

# Washington State Register

November 4, 1998

OLYMPIA, WASHINGTON

ISSUE 98-21



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

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

## REPUBLICATION OF OFFICIAL DOCUMENTS

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

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## 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 November 1998 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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# WASHINGTON STATE REGISTER

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### WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following nine 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) **EXPEDITED REPEAL**-includes the Preproposal Statement of Inquiry that lists rules being repealed using the expedited repeal process. Expedited repeals are not consistently filed and may not appear in every issue of the register.
- (c) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (d) **EXPEDITED ADOPTION**-includes the full text of rules being changed using the expedited adoption process. Expedited adoptions are not consistently filed and may not appear in every issue of the Register.
- (e) **PERMANENT**-includes the full text of permanently adopted rules.
- (f) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (g) **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.
- (h) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (i) **INDEX**-includes a cumulative index of Register Issues 01 through 24.

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

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

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

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

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

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

## 4. EFFECTIVE DATE OF RULES

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

## 5. EDITORIAL CORRECTIONS

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

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

Issue Number	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	Non-OTS and 30 p. or more	Non-OTS and 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS	Count 20 days from -	For hearing on or after	First Agency Adoption Date
For Inclusion in -	File no later than 12:00 noon -					
98 - 16	Jul 7, 98	Jul 21, 98	Aug 5, 98	Aug 18, 98	Sep 7, 98	Oct 2, 98
98 - 17	Jul 22, 98	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 22, 98	Oct 17, 98
98 - 18	Aug 5, 98	Aug 19, 98	Sep 2, 98	Sep 16, 98	Oct 6, 98	Oct 31, 98
98 - 19	Aug 26, 98	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 27, 98	Nov 21, 98
98 - 20	Sep 9, 98	Sep 23, 98	Oct 7, 98	Oct 21, 98	Nov 10, 98	Dec 5, 98
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98 - 22	Oct 7, 98	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 8, 98	Jan 2, 99
98 - 23	Oct 21, 98	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 22, 98	Jan 16, 99
98 - 24	Nov 4, 98	Nov 18, 98	Dec 2, 98	Dec 16, 98	Jan 5, 99	Jan 30, 99
99 - 01	Nov 25, 98	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 26, 99	Feb 20, 99
99 - 02	Dec 9, 98	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 9, 99	Mar 6, 99
99 - 03	Dec 23, 98	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 23, 99	Mar 20, 99
99 - 04	Jan 6, 99	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 9, 99	Apr 3, 99
99 - 05	Jan 20, 99	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 23, 99	Apr 17, 99
99 - 06	Feb 3, 99	Feb 17, 99	Mar 3, 99	Mar 17, 99	Apr 6, 99	May 1, 99
99 - 07	Feb 24, 99	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 27, 99	May 22, 99
99 - 08	Mar 10, 99	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 11, 99	Jun 5, 99
99 - 09	Mar 24, 99	Apr 7, 99	Apr 21, 99	May 5, 99	May 25, 99	Jun 19, 99
99 - 10	Apr 7, 99	Apr 21, 99	May 5, 99	May 19, 99	Jun 8, 99	Jul 3, 99
99 - 11	Apr 21, 99	May 5, 99	May 19, 99	Jun 2, 99	Jun 22, 99	Jul 17, 99
99 - 12	May 5, 99	May 19, 99	Jun 2, 99	Jun 16, 99	Jul 6, 99	Jul 31, 99
99 - 13	May 26, 99	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 27, 99	Aug 21, 99
99 - 14	Jun 9, 99	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 10, 99	Sep 4, 99
99 - 15	Jun 23, 99	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 24, 99	Sep 18, 99
99 - 16	Jul 7, 99	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 7, 99	Oct 2, 99
99 - 17	Jul 21, 99	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 21, 99	Oct 16, 99
99 - 18	Aug 4, 99	Aug 18, 99	Sep 1, 99	Sep 15, 99	Oct 5, 99	Oct 30, 99
99 - 19	Aug 25, 99	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 26, 99	Nov 20, 99
99 - 20	Sep 8, 99	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 9, 99	Dec 4, 99
99 - 21	Sep 22, 99	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 23, 99	Dec 18, 99
99 - 22	Oct 6, 99	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 7, 99	Jan 1, 00
99 - 23	Oct 20, 99	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 21, 99	Jan 15, 00
99 - 24	Nov 3, 99	Nov 17, 99	Dec 1, 99	Dec 15, 99	Jan 4, 00	Jan 29, 00

<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.

<sup>4</sup>A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230, as amended by section 202, chapter 409, Laws of 1997.



## **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.



**WSR 98-21-012****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed October 12, 1998, 10:20 a.m.]

Subject of Possible Rule Making: Update chapter 16-167 WAC, Intrastate commerce in foods, by adopting the latest requirements under Title 21 CFR which covers warning labeling required on raw fruit juice products, to protect consumers that may not be aware of the hazards of consuming raw fruit juice.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.04.392, 69.04.394, 69.04.396, 69.04.398, and 69.07.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Adoption of these regulations are necessary to protect consumers from possible microbial hazards associated with the consumption of raw fruit juices. This labeling on packaged juice products will inform the consumer and allow them to make an informed choice.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Food and Drug Administration regulates this subject in interstate commerce, the department will regulate products that are similar but are in intrastate commerce. This will provide seamless coverage and consumer protection.

Process for Developing New Rule: Industry will be notified of intended rule making and permitted to provide comments. The adoption of these regulations was unanimously endorsed by the Food Safety Advisory Committee at their September 24, 1998, meeting. This is an advisory committee to the food safety program consisting of industry, universities, other regulatory agencies and consumers.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Verne E. Hedlund, 1111 Washington Street, P.O. Box 2560, Olympia, WA 98504-2560, phone (360) 902-1860, fax (360) 902-2087.

October 7, 1998

Candace A. Jacobs, DVM  
Assistant Director**WSR 98-21-020****PREPROPOSAL STATEMENT OF INQUIRY  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Filed October 13, 1998, 10:31 a.m.]

Subject of Possible Rule Making: Alternative learning experience requirements, WAC 392-121-182.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290, 28A.150.350, 28A.150.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To revise current rules in order to increase accountability for alternative learning, increase flexibility for distance learning and part-time enroll-

ment, align alternative learning more closely to education reform, and integrate the 1997 law allowing contracting for alternative education.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, Legal Services, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504-7200, fax (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact Calvin W. Brodie, (360) 664-2117.

October 7, 1998

Dr. Terry Bergeson  
Superintendent of  
Public Instruction**WSR 98-21-023****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Medical Assistance Administration)

[Filed October 13, 1998, 2:58 p.m.]

Subject of Possible Rule Making: WAC 388-513-1380 needs to be amended to reflect recent changes in the federal standards for community spouse needs allowance, family needs allowance, and the standard shelter allocation. This rule also needs to be changed to adopt a state plan amendment allowing an increase in the personal needs allowance (PNA) by the amount of income garnished for child support.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 72.36.160, 74.04.050, 74.04.057, 74.08.090, 74.09.500, and 38 USC 3203 (Public Law 101-508).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule needs to be amended to comply with federal requirements to ensure continued federal financial participation and to reflect policy contained in our Medicaid state plan.

Process for Developing New Rule: The department invites the interested public to review and provide input on the draft language of this WAC. Draft material and information about how to participate are available by contacting the Department of Social and Health Services representative identified below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, Program Assistance and Support Services, Medical Assistance Administration, Olympia, WA 98504-5530, phone (360) 664-2314, fax (360) 753-7315, TTY 1-800-848-5429, e-mail sullikm@dshs.wa.gov.

October 13, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**PREPROPOSAL**

**WSR 98-21-024**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed October 13, 1998, 2:59 p.m.]

Subject of Possible Rule Making: Revise WAC 388-478-0055 Standards for payments—SSI standards and any related rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090 and 74.04.620.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under provisions in the Social Security Act, the state must expend in the present calendar year at least as much as was spent in the previous calendar year to supplement federal supplemental security income (SSI) benefits. Under state law, program expenditures may not exceed the amount allocated by the legislature.

State expenditures for calendar year 1998 may need to be adjusted due to unanticipated fluctuation in the SSI caseload. If state expenditures continue to rise, the state will need to adjust the SSI state supplement payment for December 1998.

This rule making is also necessary to pass along the annual federal cost-of-living adjustment (COLA) for the SSI program in January 1999.

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

Process for Developing New Rule: The Department of Social and Health Services welcomes the public to take part in developing the rule(s). Anyone interested in participating should contact the staff person indicated below. After the rule is drafted, DSHS will file a copy with the Office of the Code Reviser with a notice of proposed rule making and send a copy to everyone currently on the mailing list or anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barbara Hargrave, Program Manager, Division of Assistance Programs, Lacey Government Center, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3104, fax (360) 413-3493, e-mail hargrave@dshs.wa.gov.

October 12, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 98-21-051**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**STATE BOARD OF EDUCATION**

[Filed October 16, 1998, 10:55 a.m.]

Subject of Possible Rule Making: Chapter 180-20 WAC, School bus transportation.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.160.210.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To make grammatical changes to clarify administrative language and to update RCW references.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, fax (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis at (360) 753-6715.

October 13, 1998

Larry Davis  
Executive Director

**WSR 98-21-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed October 20, 1998, 4:35 p.m.]

Subject of Possible Rule Making: Bringing alcoholic beverages into the state for personal use, chapter 314-68 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030, 66.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board will consider the following changes to chapter 314-68 WAC:

- Rewrite the rules to make them clear and usable, per Governor Locke's Executive Order 97-02.
- Expand the definition of "bringing" as used in these rules, to allow for the shipment of alcohol when a person buys from an auction.
- Allow a one-time exemption from payment of tax and markup for persons who inherit liquor or move into the state with liquor as part of their household items.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Custom Service. The Liquor Control Board will contact the United States Custom Service for input into the proposed rule making.

Process for Developing New Rule: Input from retail licensees, local governments, and other interested parties will be obtained through series of public meetings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Teresa Berntsen, Rules Coordinator,

P.O. Box 43080, Olympia, WA 98504-3080, (360) 586-1641, fax (360) 704-4920.

October 20, 1998  
Nathan S. Ford, Jr.  
Board Member

**WSR 98-21-073**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)**

[Filed October 21, 1998, 10:19 a.m.]

Subject of Possible Rule Making: WAC 388-444-0005 the FS E&T general requirements, 388-444-0020 Clients who must register for work but are not required to participate in FS E&T, 388-444-0035 Clients who are exempt from ABAWD provisions, 388-444-0040 Workfare, and 388-444-0045 Regaining eligibility for food assistance, and any related sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: When the manual rewrite took place, there were areas that needed clarification or corrections.

WAC 388-444-0005 General requirements, need the numbers to begin with (1) instead of (4).

WAC 388-444-0020 Clients register for work but not required to participate, needs to show that 4-6 are for non-ABAWD clients only.

WAC 388-444-0035 Clients exempt from ABAWD provisions, adds the 15% exemption criteria. The WAC requires that the number of 15% exemptions be tracked monthly.

WAC 388-444-0040 Workfare, has been changed to work programs and list the work programs with their criteria.

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

Process for Developing New Rule: Send out on job ticket for review. The department invites the interested public to review and provide input on the draft language of the WAC. Draft material and information about how to participate are available by contacting the department.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mary Monahan, P.O. Box 45470, Olympia, WA 98504-5470, phone (360) 413-3250, fax (360) 413-3493, e-mail monahmf.

October 20, 1998  
Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**WSR 98-21-079**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
(Medical Quality Assurance Commission)  
[Filed October 21, 1998, 11:00 a.m.]**

Subject of Possible Rule Making: The treatment of chronic pain.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.130.180(6), 18.71.017.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission desires to educate practitioners on the need to distinguish between legitimate medical care and questionable practice, while carrying out their duty to protect the public from improper prescribing, as well as issues such as addiction, tolerance, side effects and diversion. While the commission currently has in place the guidelines for management of pain, practitioners have indicated they feel policies and guidelines are inadequate protection against injudicious discipline for treating chronic pain. Therefore, the Medical Quality Assurance Commission is seeking to put pain management language into rule to alleviate concerns regarding effective management of chronic pain.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Board of Osteopathic Medicine and Surgery and Podiatric Medical Board, see below.

Process for Developing New Rule: Collaborative, the commission, in coordination with the Board of Osteopathic Medicine and Surgery and the Podiatric Medical Board, will conduct two joint public meetings to allow interested persons to participate in the development of these rules. In addition, interested parties, which include licensees, the Washington State Medical Association, the University of Washington School of Medicine, all county medical societies, and private citizens, will be notified by mail.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To submit written information: Susan Anthony, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-4787, fax (360) 586-4573.

October 9, 1998  
Bonnie King  
Executive Director

**WSR 98-21-080**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
[Filed October 21, 1998, 11:00 a.m.]**

Subject of Possible Rule Making: Amendments to correct rule on board meetings: Adoption of the National Certification Examination (NCETMB); remove references to a board administered practical exam; define process the Board of Massage uses to approve massage schools, programs and apprentice programs, possible adoption of an application fee,

provision for an expiration date, definition of minimum standards for faculty or apprentice trainers, requirement for schools to administer a board approved practical exam. Other possible rules include, current CPR certification requirements as a condition for yearly renewals; practice standards; and minimum level of student supervision.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.108.025 (1) and (3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Information on board meetings requires an address correction, and suggested text is a more permanent address. The Massage Board has adopted the NCETMB to replace the Washington state test and the proposed amendments implement that adoption. The 1995 legislature removed the requirement for the board to administer a practical examination and these amendments remove references to the practical. With the elimination of the practical exam, the Massage Board wishes to further define the process for periodic review of approved schools, programs and apprentice programs to ensure training meets standards set by the board. In the past, there have been inquiries and complaints about a lack of defined practice standards and new rules could address ethics, draping; record-keeping requirements, and any other standards that are identified.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: There are no other federal or state agencies that regulate the examination process for massage licensure. The Workforce Training and Education Coordinating Board of Washington reviews and approves vocational schools. The board and program have worked with and will continue to coordinate site reviews and information sharing with this state agency. Their suggestions, along with those of all interested parties, will be requested regarding proposed rule changes throughout the process of adoption.

Process for Developing New Rule: The department and the board will work with constituent members, schools, programs, and apprentice programs, and other state agencies. Rules that a consensus agree are necessary will be developed, using all public input. A mass mailing requesting comments and suggestions has been initiated to all licensees, schools, and programs. Opportunity for debate, discussion, and development will be provided and input will be reviewed and incorporated.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Please mail your written statements, suggestions, or comments in concurrence or opposition to suggested rule development to: Department of Health, Massage Program, P.O. Box 47868, Olympia, WA 98504-7868. Statements may also be faxed to (360) 664-9077. Please put "Attention: Massage Program" on the fax cover sheet. Program staff that may be contacted for information at (360) 586-6351 are: Kirby Putscher, Program Manager, Allen Spaulding, Administrative Assistant and Rob Darling, Program Representative.

October 12, 1998  
K. Van Gorkom  
Deputy Secretary

## WSR 98-21-081

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH

[Filed October 21, 1998, 11:01 a.m.]

Subject of Possible Rule Making: Reactivation of a midwifery license after it has lapsed for a period longer than three years. This rule would describe the continuing education or other standards required to reapply for a midwifery license if it had lapsed for a period of three years or more.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.122.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 18.50.102 at one time allowed the secretary to determine if examination would be required for reactivation of a license which had been lapsed three years or more. This was removed by 1996 legislation, which allowed the secretary to develop uniform rules for licensure and renewal across all health care professions. The rules developed under RCW 18.50.102 indicate that if a credential has lapsed for more than three years, the applicant must satisfy other competency requirements of the regulatory entity. No competency requirements exist for licensed midwives. It is important that midwives possess skills that are up to date and that they renew their skills before licensure is granted. This will assure that their patients are receiving safe care.

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

Process for Developing New Rule: The department intends to hold an open forum on November 10, 1998, at the Midwifery Advisory Committee meeting in Olympia, Washington to elicit input from interested parties. All licensed midwives and interested parties will be informed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A public meeting will be held on November 10, 1998. Written comments may be submitted to Department of Health, Midwifery Program, Attn: Kendra Pitzler, Program Manager, P.O. Box 98504-7864, phone (360) 664-4216, fax (360) 586-2165.

October 12, 1998  
K. Van Gorkom  
Deputy Secretary

## WSR 98-21-082

PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed October 21, 1998, 11:02 a.m.]

Subject of Possible Rule Making: WAC 246-840-020 Documents which indicate authorization to practice nursing in Washington.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.79.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments include changing the title to reflect that this rule addresses only documents which Washington state issues to nurses, not documents required from nurses. Other amendments include a clarification that a limited educational license does not authorize a nurse for employment since this appears to be an area of confusion.

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

Process for Developing New Rule: During the mandatory review of all significant or controversial rules according to the Governor's Executive Order, this rule was identified as needing amendment because the title is not clear about what it is addressing and the content on one section was confusing. Members of the public were invited to attend public meetings and interested persons were provided a copy of the rule to comment on.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Program Manager, Department of Health, P.O. Box 47864, Olympia, WA 98504, phone (360) 664-4207, fax (360) 586-2165. New phone number after October 19, 1998, is (360) 236-4712. New fax number will be (360) 236-4738.

September 25, 1998

Paula R. Meyer  
Executive Director





**NO EXPEDITED REPEALS FILED IN THIS ISSUE**

**EXPEDITED REPEAL**



**WSR 98-20-098**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Children's Administration)  
 [Filed October 7, 1998, 10:58 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 98-02-057.

**Title of Rule:** In chapter 388-155 WAC, Minimum licensing requirements for family child day care homes, WAC 388-155-010 Definitions, 388-155-180 Staffing qualifications, 388-155-200 Development and training, and 388-155-470 Personnel records. In chapter 388-150 WAC, Minimum licensing requirements for child day care centers, WAC 388-150-010 Definitions, 388-150-180 Staff patterns and qualifications, 388-150-200 Staff training and development, and 388-150-470 Personnel policies and records. In chapter 388-151 WAC, School-age child care center minimum licensing requirements, WAC 388-151-010 Definitions, 388-151-180 Staffing patterns and qualifications, 388-151-190 Group size and staff-child ratios; 388-151-200 Staff development, orientation and training, and 388-151-470 Personnel policies and records.

**Purpose:** To require annual in-service training for child care providers.

**Statutory Authority for Adoption:** RCW 74.15.030.

**Statute Being Implemented:** RCW 74.15.030.

**Summary:** Family child care providers and child care center and school-age program directors, supervisors, site coordinators and lead staff must take a twenty-hour basic training during the first six months of employment or licensure, unless they have specified prior education. Each year thereafter, persons in these positions must take ten hours of training. Training must be approved by the Washington STARS (state training and registry system), which is defined. Licensees must document training in personnel files. Center and school-age program employees must complete a profile form at time of hire.

**Reasons Supporting Proposal:** The legislature directed the Department of Social and Health Services (DSHS) to adopt rules to require annual in-service training for specified categories of child care providers in section 202(8), legislative budget for 1997-1999.

**Name of Agency Personnel Responsible for Drafting:** Susan Kavanaugh/Gretchen Stahr Breunig, Office of Child Care Policy, P.O. Box 45700, (360) 902-8043; **Implementation and Enforcement:** Office of Child Care Policy, P.O. Box 45700, Olympia, WA 98504-5700, (360) 902-8044.

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

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** The legislature, in addition to directing DSHS to adopt rules to require training, provided funding for scholarships, a registry of training completed and a system for approving trainers.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Family child care providers, child care center and school-age center program directors, lead teachers, program supervisors, and site supervisors are required to complete twenty hours (or two credits) of department approved introductory training prior to or during the first six months of being licensed or employed and ten hours (or one credit) of annual continuing education each year thereafter. Training must be approved by the department. Current employees and licensees who have not already completed approved basic training (and are not exempt) are obligated to do so within the first year of when the rules are adopted.

