions	PROP	95-04-064		EMER	95-05-070
	PERM	95-04-066		<b>PROP</b>	<b>95-06-011</b>
salmon			Commercial stimulants	PREP	95-03-056
areas and seasons	EMER	95-02-054		PROP	95-04-038
	EMER	95-02-069		<b>PROP</b>	<b>95-06-012</b>
	EMER	95-05-049	Equipment or paraphernalia sales	<b>PROP</b>	<b>95-06-060</b>
shellfish			Fee schedule	PERM	95-02-003
areas and seasons			Gambling managers	PREP	95-03-058
native clams	EMER	95-01-053		PROP	95-04-037
	EMER	95-04-086	Meetings	MISC	95-04-041
	EMER	95-01-053	Raffles	PREP	95-03-055
	EMER	95-04-086		PROP	95-04-039
oysters	EMER	95-04-086	Rules coordinator	MISC	95-04-042
	PERM	95-05-008		MISC	<b>95-06-009</b>
sport fishing			Taxation, compliance requirements	PROP	95-04-040
steelhead				<b>PROP</b>	<b>95-06-013</b>
areas and seasons	EMER	95-01-046	<b>GENERAL ADMINISTRATION, DEPARTMENT OF</b>		
	EMER	95-02-053	Capitol campus design advisory committee		
Game management units			meetings	MISC	95-03-023
boundary descriptions	PERM	95-03-024			
	PERM	95-03-025			
	PERM	95-03-026			
	PERM	95-03-027			
	PERM	95-03-028			