Those who have completed at least twelve college quarter credits in early childhood education, child development or related areas or who have a current Child Development Association (CDA) or equivalent credential are exempt from the basic training requirement. They must, however, take the ten hours of continuing training each year.

Licensees must document training in personnel files. Child care center and school-age program employees must complete a profile form at the time of hire and licensees must submit this form, to permit tracking of compliance with training requirements.

The Washington STARS (state training and registry system) is defined as the entity designated by the department to determine the classes, courses and workshops child care licensees and staff may take to satisfy training requirements.

**Proposal Changes the Following Existing Rules:** Currently, family child care providers are required to have training in only first aid/CPR and preventing transmission of HIV/AIDS. This proposal requires additional training focused on child development approved through Washington STARS.

Currently, directors of child care centers and school-age programs are required to provide training opportunities for their staff, but hours and subject areas are not specified. This proposal specifies the number of hours of training required of lead staff and requires that it be approved through STARS.

Currently child care center directors or program supervisors and school-age program directors or site coordinators are required to have training in child development prior to employment or licensure. This proposal requires that they also take Washington STARS approved training each year.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Introduction:** This small business economic impact statement is prepared and organized in accord with the requirements of RCW 19.85.040.

The industries required to comply with the rule include family child care providers and lead teachers, site supervisors, program supervisors, and directors in child day care centers and school-age child day care programs. Family child care businesses operate out of the owner's home. The family child care provider either operates the business on her or his own or employs one or two assistants. Family child care homes are licensed to service one to twelve children. Child care centers and school-age programs are for-profit or nonprofit businesses licensed to care for thirteen or more

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children. They may operate in special designed facilities or in space shared with other users (churches, schools, etc.).

**Background: A Legislative Mandate:** Washington STARS (state training and registry system) is an emerging career development system for professionals who care for children and youth. The legislature provided direction and funding for the system in the 1997-99 Budget Act. DSHS was directed to adopt new training requirements—introductory and annual training for new and current family child care providers and center and school-age program lead staff. The department was also directed to develop a computer registry to track training completed, a training approval system, and training scholarships for low-income providers.

The proposed WAC changes are shown below. In summary, the new requirements are:

- **Introductory Training.** Family child care providers; and child care center and school-age program directors, lead teachers, program supervisors, and site supervisors must complete, during the first six months of being licensed or employed, twenty hours (or two college quarter credits) of approved training based on the state licensing guidebook. The training covers child development, child guidance, health and safety. Those already working when the rules go into effect will have a full year to complete this introductory training.
- **Annual Training.** In addition, all individuals in the above positions must complete ten hours (or one credit) each year of approved training in child care core competency areas. For center and school-age program directors and supervisors half of the annual training must be in program management.
- **Exemption from Introductory Training.** Providers who have at least the following are exempt from the requirement to take the introductory (but not the annual) training: (a) Completion of family to family/child care aware training (now building blocks), (b) a current Child Development Association (CDA) credential, or (c) at least twelve quarter credits of early childhood education or related courses.
- **Recordkeeping.** Center and school-age employees and licensees must, within seven days of starting work, complete and submit a form to enter into the STARS tracking system. Licensees must keep documentation of training to complete this requirement in personnel files.

**Rule Change with Possible Significant Impact on Small Businesses:** A small business economic impact statement with cost benefit analysis is required when a rule will impose a significant cost on small businesses.

Small businesses are defined as those that employ fewer than fifty people. The proposed rules change will affect all child care businesses, and child care businesses are overwhelmingly small: Employment Security Department data, which does not include family child care businesses that are sole proprietorships with no additional employees, shows 98% of child care businesses employ fewer than fifty persons and 90% are very small with fewer than twenty employees.

Significant cost is defined as \$50 or more. As discussed below, the new rules will, over time, cost many child care businesses more than \$50 dollars.

**Costs:** Training costs will be similar for all providers affected by the rules. Individuals who must complete the basic introductory training will spend about \$100 to \$150 for this 20-hour class, and the annual continuing education for all lead staff will cost between \$50 and \$100 per individual per year. Given that approximately 18,000 individuals will be required to obtain training, and that annual turnover rates for child care providers approach 40%, the annual cost for training would be \$1,710,000 ( $18,000 \times .6 \times \$75 + 18,000 \times .4 \times \$125$ ). However, training scholarships, training program subsidies, and training provided directly by centers, at a lower per person cost, will reduce the cost to businesses.

The Department of Labor and Industries Employment Standards Division staff provided the following informal opinion: Because the training is to meet a state rather than an employer mandate and because the individual teacher and provider transfer the training benefit with them from job to job, the individual employee rather than the employer is responsible for bearing the cost of training. However, we anticipate that many child care and school-age programs, especially the larger ones with multiple sites, will choose to provide training to staff who need to complete these training requirements.

Based on the average hourly rates charged to Child Care Resources in King County and other trainers in Eastern Washington, DSHS estimates that the average hourly cost of bringing a trainer to a child care center or school-age facility would be approximately \$50 per hour. Many child care centers and school-age programs have already budget[ed] for staff training because current licensing regulations require regular training, though without specifying the quantity or setting standards for quality. Because of economies of scale, to the extent that large multi-site programs offer the training to their own staff, they may incur lower costs per employee than small businesses that also provide the training to their employees.

While current administrative code requires centers to train their employees, family child care providers have not had similar training requirements and therefore may not budget for training. Therefore, the new expense for family child care homes may be greater for child care centers or school-age programs that have a training budget.

**Benefits:** Economic Benefit to the Proposed Rules.

**Economic Benefit to Child Care Providers.** DSHS reviewed a study on a child care training program for family child care providers in order to estimate economic benefits from training for providers. The Families and Work Institute evaluated the training program, which consisted of eighteen to thirty-six hours of training for one hundred thirty family child care providers in three cities. The evaluation included comparison of pre- and post-measures of the family child care homes that received the training and comparison with one hundred twelve family child care providers who did not participate. The following outcomes are relevant to the estimated economic impact of Washington STARS:

Providers who completed training increased their weekly rates by \$7.52 per week. Providers also cared for more chil-

dren (due to fewer absences). Thus, provider weekly income increased by 16%. Weekly income increased an average of \$60 per week, or about \$3,000 per year. If similar increases occur in Washington, we can anticipate average increased revenues for family child care providers of about \$3,000. When multiplied by the 8,000 licensed family child care homes this equals \$24 million annually.

Other economic benefits are more difficult to quantify, but can be expected to include increased provider job satisfaction (especially if it results in wage increases, see below) and reduced turnover. Child care center and school-age program directors will spend less time and money seeking and orienting new staff.

Economic Benefits to Washington Citizens and the Washington Economy. The state economy can also be expected to benefit from the proposed new training requirement. If providers learn better health and sanitation practices, children may be sick less often. If each provider prevented one child from missing one day of child care due to illness or injury incurred at child care or school-age care, each provider would save parents about \$96 per year (\$12 per hour times eight hours per day). Multiplying the \$96 per parent per year by the number of providers, the benefit of reduced illness and injury totals \$1.8 million. This figure does not include reduced costs in health care and reduced lost revenues from parents missing work to care for sick children.

Likewise, if one in ten providers retained one additional child in care because quality improved, parents would lose less time at work looking for child care. To estimate this increase in parental income: 18,440 providers times 10% times \$96 per parent per year equals \$177,000.

Other Benefits to the Proposed Rules. Improving the quality of child care is the primary public policy goal behind the legislative directive that child care providers should have training in child development and related areas. A number of research studies demonstrate that providers with education and training offer better care. Studies showing the importance of training to quality include the following:

- National Day Care Study, Ruopp, Travers et al., 1979;
- National Child Care Staffing Study, Whitebrook, Howes, et al., 1989;
- Cost, Quality and Outcomes, Helburn and Culkin 1995;
- Florida Quality Improvement Study, Howes, Smith et al., 1995;
- The Effects of Education on Child Care Teachers' Beliefs and Classroom Quality: Year One Evaluation of the TEACH Early Childhood Associate Degree Scholarship Program, Cassidy, Buell et al., 1995;
- Family Child Care Providers Speak About Training, Trainers, Accreditation and Professionalism: Findings from a Survey of Family-to-Family Graduates.

Improving the quality of child care, in turn, can be expected to provide [a] number of long-term benefits to society. They include an increase in the proportion of children who enter school "ready to learn." Currently a significant proportion of children enter kindergarten ill-prepared to begin their formal education. The Perry Pre-School/High

Scope study, as well as many evaluations of Head Start, show the importance of high quality early childhood programs in creating an even playing field for children at risk of school failure.

**Steps Taken to Reduce Financial Burden to Small Businesses.** The recommendations for design of the Washington STARS were created by work groups of the Child Care Coordinating Committee (CCCC), a legislatively mandated community-based advisory group. It includes representatives of the child care businesses that will be affected by the new rule. DSHS, the CCCC and the education and training community throughout the state have taken several steps to reduce the financial burden of these rule changes.

- Assistants and substitutes in child care programs are not required to complete training.
- A provider that completes approved training at one place of employment and transfers to another will not have to complete the training again.
- Classes are or will be available on weekends and evenings and through "distance learning" methods that make use of Internet and video technology as well as other approved home study options. These opportunities will decrease the need for providers to take time away from work and family, in order to comply with the requirement.
- For many centers, the additional cost may be minimal as the trainer requirements parallel the licensing training requirements for directors. We anticipate that many center directors will be approved to be trainers to their own staff for the twenty-hour basic requirement and some of the on-going annual training.
- Scholarships will be available to child care providers to reduce their out-of-pocket expenses. Income eligibility for individuals receiving scholarships were set at a relatively high family income - up to 200% guidelines - to include as many low income providers as possible. As current wages in child care and school-age care are low relative to other fields with commensurate levels of responsibility, many will qualify.
- Current providers have a full year to comply, which is six months longer than new providers have to complete the basic training.
- The state funded training approval system will ensure that the training is of high quality and relevant to the needs of providers. High quality training will benefit provider's professional growth and the quality of their practice.
- Reporting requirements for providers are minimal. Trainers, rather than providers, will generally submit documentation of all the participants who complete their programs.

**Involvement of Small Businesses in Developing the Rules and Additional Mitigation:** The training requirements represented in these rules come as a result of public hearings in 1992 and 1994 in which child care and school-age teachers and providers overwhelmingly requested additional training opportunities and minimum training requirements of professionals in the field. As a result of the public desire for

training, the legislature allocated funds to develop this system, and directed DSHS to adopt training requirements in rule.

DSHS and the CCCC issued an invitation to the planning process to child care stakeholders, including representatives of child care businesses. As a result, a work group which represented providers prepared the proposed WAC changes.

DSHS mailed the recommendations to all licensed child care centers, homes, and school-age programs in December 1997, and OCCP staff has responded to at least two hundred phone calls, letters and e-mails from providers. Furthermore, members of the CCCC Career Development Subcommittee have also responded to numerous questions from providers about the Washington STARS system. The full Child Care Coordinating Committee reviewed and approved these changes, and they are now being reviewed again by stakeholders.

Finally, OCCP held public forums to obtain comment on the draft rules and the broader STARS career development system from providers and other stakeholders in May and June 1998; approximately eight hundred persons attended these seventeen forums state-wide. In response to all of this input, including the public forums, OCCP has taken the following additional steps to reduce the cost and other negative impacts of the new training requirements:

- Providers with twelve college quarter units or more or a current CDA are exempt from taking the basic twenty-hour training.
- Providers with six years of experience or more have the option of completing a home study test in lieu of the basic training.
- Options for completing the training at home, including distance learning, Internet training, correspondence courses, and video based courses, may be approved.
- OCCP contracted for the development of three model curriculum, two for the twenty-hour basic course including one translated into Spanish; and one on how to train adults.

DSHS is also considering paying higher state child care subsidy rates for providers who offer higher quality care as demonstrated by provider education and training or program accreditation. In addition, DSHS will consider basing scholarship eligibility on the individual provider's income versus household income, which is the traditional basis for financial aid.

A copy of the statement may be obtained by writing to Roberta Morley, Office of Child Care Policy, P.O. Box 45700, Olympia, WA 98504-5700, phone (360) 902-8044, fax (360) 902-8044.

RCW 34.05.328 applies to this rule adoption. The proposed rules meet the definition of a "significant legislative rule" and a cost benefit analysis has been included in the small business economic impact statement. To obtain a copy contact the staff person listed above.

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on November 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by November 24, 1998.

Date of Intended Adoption: November 25, 1998.

October 2, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 93-18-001, filed 8/18/93, effective 9/18/93)

**WAC 388-150-010 Definitions.** As used and defined under this chapter:

(1) "Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

(2) "Center" means the same as "child day care center."

(3) "Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, and safety is harmed thereby.

(4) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home shall not be licensed as a day care center without meeting the requirements of WAC 388-150-020 (5)(a).

(5) "Department" means the state department of social and health services.

(6) "Department of health" means the state department of health.

(7) "Infant" means a child eleven months of age and under.

(8) "License" means a permit issued by the department authorizing by law the licensee to operate a child day care center and certifying the licensee meets minimum requirements under licensure.

(9) "Licensee" means the person, organization, or legal entity responsible for operating the center.

(10) "Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

(11) "Preschool age child" means a child thirty months of age through five years of age not enrolled in kindergarten or an elementary school.

(12) "School-age child" means a child five years of age through twelve years of age enrolled in kindergarten or an elementary school.

(13) "Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.

(14) "Toddler" means a child twelve months of age through twenty-nine months of age.

(15) "The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

**AMENDATORY SECTION** (Amending WSR 93-18-001, filed 8/18/93, effective 9/18/93)

**WAC 388-150-180 Staff pattern and qualifications.**

(1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:

- (a) Be of good character;
  - (b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and
  - (c) Not have committed or been convicted of child abuse or any crime involving harm to another person.
- (2) Center management. The licensee shall serve as or employ a director, responsible for the overall management of the center's facility and operation. The director shall:
- (a) Be twenty-one years of age or older;
  - (b) Serve as administrator of the center, ensuring compliance with minimum licensing requirements;
  - (c) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;
  - (d) Have the management and supervisory skills necessary for the proper administration of the center, including:
    - (i) Record maintenance;
    - (ii) Financial management; and
    - (iii) Maintenance of positive relationships with staff, children, parents, and the community;
  - (e) Have completed the following number of college quarter credits or department-approved clock hours in early childhood education/child development, or possess an equivalent educational background, or be a certified child development associate:

- (i) In centers licensed for twenty-five or more children, the director shall have completed forty-five or more credits;
- (ii) In centers licensed for thirteen through twenty-four children, the director shall have completed twenty-five or more credits;
- (iii) In centers licensed for twelve or fewer children, the director shall have completed ten or more credits; and
- (iv) In (i), (ii) and (iii) above, one-third of the credits may be clock hours.
- (f) Have two or more years successful experience working with children of the same age level as those served by the center as evidenced by professional references and on-the-job performance;

(g) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; ~~and~~

(h) Have knowledge of children and how to meet children's needs; and

(i) Have completed one of the following prior to or within the first six months of employment or initial licensure, except as provided in subsection (2)(j) of this section:

(i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training registry system (STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts or AAS or higher college degree in early childhood education or child development.

(j) Directors who are already employed or licensed on the effective date of this rule must complete the training required in WAC 388-150-180 (2)(i) prior to or within twelve months after the effective date of this rule.

(3) When the director does not meet the qualifications specified in subsections (2)(e), (f), (g), and (h) of this section, the director or licensee shall employ a program supervisor responsible for planning and supervising the center's learning and activity program. In such a case, the director shall have had at least one three credit college class in early childhood development. The program supervisor shall:

- (a) Be twenty-one years of age or older;
- (b) Meet the education, experience, and competency qualifications specified under subsection (2)(e), (f), (g), ~~and~~ (h), (i), and (j) of this section; and
- (c) Discharge on-site program supervisory duties twenty hours or more a week.

(4) For the center serving the school age child only, the program supervisor may substitute equivalent courses in education, recreation, or physical education for required education.

(5) The director and program supervisor may be one and the same person when qualified for both positions. The director or program supervisor shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and program supervisor shall leave a competent, designated staff person in charge who meets the qualifications of a lead staff person.

(6) The director and program supervisor may also serve as child care staff when such role does not interfere with the director's or program supervisor's management and supervisory responsibilities.

(7) Center staffing. The licensee shall ensure the lead child care staff person in charge of a child or a group of children implementing the activity program:

- (a) Is eighteen years of age or older; and
- (b) Possesses a high school education or equivalent; or
- (c) Has child development knowledge and experience;
- (d) Has completed one of the following prior to or within the first six months of licensure or employment except as provided in subsection (7)(e) of this section:

(i) Twenty clock hours or two college quarter credits of basic training. Training shall be approved by the Washington state training and registry system (Washington STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education or child development.

(e) Lead child care staff persons who are already employed on the effective date of this rule must complete the

training required in WAC 388-150-180 (7)(d) prior to or within twelve months after the effective date of this rule.

(8) The licensee may assign a child care assistant or aide to support lead child care staff. The child care assistant or aide shall be sixteen years of age or older. The child care assistant or aide shall care for the child under the direct supervision of the lead child care staff person. The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant or aide, eighteen years of age or older, may care for a child or group of children without direct supervision by a superior for a brief period time.

(9) The licensee may arrange for a volunteer to support lead child care staff. The volunteer shall be sixteen years of age or older. The volunteer shall care for the child under the direct supervision of the lead child care staff person. The licensee may count the volunteer in the staff-to-child ratio when the volunteer meets staff qualification requirements.

(10) Support service personnel. The licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation.

(11) The licensee shall ensure completion of support service duties occurs in a manner allowing the center to maintain required staff-to-child ratios.

AMENDATORY SECTION (Amending WSR 93-18-001, filed 8/18/93, effective 9/18/93)

**WAC 388-150-200 Staff development and training.**

(1) The licensee shall have an orientation system making the employee and volunteer aware of program policies and practices. The licensee shall provide staff an orientation including, but not limited to:

- (a) Minimum licensing rules required under this chapter;
- (b) Goals and philosophy of the center;
- (c) Planned daily activities and routines;
- (d) Child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
- (g) The health care plan;
- (h) Fire prevention and safety procedures;
- (i) Personnel policies, when applicable;
- (j) Limited restraint techniques;
- (k) Cultural relevancy; and
- (l) Developmentally appropriate practices.

(2) The licensee shall provide or arrange for regular training opportunities for the child care staff to promote ongoing employee education and enhance practice skills.

(3) The licensee shall conduct periodic staff meetings for planning and coordination purposes.

(4) The licensee shall ensure:

(a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training, is present at all times and in all areas the child is in care; and

(b) Staff's CPR training includes methods appropriate for child age groups in care.

(5) The licensee shall provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) The licensee shall ensure the staff person preparing full meals has a valid food handler permit.

(7) The licensee shall ensure that the director, program supervisor and lead staff annually, beginning one year after licensure or employment, complete ten clock hours or one college quarter credit of training approved by the Washington state training and registry system (STARS). For those already employed or licensed on the effective date of this rule, this requirement for annual training shall begin one year after the effective date of this rule.

For the director and the program supervisor, five of the ten hours of training shall be in program management and administration.

AMENDATORY SECTION (Amending WSR 93-18-001, filed 8/18/93, effective 9/18/93)

**WAC 388-150-470 Personnel policies and records.**

(1) Each employee and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee or director by the date of hire:

(a) An application for employment on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) Each employee serving as a director, program supervisor, or lead child care staff person shall complete and submit to the licensee or director by the date of hire a Washington state training and registry system (STARS) profile form. The licensee shall submit this form to the Washington state training and registry system within seven calendar days of the employee's first day of employment, to permit the department to track the employee's compliance with training requirements.

(3) The licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.