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Parking program for facilities off state capitol grounds	PERM	95-05-044	Dental hygienists examination content reexamination criteria	PROP	95-03-018
<b>GOVERNOR, OFFICE OF THE</b>			Denturists	PERM	95-02-056
Clemency and pardons board meetings	MISC	95-04-015	conduct of business	<b>PREP</b>	<b>95-06-017</b>
Combined fund drive, state employee charity participation criteria	PREP	95-01-090	Farmworker housing	<b>PREP</b>	<b>95-06-056</b>
	PROP	95-02-033	Medical quality assurance commission disciplinary action licenses	PREP	95-01-062
Flooding, state of emergency declared	MISC	95-03-019		PREP	95-01-062
	MISC	95-05-011	Nursing care quality assurance commission advanced registered nurse practitioners education requirements interstate endorsement licensed practical nurses delegation of duties fees	PERM	95-01-107
Homelessness, advisory committee on establishment	MISC	95-01-109		<b>PREP</b>	<b>95-06-018</b>
Optometry board policy statements and guidelines, joint administrative rules review committee review	MISC	95-02-055	registered nurses delegation of duties fees	PREP	95-04-085
Substance abuse, governor's council on reestablishment	MISC	<b>95-06-047</b>		PREP	95-04-069
Wahkiakum County, state of emergency proclaimed	MISC	95-05-011	scope of practice	PREP	95-04-085
<b>GREEN RIVER COMMUNITY COLLEGE</b>			Nursing home administrators, board of examinations licenses standards of conduct	PREP	95-04-069
Meetings	MISC	95-03-007		PERM	95-01-107
<b>GROWTH MANAGEMENT HEARINGS BOARDS</b>			On-site sewage systems multiple site waivers	PROP	95-01-106
Meetings	MISC	95-04-030		PROP	95-01-106
Rules coordinator	MISC	95-03-093		PROP	95-01-106
	MISC	95-04-030	Opticians dispensing optician committee meetings	EMER	95-01-105
	MISC	95-04-067		PREP	95-02-004
<b>HEALTH CARE AUTHORITY</b>				PROP	95-04-034
Basic health plan administration	PREP	95-04-058	Optometry board adjudicative procedures	MISC	95-04-098
	EMER	95-04-075	Osteopathic medicine and surgery, board of physicians assistants prescriptions	PERM	95-04-084
eligibility	PREP	95-04-058		PROP	95-01-001
	EMER	95-04-075	Pharmacy, board of condoms, expiration date	PREP	95-04-002
Medicare supplement coverage, participation criteria	EMER	95-02-049		PROP	95-04-099
	PROP	95-03-063	continuing education educational requirements	PROP	95-03-070
	PROP	95-03-074	Psychology, examining board of meetings	<b>PREP</b>	<b>95-06-036</b>
	PROP	95-03-075	Radiation protection, division of emergency preparedness fees	MISC	95-05-060
Practice and procedure	PREP	95-04-057	incident notification and reporting radiation protection standards radioactive waste disposal site permits	PERM	95-01-108
Public employees benefits board eligibility	PREP	95-04-057		PREP	95-05-058
Rule-making agenda	MISC	95-03-042		PERM	95-01-108
<b>HEALTH SERVICES COMMISSION</b>				PERM	95-01-108
Antitrust immunity and competitive oversight	PERM	95-04-112	Rural health system development	PROP	95-04-100
	PERM	95-04-115	Tuberculosis control	<b>PREP</b>	<b>95-06-073</b>
Certified health plans and registered employer health plans availability and accessibility of services	<b>PROP</b>	<b>95-06-079</b>	Vaccination schedule for school-aged children	PERM	95-04-035
certification	<b>PROP</b>	<b>95-06-077</b>	Veterinary board of governors veterinary medication clerks registration scope of functions	PREP	95-05-012
enrollment standards	<b>PROP</b>	<b>95-06-077</b>		PERM	95-04-083
quality assurance and improvement	<b>PROP</b>	<b>95-06-078</b>	Water systems project review and approval fees	PERM	95-04-083
Health services information system management and governance	PROP	95-04-114		PREP	95-05-059
Meetings	MISC	95-03-061	<b>HIGHER EDUCATION COORDINATING BOARD</b>		
Provider selection, termination, and dispute resolution	PROP	95-03-101	Contract award process	EMER	95-02-068
	PROP	95-04-113	Degree Authorization Act administration and governance	PERM	95-01-003
	<b>PERM</b>	<b>95-06-048</b>	Displaced homemaker program	PROP	95-02-067
St. Luke's rehabilitation institute approval of conduct of business	MISC	95-05-067	Meetings	MISC	95-02-035
Uniform benefits package community-rated maximum premium enrollee financial participation health services, required offerings	<b>PROP</b>	<b>95-06-074</b>	State need grant program	PROP	95-03-014
	<b>PROP</b>	<b>95-06-076</b>		<b>PREP</b>	<b>95-06-063</b>
	<b>PROP</b>	<b>95-06-075</b>	WICHE professional student exchange program osteopathic medicine	PROP	95-01-067
<b>HEALTH, DEPARTMENT OF</b>			<b>HIGHER EDUCATION FACILITIES AUTHORITY</b>		
Acupuncture fees	PERM	95-01-038	Organization and operation	PERM	95-01-007
			Underwriters, selection	PERM	95-01-007

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

<b>HIGHLINE COMMUNITY COLLEGE</b>			longshore, stevedore, and related		
Meetings	MISC	95-04-025	waterfront operations	PERM	95-04-007
	MISC	<b>95-06-022</b>	shipyards	PERM	95-04-006
Tuition and fee waivers	PREP	<b>95-06-004</b>	OSHA compliance	PREP	<b>95-06-090</b>
	PROP	<b>95-06-083</b>	Workers' compensation		
<b>HISPANIC AFFAIRS, COMMISSION ON</b>			medical examinations		
Rules coordinator	MISC	95-04-022	independent	PERM	95-04-056
<b>HORSE RACING COMMISSION</b>			medical services reimbursement method	PERM	95-05-072
Horses			retrospective rating	PROP	95-01-116
past performance, eligibility	PREP	95-05-078		<b>PERM</b>	<b>95-06-069</b>
Races			<b>LAKE WASHINGTON TECHNICAL COLLEGE</b>		
daily double wagers	PROP	95-05-079	Meetings	MISC	95-04-046
<b>HUMAN RIGHTS COMMISSION</b>			<b>LICENSING, DEPARTMENT OF</b>		
Meetings	MISC	95-01-097	Architects, board of registration for		
	MISC	95-01-098	examinations	PERM	95-04-080
	MISC	95-03-085	meetings	MISC	95-03-051
<b>INDETERMINATE SENTENCE REVIEW BOARD</b>			Escrow commission		
Evidence, admissibility	MISC	<b>95-06-008</b>	meetings	MISC	95-01-094
<b>INDUSTRIAL INSURANCE APPEALS, BOARD OF</b>			Motor vehicles		
Practice and procedure	PERM	95-02-065	fleet vehicles		
<b>INFORMATION SERVICES, DEPARTMENT OF</b>			temporary authorization permits	PERM	95-03-099
Information services board				PERM	95-05-045
meetings	MISC	95-01-070	licenses		
<b>INSURANCE COMMISSIONER, OFFICE OF</b>			identification, use of assigned		
Actuarial opinion and memorandum	PERM	95-02-036	identification on documents	PREP	<b>95-06-015</b>
Environmental claims	PROP	95-02-075	registration		
	PROP	<b>95-06-019</b>	confiscation of arrested person's	PREP	95-02-071
	PROP	<b>95-06-086</b>	registration	PROP	95-05-066
Long-term care insurance			identification, use of assigned		
benefits	PROP	95-03-076	identification on documents	PREP	<b>95-06-015</b>
contract	PROP	95-03-076	rental cares		
inflation protection	PROP	95-03-076	business registration	PREP	95-04-001
Midwifery and birthing center joint			vehicle registration	PREP	95-04-001
underwriting association	PROP	95-02-076	trip permits	PROP	95-01-017
	PERM	95-05-034	Real estate commission		
Rate filing requirements	PREP	95-03-077	meetings	MISC	95-01-094
<b>INTEREST RATES</b>			real estate education	PERM	95-03-012
(See inside front cover)			Title and registration advisory committee		
<b>INVESTMENT BOARD</b>			meetings	MISC	<b>95-06-014</b>
Meetings	MISC	95-02-011	<b>LIQUOR CONTROL BOARD</b>		
	MISC	95-02-022	Licenseses		
<b>JUDICIAL CONDUCT, COMMISSION ON</b>			food products, minimum inventory	PREP	95-05-005
Adjudicative proceedings	PROP	95-01-099	hours of operation	PERM	95-04-044
	EMER	95-01-100	local health requirements, enforcement	PREP	95-05-004
	PERM	95-05-031	Private clubs		
Meetings	MISC	95-01-020	public membership functions	PREP	95-02-015
	MISC	95-01-021	Seizure and confiscation of liquor	PERM	95-04-044
Organization and operation	PROP	95-01-099	Tobacco products		
	EMER	95-01-100	vending machines, location	PERM	95-04-044
	PERM	95-05-031	Violations and penalties	PERM	95-05-006
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			<b>LOTTERY COMMISSION</b>		
Crime victims compensation			Instant game 122 - High Card	EMER	95-04-063
medical assistance eligibility	EMER	95-01-048	Instant game number 136 - Ace in the Hole	PERM	95-03-062
Electricians			Instant game number 137 - Walla Walla Walla	PERM	95-03-062
certification fees	PREP	95-05-029	Instant game number 138 - \$2 Bank Roll	PERM	95-03-062
Occupational health standards			Instant game number 139 - 100 Grands	PERM	95-03-062
confined space standards	PREP	<b>95-06-091</b>	Instant game number 140 - Joker's Wild	PROP	95-03-100
general	PERM	95-04-006	Instant game number 141 - Go Bananas	PROP	95-03-100
	PROP	95-05-061	<b>LOWER COLUMBIA COLLEGE</b>		
lead exposure	PERM	95-04-078	Adjudicative proceedings	PREP	<b>95-06-046</b>
Safety standards				PROP	<b>95-06-052</b>
construction	PREP	95-04-032	<b>MARINE SAFETY, OFFICE OF</b>		
	PROP	95-04-082	Oil spill prevention plan	PERM	95-01-029
	PROP	95-05-061	<b>MARITIME COMMISSION</b>		
electrical workers	PROP	95-05-061	Meetings	MISC	95-01-069
elevators, dumbwaiters, escalators,				MISC	<b>95-06-045</b>
and moving walks	PERM	95-04-005	<b>MINORITY AND WOMEN'S BUSINESS AFFAIRS,</b>		
hazard communication standard	PREP	95-05-030	OFFICE OF		
			Definitions	PROP	95-03-069