~~((3))~~ (4) The licensee shall maintain a personnel recordkeeping system, having on file, on the premises, for the licensee, staff person, and volunteer:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation of HIV/AIDS education and training;

(e) A record of participation in staff development training;



- (f) Documentation of orientation program completion;
- (g) Documentation of a valid food handler permit, when applicable; ~~((and))~~
- (h) Documentation of current first aid and CPR training, when applicable; and
- (i) Documentation of basic and annual training required under WAC 388-150-180 (2)(i) or (7)(b) and 388-150-200(7), when applicable.

**AMENDATORY SECTION** (Amending Order 3493, filed 12/30/92, effective 1/30/93)

**WAC 388-151-010 Definitions.** As used and defined under this chapter:

- (1) "Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.
- (2) "Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, or safety is harmed thereby.
- (3) "Department" means the state department of social and health services (DSHS), the organization vested with the legal authority to regulate and certify school-age child care centers.
- (4) "Department of health" means the state department of health.
- (5) "License" means a permit issued by the department authorizing by law the licensee to operate a school-age child care center and affirming the licensee meets requirements under licensure.
- (6) "Licensee" means the person, organization, or legal entity responsible for operating the center.
- (7) "Licensor" means the person employed by the department to regulate and license a school-age child care center.
- (8) "Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.
- (9) "School-age child" means a child five years of age through twelve years of age attending a public or private school.
- (10) "School-age child care center" means a program operating in a facility other than a private residence, accountable for school-age children when school is not in session. It shall meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.
- (11) "Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.
- (12) "The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

**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 3493, filed 12/30/92, effective 1/30/93)

**WAC 388-151-180 Staff pattern and qualifications.**

- (1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:
  - (a) Be of good character;
  - (b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and
  - (c) Not have committed or been convicted of child abuse or any crime involving harm to another person.
- (2) Program director. The licensee shall serve as or employ a director responsible for the overall management of the center's facility and operation. The director shall:
  - (a) Be twenty-one years of age or older;
  - (b) Serve as administrator of the center, ensuring compliance with licensing requirements;
  - (c) Have knowledge of development of school-age children as evidenced by professional references, education, experience, and on-the-job performance;
  - (d) Have the management and supervisory skills necessary for the proper administration for the center including:
    - (i) Record maintenance;
    - (ii) Financial management; and
    - (iii) Maintenance of positive relationships with staff, children, parents, and the community.
  - (e) Employ, provide, or arrange for fulfillment of clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation and maintaining the required staff-to-child ratio;
  - (f) Have completed thirty or more college quarter credits in early childhood education/child development, elementary education, or possess an equivalent educational background in courses such as recreation, physical education, education, music, art, home economics, psychology, or social services;
  - (g) Have two or more years of successful experience working with school-age children as evidenced by professional references and on-the-job performance; ~~((and))~~
  - (h) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program; and
    - (i) Have completed one of the following prior to or within the first six months of licensure or employment except as provided in subsection (2)(i) of this section:
      - (i) Twenty clock hours or two college quarter credits of basic training. Training shall be approved by the Washington state training and registry system (STARS); or
      - (ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in child development, early childhood education, school-age care, elementary education, special education or recreation; or
      - (iii) An associate or arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(j) Program directors who are already employed or licensed on the effective date of this rule must complete the training required in WAC 388-151-180 (2)(h) prior to or within twelve months after the effective date of this rule.

(3) Site coordinator. The licensee may employ a site coordinator responsible for program planning and implementation. The site coordinator shall be under the regular supervision of the program director.

(4) The site coordinator and program director may be one and the same person when qualified for both positions. The site coordinator shall:

(a) Be twenty-one years of age or older;

(b) Have completed thirty or more college quarter credits in early childhood education/child development, elementary education, or possess an equivalent educational background in courses such as recreation, physical education, education, music, art, psychology, or social services;

(c) Serve as staff supervisor;

(d) Have demonstrated knowledge in:

(i) Behavior management skills specific to school-age children;

(ii) Program management skills; and

(iii) School-age child activity planning and coordinating skills.

(e) Have a minimum of two years experience working with school-age children, or possess equivalent experience.

(f) Have completed one of the following prior to or within the first six months of licensure or employment except as provided in subsection (4)(g) of this section:

(i) Twenty clock hours or two college quarter credits of initial training. Training shall be approved by the Washington state training and registry system (STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education or recreation; or

(iii) Forty-five or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or

(iv) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(g) Site coordinators who are already employed on the effective date of this rule must complete the training required in WAC 388-151-180 (4)(f) prior to or within twelve months after the effective date of this rule.

(5) The program director or site coordinator shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and site coordinator shall leave a competent, designated staff person in charge.

(6) The director and site coordinator may also serve as child care staff when such role does not interfere with the director's or site coordinator's management and supervisory responsibilities.

(7) Center staffing. The licensee may employ a lead school-age child care staff person to be in charge of a child or a group of children. Lead school-age child care staff shall:

(a) Be eighteen years of age or older;

(b) Possesses a high school education or equivalent;

(c) Have school-age child development knowledge and experience; and

(d) Have the ability to implement the activity program.

(8) The licensee may employ a child care assistant, volunteer, or trainee. The assistant, volunteer, or trainee shall support staff. The school age child care assistant, volunteer, or trainee shall:

(a) Be sixteen years of age or older; and

(b) Care for the child only under direct supervision.

(9) The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant, eighteen years of age or older, may be assigned sole responsibility for a child or group of children for a brief period of time.

(10) The licensee may count the assistant, volunteer, or trainee in the staff-to-child ratio when that person meets staff requirements.

**AMENDATORY SECTION** (Amending Order 3493, filed 12/30/92, effective 1/30/93)

**WAC 388-151-190 Group size and staff-child ratios.**

(1) The licensee shall maintain, at minimum, a 1:15 staff-child ratio and a maximum group size of thirty or fewer children.

(2) The licensee shall conduct activities for each group in a specific classroom or other defined space within a larger area.

(3) The licensee shall ensure each group is under the supervision of a qualified staff person or team of staff.

(4) The department may approve reasonable variations to group size limitations if the licensee maintains required staff-to-child ratios, dependent on:

(a) Staff qualifications;

(b) Program structure; and

(c) Usable space.

(5) The licensee shall ensure staff keep each child within continuous visual or auditory range, except when the child uses the toilet.

(6) When only one staff person is present, the licensee shall ensure a second staff person is readily available in case of an emergency.

(7) The licensee shall ensure that each group of children is supervised by a staff person who has completed one of the following prior to or within the first six months of employment except as provided in subsection (8) of this section:

(a) Twenty clock hours or two college quarter credits of initial training. Training shall be approved by the Washington state training and registry system (STARS); or

(b) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education, child development, school-age care, elementary education, special education, or recreation; or

(c) An associate of arts (AA) or associate of applied science (AAS) or higher college degree in early childhood education, child development, school-age care, elementary education, special education, or recreation.

(8) Staff persons who are required to complete the training described in WAC 388-151-190(7) and who are already employed on the effective date of this rule must complete the training prior to or within twelve months after the effective date of this rule.

**AMENDATORY SECTION** (Amending Order 3493, filed 12/30/92, effective 1/30/93)

**WAC 388-151-200 Staff development, orientation, and training.** (1) The licensee shall have an orientation system making the employee, volunteer, and trainee aware of program policies and practices. The licensee shall provide staff an orientation including, but not limited to:

- (a) Licensing rules required under this chapter;
  - (b) Goals and philosophy of the center;
  - (c) Planned daily activities and routines;
  - (d) Age-appropriate child guidance and behavior management methods;
  - (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
  - (f) Special health and developmental needs of the individual child;
  - (g) Fire prevention and safety procedures; and
  - (h) Personnel policies.
- (2) The licensee shall provide or arrange regular training opportunities for the child care staff to:
- (a) Promote ongoing employee education;
  - (b) Enhance practice skills;
  - (c) Increase cultural awareness; and
  - (d) Accommodate special health and developmental needs of the individual child.
- (3) The licensee shall conduct periodic staff meetings for planning and coordination purposes.
- (4) The licensee shall ensure:
- (a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training is present at all times while the child is in care; and
  - (b) Staff's CPR training includes methods appropriate for school-age children in care.

(5) The licensee shall provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) The licensee shall ensure the person preparing full meals for the center has a valid food handler permit.

(7) The licensee shall ensure that the director, site coordinator and, where the program serves more than one group of children, at least one staff person for every group of children, complete ten clock hours or one college quarter credit of training annually, beginning one year after licensure or employment in a licensed child care facility approved by Washington state registry and training system (STARS). For those already employed or licensed on the effective date of this rule, the requirement for annual training shall begin one year after the effective date of the rule.

For the director and the site coordinator, five of the ten hours of training shall be in program management and administration.

**AMENDATORY SECTION** (Amending Order 3493, filed 12/30/92, effective 1/30/93)

**WAC 388-151-470 Personnel policies and records.**

(1) Each employee and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee or director by the date of hire:

(a) An application for employment on a department-prescribed form or its equivalent; and

(b) A criminal history and background inquiry form:

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check; and

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) Each employee serving as a program director, site coordinator, or staff person required to complete training under WAC 388-151-190(7) shall complete and submit to the licensee or director by the date of hire a Washington state training and registry system (STARS) profile form. The licensee shall submit this form to the Washington state training and registry system within seven calendar days of the employee's first day of employment, permitting tracking of the employee's compliance with training requirements.

(3) The licensee shall have written personnel policies describing staff benefits, if any, duties, qualifications, grievance procedures, pay dates, and nondiscrimination policies.

~~((3))~~ (4) The licensee shall maintain a personnel record keeping system, having on file for the licensee, staff person, and volunteer:

(a) An employment application including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of Mantoux method tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation on HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable; ~~(and)~~

(h) Documentation of current first aid and CPR training, when applicable; and

(i) Documentation of basic and annual training required under WAC 388-151-180 (2)(i) and (4)(f), 388-151-190(7) and 388-151-200(7).

**AMENDATORY SECTION** (Amending Order 3136, filed 2/1/91, effective 3/4/91)

**WAC 388-155-010 Definitions.** As used and defined under this chapter:

(1) "Assistant" means a child care giver or child care givers employed by the licensee to supervise a child served at the home.

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(2) "Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

(3) "Child" means a person seventeen years of age and under.

(4) "Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by a person under circumstances indicating the child's health, welfare, and safety is harmed.

(5) "Department" means the state department of social and health services.

(6) "Department of health" means the state department of health.

(7) "Family abode" means "a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation.

(8) "Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for twelve or fewer children, within a birth through eleven-years-of-age range exclusively, for periods less than twenty-four hours.

(9) "Family child day care home" means the same as "family child care home" and "a child day care facility, licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home."

(10) "Family residence" means the same as "family abode."

(11) "Home" means the same as "family child care home."

(12) "License" means a permit issued by the department authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licensure.

(13) "Licensee" means the person, organization, or legal entity responsible for operating the home.

(14) "Premises" means the buildings where the home is located and the adjoining grounds over which the licensee has control.

(15) "Provider" means the same as "licensee."

(16) "Under two years of age" means a child twenty-three months of age or younger.

(17) "The Washington state training and registry system (STARS)" means the entity approved by the department to determine the classes, courses, and workshops licensees and staff may take to satisfy training requirements.

**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 3136, filed 2/1/91, effective 3/4/91)

**WAC 388-155-180 Staffing—Qualifications.** (1) General qualifications. The licensee, assistant, volunteer, and other person associated with the operation of the home who has access to the child in care shall:

(a) Be of good character;

(b) Have the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and

(c) Not have committed or been convicted of child abuse or any crime involving physical harm to another person.

(2) The licensee shall:

(a) Be eighteen years of age or older;

(b) Be the primary child care provider; ~~((and))~~

(c) Ensure compliance with minimum licensing requirements under this chapter; and

(d) Have completed one of the following prior to or within the first six months of initial licensure except as provided in (e) of this subsection:

(i) Twenty clock hours or two college quarter credits of basic training approved by the Washington state training and registry system (STARS); or

(ii) Current child development associate (CDA) or equivalent credential or twelve or more college quarter credits in early childhood education or child development; or

(iii) Associate of arts or AAS or higher college degree in early childhood education, child development, school age care, elementary education or special education.

(e) Licensees already licensed on the effective date of this rule must complete the training required in WAC 388-150-180 (2)(d) prior to or within twelve months after the effective date of this rule.

(3) The assistant shall be:

(a) Fourteen years of age or older; or

(b) Eighteen years of age or older if assigned sole responsibility for the child in care; and

(c) Competent to exercise appropriate judgements.

**AMENDATORY SECTION** (Amending Order 3136, filed 2/1/91, effective 3/4/91)

**WAC 388-155-200 Development and training.** (1) The licensee shall have an orientation system making the new employee and volunteer aware of policies and practices. The licensee shall provide the new employee or volunteer an orientation including, but not limited to:

(a) Minimum licensing rules required under this chapter;

(b) Goals and philosophy of the home;

(c) Daily activities and routines;

(d) Child guidance and behavior management methods;

(e) Child abuse and neglect prevention, detection, and reporting policies and procedures;

(f) Special health and developmental needs of the individual child;

(g) The health care plan;

(h) Fire prevention and safety procedures; and

(i) Personnel policies, when applicable.

(2) The licensee shall:

(a) Obtain basic, standard first aid, and cardiopulmonary resuscitation (CPR) training, approved by the department of health. CPR training shall include methods appropriate for child age groups in care; ~~((and))~~

(b) Ensure that first aid and CPR training is current; and

(c) Annually, beginning one year after licensure, complete ten clock hours or one college quarter credit of training.

Training must be approved by the Washington state training and registry system (STARS). For those already licensed on the effective date of this rule, this requirement for annual training shall begin one year after the effective date of this rule.

(3) The licensee shall ensure the assistant eighteen years of age or older obtains basic, standard first aid, and CPR training approved by the department of health if the assistant will be solely responsible for the child in care.

(4) The licensee and assistant shall obtain appropriate education and training on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(5) The licensee shall encourage the assistant to participate in training opportunities to promote ongoing education and enhance practice skills.

(6) The licensee shall conduct periodic meetings for planning and coordination purposes when applicable.

AMENDATORY SECTION (Amending Order 3136, filed 2/1/91, effective 3/4/91)

**WAC 388-155-470 Personnel records.** (1) Each assistant and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee by the date of hire:

(a) An application for employment on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the assistant's or volunteer's first day of employment, permitting a criminal and background history check.

(ii) The department shall discuss the result of the criminal history and background inquiry information with the licensee, when applicable.

(2) The licensee, assistant, and volunteer shall have on file at the home:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of the tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation of HIV/AIDS education and training; ~~((and))~~

(e) Documentation of current first aid and CPR training, when applicable; and

(f) Documentation of basic and annual training required under WAC 388-155-180 (2)(d) and 388-155-200 (2)(c), when applicable.

## WSR 98-21-004

### WITHDRAWAL OF PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed October 8, 1998, 9:24 a.m.]

Please withdraw WAC 388-86-110 which was proposed for repeal under WSR 98-19-014 on September 4, 1998. It was included in the proposal in error.

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

## WSR 98-21-015

### PROPOSED RULES FOREST PRACTICES BOARD

[Filed October 12, 1998, 4:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-099.

Title of Rule: Amendments to forest practices rules, Title 222 WAC.

Purpose: Current forest practices rules are not providing adequate protection for salmon and other public resources. The Forest Practices Board and the Department of Natural Resources face many new resource protection challenges, the most significant of which are the current and proposed listings of salmonids under the federal Endangered Species Act (ESA) and water quality-limited waters under the federal Clean Water Act (CWA).

At its September 22, 1998, meeting the Forest Practices Board approved the following goals for this rule package:

1. To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species;
2. To restore and maintain riparian habitat on state and private forest lands to support a harvestable supply of fish;
3. To meet the requirements of the Clean Water Act for water quality on state and private forest lands; and
4. To keep the timber industry economically viable in Washington.

The Forest Practices Board is conducting rule making on a comprehensive package of new and revised rules. Timber, fish and wildlife (TFW) participants have been negotiating some of the issues covered by this proposal, but have not yet reached consensus. Should a consensus be reached during this rule making process, the proposal may be modified to include their recommendation as an alternative.

Statutory Authority for Adoption: Chapter 35.05 [34.05] RCW, RCW 76.09.040, [76.09.]050.

Statute Being Implemented: Chapter 76.09 RCW.

Summary: Modify forest practices rules (Title 222 WAC) to incorporate new public resource protection requirements. Categories of rules include riparian protection for fish-bearing and nonfish-bearing streams; water typing; wetlands; Class IV-Special; SEPA guidance; application procedures; roads; slope stability; forest chemicals; enforcement; monitoring; adaptive management; watershed analysis.

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Citation of existing rules amended by this order: WAC 222-08-035 Continuing review of forest practices rules, 222-12-045 Adaptive management, 222-12-090 Forest practices board manual, 222-16-010 General definitions, 222-16-030 Water typing system, 222-16-050 Classes of forest practices, 222-20-010 Applications and notifications—Policy, 222-20-020 Application time limits, 222-20-070 Emergency forest practices plan, 222-22-010 Policy-watershed analysis, 222-22-030 Qualification of analysts, 222-22-040 Watershed prioritization, 222-22-050 Level 1 watershed assessment, 222-22-060 Level 2 watershed assessment, 222-22-070 Prescription recommendation, 222-22-090 Use and review, 222-24-010 Policy-road construction, 222-24-020 Road location and design, 222-24-030 Road construction, 222-24-035 Landing location and construction, 222-24-040 Water crossing structures, 222-24-050 Road maintenance, 222-24-060 Rock quarries, etc., 222-30-010 Policy-timber harvesting, 222-30-020 Harvest unit planning and design, 222-30-070 Tractor and wheeled skidding systems, 222-38-020 Handling, storage, and aerial application of pesticides, 222-38-030 Handling, storage, and aerial application of fertilizers, 222-46-060 Civil penalties, and 222-46-065 Base penalty schedule.

New sections added: WAC 222-10-020 SEPA policies for certain forest practices within 200 feet of a Type S water, 222-10-030 Class IV-Special construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas or timber harvest on unstable landforms or slide prone areas SEPA policies, 222-12-044 Cooperative opportunities, 222-20-015 Multi-year permits, 222-22-035 Watershed screening, 222-22-065 Review of assessments, 222-22-075 Monitoring, 222-22-076 Restoration, and 222-46-055 Compensation for resource damages.

See rule text for sections marked \* indicating coadoption by the Department of Ecology.

Reasons Supporting Proposal: Modifications to rules are needed to better protect Washington's public resources. See Purpose above.

Name of Agency Personnel Responsible for Drafting: Judith Holter, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1412; Implementation and Enforcement: Howard Thronson, 1111 Washington Street S.E., Olympia, WA 98501-7012, (360) 902-1416.

Name of Proponent: Forest Practices Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule:

- Revises the water typing system used to identify fish-bearing and nonfish-bearing streams so that more adequate protection is provided for fish habitat.
- Provides a five-year forest practices permit for landowners who have completed watershed analysis or who have submitted an application for a road maintenance and abandonment plan that will take longer than two years to implement.
- Adds shorelines of the state to the Class IV-Special list and gives SEPA guidance for the applicant to follow.
- Expands the Class IV-Special SEPA trigger for unstable slopes, gives SEPA guidance, and adds twenty-four definitions related to unstable slopes.
- Revises riparian management zone requirements for eastern and western Washington, and includes options for possible buffer widths.
- Presents options for variable buffer widths for aerial application of pesticides and adds best management practices to the Forest Practices Board manual.
- Adds best management practices related to roads to the FPB manual; revises requirements for road location and design, relief drainage structures, water crossing structures, and road maintenance and abandonment.
- Makes watershed analysis a more public process; allows DNR to write the prescriptions if the prescription team does not reach consensus; requires a prescription monitoring plan.
- Enables DNR to develop a schedule of penalties for compensation of resource damages where there has been material damage to public resources; adds a base penalty of \$10,000 for operating without an approved forest practices permit.
- Expands adaptive management requirements by formally establishing the cooperative monitoring, evaluation, and research (CMER) committee of TFW and charging them with implementing adaptive management based on scientific findings; encourages cooperative opportunities for working with the board.