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

### NATURAL RESOURCES, DEPARTMENT OF

Burning permit program fees PREP 95-05-051  
 Forest practices board (See **FOREST PRACTICES BOARD**)  
 Natural resources, board of meetings MISC 95-03-096  
 MISC 95-03-097  
 MISC 95-04-081

### OLYMPIC COLLEGE

Meetings MISC 95-01-005  
 MISC 95-03-008

### OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

Meetings MISC 95-03-010  
 MISC 95-03-017  
 MISC 95-04-062  
 MISC **95-06-023**  
 Rules coordinator MISC 95-03-041

### PARKS AND RECREATION COMMISSION

Campsite reservation EMER 95-02-051  
 PROP 95-02-052  
 Environmental education and interpretation services PREP 95-03-003  
 PROP 95-04-091  
 Fort Worden fees and reservations PERM 95-03-005  
 Meetings MISC 95-03-004

### PENINSULA COLLEGE

Meetings MISC 95-01-110

### PERSONNEL APPEALS BOARD

Appeals PROP 95-03-054  
 Hearings PROP 95-03-054  
 Practice and procedure PROP 95-03-054

### PERSONNEL RESOURCES BOARD

Classification plan PROP 95-01-071  
 PROP 95-01-072  
 Drug testing, limitations and uses PERM 95-01-074  
 Federal Fair Labor Standards Act, consistency with PROP 95-01-073  
 PERM 95-03-090  
 Meetings MISC 95-02-030  
 MISC **95-06-080**  
 Salaries reallocation PROP 95-01-071

### PERSONNEL, DEPARTMENT OF

Personnel resources board (See **PERSONNEL RESOURCES BOARD**)

### PIERCE COLLEGE

Meetings MISC 95-01-031  
 MISC 95-05-053

### PILOTAGE COMMISSIONERS, BOARD OF

Pilotage tariff rates  
 Grays Harbor district PREP 95-04-061  
 PROP 95-04-096  
 Puget Sound district PREP 95-04-095

### PROFESSIONAL ENGINEERS AND LAND SURVEYORS, BOARD OF REGISTRATION FOR

Meetings MISC 95-01-004

### PUBLIC DISCLOSURE COMMISSION

Contributions annual report PERM 95-01-074A  
 Lobbyists and lobbying expense reporting PERM 95-01-074A  
 Political advertising PERM 95-01-074A

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

Repeal of outdated section EMER **95-06-087**  
 Rules coordinator MISC 95-05-009

### PUBLIC INSTRUCTION, SUPERINTENDENT OF

Funding enrolled student, definition PROP **95-06-059**  
 enrollment counting PERM 95-01-013  
 EMER 95-04-055  
 PREP 95-04-107  
 PROP **95-06-084**  
 Running start program  
 Special education  
 due process hearings PREP 95-04-089  
 State institutions education program PROP 95-05-020  
 Teacher assistance program PROP 95-01-002

### PUBLIC WORKS BOARD

(See **COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF**)

### PUGET SOUND AIR POLLUTION CONTROL AGENCY

Ambient air quality standard contingency plan to meet requirements PERM 95-01-026  
 PROP 95-02-009  
 Compliance with standards PERM **95-06-003**  
 Emission standards compliance PROP 95-02-009  
 PERM **95-06-003**  
 Outdoor fires prohibited areas PROP 95-02-009  
 PERM **95-06-003**  
 Particulate matter deposition PROP 95-02-009  
 PERM **95-06-003**

### PUGET SOUND WATER QUALITY AUTHORITY

Meetings MISC 95-02-005

### RENTON TECHNICAL COLLEGE

Meetings MISC 95-03-021

### RETIREMENT SYSTEMS, DEPARTMENT OF

Membership eligibility PREP 95-05-086  
 Portability of benefits PERM 95-03-001  
 Standby pay PROP 95-02-058  
 Unpaid leave, service credit PREP 95-05-085