The anticipated effects for these rules include improved water quality and fish habitat, as well as better overall protection of public resources while maintaining a viable forest products industry.

Proposal Changes the Following Existing Rules:

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Adaptive Management	08-035, 12-044, 045		Expands adaptive management by spelling out CMER's reporting responsibilities and its relationship to the board. Adds a new section on cooperative opportunities.
FPB Manual	12-090		Adds guidelines for roads, aerial applications of pesticides, channel disturbance zones.
Definitions	16-010		Adds thirty-six definitions: Twenty-four for unstable slopes; others for roads, RMZ, pesticides.

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Water Typing	16-030	Types 1 through 5 waters	New water typing system provides three categories: S=shorelines; F=fish-habitat waters; N=nonfish-habitat waters; fish habitat is defined.
Class IV-Special & SEPA Guidance	16-050, 10-020, 10-030	9 categories listed for Class IV-Special designation	Adds certain fp operations w/in two hundred feet of a Type S water to the IV-special list; changes how roads and harvesting on unstable slopes are triggered - focuses on high and moderate hazard areas; new SEPA guidance sections written for shorelines and unstable slopes.
Applications: Multi-year Permits	20-015, 20-020, 20-010, 20-070	Permits are valid for two years	Five year permit option for landowners within a completed watershed analysis; multi-year permit provided for road maintenance and abandonment plans; Name of operator and notice to the department required to begin forest practices operations. Plan for emergency forest practices required with road maintenance plan.
Watershed Analysis	22-010 to 22-076	Process and requirements for watershed analysis are prescribed	New sections for watershed screening (WAC 222-22-035), review of assessments (WAC 222-22-065), monitoring (WAC 222-22-075) and restoration (WAC 222-22-076). Revisions include making watershed analysis a public process; authorizing the department to write prescriptions if the prescription team takes longer than the thirty days provided; adds a cross reference to multi-year permits.
Roads	24-010 to 24-060	Road plans required upon dept. request	Adds mandatory road maintenance and abandonment plan requirements; revises road design and water crossing sections; adapts road information to new water typing system; provides HPA requirements for nonfish-habitat waters; outcome-based standards clarified. No roads are allowed through bogs and wetlands policy in relation to roads is clarified: No net loss of wetland functions and mitigation sequence is given; BMPs to be written for FPB manual.
Riparian Management Zones	30-010, 30-020, 30-070	W. Wash: 25' to 100' E. Wash: 30'-300' +leave tree requirements	Revises riparian management zone requirements (RMZs) on fish-habitat waters: W. Wash: 100' no-harvest; SPTH 10-40 trees/acre; management w/in 100' alternate plan E. Wash: 100' no-harvest buffer/SPTH; management w/in 100' for fire, disease as altern. plan Revises RMZs on nonfish-habitat waters that are perennial: <u>Option 1</u> - 500' no harvest above fish-habitat type changes sensitive sites provisions 50% shade — stream length 30' equipment limitation zone everywhere else, including seasonal streams <u>Option 2</u> - 2/3 SPTH on perennial Ns 1/2 SPTH on seasonal Ns OR
Pesticides	38-020 38-030	50' buffers	Three buffer options provided for aerial application of pesticides: Two hundred fifty feet; fifty to three hundred twenty-five feet, fifty feet for Type N; technical details to be placed in FPB manual.

PROPOSED

Rule Category	WAC 222	Current Rules - No Change Alternative	Initial Draft Alternative - Summary of Additions and Revisions
Enforcement	46-055, 46-060, 46-065		Increases civil penalty for operating without permit; adds compensation requirement for resource damage assessment; eliminates one step of remission/mitigation for civil penalties.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

See Reviser's Note following.

A copy of the statement may be obtained by writing to Forest Practices Board Recording Secretary, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1730, e-mail forest.practicesboard@wadnr.gov.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Some of the sections proposed are significant legislative rules.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA, on May 19, 1999, at 3 p.m.

Assistance for Persons with Disabilities: Contact Forest Practices Board Secretary, (360) 902-1413, by May 1, 1999, TTY (360) 902-1125.

Submit Written Comments to: Judith Holter, Department of Natural Resources, Forest Practices Division, fax (360) 902-1784, by May 21, 1999.

Date of Intended Adoption: May 28, 1999.

October 6, 1998

Jennifer M. Belcher

Commissioner of Public Lands

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-23 issue of the Register.

**WSR 98-21-016**

**WITHDRAWAL OF PROPOSED RULES**

**HIGHER EDUCATION  
COORDINATING BOARD**

(By the Code Reviser's Office)

[Filed October 13, 1998, 8:00 a.m.]

WAC 250-61-060, proposed by the Higher Education Coordinating Board in WSR 98-08-001 appearing in issue 98-08 of the State Register, which was distributed on April 15, 1998, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 98-21-017**

**WITHDRAWAL OF PROPOSED RULES  
HIGHER EDUCATION  
COORDINATING BOARD**

(By the Code Reviser's Office)

[Filed October 13, 1998, 8:01 a.m.]

WAC 250-61-090, proposed by the Higher Education Coordinating Board in WSR 98-08-002 appearing in issue 98-08 of the State Register, which was distributed on April 15, 1998, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 98-21-018**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

(By the Code Reviser's Office)

[Filed October 13, 1998, 8:02 a.m.]

WAC 16-470-120, proposed by the Department of Agriculture in WSR 98-08-108 appearing in issue 98-08 of the State Register, which was distributed on April 15, 1998, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor  
Washington State Register

**WSR 98-21-025**

**PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed October 13, 1998, 3:02 p.m.]

Original Notice.

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

Title of Rule: WAC 388-450-0195 Utility allowances for food assistance programs.

Purpose: Update the utility deduction amounts used to calculate benefits for food assistance.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: 7 CFR 273.9 (d)(6).

Summary: Updates the standard utility allowances to \$211 and the limited utility allowance (LUA) to \$158. These

PROPOSED



allowances or deductions are used to calculate benefits for food assistance.

Reasons Supporting Proposal: 7 CFR 273.9 (d)(6).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Mailstop 45470, Olympia, WA 98504-5470, (360) 413-3073.

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

Rule is necessary because of federal law, 7 CFR 273.9 (d)(6).

Explanation of Rule, its Purpose, and Anticipated Effects: Federal regulations (at 7 CFR 273.9 (d)(6)) require an annual review of the amounts used for utility deductions which are part of the food assistance benefit calculation. Because the utility deduction amounts have declined slightly, there will be some households with fewer benefits.

Proposal Changes the Following Existing Rules: In WAC 388-450-0195, the amount for the standard utility allowance is now \$211; the amount for the limited utility allowance is now \$158.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses.

RCW 34.05.328 does not apply to this rule adoption. This rule does not meet the definition of a "significant legislative rule."

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on November 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by November 24, 1998.

Date of Intended Adoption: November 30, 1998.

October 13, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0195 Utility allowances for food assistance programs.** (1) ~~((The following utility allowances are used in calculating shelter costs:~~

~~(a) A standard utility allowance (SUA) for assistance units that incur any separate utility charges for heating or cooling costs;~~

~~(b) A limited utility allowance (LUA) for assistance units without heating or cooling costs, that incur utility charges other than telephone costs;~~

~~(c) A telephone utility allowance (TUA) for assistance units that incur any separate charges for phone service and not claiming the SUA or LUA.~~

~~(d) Actual utility costs if:~~

~~(i) Greater than the SUA or LUA; or~~

~~(ii) The assistance unit is not entitled to the SUA or LUA)) You can use the amounts in the chart below or use actual utility costs to calculate total shelter costs. Total shelter costs are used in calculating your food assistance benefits.~~

**If you have to pay:**

Separate heating or cooling costs

Separate utility costs, but no heating or cooling costs

Separate costs for phone service only

**Then, you can use the:**

Standard utility allowance (SUA) of \$211

Limited utility allowance (LUA) of \$158

Telephone utility allowance (TUA) of \$29

~~(2) ((As provided in federal law:~~

~~(a) The SUA up to two hundred twenty-three dollars;~~

~~(b) The LUA up to one hundred sixty-four dollars;~~

~~(c) The TUA up to twenty-nine dollars)) Use actual utility costs if greater than the SUA or LUA or if you are not eligible for the SUA or LUA.~~

**WSR 98-21-031**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed October 14, 1998, 8:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-014.

Title of Rule: City/county project coordination.

Purpose: Clarify responsibilities for maintenance of state routes in relation to city and county roadways.

Statutory Authority for Adoption: RCW 47.01.101.

Statute Being Implemented: Chapter 468-18 WAC.

Summary: Updated to reflect current Washington State Department of Transportation procedures and changes in federal regulations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis Ingham, TransAid, (360) 705-7371.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule assists local agencies to coordinate with Washington State Department of Transportation on maintenance guidance where the local agency roads intersect highways.

Proposal Changes the Following Existing Rules: Changes include deleting WAC 468-18-060 and 468-18-080 that contains guidance either absorbed by other Washington State Department of Transportation procedures or no longer needed because of changes in federal regulations.

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

RCW 34.05.328 does not apply to this rule adoption.

PROPOSED

Hearing Location: Commission Board Room, Transportation Building 1D2, Olympia, Washington 98504, on December 18, 1998, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by December 11, 1998.

Submit Written Comments to: Dennis Ingham, Department of Transportation, Olympia, Washington 98504-47390, fax (360) 705-6822, by December 11, 1998.

Date of Intended Adoption: December 18, 1998.

October 9, 1998

Gerald E. Smith

Deputy Secretary, Operations

### Chapter 468-18 WAC

#### ((STATE AID)) CITY/COUNTY PROJECT COORDINATION

AMENDATORY SECTION (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-18-040 Design standards for rearranged county roads, frontage roads, access roads, intersections, ramps and crossings.** Because of the wide variety of rearranged county roads, frontage or access roads, intersections, ramps and crossings encountered by the freeway construction and relocation of other state highways, further understandings are desirable as to the jurisdiction and the responsibility between the county and state.

~~((The policy on the construction, improvement and maintenance of intersections of state highways and county roads approved December 7, 1952 by the Washington association of county commissioners and January 14, 1953 by the Washington state highway commission has been the guide in determining the responsibility of these two agencies, and is hereby revised and updated to supersede the above stated policy.))~~

Following are the criteria, procedure and design standards that the state department of transportation shall use in the planning for frontage roads and access roads that counties will be requested to accept as county roads and the construction of rearranged county roads, intersections, ramps and crossings:

(1) At the early stages of planning, before the right of way maps are prepared, the state and county shall review the proposed improvement.

(2) The proposed design standards shall not be less than the current "Washington state county arterial design standards," except where an individual county shall have adopted a higher design standard, in which case the higher standard shall apply.

(3) The required right of way for the proposed improvement, which shall not be less than that called for by the current "Washington state county arterial design standards," shall be either deeded to the county or the county given an easement for rights of way purposes.

(4) The proposed construction shall include all the necessary traffic control and safety devices and be signed in accordance with the Manual on Uniform Traffic Control Devices

for Streets and Highways, as modified and adopted by the Washington state department of transportation, to protect the driving public.

(5) An agreement shall be negotiated between the state and county at this early stage of planning, before right of way maps are approved for each rearranged county road, frontage or access road, intersection or crossing, which shall cover the standards of construction, right of way, and outline the responsibility of each agency which shall conform to the following basic principles of maintenance responsibilities:

(a) Where an existing county road is crossed by a state highway underpass, the state will construct the underpass and necessary approaches and maintain the underpass.

The roadway to be provided for county traffic will be constructed by the state.

If illumination exists on the county road at the time of construction of the underpass, the state shall provide the necessary facilities for illuminating the county's portion of the road over the state highway and the necessary approach roadway.

If it is determined that illumination will be necessary at a later date and it will be necessary to place conduits in the structure, the state shall provide same.

The county will maintain the roadway providing for county traffic including traffic stripe, snow removal, sanding and illumination, if needed, for the county road.

(b) Where an existing county road is crossed by a state highway overpass, the state will construct the structure and necessary approach roadway and maintain the structure.

The county will maintain the entire roadway under the structure except special drainage, if needed.

The state shall provide the necessary facilities for illuminating the county's portion of the road under the structure and necessary approach roadway, unless otherwise agreed.

(c) When an existing county road is crossed at grade by a new state highway, the state will assume all costs for the construction including taper sections, acceleration and deceleration lanes and be responsible for all maintenance to the right of way line.

Stop signs after installation shall be maintained in accordance with the state statutes.

The construction and maintenance of illumination will be the responsibility of the state.

When a new county road intersects a state highway, the maintenance responsibilities will be the same as outlined above. The construction costs shall be the responsibility of the county.

(d) Whenever, because of increased traffic, heavy turning movements, accident frequency or other good cause, it becomes necessary to initiate a project for the improvement of an existing intersection not incidental to a construction project, the state and county will cooperate in the cost of the improvement in each case by mutual agreement in accordance with the following formula:

(i) Ascertain the number of legs of the intersection under the existing responsibility of each agency involved.

(ii) Ascertain the traffic volume on each leg.

(iii) Add the traffic counts on each agency's intersection legs.

(iv) The resulting percentage of the traffic volume total falling to each jurisdiction should be the relative proportion of the improvement's cost to be borne by each agency: *Provided*, That in no case shall the county's share of the total cost of the improvement exceed fifty percent of that cost.

The maintenance responsibilities will be the same as outlined above in subparagraph (c) of this subsection.

(e) When an interchange is constructed at an intersection of a state highway and county road, the ramps, structure and crossroad within the interchange area shall be maintained and reconstructed, if necessary, by the state. Illumination, if required, shall be constructed by the state and that portion located on state right of way maintained by the state or as otherwise agreed.

Traffic signals on state right of way, if required at ramp terminals, shall be constructed, operated and maintained by the state.

(f) Where it is necessary to relocate an existing county road, the state will construct the road and the county will maintain the road.

(g) If a county road or street is dead-ended, the state will construct a cul-de-sac to the county standards.

(h) When it is necessary for the state to construct service roads, landlock prevention roads or dead-end roads, which may be desirable in lieu of damages to property, the provisions of RCW 47.52.105 shall be the guide.

These roads shall be the state's responsibility unless by agreement in accordance with the procedures outlined in the policy statement, the county will accept these roads as county roads and if such an agreement is entered into, all dead-end roads shall have a cul-de-sac constructed to the county's standard.

(i) Upon completion of the construction of each rear-ranged county road, frontage road, access road, intersection or crossing for which an agreement has been entered into between the state and county, an inspection by the state and county road engineer shall be made to determine that all the requirements of the agreement have been fulfilled. Upon fulfillment of the agreement, the district engineer shall notify the county in writing and the county shall accept the road as a county road or assume the responsibilities as set forth in said agreement.

Within one year the state will turn over the right of way to the county for any construction accepted by the county as a county maintained road.

**AMENDATORY SECTION** (Amending DOT Order 10 and Comm. Order 1, Resolution No. 13, filed 12/20/78)

**WAC 468-18-050 Policy on the construction, improvement and maintenance of intersections of state highways and city streets.** (1) **Legal reference.** Section 61, chapter 220, Laws of 1949 provides in part as follows: "... and all such streets including curbs and gutters and street intersections and such bridges and wharves shall be constructed and maintained by the director from any state funds available therefor.

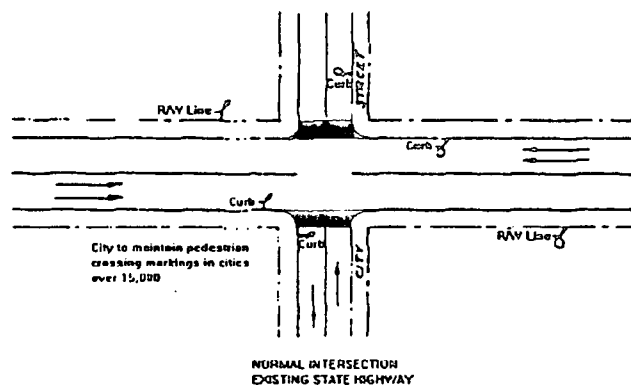
"The jurisdiction control and duty of the state and city and town with respect to said streets shall be as follows:

"(a) ...

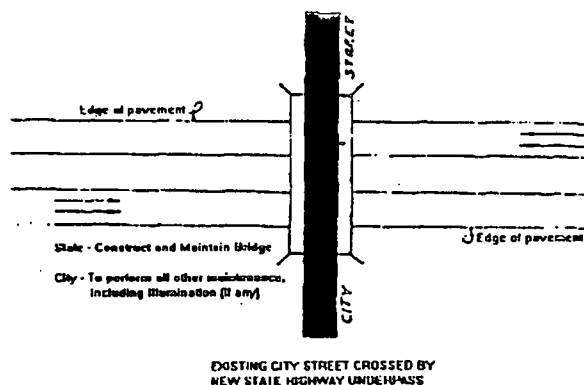
"(b) The city and town shall exercise full responsibility for and control over any such street beyond the curbs, and if no curb is installed beyond the portion used for highway purposes."

(2) **The problem.** The construction of partially and fully controlled limited access freeways or similarly designed state highways through cities and towns is becoming more frequent. The construction of cloverleaf and other types of interchanges makes it difficult to determine exactly which features of the interchange constitute the "street intersection" for which responsibility is established by law.

(3) **The policy.** After the access plan for any partial, or fully controlled limited access highway has been approved by a city or town, the state and city authorities shall negotiate an agreement establishing responsibility for construction and maintenance of the various features of each interchange. To illustrate the basic principles of these responsibilities and to serve as a guide in such negotiations, the attached sketches of typical intersections and interchanges are hereby made a part of this policy. The scope of this policy does not include the roadside areas enclosed in the loops or ramps of an interchange or the slopes of cuts and fills, responsibility for which is more clearly defined by statute.