### REVENUE, DEPARTMENT OF

Adjudicative proceedings PROP 95-04-052  
 PROP 95-04-054  
 Business and occupation tax gross receipts tax relief PROP 95-04-018  
 legal services PREP 95-04-108  
 Contested cases procedural rules PROP 95-04-051  
 Cigarette tax adjudicative proceedings PROP 95-04-053  
 PROP 95-04-054  
 Excise taxes nonprofit homes for the aging PERM **95-06-041**  
 PERM **95-06-042**  
 Inflation rates PROP 95-02-062  
 PERM **95-06-043**  
 Property tax agricultural land valuation PREP 95-02-063  
 PROP **95-06-040**  
 forest land values PERM 95-02-039  
 nonprofit homes for the aging EMER 95-01-078  
 EMER 95-01-079  
 PROP 95-02-064  
 PERM **95-06-044**  
 Sales tax equipment rentals PREP 95-05-025  
 physical fitness services PREP 95-04-079  
 recreation activities and businesses PREP 95-03-092  
 travel agents and tour operators PROP 95-03-050  
 Tax registration PROP 95-04-019

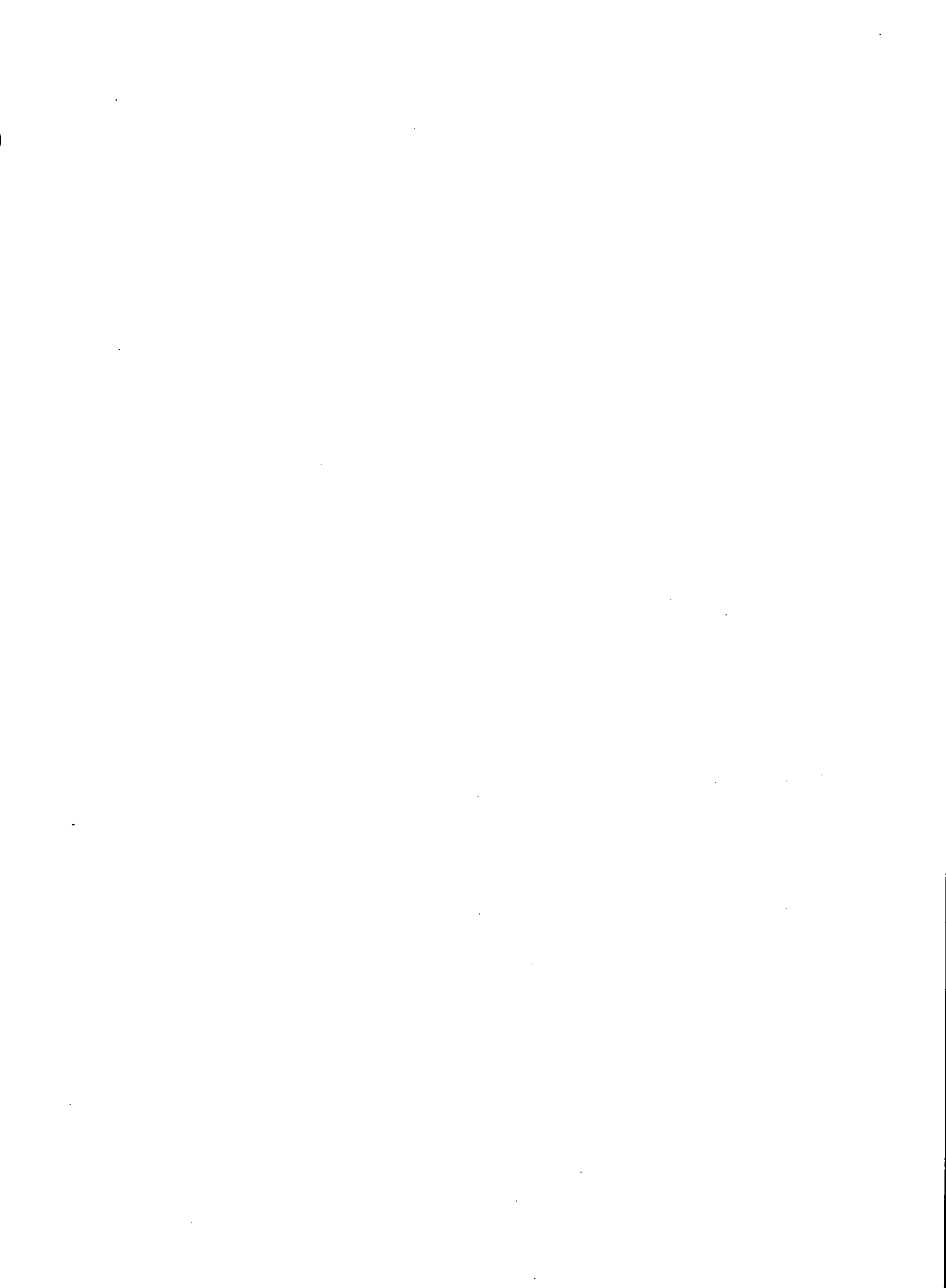
**Subject/Agency Index**  
(Citation in bold type refer to material in this issue)

Telecommunications policy coordination task force meetings	MISC	95-03-072	Food stamp program boarders in household	PROP	95-02-002
	MISC	95-04-092		<b>PERM</b>	<b>95-06-026</b>
Timber excise tax definitions	EMER	95-02-040	definitions	PROP	95-01-012
	PREP	95-04-094		<b>PERM</b>	<b>95-06-028</b>
scaling and grading methods	PREP	95-04-094	exempt resources	PROP	95-03-044
stumpage values	PERM	95-02-037		<b>PERM</b>	<b>95-06-031</b>
	PERM	95-02-038	household members, eligibility	PROP	95-01-010
	EMER	95-02-041		PREP	95-04-013
	EMER	95-02-042		PROP	95-05-013
	EMER	95-02-043		<b>PERM</b>	<b>95-06-027</b>
	PREP	95-04-094		<b>PERM</b>	<b>95-06-030</b>
taper factor for scaling			income deductions	PERM	95-02-023
lodgepole pine	EMER	95-02-043	nonexempt resources	PROP	95-03-045
timber quality codes	PREP	95-04-094		<b>PERM</b>	<b>95-06-032</b>
			students, eligibility	PROP	95-01-011
				PROP	95-03-045
				<b>PERM</b>	<b>95-06-029</b>
<b>RULES COORDINATORS</b>					
(See Issue 95-01 for a complete list of rules coordinators designated as of 12/21/94)			General assistance		
Asian American affairs, commission on	MISC	95-04-059	allocation of income	<b>PREP</b>	<b>95-06-035</b>
Bellingham Technical College	MISC	95-01-096	children, eligibility	PREP	95-01-060
Centralia College	MISC	95-03-009	standards of assistance	PREP	95-01-064
Clark College	MISC	95-01-112		EMER	95-02-024
Ecology, department of	MISC	95-01-088			
Financial management, office of	MISC	95-03-052	Income assistance		
Gambling commission	MISC	95-04-042	standards of assistance	PERM	95-03-046
	<b>MISC</b>	<b>95-06-009</b>		PROP	95-05-014
Growth management hearings boards	MISC	95-03-093	Inmate medical cost reimbursement	<b>MISC</b>	<b>95-06-053</b>
	MISC	95-04-030	Job opportunities and basic skills program (JOBS)	PERM	95-03-047
	MISC	95-04-067	Long-term care ombudsman program	<b>PREP</b>	<b>95-06-034</b>
	MISC	95-04-022	Medical assistance		
Hispanic affairs, commission on	MISC	95-03-041	alternate living situations	PROP	95-03-084
Outdoor recreation, interagency committee for	MISC	95-05-009		<b>PERM</b>	<b>95-06-025</b>
Public employment relations commission	MISC	95-03-073	assets, transfer	PERM	95-02-027
Traffic safety commission	MISC	95-01-009	eligibility	<b>PREP</b>	<b>95-06-071</b>
Tax appeals, board of				<b>PROP</b>	<b>95-06-072</b>
			eligibility review process	<b>PREP</b>	<b>95-06-033</b>
			children, eligibility	PREP	95-01-059
				PREP	95-01-080
				PROP	95-02-045
				EMER	95-02-046
				PERM	95-05-023
				PROP	95-01-063
			hospital care	PERM	95-04-033
				PROP	95-01-061
			income eligibility standards	PROP	95-02-044
				EMER	95-02-047
				PERM	95-04-047
				PERM	95-05-022
			institutionalized client		
			income eligibility	PERM	95-02-028
			rules applicability	PROP	95-03-084
				<b>PERM</b>	<b>95-06-025</b>
			limited casualty program--medically indigent (LCP-MI), eligibility	PROP	95-01-037
				PERM	95-04-049
				PERM	95-02-025
			permanently and totally disabled resources, exemption	PERM	95-02-026
			Vocational rehabilitation and services for handicapped persons	PERM	95-04-050
			<b>SOUTH PUGET SOUND COMMUNITY COLLEGE</b>		
			Meetings	MISC	95-05-016
				MISC	95-05-017
			<b>SOUTHWEST AIR POLLUTION CONTROL AUTHORITY</b>		
			Sources, general regulations	PROP	95-01-058
			Toxic air pollutants, new sources control	PROP	95-01-057
			<b>SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY</b>		
			Oxygenated gasoline specifications	PROP	95-03-071
			<b>SPOKANE, COMMUNITY COLLEGES OF</b>		
			Assault	PERM	95-01-042
			Computer misuse	PERM	95-01-041

## Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Plagiarism	PERM	95-01-040	least-cost resource planning	PREP	95-01-118
Stalking	PERM	95-01-044	meters, accuracy	PERM	95-01-051
Student conduct code	PERM	95-01-040	payments	PERM	95-01-051
	PERM	95-01-041	records	PERM	95-01-051
	PERM	95-01-042	Formal investigation and fact finding	<b>PREP</b>	<b>95-06-088</b>
	PERM	95-01-043	Gas utilities		
	PERM	95-01-044	complaints and disputes	PERM	95-01-050
	PERM	95-03-060	discontinuance of service	PERM	95-01-050
Threatening or objectionable behavior	PERM	95-01-043	meters, accuracy	PERM	95-01-050
			payments	PERM	95-01-050
			pipeline safety	PREP	95-04-110
<b>SUPREME COURT</b>			records	EMER	95-05-047
Judicial administration, board for membership	MISC	<b>95-06-037</b>	Meetings	PERM	95-01-050
			Motor carriers	MISC	95-01-049
<b>TACOMA COMMUNITY COLLEGE</b>			federal preemption of regulation, exceptions		
Meetings	MISC	95-01-035		PERM	95-02-050
				PREP	95-03-095
<b>TAX APPEALS, BOARD OF</b>			household goods carriers and common carrier brokers	PERM	95-02-050
Hearings	PROP	95-01-101	Securities of companies regulated by commission	PREP	95-03-094
	PROP	95-01-102	Telecommunications companies		
	PERM	95-05-032	911 circuit testing	PROP	95-04-111
	PERM	95-05-033	alternate operator service companies	PREP	95-05-046
Meetings	MISC	95-01-008	disconnection of service	PROP	95-01-120
Practice and procedure	PROP	95-01-101		PERM	95-05-003
	PROP	95-01-102	mandatory cost changes	PREP	95-01-119
	PERM	95-05-032			
	PERM	95-05-033			
Rules coordinator	MISC	95-01-009			
<b>THE EVERGREEN STATE COLLEGE</b>					
Parking and traffic	PREP	95-05-010	<b>VETERANS AFFAIRS, DEPARTMENT OF</b>		
			State veterans homes		
<b>TRAFFIC SAFETY COMMISSION</b>			resident income and resources	PROP	95-02-072
Meetings	MISC	95-01-065	residents' rights and facility rules	PERM	95-03-053
Rules coordinator	MISC	95-03-073			
			<b>WALLA WALLA COMMUNITY COLLEGE</b>		
<b>TRANSPORTATION COMMISSION</b>			Meetings	MISC	95-02-020
Meetings	MISC	95-01-091			
	MISC	95-01-092	<b>WASHINGTON STATE LIBRARY</b>		
	MISC	95-04-045	Library commission		
	MISC	<b>95-06-038</b>	meetings	MISC	95-04-024
<b>TRANSPORTATION IMPROVEMENT BOARD</b>			Public information access policy taskforce		
City hardship assistance program	PROP	95-01-054	meetings	MISC	95-01-068
	PERM	95-04-072		MISC	95-04-011
Meetings	MISC	95-02-013		MISC	<b>95-06-007</b>
	MISC	95-03-011	<b>WASHINGTON STATE PATROL</b>		
Organization	PROP	95-01-054	Commercial vehicles		
	PROP	95-04-072	tire chains or traction devices	PROP	95-03-089
Project submission	PROP	95-01-054	Seat belting of prisoners	EMER	95-04-060
	PERM	95-04-072		PREP	95-05-001
Records, public access	PROP	95-01-054		<b>PROP</b>	<b>95-06-065</b>
	PERM	95-04-072			
SEPA guidelines	PROP	95-01-054	<b>WASHINGTON STATE UNIVERSITY</b>		
	PERM	95-04-072	Academic integrity		
Six-year plans	PROP	95-01-054	standards	EMER	95-01-039
	PERM	95-04-072	violations	EMER	95-01-039
Urban arterial projects	PROP	95-01-054	Library policies	PROP	95-04-028
	PERM	95-04-072	Parking	<b>PROP</b>	<b>95-06-061</b>
			Residence halls		
<b>TRANSPORTATION, DEPARTMENT OF</b>			visitation policy	<b>PROP</b>	<b>95-06-062</b>
Rest areas	PREP	95-04-070			
	PROP	95-04-071	<b>WESTERN WASHINGTON UNIVERSITY</b>		
Traffic control techniques	PREP	95-05-057	Parking		
			violations, impound alternative	PREP	95-04-010
<b>UNIVERSITY OF WASHINGTON</b>				PROP	95-05-073
Meetings	MISC	95-01-111	Smoking on campus	PERM	95-01-006
	MISC	95-02-034			
	MISC	95-02-073	<b>WORKFORCE TRAINING AND EDUCATION</b>		
	MISC	95-04-021	<b>COORDINATING BOARD</b>		
	MISC	95-04-031	Meetings	MISC	95-02-001
				MISC	95-02-010
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>				MISC	95-04-020
Administrative procedure	<b>PREP</b>	<b>95-06-088</b>			
	<b>PREP</b>	<b>95-06-089</b>			
Electric utilities					
competitive bidding	PREP	95-01-118			
complaints and disputes	PERM	95-01-051			
discontinuance of service	PERM	95-01-051			