State Maintenance Obligation Shown in Green = Figure 1



City Maintenance Obligation Shown in Red = Figure 2

PROPOSED

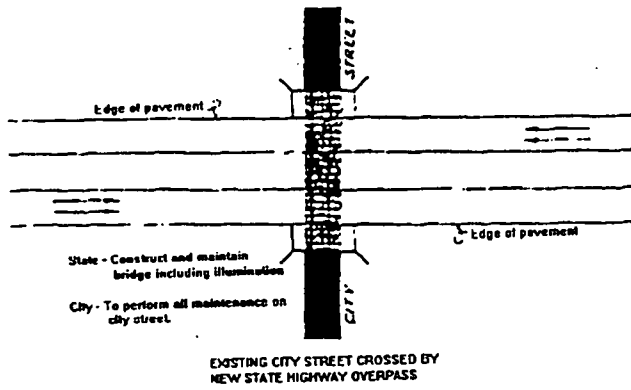


Figure 3

City Maintenance Obligation Shows in Red

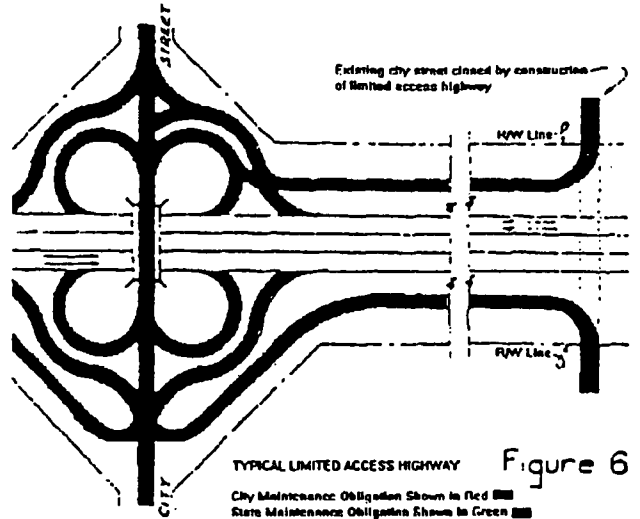


Figure 6

TYPICAL LIMITED ACCESS HIGHWAY

City Maintenance Obligation Shown in Red  
State Maintenance Obligation Shown in Green

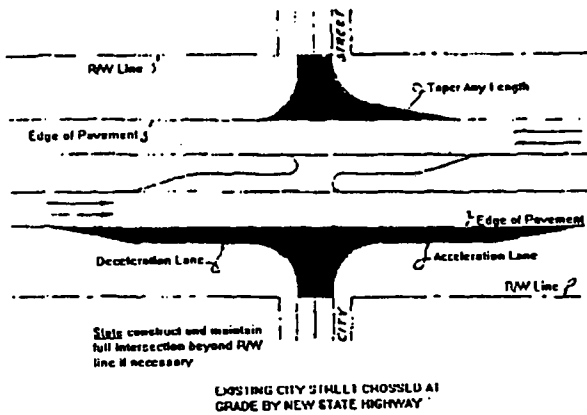


Figure 4

State Maintenance Obligation Shown in Green

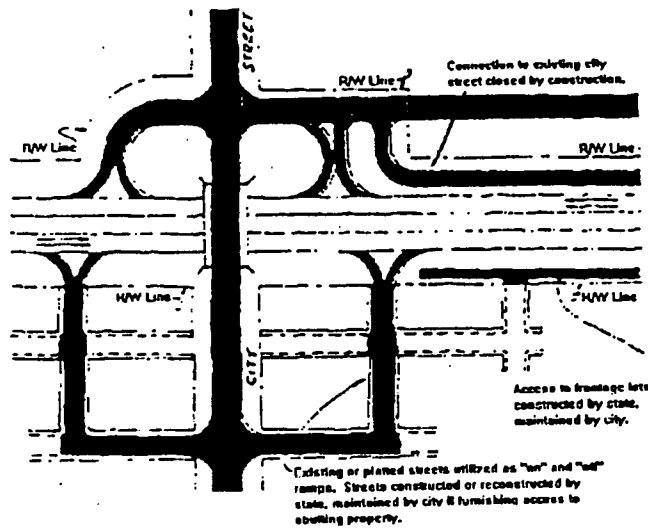


Figure 7

TYPICAL LIMITED ACCESS HIGHWAY UTILIZING CITY STREETS AS "ON" AND "OFF" RAMPS

City Maintenance Obligation shown in Red  
State Maintenance Obligation shown in Green

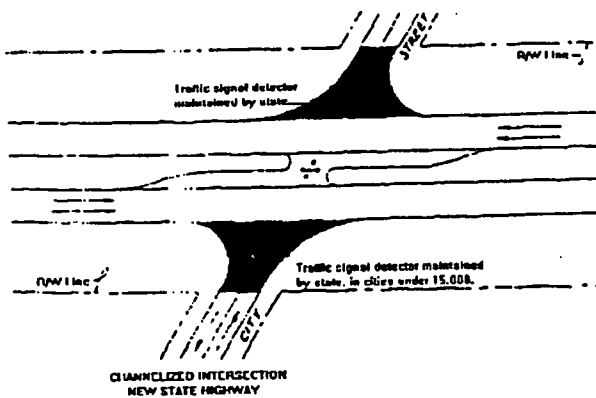


Figure 5

State Maintenance Obligation Shows in Green

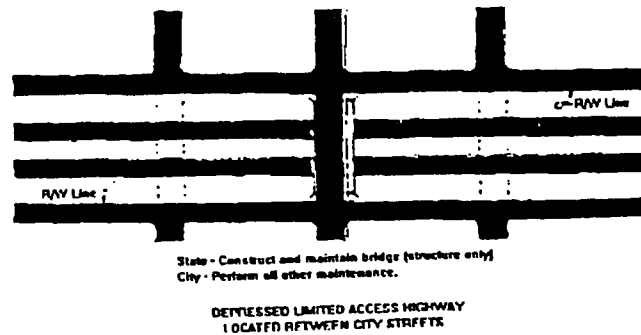


Figure 8

City Maintenance Obligation Shows in Red  
State Maintenance Obligation Shows in Green

PROPOSED

On April 30, 1997, the department of transportation and the Association of Washington Cities approved guidelines on the interpretation of selected topics of chapter 47.24 RCW and the above figures for the construction, operation and maintenance responsibilities of the department and cities for city streets that are part of state highways. These guidelines are general in nature and do not preclude the department and individual cities from entering into agreements to address particular circumstances.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 468-18-060 Secretary of transportation to proceed with hearings under the Federal Aid Highway Act of 1956.
- WAC 468-18-080 Policy governing the application of federal aid secondary funds.

**WSR 98-21-036  
PROPOSED RULES  
PUGET SOUND**

**AIR POLLUTION CONTROL AGENCY**

[Filed October 14, 1998, 10:16 a.m.]

Continuance of WSR 98-18-087.

Title of Rule: Amend: Regulation I, Section 9.16.

Purpose: Continue hearing from October 8, 1998, to November 12, 1998.

Hearing Location: PSAPCA Offices, 110 Union Street, #500, Seattle, WA 98101, on November 12, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, (206) 689-4010, by November 5, 1998, TDD (800) 833-6388, or (800) 833-6385 (Braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, fax (206) 343-7522, by November 2, 1998.

Date of Intended Adoption: November 12, 1998.

October 9, 1998

James Nolan  
Director - Compliance

**WSR 98-21-053  
PROPOSED RULES  
BOARD OF**

**PILOTAGE COMMISSIONERS**

[Filed October 19, 1998, 8:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-092.

Title of Rule: Limitations on new pilots.

Purpose: To modify familiarization/training trip requirements and license limitations for new pilots during their first five years. To define the term "tanker" for purposes of this section.

Other Identifying Information: WAC 363-116-082.

Statutory Authority for Adoption: RCW 88.16.105.

Statute Being Implemented: Chapter 88.16 RCW.

Summary: The proposed rule reflects adjustments in the five-year progression of license limitations and trip assignments relating to vessel gross tonnage and bridge and waterway transits.

Reasons Supporting Proposal: The size and type of vessels has changed. The Blair Bridge and the Chehalis River Railroad Bridge have been removed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 2911 2nd Avenue, Seattle, WA, (206) 515-3904.

Name of Proponent: Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is intended to set out a five-year progression of familiarization/training trips which, when completed, lift the corresponding license limitation on a new pilot's license.

Modifications to vessel gross tonnage, route, type and activity need to be addressed periodically so as to keep in step with industry changes.

Proposal Changes the Following Existing Rules: The rule as proposed defines the term "tanker" in order to more clearly describe a certain class of restricted vessels. Vessel tonnages are adjusted to more appropriately spread the five-year progression of license limitations and familiarization/training trip requirements in the Puget Sound pilotage district. The removal of the Blair Bridge in the Puget Sound pilotage district and the Chehalis River Railroad Bridge in the Grays Harbor pilotage district necessitated some house-keeping modifications.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not regulate private business. Therefore, the rule will have no economic impact on small business.

RCW 34.05.328 does not apply to this rule adoption.

Hearing Location: 2911 2nd Avenue, Level B Conference Room, Seattle, WA 98121, on December 10, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Peggy Larson by December 7, 1998, (206) 515-3904.

Submit Written Comments to: Mr. Larry Vognild, Chairman, fax (206) 515-3969, by December 3, 1998.

Date of Intended Adoption: At the meeting following the hearing, December 10, 1998.

October 19, 1998

Peggy Larson  
Administrator

PROPOSED

**AMENDATORY SECTION** (Amending WSR 97-08-042 [97-14-032], filed 3/28/97 [6/25/97], effective 3/28/97 [7/26/97])

**WAC 363-116-082 Limitations on new pilots.** (1) The following limitations shall apply to a newly licensed pilot during his/her first five years of active service. Except where otherwise noted, the pilotage assignment may include docking and undocking of vessels within the tonnage limitations. For purposes of this section, the term "tanker" shall in addition to tankers include any combination of tug and tank barge, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. All tonnages referred to are international tonnages.

(2) Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily complete the familiarization/training trips listed under the direct supervision of a five-year pilot. This veteran pilot shall complete and submit an evaluation form for each trip a new pilot performs. All of these trips must, if practical, be completed during the last ninety days of the license year.

(3) Puget Sound pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded petroleum tankers.

(ii) Not authorized to pilot any vessels in excess of 25,000 gt or 660' in length. ~~((or))~~

(iii) Not authorized to pilot any passenger vessels in excess of 5,000 gt.

(b) Second year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 25,000 gt.

(ii) Not authorized to pilot any vessels in excess of 30,000 gt.

(c) Third year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 32,000 gt.

(ii) Not authorized to pilot any vessels in excess of 45,000 gt.

(d) Fourth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of ~~((32,000))~~ 38,000 gt.

(ii) Not authorized to pilot any vessels in excess of 60,000 gt.

(e) Fifth year:

(i) Not authorized to pilot loaded petroleum tankers in excess of 45,000 gt.

(ii) Not authorized to pilot any vessels in excess of 75,000 gt.

(4) Puget Sound pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the **FIRST** license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers of not more than ~~((25,000))~~ 30,000 gt; and the third trip shall involve a ~~((bridge and))~~ waterway transit of a vessel between 25,000 and 35,000 gt.

(b) Prior to the expiration of the **SECOND** license year, a new pilot must make three familiarization/training trips, two of which shall involve docking loaded petroleum tankers of

between 25,000 and 32,000 gt; and the third trip shall involve the ~~((anchoring))~~ docking of a vessel between 30,000 and 45,000 gt other than a loaded petroleum tanker.

(c) Prior to the expiration of the **THIRD** license year, a new pilot must make ~~((two))~~ three familiarization/training trips, one of which shall involve docking a loaded petroleum tanker of between 32,000 and 38,000 gt; and two trips shall involve the docking of vessels between 45,000 and ~~((55,000))~~ 60,000 gt other than loaded petroleum tankers.

(d) Prior to the expiration of the **FOURTH** license year, a new pilot must make three familiarization/training trips, one of which shall involve docking a loaded petroleum tanker((s)) of between ~~((32,000))~~ 38,000 and 45,000 gt; and two trips shall involve the docking of vessels between 60,000 and 75,000 gt other than loaded petroleum tankers.

(e) Prior to the expiration of the **FIFTH** license year, a new pilot must make three familiarization/training trips which shall involve two trips docking and one trip anchoring loaded petroleum tankers of 55,000 gt or larger.

(f) All of these trips must be complete trips between one port and another port, or between the pilot station and a port.

(5) Grays Harbor pilotage district - License limitations.

(a) First year:

(i) Not authorized to pilot loaded tankers ~~((or barges))~~ carrying chemical or petroleum products.

(ii) Not authorized to pilot any vessels in excess of 17,500 gt.

(iii) Not authorized to pilot loaded or partially loaded vessels through the Chehalis River bridge((s)).

(b) Second year:

(i) Not authorized to pilot loaded tankers ~~((or barges))~~ carrying chemical or petroleum products in excess of 10,000 gt.

(ii) Not authorized to pilot any vessels in excess of 20,000 gt.

(c) Third year: Not authorized to pilot any vessels in excess of 22,500 gt.

(d) Fourth Year: Not authorized to pilot any vessels in excess of 25,000 gt.

(e) Fifth year: Not authorized to pilot any vessels in excess of 30,000 gt.

(6) Grays Harbor pilotage district - Familiarization/training trips.

(a) Prior to the expiration of the **FIRST** license year, a new pilot must make ten familiarization/training trips. Eight of these trips shall be through the Chehalis River bridge((s)) on loaded or partially loaded vessels. The other trips may be elsewhere on the waterway but shall be on vessels in excess of 17,500 gt.

(b) Prior to the expiration of the **SECOND** license year, a new pilot must make three familiarization/training trips on vessels in excess of 20,000 gt. Two of these trips shall involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(c) Prior to the expiration of the **THIRD** license year, a new pilot must make three familiarization/training trips on vessels in excess of 25,000 gt to or from the sea buoy. Two of these trips shall involve docking these vessels.

(d) Prior to the expiration of the **FOURTH** license year, a new pilot must make three familiarization/training trips on

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vessels in excess of 27,500 gt or on the nearest larger size vessels available. Two of these trips shall involve docking these vessels; and one of these trips shall involve turning the vessel in the waterway.

(e) Prior to the expiration of the FIFTH license year, a new pilot must make three familiarization/training trips on vessels in excess of 32,500 gt or on the nearest larger size vessels available.

(7) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he shall notify the board and request a revised schedule of limitations.

(8) No pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(9) All limitations on a new pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required familiarization/training requirements and the vessel simulator courses required.

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

**WSR 98-21-054  
PROPOSED RULES  
SPOKANE COUNTY  
AIR POLLUTION CONTROL AUTHORITY**

[Filed October 19, 1998, 8:16 a.m.]

Supplemental Notice to WSR [98-16-058].

Exempt from preproposal statement of inquiry under RCW 70.94.141(1).

Title of Rule: Resolution #98-16 amending the no-burn area boundary for Spokane County in accordance with SCAPCA Regulation I, Section 6.01.

Purpose: To limit emissions from residential yard and garden waste burning.

Statutory Authority for Adoption: RCW 70.94.141, 70.94.380(2) and SCAPCA Regulation I, Section 6.01.D.1.

Statute Being Implemented: RCW 70.94.743 and SCAPCA Regulation I, Section 6.01.

Summary: The resolution defines the no-burn area within Spokane County and bans residential yard and garden waste burning within this area which includes the Urban Growth Area of Spokane and Carbon Monoxide nonattainment areas.

Reasons Supporting Proposal: Residential yard and garden waste burning produces carbon monoxide, particulate emissions and other toxics. A reduction in burning will improve air quality and protect public health. The no-burn area must be modified to comply with RCW 70.94.743.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mabel Caine, 1101 West College, #403, Spokane, WA 99201, (509) 477-4727.

Name of Proponent: Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The resolution establishes boundaries for the no-burn area within Spokane County. The purpose is to:

- Reduce open burning to the greatest extent practical, consistent with the policy of the state of Washington,
- Encourage the development and use of alternative disposal methods,
- Graphically limit open burning in order to assure continued attainment of the national ambient air quality standards for carbon monoxide and fine particulate matter, and
- Graphically limit open burning in urban growth areas to meet the requirements of RCW 70.94.743.

Proposal Changes the Following Existing Rules: The proposal redefines the no-burn area as follows: See Attachment A below.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The Spokane County Air Pollution Control Authority is not required under chapter 19.85 RCW to file small business economic impact statements.

RCW 34.05.328 does not apply to this rule adoption. This is a local agency resolution and RCW 34.05.328 has not been made voluntarily applicable.

Hearing Location: Spokane County Public Works Building, 1206 West Broadway, Hearing Room Lower Level, Spokane, WA 99201, on December 3, 1998, at 8:30 a.m.

Submit Written Comments to: Mabel Caine, Spokane County Air Pollution Control Authority, 1101 West College, Suite #403, Spokane, WA 99201, fax (509) 477-6828, by October [November] 19, 1998.

Date of Intended Adoption: December 3, 1998.

October 19, 1998

Mabel Caine

Compliance Administrator

**ATTACHMENT A  
SPOKANE COUNTY NO-BURN BOUNDARY**

Beginning at a point on the E R/W of Hayford Road and the S R/W of State Road 2 which is located in S30 T25N R42E the No-Burn Area boundary proceeds northerly along the W section line of S19 T25N R42E to the N section line of S19 T25N R42E.

Thence E along the N section line of S19, 20, 21 T25N R42E and proceed E along Greenwood Road to the intersection of Greenwood Road and Grove Road.

Thence S ~ 1/4 mile on Grove Road to the intersection of Grove Road and Greenwood Road.

Thence easterly on Greenwood Road to the intersection of Greenwood Road and Rimrock Road.

Thence northerly on Rimrock Road to Houston Road.

Thence along the S R/W of Houston Road to the intersection of Houston Road and Government Way.

Thence easterly along the Spokane City Limits to the E section line of S10 T25N R42E.

Thence N along the E section line of S10 T25N R42E the E bank of the Spokane River.

Thence in a generally northwesterly direction along the E bank of the Spokane River to the S section line of S6 T26N R42E.

Thence in an easterly direction along the S and E R/W of Rutter Parkway and the E R/W of Waikiki Road to the S corner of S1 T26N R42E.

Thence E and N along the southerly and easterly boundaries of S1 T26N R42E to its NE corner.

Thence E along the S section line of S31 T27N R43E to the W R/W of State Highway 395.

Thence northerly along the W R/W of State Road 395 to the half section line of S19 T27N R43E.

Thence E along the half section line of S19, 20, 21 and 22 to the W R/W of State Road 2.

Thence S along the W R/W of State Road 2 to the S section line of S27 T27N R43E, Day-Mt. Spokane Road.

Thence E along the S R/W of Day-Mt. Spokane Road to the W R/W of Bruce Road.

Thence S along the W R/W of Bruce Road to the S R/W of Mt. Spokane Park Drive.

Thence W along the S R/W of Mt. Spokane Park Drive and the S section line of S36 to the half section line of S35 T27N R43E.

Thence south along the half section line of S2 and 11 T26N R43E to the south R/W of Stoneman Road.

Thence westerly along the S R/W of Stoneman Road to the W R/W of Fairview Road.

Thence southerly and southwesterly along the W R/W of Fairview Road to the N R/W of Regal Road.

Thence easterly and southerly along the N and E R/W of Regal Street and Freya Street to the NE R/W of the Power Transmission lines.

Thence S and E along the NE R/W of the Power Transmission line to the half section line of S26 T26N R43E.

Thence S along the half section line of S26 T26N R43E to the S section line of S26 T26N R43E.

Thence E along the S section line of S26 and 25 T26N R43E, S30, 29, 28, 27 and 26 T26N R44E.

Thence S along the W section line of S36 T26N R43E to the E/W half section line of S36 T26 R44E.

Thence E to the E section line of S36 T26N R44E.

Thence S along the E section line of S36 T26N R44E to Flora Road.

Thence S along the W R/W of Flora Road to the N R/W of State Road 290.

Thence easterly along the N R/W of State Road 290 to the Washington/Idaho state line and proceed S along the Washington/Idaho state line to the S bank of the Spokane River.

Thence generally SW along the S bank of the Spokane River to the E section line of S2 T25N R45E.

Thence S along the E section line of S2, 11, 14 T25N R45E.

Thence W along the S section line of S14 T25N R45E to Lakeside Road.

Thence S along Lakeside Road and Idaho Road to the quarterly section line in the SE quarter, S25 T25N R45E.

Thence approximately 2 1/4 miles in a westerly direction to the half section line of S27 T25N R45E.

Thence northerly along the half section line of S27 and S22 of T25N R45E to the half section line of S22 T25N R45E.

Thence westerly along the half section line of S22, 21 T25N R45E to the intersection of 8th Avenue and Henry Road.

Thence S along Henry Road 1/4 mile to the quarter section line.

Thence W along the quarter section line of S20 T25N R45E to Barker Road.

Thence S along the E R/W of Barker Road to the S R/W of 32nd Avenue.

Thence westerly along the southern R/W of 32nd to Chapman Road and proceed S along the E R/W of Chapman Road to the E/W half section line of S1 T24N R44E.

Thence W along the half section line of S1, 2 and 3 T24N R44E to State Road 27.

Thence S along Highway 27 to the S boundary of S3 T24N R44E.

Thence W along the S boundary of S3, 4, 5 T24N R44E.

Thence N along the W section line of S5 T24N R44E to the NW corner of S5 T24N R44E.

Thence W along the S section line of S31 T25N R44E, S36 and 35 T25N R43E to the E R/W of Glenrose Road.

Thence S and W along the E and S R/W of Glenrose Road to the half section line of S2 T24N R43E.

Thence southerly along the half section line of S2 T24N R43E to the S line of that section.

Thence westerly along the S line of S2 T24N R43E to the W line of S2 T24N R43E.

Thence southerly along the E line of S10 T24N R43E to the half section line of that section.

Thence westerly along the half section line of S10, 9, 8, and 7 to the E R/W of Cedar Road.

Thence N along the E R/W of Cedar Road a distance of approximately 0.3 miles to the Spokane City Limits.

Thence W along the Spokane City Limits for a distance of approximately 0.35 miles.

Thence N continuing along the Spokane City Limits to the S section line of S1 T24N R42E.

Thence W along the S section line of S1, 2, 3, 4 T24N R42E to the intersection of Spotted Road and Hallet Road.

Thence S on Spotted Road to Melville Road and continuing westerly on Melville Road to Hayford Road.

Thence N on Hayford Road to the S section line of S12 T24N R41E.

Thence W along the S section line of S12 T24N R41E to the W section line of S12 T24N R41E.

Thence N along the W section line of S12, 1 T24N R41E.

Thence E along the N section line of S1 T24N R41E to the W section line of S36 T25N R41E.

Thence N along the W section line of S36 T25N R41E to McFarlane Road.



Thence E along McFarlane Road to Hayford Road.

Thence N along Hayford Road to the S R/W of State Road 2, which is also the point of beginning.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the Spokane County Air Pollution Control Authority and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 98-21-055**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
[Filed October 19, 1998, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-088.

**Title of Rule:** Oyster diseases and pests: Permits required for transfer of aquaculture products and/or equipment.

**Purpose:** To help prevent the spread of the European green crab from Grays Harbor and Willapa Bay to other marine waters of Washington.

**Statutory Authority for Adoption:** RCW 75.08.080.

**Statute Being Implemented:** RCW 75.08.080.

**Summary:** Shellfish growers will be restricted from moving their products (not market ready) and equipment from Willapa Bay and Grays Harbor without a permit from the director in order to help prevent the spread of the shellfish pest, the European green crab, from those known locations to other marine waters of the state.

**Reasons Supporting Proposal:** The European green crab is known to be a predator on cultured and native shellfish and has significant environmental risk associated with its impacts to local ecologies.

**Name of Agency Personnel Responsible for Drafting:** Morris Barker, 1111 Washington Street, Olympia, WA, (360) 902-2826; **Implementation:** Bruce Crawford, 1111 Washington Street, Olympia, WA, (360) 902-2325; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

**Name of Proponent:** Washington 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:** WAC 220-72-076, this amended rule will require that shellfish growers obtain a permit from the director before transfer of cultured shellfish products and/or aquaculture equipment from Willapa Bay or Grays Harbor in order to reduce the likelihood of introducing the shellfish pest, the European green crab, into other Washington marine waters. The permit would provide for inspections and shellfish culture protocols that would minimize risk of green crab introductions. This requirement will reduce the risk of green crab introduction into waters where it does not currently exist.

**Proposal Changes the Following Existing Rules:** See below.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

**1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:** No reporting or recordkeeping required other than having a written permit from the director in possession or affixed when transporting shellfish aquaculture products or shellfish aquaculture equipment from Grays Harbor or Willapa Bay.

**2. Kinds of Professional Services that a Small Business is Likely to Need in Order to Comply with Such Requirements:** None.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** There is no fee for the permit and the permit is issued if the proposed transfer meets the criteria for minimizing risk of green crab introduction into other Washington waters.

Other additional costs may be incurred by small business to reduce risk of transporting contaminated product. These costs are related to organization of product and equipment disinfection, decontamination and storage procedures. These costs are unquantifiable and will vary from business to business depending on their current level of compliance as required by the on-going emergency order.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** No, compliance will ensure that current business can continue without unduly jeopardizing similar businesses in other Washington waters.

**5. Cost of Compliance for the Ten Percent of Businesses that are the Largest Businesses Required to Comply with the Proposed Rules Using one or more of the Following as a Basis for Comparing Costs:** a. Costs per employee; b. cost per hour of labor; or c. cost per one hundred dollars of sales. Not applicable.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for not Doing so:** The agency has worked with the shellfish industry to understand their needs and reduce the risks of green crab importation into other areas affected by the shellfish grower industry. The industry has expressed specific concerns regarding the risk of the invasion of the European green crab into other areas of Washington shellfish culture operations and this proposal is the department response to that industry desire.

**7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule:** The Washington Department of Fish and Wildlife representatives met with the Shellfish Import Advisory Committee (industry, academics and managers), as well as key aquaculture representatives to discuss the issue before the first live green crab was even seen this summer. The industry supported implementing restrictions if any live green crabs were found. This and other regulations have also been discussed at green crab workshops, and in the Pacific Coast Oyster Grower Association newsletter. In addition there will be a public workshop in front of the Fish and Wildlife Commission scheduled for November 13-14 in Olympia. A public hearing will also be

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held by the Fish and Wildlife Commission in December of 1998 where additional testimony will be taken.

**8. A List of Industries that will be Required to Comply with the Rule:** The shellfish aquaculture industry located in Grays Harbor and Willapa Bay is the only portion of this industry that will be required to comply with this rule.

A copy of the statement may be obtained by writing to Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944.

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

Hearing Location: DoubleTree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, on December 4-5, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 16, 1998, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA, fax (360) 902-2940, by December 3, 1998.

Date of Intended Adoption: December 5, 1998.

October 19, 1998

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 97-56, filed 4/2/97, effective 5/3/97)

**WAC 220-72-076 Unlawful acts—Permit required.**

(1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish from a restricted area into an unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) oyster drills, or drill-infested or marine organisms harmful to shellfish. Areas found to have aquatic diseases or pests (including the oyster drill *Ceratostoma inornatum*) will be immediately considered restricted by the department of fish and wildlife. The department will immediately notify property owners of the restricted status.

(2) It is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from the waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point

true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).

**WSR 98-21-059**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed October 20, 1998, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-16-010.

Title of Rule: Vehicle licenses.

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

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

Statutory Authority for Adoption: RCW 46.01.110, 46.16.070, 46.16.135.

Summary: Repealing WAC 308-96A-150 Farm vehicles; amending WAC 308-96A-201 Purchasing gross weight—Expiration dates, 308-96A-205 Gross weight—Increasing declared gross weight, 308-96A-206 Gross weight—Decreasing declared gross weight, 308-96A-207 Gross weight—Changing from a farm use class to a nonfarm use class, 308-96A-208 Gross weight—Changing from a nonfarm use class to a farm use class, 308-96A-210 Gross weight—Transfer of gross weight license to a new owner and 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle; and new sections WAC 308-96A-202 Power units towing trailers with permanent registration and 308-96A-203 Permanent trailer registration.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718; Implementation and Enforcement: Eric Andersen, 1125 Washington Street S.E., Olympia, 902-4045.

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

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

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

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

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

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on November 24, 1998, at 2:30.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by November 23, 1998, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831 by November 23, 1998.

Date of Intended Adoption: December 19, 1998.

October 19, 1998

Nancy S. Kelly, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

~~WAC 308-96A-201 Purchasing ((a)) gross weight ((license))—Expiration dates. (1) ((When purchasing a gross weight license with a declared gross weight of twelve thousand pounds or less, the gross weight license expiration must be the same as the registration expiration. Gross weight fees must be paid for the same number of months as the registration.~~

~~(2) When purchasing a gross weight license with a declared gross weight of fourteen thousand pounds or more, it is the owner's option to purchase from one to twelve consecutive months of gross weight license at the time of registration of the vehicle. When renewing the registration, the gross weight license must be purchased for the first month the new registration is effective. The expiration date of any monthly gross weight license shall be the same day of the month as the registration expiration date.~~

~~(3) When a vehicle registration expires the 31st of a month, the monthly gross weight license expires the 31st. The monthly gross weight license will expire on the last calendar day of those months having fewer than thirty-one days.~~

~~(4) When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees shall be charged for a full month.)~~ What would the gross weight expiration date be if I purchase twelve thousand pounds or less?

The gross weight license expiration must be the same as the registration expiration. Gross weight fees must be paid for the same number of months as the registration.

(2) What would the gross weight expiration date be if I purchase fourteen thousand pounds or more?

You, the owner, have two options:

(a) If you choose to purchase twelve months gross weight, the expiration date of the gross weight is the same as the expiration date of the vehicle registration; or

(b) If you choose to purchase one to eleven consecutive months, the expiration date of the gross weight is the same day of the month as the expiration date of the vehicle registration. For example: If the vehicle registration expires March 9, monthly gross weight licenses will expire April 9, May 9,

etc. Monthly gross weight may not be purchased beyond the vehicle registration expiration date.

(3) When renewing the registration, and purchasing monthly gross weight, what is the effective date of my gross weight license?

The effective date of the gross weight license must be the first month the new registration is effective. Example: If the vehicle expiration is March 9, and the vehicle registration is purchased prior to April 9, the effective date is March 9. If the registration is purchased June 15, the effective date is June 9, etc. When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees shall be charged for a full month.

(4) If the vehicle registration expiration date is the thirty-first day of the month, what is the expiration date of the gross weight for those months having fewer than thirty-one days?

If the vehicle registration date is the thirty-first, the monthly gross weight will expire on the last calendar day of those months having fewer than thirty-one days.

#### NEW SECTION

**WAC 308-96A-202 Power units towing trailers with permanent registrations. (1) What determines if I pay the higher gross weight fees and additional excise tax on my power unit?**

If the declared gross weight of the power unit exceeds forty thousands pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees and excise tax.

**(2) How do I change to a CMB or FCB use class during the registration year?**

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) Pay the additional excise tax for the remaining months of the registration year;

(b) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

(c) Immediately attach the combination decals between the lower boltholes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

**(3) What if I change to a CMB or FCB use class at renewal time?**

If you change use class at renewal time, you will pay the additional excise tax and gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

**(4) What if I change from CMB or FCB to COM or FAR?**

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If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. If you change use class during the registration year, you would forfeit the higher amount of excise tax paid. Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

**(5) If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?**

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

**(6) If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?**

No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650.

NEW SECTION

**WAC 308-96A-203 Permanent trailer registrations.**

**(1) Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?**

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

**(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?**

The power unit must have a combination (CMB) or farm combination (FCB) use class.

**(3) How does the power unit qualify for the CMB or FCB use class?**

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a higher excise tax rate and higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

**(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?**

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually. And your trailer plate will have a permanent trailer validation tab assigned to it.

**(5) Are there any restrictions on the use of the trailer with permanent plates?**

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

**(6) How long is the permanent registration valid?**

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

**(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?**

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of

application to the expiration date shown on the vehicle record. A partial month requires a full month's fees.

**(8) What type of plates do I display on a trailer with a permanent registration?**

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

**(9) How is the expiration date established for a permanent trailer registration?**

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

**(10) Do I need to get a new plate when I get a permanent trailer registration?**

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

**(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and the new owner does not wish to license the trailer, may a title purpose only title be issued?**

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

- (a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or
- (b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

**(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?**

No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650.

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

**WAC 308-96A-205 Gross weight—Increasing declared gross weight.** (1) ~~((A vehicle owner may increase the declared gross weight on a currently registered truck, tractor, or truck tractor. When increasing declared gross weight from twelve thousand pounds or less, the expiration date of the gross weight license will be the same as the registration expiration date.~~

~~(2) When increasing declared gross weight from fourteen thousand pounds or more, the expiration date of such increase shall be the same as the expiration date of the current gross weight license. When increasing declared gross weight,~~

the gross weight license may be purchased to, but not exceed, the registration expiration date.

(3) When increasing gross weight, the owner has the option of making the effective date of the increase the day of application or the first day of any gross weight license month already purchased. Gross weight fees for the increased declared gross weight are charged from the first day of the gross weight license month that the increase is effective through the increased gross weight license expiration date.

(4) In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(5) Credit will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the increased gross weight license and the expiration date of the previous gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.) **May I increase the declared gross weight on my vehicle if the current declared gross weight is insufficient?**

Yes, you may, by applying at any Washington vehicle licensing office.

**(2) What would the gross weight expiration date be when I increase the declared gross weight of my vehicle?**

(a) If the current declared gross weight is twelve thousand pounds or less, the increased gross weight expiration date will be the same as your vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

**(3) What will be the start date of the new gross weight license?**

The new gross weight license start date is the first day of the current registration month, as described in WAC 308-96A-201 (2)(b), or any subsequent registration month of the current gross weight license period.

**(4) Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

**(5) How many months gross weight fees will I be charged when I increase the declared gross weight on my vehicle?**

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight amount and use class. Credit will be given as provided in subsection (4) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

**AMENDATORY SECTION** (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

**WAC 308-96A-206 Gross weight—Decreasing declared gross weight.** (1) ~~(A vehicle owner may decrease the declared gross weight on a currently registered truck, tractor, or truck tractor. When decreasing the declared gross weight, the expiration date of such decrease shall be the same as the expiration date of the current gross weight license. When decreasing the declared gross weight, the gross weight license may be purchased to, but not exceed, the registration expiration date.~~

(2) ~~When decreasing declared gross weight to twelve thousand pounds or less, the decreased gross weight license must be purchased to expire the same date as the registration. If the owner applies for the decrease in declared gross weight on the first day of a gross weight license month, the owner has the option of making the effective date of the decrease the day of application or the first day of any gross weight license month already purchased. When decreasing declared gross weight, on other than the first day of a gross weight license month, the owner may not make the effective date the current registration month, however the owner does have the option of making the effective date the first day of any subsequent gross weight license month already purchased. Gross weight fees are charged at the decreased declared gross weight rate for the number of full months from the first day of the gross weight license month that the decrease is effective through the decreased gross weight license expiration date.~~

(3) ~~In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.~~

(4) ~~Credit will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the decreased gross weight license and the expiration date of the previous gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month. At the time of application for declared gross weight, any excess credit accrued as a result of such decrease may be applied toward the payment of gross weight fees for the gross weight license months between the decreased gross weight license expiration date and the registration expiration date. Credit may not be carried over to the~~

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next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited.) **May I decrease the declared gross weight on my vehicle?**

Yes, you may, by applying at any Washington vehicle licensing office.

**(2) When is the best time to decrease the declared gross weight on my vehicle?**

Unless you have been advised by law enforcement to decrease the declared gross weight on your vehicle, the best time is at the time you are purchasing gross weight. Decreasing the declared gross weight results in a forfeiture of gross weight fees paid, unless you purchase additional months within the same registration year.

**(3) What would the gross weight expiration date be when I decrease the declared gross weight of my vehicle?**

(a) If the declared gross weight is twelve thousand pounds or less, the gross weight expiration date will be the same as your vehicle registration expiration date; or

(b) If the declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

**(4) What will be the start date of the new gross weight license?**

The start date will depend upon the date of application. If the application is made on the first day of a gross weight license month, the owner has the option of making the start date the day of application, or the first day of any gross weight license month already purchased. If the application is made other than on the first day of the gross weight license month, the owner has the option of making the effective date the first day of any gross weight license month already purchased. The start date may not be prior to the date of application.

**(5) Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change and the expiration date of the previously issued gross weight license. At the time of application, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the previous gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after decreasing gross weight to the registration expiration date shall be forfeited. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

**(6) How many months gross weight fees will I be charged when I decrease the declared gross weight of my vehicle?**

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

**AMENDATORY SECTION** (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

**WAC 308-96A-207 Gross weight—Changing from a farm use class to (~~commercial~~) a nonfarm use class.** (1) ~~((A vehicle owner may change the use class of a vehicle from farm to commercial on a currently registered truck, tractor, or truck tractor. When changing from farm to commercial use class on a vehicle with a declared gross weight of twelve thousand pounds or less, the expiration date of the new commercial use class will be the same as the current registration expiration date. When changing from farm to commercial use class on a vehicle with a declared gross weight of fourteen thousand pounds or more, the expiration date of such change shall be the same as the expiration date of the previously issued gross weight license. When changing the use class from farm to commercial, the gross weight license may be purchased to, but not exceed, the registration expiration date.~~

(2) ~~When changing from farm to commercial use class on a vehicle with a declared gross weight of fourteen thousand pounds or more, the owner has the option of making the effective date of the change the day of application or the first day of any gross weight license month already purchased. Commercial gross weight fees are charged from the first day of the gross weight license month that the change of use class is effective through the commercial use class gross weight license expiration date.~~

(3) ~~In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.~~

(4) ~~Credit will be allowed for the number of months and at the farm rate for gross weight license fees already paid for the period between the effective date of the change in use class and the expiration date of the previous farm gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.)~~ **When would I need to change my vehicle registration from a farm use class to a nonfarm use class?**

You need to change your vehicle registration from a farm to nonfarm use class when the vehicle is no longer being used solely for farm purposes as defined in RCW 46.16.090.

**(2) What would the gross weight expiration date be when I change my vehicle registration from a farm use class to a nonfarm use class?**

(a) If the declared gross weight is twelve thousand pounds or less, the gross weight expiration date will be the same as your vehicle registration expiration date; or

(b) If the declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

**(3) What will be the start date of the gross weight license with the nonfarm use class?**

The new gross weight license start date is the first day of the current registration month, as described in WAC 308-96A-201 (2)(b), or any subsequent registration month of the current gross weight license period.

**(4) Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

**(5) How many months gross weight fees will I be charged when I change my vehicle registration from farm to nonfarm?**

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight amount and use class. Credit will be given as provided in subsection (4) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

**AMENDATORY SECTION** (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

**WAC 308-96A-208 Gross weight—Changing from ((commercial)) a nonfarm use class to a farm use class.** (1) ((A vehicle owner may change the use class of a vehicle from commercial to farm on a currently registered truck, tractor, or truck tractor. When changing use class from commercial to farm on a vehicle with a declared gross weight of twelve thousand pounds or less, the expiration date of the farm gross weight license will be the same as the current registration expiration date. When changing use class from commercial to farm on a vehicle with a declared gross weight of fourteen thousand pounds or more, the expiration date of such change shall be the same as the previously issued gross weight license. When changing use class from commercial to farm, the gross weight license may be purchased to, but not exceed, the registration expiration date.

(2) If the vehicle owner applies for a change in use class on the first day of a gross weight license month, the owner has the option of making the effective date of the change the day of application or the first day of any gross weight license month already purchased. When changing use class from commercial to farm on other than the first day of a gross

weight license month, the owner may not make the effective date the current registration month, however, the owner does have the option of making the effective date the first day of any subsequent gross weight license month already purchased. Gross weight license fees are charged at the farm rate for the number of full months from the first day of the gross weight license month that the farm use class is effective through the commercial gross weight license expiration date.

(3) In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(4) Credit will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month. At the time of application for change of use class from commercial to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the commercial gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited.) **When may I change my vehicle registration from a nonfarm use class to a farm use class?**

You may change your vehicle registration from a nonfarm to farm use class when the vehicle is being used solely for farm purposes as defined in RCW 46.16.090.

**(2) When is the best time to change my vehicle registration from a nonfarm use class to a farm use class?**

The best time to change your vehicle registration from a nonfarm to a farm use class is at the time you are purchasing gross weight, because changing from nonfarm to farm results in a forfeiture of gross weight fees paid, unless you are increasing your declared gross weight enough to make up the difference between the nonfarm and the farm gross weight fees.

**(3) What would the gross weight expiration date be when I change my vehicle registration from a nonfarm use class to a farm use class?**

(a) If the declared gross weight is twelve thousand pounds or less, the gross weight expiration date will be the same as your vehicle registration expiration date; or

(b) If the declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

**(4) What will be the effective date of the gross weight license with the farm use class?**

The effective date will depend upon the date of application. If the application for a change in use class is made on

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the first day of a gross weight license month, the owner has the option of making the effective date of the change the day of application, or the first day of any gross weight license month already purchased. If the application for change in use class is made other than on the first day of the gross weight license month, the owner has the option of making the effective date the first day of any gross weight license month already purchased. The effective date may not be prior to the date of application.

**(5) Will I receive credit for gross weight fees that I have already paid?**

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. At the time of application for change of use class from commercial to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the commercial gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

**(6) How many months gross weight fees will I be charged when I change my vehicle registration from non-farm to farm?**

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of new declared gross weight amount and use class. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

**AMENDATORY SECTION** (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

**WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner.** (1) ((A gross weight license of twelve thousand pounds or less must be transferred to a new owner at the time of title transfer of the vehicle. A gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of title transfer of the vehicle.