# WASHINGTON STATE REGISTER Subscriptions

---

To: Subscription Clerk  
WASHINGTON STATE REGISTER  
Code Reviser's Office  
PO Box 40552  
Olympia, WA 98504-0552

I would like to order \_\_\_\_\_ subscription(s) to the WASHINGTON STATE REGISTER, at an annual rate of \$188.83, sales tax included (\$175 for state agencies). Enclosed is my check or money order for \$\_\_\_\_\_. All subscriptions run from January through December. Please start my subscription with the January issue of 1995.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THE WASHINGTON STATE REGISTER, published under RCW 34.08.020, is distributed on the first and third Wednesdays of each month. The Register contains the full text of proposed, emergency, and permanently adopted rules of state agencies, executive orders of the governor, notices of public meetings of state agencies, rules of the state supreme court, summaries of attorney general opinions, and juvenile disposition standards that have been filed in the code reviser's office before the closing date for that issue of the Register. A cumulative table of existing sections of the Washington Administrative Code (WAC) affected by a particular agency action guides the user to the proper issue of the Register.

The code reviser's office has established an annual subscription price of \$175 for a Register subscription, and single copies cost \$7.50. Sales tax of 7.9% applies to all sales other than to state agencies. State law requires payment in advance. To subscribe to the Register, please complete the order form above and forward it to the address indicated, accompanied by your check or money order in the amount of \$188.83 (\$175 for state agencies) payable to the code reviser's office.

---

*Send Address Changes to:*

**WASHINGTON STATE REGISTER**

**(ISSN 0164-6389)**

**Code Reviser's Office**

**PO Box 40552**

**OLYMPIA, WA 98504-0552**



Second-Class Postage Paid At Olympia, WA
------------------------------------------------

**S E C O N D   C L A S S**