(2) Any gross weight credit not transferred to a new owner or to a replacement vehicle shall be forfeited and shall not be refunded.

(3) When transferring a gross weight license to a new owner, gross weight fees are charged from the first day of the registration month in which the application is made to the expiration date of the current gross weight license. The appli-

cant may purchase gross weight license by the month, up to but not exceeding, the registration expiration date.

(4) To receive credit for gross weight license fees of fourteen thousand pounds or more, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the owner of record sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(5) Credit of \$15.00 or more will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the application date and the expiration date of the previously issued gross weight license. If the credit amount is less than \$15.00, no credit may be allowed. Credit may not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.) **Is a gross weight license transferable to a new owner at the time of transfer of ownership?**

Yes. A gross weight license of twelve thousand pounds or less must be transferred to a new owner at the time of transfer of ownership of the vehicle. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

**(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?**

Any gross weight credit not transferred to the new owner or to a replacement vehicle shall be forfeited and shall not be refunded.

**(3) What will be the start date of the gross weight license when transferred to the new owner?**

(a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or

(b) The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the 17th, then the effective date of the new gross weight license is the 24th of the current registration month.

**(4) What would the new gross weight expiration date be?**

(a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date will be the same as the vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

**(5) How many months gross weight fees will I be charged when I apply for transfer of ownership?**



You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

**(6) Will I receive credit for gross weight fees that have already been paid?**

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

AMENDATORY SECTION (Amending WSR 92-02-100, filed 1/2/92, effective 2/2/92)

**WAC 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle.** (1) ~~((The gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle if the amount of credit is fifteen dollars or more.~~

~~(2) In order to qualify as a replacement, a vehicle must be:~~

~~(a) A presently unlicensed vehicle belonging to the owner; or~~

~~(b) A vehicle purchased for replacement which has either not been previously licensed for the current registration year or has had its gross weight license retained by its former owner.~~

~~(3) A person may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle has been:~~

~~(a) Sold and the gross weight credit amount of fifteen dollars or more is retained;~~

~~(b) Destroyed;~~

~~(c) Reclassified so a gross weight license is no longer required;~~

~~(d) Registered in another jurisdiction;~~

~~(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or~~

~~(f) Stolen.~~

~~(4) To receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and has not been transferred to another vehicle.~~

~~(5) When transferring a gross weight license, a credit of fifteen dollars or more will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the application date and the expiration date of the previous gross weight license. Credit is allowed only at the time the gross weight license is transferred to a replacement vehicle. Any excess credit shall be forfeited and shall not be refunded. Credit may not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.)~~ **May I transfer a gross weight license to a replacement vehicle?**

Yes, the gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle if the amount of credit is fifteen dollars or more.

**(2) What qualifies as a replacement vehicle?**

A replacement vehicle must be:

(a) A presently unlicensed vehicle belonging to the same owner; or

(b) A vehicle purchased for replacement which has either not been previously licensed for the current registration year or has had its gross weight license retained by its former owner.

**(3) When may I transfer gross weight license to a replacement vehicle?**

A person may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle has been:

(a) Sold and the gross weight credit amount of fifteen dollars or more is retained;

(b) Destroyed;

(c) Reclassified so a gross weight license is no longer required;

(d) Registered in another jurisdiction;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or

(f) Stolen.

**(4) What will be the start date of the gross weight license when transferred to the replacement vehicle?**

(a) If the replacement vehicle is currently registered, the gross weight license start date will be the first day of the registration month in which the application for certificate of ownership is made.

(b) If the replacement vehicle is not currently registered, the gross weight license start date will be the day of application.

(c) If the replacement vehicle has been titled to the applicant for more than twelve months and the vehicle registration has been expired for less than one registration year, the gross weight license start date will be the same as described in (a) of this subsection.

**(5) What would the new gross weight expiration date be?**

(a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date will be the same as the vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to

purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.

**(6) How many months gross weight fees will I be charged when I apply for transfer of ownership?**

You will be charged for the number of months and at the rate of the declared gross weight being purchased for the period between the start date and the expiration date of the new gross weight license.

**(7) Will I receive credit for gross weight fees that have already been paid?**

Yes, if the credit amount is fifteen dollars or more, you will receive dollar value credit for the number of full months from the date of application for the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the applicant that the gross weight license has not been, or will not be, transferred with the vehicle to the new owner or to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135. At the time of application, any excess credit accrued, as a result of such change, may be applied toward the payment of gross weight license fees for the gross weight license months between the previous gross weight license expiration date and the registration expiration date. Any credit still remaining after applying credit for gross weight to the replacement vehicle shall be forfeited. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-96A-150 Farm vehicles.

**WSR 98-21-060**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

[Filed October 20, 1998, 9:28 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-14-082.

Title of Rule: Public disclosure of vessel names and addresses.

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

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

Statutory Authority for Adoption: RCW 88.02.070, 88.02.100.

Summary: Amending WAC 308-93-087 Disclosure of names and addresses of individual owners, 308-93-088 Disclosure of violations, penalties and 380-93-660 Destruction of records by department; and repealing WAC 308-93-670 Disclosure of individual vessel owner names and addresses.

Reasons Supporting Proposal: Meet criteria supporting Governor Locke's Executive Order 97-02.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Patrick J. Zlateff, 1125 Washington Street S.E., Olympia, 902-3718.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of these rules is to identify who may receive owner names and addresses. The anticipated effects will be a clarification of the above mentioned requirements.

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

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

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

Hearing Location: Highways-Licenses Building, Conference Room 303, 1125 Washington Street S.E., Olympia, WA 98507, on November 24, 1998, at 10:00.

Assistance for Persons with Disabilities: Contact Patrick J. Zlateff by November 23, 1998, TDD (360) 664-8885, or (360) 902-3718.

Submit Written Comments to: Patrick J. Zlateff, Rules Coordinator, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, fax (360) 664-0831, by November 23, 1998.

Date of Intended Adoption: December 19, 1998.

October 19, 1998

Nancy S. Kelly, Administrator  
Title and Registration Services

**AMENDATORY SECTION** (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

**WAC 308-93-087 Disclosure of names and addresses of individual vessel owners.** (1) ~~((Notwithstanding the provisions of chapter 42.17 RCW, the name and/or address of an individual vessel owner shall not be released by the department, county auditor, or other public agency except under the following circumstances:~~

~~(a) The requesting party is a business entity that requests the information for use in the course of business;~~

~~(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party, and specifies the purpose for which the information will be used; and~~

(c) ~~The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.~~

(2) ~~The disclosing entity shall retain the request for disclosure for three years.~~

(3) ~~Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vessel owner, to whom the information applies, that the request has been granted. The notice shall also contain the name and address of the requesting party.~~

(4) ~~Any person who is furnished vessel owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.~~

(5) ~~This section shall not apply to requests for information by government entities or requests that may be granted under any other provision of this chapter expressly authorizing the disclosure of the name or address of vessel owners.))~~  
**Who may receive disclosure of individual vessel owner names and addresses?**

(a) Any business entity that uses the name and address information in the course of business in accordance with these rules; or

(b) A vessel owner for their own vessel.

**(2) What documentation is needed to receive vessel owner names and addresses?**

Each entity shall submit the following to the department:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Verification of the applicant's identity as a business; and

(c) If an attorney, a copy of his or her bar card; or

(d) If a private investigator, a copy of his or her private investigator's license.

**(3) What is acceptable verification?**

For purposes of this section acceptable verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal employer identification number on its official letterhead with a notarized signature of the owner or an authorized representative; or

(c) If an out-of-state business not licensed in Washing-

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number on its official letterhead with a notarized signature of the owner or an authorized representative.

**(4) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?**

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

**(5) When may an individual be provided vessel owner name and address information?**

(a) When the owner of record is requesting the information; or

(b) When the requestor presents a bill of sale and needs the ownership information to obtain a release of interest.

**(6) Who may release the vessel owner name and address information?**

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (5)(b) of this section.

**(7) When may the department disclose the names and addresses of vessel owners?**

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in the course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

**(8) What does the term "unsolicited business contact" mean?**

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

**(9) Is the department required to notify the vessel owner when ownership information is disclosed?**

When the department grants a request from an attorney or private investigator, for information under this section, the department shall provide notice to the vessel owner that the request has been granted. The notice shall also contain the name and address of the requesting party.

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**(10) How long will the department retain the request for disclosure of vessel owner information?**

The department will retain the request for disclosure for three years.

**(11) Who is responsible for assuring that the information is used appropriately?**

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

**(12) Who is exempt from the provisions of this section?**

This section shall not apply to requests for information by government entities or requests that may be granted under any other provision of this chapter expressly authorizing the disclosure of the name or address of vessel owners.

**AMENDATORY SECTION** (Amending WSR 96-03-046, filed 1/11/96, effective 2/11/96)

**WAC 308-93-088 Disclosure violations, penalties.** (1) ~~((The department may review the activities of a person who receives vessel record information to ensure compliance with the limitations imposed on the use of the information. The department shall suspend or revoke for up to five years the privilege of obtaining vessel record information of a person found to be in violation of chapter 42.17 RCW, this chapter, or a disclosure agreement executed with the department.~~

(2) In addition to the penalty in subsection (1) of this section:

(a) ~~The unauthorized disclosure of information from a department vessel record; or~~

(b) ~~The use of a false representation to obtain information from the department's vessel records; or~~

(c) ~~The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or~~

(d) ~~The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement, is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or by both such fine and imprisonment for each violation.)) **What are considered violations of chapter 42.17 RCW, this chapter or a disclosure agreement with the department?**~~

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

**(2) What are the penalties associated with these violations?**

The department shall suspend or revoke for up to five years the privilege of obtaining vessel record information.

**AMENDATORY SECTION** (Amending WSR 90-08-018, filed 3/28/90, effective 4/28/90)

**WAC 308-93-660 Destruction of records by ~~((director))~~ department. How long shall the department retain vessel application documentation?** The ~~((director, at her/his discretion,))~~ department may destroy applications for vessel registrations, copies of vessel registrations issued, certificates of title and registration and other documents, records, supporting papers on file in the department which have been microfilmed or photographed or are more than five years old. If the applications for vessel registrations are renewal applications, the director may destroy such applications when the computer record has been updated.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-93-670	Disclosure of individual vessel owner names and addresses.
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**WSR 98-21-062****PROPOSED RULES****OFFICE OF THE  
STATE TREASURER**

[Filed October 20, 1998, 11:09 a.m.]

Original Notice.

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

Title of Rule: Chapter 210-01 WAC, Local government investment pool (LGIP).

Purpose: To revise the procedures to be followed by participants in the LGIP when making a deposit or a withdrawal and to correct a typographical error.

Statutory Authority for Adoption: RCW 43.250.090.

Statute Being Implemented: Chapter 43.250 RCW.

Summary: Amendment of rules to conform to contemporary practices and to correct a typographical error.

Reasons Supporting Proposal: Makes rules consistent with modern practices and corrects a typographical error.

Name of Agency Personnel Responsible for Drafting: Cristin E. Wilson, P.O. Box 40200, (360) 902-9010; Implementation and Enforcement: Douglas D. Extine, P.O. Box 40200, (360) 902-9012.

Name of Proponent: Washington State Treasurer, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules govern the operation of the local government investment pool (LGIP). The rules specify who can participate in this public funds investment account and sets forth the reporting requirements and operational procedures. The rules give direction to LGIP members and allows the state treasurer to maintain the viability and success of the LGIP's investment program.

Proposal Changes the Following Existing Rules: The changes harmonize the existing rules with adopted operating practices which extend the cutoff time for making same-day deposits and withdrawals.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule does not regulate or have an economic impact on any small business. The rule impacts only participants of the LGIP.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not elect to have section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: Office of the State Treasurer, 416 14th Avenue S.W., Second Floor, Room 240, Olympia, WA 98504, on November 25, 1998, at 1 p.m.

Assistance for Persons with Disabilities: Contact Cristin Wilson by November 18, 1998, TDD (360) 902-8963, or (360) 902-9010.

Submit Written Comments to: Fax (360) 902-9044, by November 18, 1998.

Date of Intended Adoption: November 26, 1998.

October 12, 1998

Douglas D. Extine  
Deputy Treasurer

AMENDATORY SECTION (Amending WSR 96-18-029, filed 8/28/96, effective 9/28/96)

**WAC 210-01-020 Definitions.** Unless the context requires otherwise:

(1) "Local government investment pool" or "pool" means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) "Pool participant" means any county, city, town, municipal corporation, political subdivision, community and technical college district, the state board for community and technical colleges, or other entities in this state as may be designated by statute.

(3) "Local government official" means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision.

(4) "Financial officer" means the board-appointed treasurer of a community or technical college district or the state board for community and technical colleges.

(5) "Funds" means public funds under the control of or in the custody of any local government official or local funds, as defined by the ~~((official))~~ office of financial management publication "Policies, Regulations and Procedures," under

the control of or in the custody of a financial officer by virtue of the official's or financial officer's authority that are not immediately required to meet current demands.

(6) "Financial institution" means a ~~((qualified))~~ public depository as defined in RCW 39.58.010.

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-080 Deposit procedures.** A pool participant, to receive same day credit, must inform the ~~((state treasurer's office of a deposit by 9:00 a.m. of the day the deposit is to be made))~~ office of the state treasurer of any deposit over one million dollars no later than 9 a.m. on the same day the deposit is made. Deposits for one million dollars or less can be requested at any time prior to 10 a.m. on the day of deposit. All deposits will be made by electronic funds transfer to an account designated by the state treasurer. It is the responsibility of each pool participant to pay any bank charges associated with such electronic transfers to the office of the state treasurer. Failure to wire funds by a pool participant (after notification to the state treasurer of an intended transfer) will result in a bank overdraft in the state treasurer's bank account. Bank penalties for overdrafts will be assessed to those pool participants responsible for the overdraft.

AMENDATORY SECTION (Amending Resolution No. 639, filed 6/19/86)

**WAC 210-01-090 Withdrawal procedures.** A pool participant, in order to withdraw funds from the pool, must notify the ~~((state treasurer by 9:00 a.m. of the day on which the withdrawal will take place))~~ office of state treasurer of any withdrawal over one million dollars no later than 9 a.m. on the same day the withdrawal is made. Withdrawals for one million dollars or less can be requested at any time prior to 10 a.m. on the day of withdrawal. Each local government entity participating in the pool shall file with the state treasurer a letter designating the financial institution at which funds withdrawn from the pool shall be deposited. This letter shall contain the name of the financial institution, location of the financial institution, account number to which funds will be deposited and account name. This letter shall be signed by local officials authorized to receive and disburse funds, as described in WAC 210-01-030. Disbursements from the pool will be by electronic funds transfer. Failure of the state treasurer to wire funds to a pool participant (after proper notification to the state treasurer to disburse funds to a pool participant) may result in a bank overdraft in the pool participant's bank account. The state treasurer will reimburse pool participants for such bank overdraft penalties charged to the pool participant's bank account.

PROPOSED

**WSR 98-21-064  
PROPOSED RULES  
DEPARTMENT OF  
RETIREMENT SYSTEMS**

[Filed October 20, 1998, 1:43 p.m.]

Original Notice.

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

Title of Rule: Assessment of interest charges on overdue receivables.

Purpose: To amend the department's rules implementing RCW 41.50.120 Payment of moneys due department by employers—Interest and RCW 41.50.125 Interest on contributions—Department may charge.

Other Identifying Information: The current title of chapter 415-114 WAC is "Assessment of interest charges on employers' payments."

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.50.120, 41.50.125.

Summary: The proposed rules amend the department's policy on interest to include all receivables. RCW 41.50.125 requires the department to charge interest on overdue receivables when its systems are capable of doing so.

Reasons Supporting Proposal: The department is implementing a new receivables management computer system which makes it possible to fully implement the referenced statutes.

Name of Agency Personnel Responsible for Drafting: Elyette Weinstein, 1025 East Union Avenue, Olympia, WA 98504-8380, (360) 709-4747; Implementation and Enforcement: Jenice Thompson, 404 Legion, Olympia, WA 98405 [98504], (360) 753-5246.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule expands the types of receivables subject to interest when payment is overdue. All types of overdue receivables, except those excluded by law or contract, will be subject to interest charges. The proposed rule defines terms, simplifies how interest will be charged, identifies the basis for interest rates, and sets a time frame for reporting and correcting interest errors. The proposed rule is revised for clarity, and outdated sections are repealed.

The purpose of the proposed rule is to clarify policy changes associated with the implementation of the receivables management system. The anticipated effects of the rules include:

- Better compensation to retirement trust funds for investment revenue lost when receivables are not paid in a timely manner.
- Interest penalties on overdue receivables.

Proposal Changes the Following Existing Rules: The proposal changes the following WACs:

WAC 415-114-100 is expanded to include all types of receivables.

WAC 415-114-200 adds definitions for receivable, overdue receivable, employer receivable, member receivable, and administrative receivable, and deletes former definitions for employers and obligations.

WAC 415-114-300 is repealed because the definition has been moved to WAC 415-114-200.

WAC 415-114-400 simplifies the definition of how interest will be charged, clarifies the basis on which interest will be charged, and deletes the minimum charge for interest.

WAC 415-114-500 and 415-114-550 are repealed because the conditions addressed by these sections no longer exist.

WAC 415-114-600 is repealed because it is added to WAC 415-114-400 to improve readability of the WAC. As part of WAC 415-114-400 it is expanded to cover all receivables.

WAC 415-114-700 is expanded to cover all receivables, and establishes a time frame of ninety days for claims of erroneous interest to be submitted to the department.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rules apply to public employers and employees participating in the retirement systems administered by the Department of Retirement Systems. No private business is affected by the rules, therefore, no small business impact statement is required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Retirement Systems is not one of the agencies that RCW 34.05.328 applies to. The Department of Retirement Systems does not opt to voluntarily bring itself within the coverage of that statute.

Hearing Location: Boardroom, 2nd Floor, 1025 East Union Avenue, Olympia, WA 98504-8380, on November 24, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Shirley Corbett by November 24, 1998, TDD (360) 586-5450, or (360) 709-5331.

Submit Written Comments to: Elyette Weinstein, P.O. Box 48380, Olympia, WA 98504-8380, fax (360) 753-3166, by November 23, 1998.

Date of Intended Adoption: December 1, 1998.

October 20, 1998  
Elyette M. Weinstein  
Rules Coordinator

**Chapter 415-114 WAC**

**ASSESSMENT OF INTEREST CHARGES ON  
((EMPLOYERS')) OVERDUE ((PAYMENTS))  
RECEIVABLES**

AMENDATORY SECTION (Amending WSR 91-19-062, filed 9/16/91, effective 10/17/91)

**WAC 415-114-100 Purpose.** These rules relate to the implementation of RCW 41.50.120 and 41.50.125 which provide((s)) the department of retirement systems the authority to assess interest ((charges)) on ((employers' overdue payments of obligations)) the overdue unpaid balance of a receivable owed to the department. These rules are intended

PROPOSED

to encourage ~~((employers to pay obligations))~~ payment in a timely manner.

**AMENDATORY SECTION** (Amending WSR 91-19-062, filed 9/16/91, effective 10/17/91)

**WAC 415-114-200 Definitions.** As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Department" - refers to the department of retirement systems established pursuant to chapter 41.50 RCW as now existing or hereafter amended;

(2) ~~("Employers" - refers to all employers within the retirement systems administered by the department as defined in RCW 41.50.030;~~

(3) ~~"Obligations owed to the department" - include, but are not limited to, employer and employee contributions;~~

(4) "Receivable" - an amount owed to DRS, where there is a legal obligation to pay DRS and DRS has a legal obligation to collect the amount owed. That includes, but is not limited to, amounts owed to trust funds administered by the department of retirement systems;

(3) ~~"Close of business day" - refers to 5:00 p.m. of a business day;~~

(4) "Overdue receivable" - a receivable with an unpaid balance at the close of business three business days after the due date;

(5) "Employer receivable" - a receivable which is owed by any one of the employers within the retirement systems and programs administered by the department as defined in RCW 41.50.030;

(6) "Member receivable" - a receivable which is owed by any one of the current or previous members of the retirement systems and programs administered by the department as defined in RCW 41.50.030, or is owed by a member's beneficiary, legal owner payee, or other agent in conjunction with the member's account;

(7) "Administrative receivable" - any receivable owed the department which is not considered an employer receivable or a member receivable.

**AMENDATORY SECTION** (Amending WSR 91-19-062, filed 9/16/91, effective 10/17/91)

**WAC 415-114-400 Assessment of interest charge.** ~~((1) When a payment is overdue, interest will be charged in the following manner:~~

~~A 1% simple interest charge will be assessed against the employer's balance due on account multiplied by the number of the days past due divided by 30.40 (annual average number of days in a month). The balance due on the account is the total of the obligations owed to the department, less payments received. The interest obligation shall not be compounded.~~

~~(2) Interest charges of less than five dollars will not be billed.~~

~~(3) Interest charges will be based upon the employer's monthly contribution report as received by the department. If the employer's contributions have not been received in a timely manner as stated in WAC 415-114-300, interest charges will be based on an average of contribution reports processed from the prior six months. Such interest charges~~

~~will then be adjusted when the late contribution report is received and processed.~~

~~(4) Interest will be charged for overdue obligations owed to the department for reports and current obligations which are due on or before June 15, 1991. Current obligations are all obligations except debit balance forwards as defined in WAC 415-114-550.) The first calendar day that the receivable is overdue, interest will be charged, based on the due date.~~

A 1% per month simple interest charge will be assessed against an employer's overdue balance. Interest charges for other receivables will be determined by the director of the department of retirement systems. For member receivables, interest will be based on the long-term investment return assumption adopted under RCW 41.45.030. These rates approximate interest lost to trust funds if the receivable had been paid in a timely manner.

Assessed interest will appear on the monthly accounts receivable statement issued by the department.

**AMENDATORY SECTION** (Amending WSR 91-19-062, filed 9/16/91, effective 10/17/91)

**WAC 415-114-700 Erroneous charges of interest.** If the department erroneously charges interest ~~((against an employer)),~~ the department will credit the ~~((employer's))~~ account ~~((an))~~ by the amount equal to the erroneous interest that was charged. ((Employers who believe that they have been erroneously charged interest must submit to the department written proof prior to the department making a determination regarding the cancellation of the interest charge.)) Those who believe they have been charged interest in error must submit written justification of their claim within ninety days of the interest charge.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-114-300	What is considered an overdue payment of an obligation owed to the department.
WAC 415-114-500	Assessment of interest charge on accrued obligations.
WAC 415-114-550	Assessment of interest charge on debit balance forward.
WAC 415-114-600	Billing of interest charges.

**WSR 98-21-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 20, 1998, 4:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-082.

Title of Rule: Chapter 296-62 WAC, General occupational health standards.

Subject of This Rule Making: Emergency washing facilities.

Purpose: Chapter 296-62 WAC, General occupational health standards, emergency washing facilities.

Currently WISHA compliance and consultation officers rely on WAC 296-62-130, WRD 12.35, WRD 91-13A, and ANSI Z358.1-1990 to verify compliance with emergency washing facility requirements. WAC 296-62-130 does not contain the policies outlined in the WISHA regional directives nor those in the ANSI Z358.1-1990, but it does exceed the OSHA standard. OSHA consistently provides the ANSI as their reference for details on emergency eyewash and shower equipment even though it is not referred to in their standard. The department proposes to amend the current rule and to explicitly incorporate some ANSI requirements in order to eliminate this compliance requirement confusion and provide more specific information to the employer. ANSI Z358.1-1998 is also referenced for additional information. This action will replace WISHA Regional Directive 12.35 and WISHA Regional Directive 91-13A.

WAC 296-62-130 Emergency washing facilities. State-initiated proposed amendments are made:

- To delete definition numbering as required by the code reviser's office.
- To modify the definition of emergency washing facilities by adding the word "hand-held drench hoses."
- To delete definitions for "emergency shower," "eye/face wash," "eyewash," "personal eyewash," and "contact chemical agents."
- To add the definitions for chemicals ("corrosive," "strong irritant," and "toxic chemical"), that when present, could possibly necessitate the availability of emergency washing facilities.
- To change "shall" to "must" for clarity.
- To add the requirement that emergency washing facilities be accessible and free of obstruction.
- To add specific requirements that apply to emergency showers.
- To add specific requirements that apply to emergency eyewash equipment.
- To add specific requirements that apply to personal eyewash equipment and hand-held drench hoses.
- To add specific requirements for periodic inspections of plumbed and self-contained washing equipment.
- To add the note that equipment that meets ANSI standards will be in compliance with this proposed rule.

Statutory Authority for Adoption: RCW 49.17.040.

Statute Being Implemented: RCW 49.17.010, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, Tumwater, (360) 902-5530; Implementation and Enforcement: Michael A. Silverstein, Tumwater, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

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

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement (SBEIS) necessity evaluation was conducted by the department to determine whether an SBEIS was required. The evaluation findings concluded that the proposed rule does not impose more than minor costs on small business in the potentially impacted industries. Therefore, an SBEIS is not required.

RCW 34.05.328 applies to this rule adoption. The proposed rule does meet the significant rule criteria because it adds additional requirements to the standard.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on December 10, 1998, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by December 1, 1998, at (360) 902-5516.

Submit Written Comments to: Tracy Spencer, Standards Manager, WISHA Services Division, P.O. Box 44620, Olympia, WA 98504-4620, by 5:00 p.m. on December 17, 1998. In addition to written comments, the department will accept comments submitted to fax (360) 902-5529. Comments submitted by fax must be ten pages or less.

Date of Intended Adoption: March 17, 1999.

October 20, 1998

Gary Moore

Director

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

**WAC 296-62-130 Emergency washing facilities.**  
~~((+))~~ Definitions.

~~((a))~~ "Emergency washing facilities" means emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

~~((b))~~ "Emergency shower" means a unit that enables a user to have water cascading over the entire body. It shall deliver a minimum of 113.6 liters (30 gallons) per minute of water.

~~((c))~~ "Eye/face wash" means a device used to irrigate and flush both the face and eyes. It shall deliver not less than 11.4 liters (3 gallons) per minute of water for at least fifteen minutes.

~~((d))~~ "Eyewash" means a device to irrigate and flush the eyes. It shall deliver not less than 1.5 liters (0.4 gallons) per minute for at least fifteen minutes.

~~((e))~~ "Personal eyewash" means a portable, supplementary eyewash that supports plumbed units, self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

~~((f))~~ "Contact chemical agents" are defined in WAC 296-62-07003.)

PROPOSED



"Corrosive" is a substance that can cause destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

"Strong irritant" means a chemical that is not corrosive, but causes a strong temporary inflammatory effect on living tissue by chemical action at the site of contact.

"Toxic chemical" means a chemical that produces serious injury or illness by absorption through any body surface.

(2) Facilities required.

(a) What requirements apply to accessing emergency washing facilities?

- Emergency washing facilities ((shall)) must be readily available ((in the immediate work area for workers who may be exposed to harmful concentrations of contact chemical agents)) and accessible.
- To be readily available and accessible, emergency washing facilities ((shall)) must be free of obstruction and require no more than ten seconds to reach. ((They should be within a))
- The travel distance should be no ((greater)) farther than fifty feet (15.25 meters ((50 feet))).

(b) What requirements apply to emergency showers?

- Emergency showers must be provided if there is a potential for substantial portions of the body to come into contact with corrosives, strong irritants, or toxic chemicals.
- The emergency showers must deliver water to cascade over the user's entire body at a minimum rate of twenty gallons (75.7 liters) per minute for fifteen minutes or more.

(c) What requirements apply to emergency eyewash?

- Emergency eyewash must be provided where there is the potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals.
- The emergency eyewash equipment must irrigate and flush both eyes simultaneously while the operator holds the eyes open.
- The on-off valve must be activated in one second or less and must remain on without the use of the operator's hands until intentionally turned off.
- The emergency eyewash equipment must deliver at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

(d) What requirements apply to personal eyewash equipment and hand-held drench hoses?

- Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.
- Such units must deliver potable water or other medically approved eye flushing solution.
- Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose and can be used to irrigate and flush the face or other parts of the body.
- Personal eyewash equipment and hand-held drench hoses may be used to supplement ((the requirement for)) emergency washing facilities, however, ((in no event shall it)) they must not be used as a substitute.

~~((Such units shall deliver potable water or other medically approved eye flushing solution.~~

(e)) (e) What periodic inspection requirements apply to plumbed and self-contained washing equipment?

- All plumbed emergency washing facilities, including ((personal eyewash equipment, shall be periodically)) hand-held drench hoses, must be activated weekly and inspected annually to ensure that they function correctly and that the quality and quantity of water or other solution is satisfactory for emergency washing purposes.
- All self-contained eyewash equipment and personal eyewash equipment must be inspected and maintained according to manufacturer instructions. Inspections for proper operation must be done annually. Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend fluid replacement every six months in self-contained eyewashes.

(3) Potable water. All emergency washing facilities using nonpotable water ((shall)) must have signs stating the water is nonpotable.

Note: For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, Emergency Eyewash and Shower Equipment. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard.

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

**WSR 98-21-071**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 21, 1998, 10:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-07-092.

Title of Rule: Small scale prospecting and mining.

Purpose: Provide general rules for small scale prospecting and mining, and other prospecting and mining.

Statutory Authority for Adoption: RCW 75.08.080, 75.20.100, 75.20.330.

Statute Being Implemented: RCW 75.20.100, 75.20.330.

Summary: The Department of Fish and Wildlife is adopting rules that will apply to small scale prospecting and mining and to other mineral prospecting activities that use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Rule adoption for small scale prospecting and mining is required by SHB 1565 (RCW 75.20.330) passed by the 1997 Washington state legislature. Rule adoption for other prospecting activities is being accomplished to update rules under RCW 75.20.100. Following

rule adoption, a new Gold and Fish pamphlet describing the rules and containing other information related to mineral prospecting and mining will be published. The pamphlet will serve as the hydraulic project approval (HPA) for those activities described in it. The proposed rules and the pamphlet will apply to all waters of Washington. Prospectors wishing to conduct operations outside of the methods, locations, or timing allowed in the proposed rules can submit oral or written application to the department. Those proposed projects that can be conducted with protections for fish life will be issued written supplemental approvals to the pamphlet or written hydraulic project approvals.

**Reasons Supporting Proposal:** The 1997 legislature ordered the department to adopt rules under which small scale prospecting and mining would not require written approval provided the activity was conducted in accordance with provisions established by the department. The department was also ordered to revise and distribute the Gold and Fish pamphlet to describe methods of mineral prospecting that are consistent with the rules. Existing rules for other mineral prospecting activities are outdated due to a number of factors including advances in the technology of prospecting equipment and new biological information regarding species present in certain waters of the state and the effect of prospecting activities on them. New rules governing these activities can best be developed at this time and incorporated in the Gold and Fish pamphlet.

**Name of Agency Personnel Responsible for Drafting:** Pat Chapman, 1111 Washington Street, Olympia, (360) 902-2571; **Implementation:** Elyse Kane, 1111 Washington Street, Olympia, (360) 902-2402; and **Enforcement:** Bruce Bjork, 1111 Washington Street, Olympia, (360) 902-2373.

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** None.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed rules will provide requirements for conducting "small scale prospecting and mining" activities and for other mineral prospecting activities that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Included in the rules are provisions detailing acceptable methods, timing and locations for these projects to occur. These rules will be described in a pamphlet called "Gold and Fish," which will also contain other general information such as other agencies which regulate aspects of prospecting and mining, and best management practices for prospecting and mining. Small scale prospecting and mining and other mineral prospecting activities shall be required to be conducted according to the proposed rules, but application for exceptions to these rules will be accepted by the Department of Fish and Wildlife. Those proposed projects that can be conducted with protections for fish life will be issued written supplemental approvals to the pamphlet or written hydraulic project approvals. Applicants who are dissatisfied with the Department's deci-

sion regarding their application for a written HPA will have appeal procedures available to them.

The proposed rules will allow for small scale mineral prospecting and mining and other mineral prospecting activities without requiring individual hydraulic project approval. Additionally the rules will protect fish life from the detrimental impacts of these activities. The effect will be to reduce the number of hydraulic project approvals processed by the department, and make it easier and quicker for prospectors to obtain approval to conduct operations.

**Proposal Changes the Following Existing Rules:** Amends the following sections: Definitions, Pamphlet hydraulic project approvals—Procedures, Mineral prospecting (panning), Informal appeal of adverse administrative decisions, Formal appeal of administrative decisions.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Mineral Prospecting and Placer Mining Rules:** WAC 220-110-020, 220-110-031, 220-110-200, 220-110-201, 220-110-202, 220-110-203, 220-110-204, 220-110-205, 220-110-206, 220-110-207, 220-110-208, 220-110-209, 220-110-340, and 220-110-350.

**1. Description of Reporting, Recordkeeping and Other Compliance Measures Required by the Proposed Rules:** Permittees conducting work through the authority of the Gold and Fish pamphlet are not required to submit an application or provide a report of their activities. After obtaining a pamphlet from Washington Department of Fish and Wildlife, a local vendor or prospecting club, they may conduct their activity. Permittees desiring to conduct work at locations, at times or by methods other than described under the rules in the Gold and Fish pamphlet are required to obtain written approval by one of two means. They may call the area habitat biologist for the area if requesting deviations in location or timing of work from that listed in the pamphlet. If requesting approval for use of different equipment than that authorized in the rule and described in the pamphlet, they must submit a written application to the department. Written notification of acceptance of the verbal or written application is required before the requested work can be conducted.

**2. Professional Services Required for Compliance with Proposed Rules:** None.

**3. Costs of Compliance for Businesses Required to Comply, Including Costs of Equipment, Supplies, Labor and Increased Administrative Costs:** There may be an unknown amount of increased cost to some prospectors for replacement of dredges which no longer meet the size restrictions required by the new rules. Existing rules allow the use of four classes of dredges ranging from 2.5 inch to 8 inch dredges. Proposed rules allow for a maximum dredge size of 4 inches. Prospectors with larger existing dredges will have to either put reducers in their existing equipment (at minimal cost) or will have to purchase smaller dredges (at significant cost) to be in compliance with the proposed rules. Alternatively, they may submit an application for exception to the proposed rules and receive written approval if fish life can be protected.

Smaller dredges are capable of moving and processing less material than larger equipment. Therefore, prospectors switching to smaller dredges will require more time and labor to process equivalent amounts of gold. Prospectors involved in the process of rule development have stated that relatively few prospectors own and operate the larger dredges since dredges larger than 4 inches are primarily for commercial operations and require more than one individual to operate.

**4. Will Compliance Cause Businesses to Lose Sales or Revenue?** No. While allowable work times allowed through authority of the Gold and Fish pamphlet in many cases will be reduced from those previously allowed, removal of the requirement for most prospectors to obtain written authorization prior to prospecting will make it easier for most people to prospect with short notice. There will be no time lost to the prospector while waiting up to forty-five days for written authorization. This time can be spent prospecting for gold.

Removing the requirement of obtaining written authorization may result in more people participating in this activity and purchasing equipment since they will not have to wait up to forty-five days to receive approval. Local vendors will be able to distribute pamphlets on site and prospectors can immediately use equipment purchased.

Commercial prospectors and miners affected by the new rules may have significant reduction in opportunity because the equipment sizes authorized are more commonly used by "recreational" prospectors. The amount of gold recovered and sold could therefore be reduced below current levels if prospecting and mining is conducted strictly through authority of the pamphlet. Most commercial operations would likely request a written permit, however, (as they currently do) and if approved, their operations would not be reduced.

**5. Comparison of Costs of Compliance for Small Businesses with the 10% of Businesses that are the Largest Businesses Required to Comply with the Proposed Rule:** To the extent that equipment will need to be replaced, the costs may be greater for large businesses since they are more likely to be operating the larger equipment no longer authorized by the proposed rules. Small operations using one to two workers likely use equipment authorized by the proposed rules since it is sized for operation by few people. A large business may have greater financial resources to absorb these costs, however.

Businesses may have to increase staffing to be able to process equivalent amounts of aggregate as currently allowed to recover enough gold to cover operating costs. Large businesses likely could absorb these costs easier than small businesses.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses:** Gold and Fish pamphlets will be available for distribution at no charge by suppliers and others. Distribution of the pamphlet by suppliers may increase the number of customers to a business resulting in increased sales. Applicants may submit a verbal or written application for exception to the proposed rules and receive written approval if fish life can be protected.

Following comment received from prospectors during the rule development process several measures were added to the proposed rules which will reduce costs to small busi-

nesses. These include the addition of Class 0 activities which allow prospecting with a pan year-round to enable prospectors to determine where they may want to work when the waters they are interested in open. Therefore, they do not have to spend valuable work time prospecting. Additionally, dredge intake hose size was increased to be consistent with commercially available equipment. This eliminates the need for expensive retrofitting of equipment. Other restrictions on when workers on site can be replaced were modified to allow individual replacement rather than replacement of the whole team of workers. Allowable instream worktimes have been relaxed which will enable prospectors to work longer hours. Requirements about moving rock while prospecting were relaxed which will make dredging more feasible.

**7. Description of How the Agency will Involve Small Business in the Development of the Rule:** These rules were developed in cooperation with the mineral prospecting community and other interested parties. More than one-third of the participants on the workgroup which developed the rules were directly involved in mineral prospecting. As least two of these were suppliers of mineral prospecting equipment. Six workgroup meetings were conducted between December 1997 and June 1998 in which these rules were discussed and debated. Preliminary draft rules were sent to an extensive mailing list and posted on the agency internet web site and comments solicited. Five public workshops were held following publication of preliminary draft rules and notification through mailings and news releases. Comments were received and appropriate changes to the draft rules were made. Staff attended numerous meetings of various prospecting clubs to explain the rule-making process and to receive comments.

**8. List of Industries Required to Comply with this Rule:** Mineral prospectors and placer miners.

A copy of the statement may be obtained by writing to Washington Department of Fish and Wildlife, Habitat and Lands Services Program, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2534, fax (360) 902-2946.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. The Department of Fish and Wildlife will complete a significant legislative rule analysis and place a copy in the rule-making file, as required.

Hearing Location: DoubleTree Hotel, 18740 Pacific Highway South, Seattle, WA 98918-4234, on December 4, 1998, at 8 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by December 1, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Patrick Chapman, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2571 by November 24, 1998.

Date of Intended Adoption: December 4, 1998.

October 21, 1998

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 97-84, filed 6/4/97, effective 7/5/97)

**WAC 220-110-020 Definitions.** As used in this chapter, unless the context clearly requires otherwise:

(1) "Aggregate" means a mixture of minerals separable by mechanical or physical means.

(2) "Aquatic beneficial plant" means native and nonnative aquatic plants not prescribed by RCW 17.10.010(10), and that are of value to fish life.

((2)) (3) "Aquatic noxious weed" means an aquatic weed on the state noxious weed list as prescribed by RCW 17.10.010(10).

((3)) (4) "Aquatic plant" means any aquatic noxious weed and aquatic beneficial plant that occurs within the ordinary high water line of waters of the state.

((4)) (5) "Bank" means any land surface above the ordinary high water line that adjoins a body of water and contains it except during floods. Bank also includes all land surfaces of islands above the ordinary high water line that adjoin a water body and that are below the flood elevation of their surrounding water body.

(6) "Beach area" means the beds between the ordinary high water line and extreme low tide.

((5)) (7) "Bed" means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

((6)) (8) "Bed materials" means ((natural-occurring)) naturally occurring material, including, but not limited to, gravel, cobble, rock, rubble, sand, mud and aquatic plants, found in the beds of state waters. Bed materials may be found in deposits or bars above the wetted perimeter of water bodies.

((7)) (9) "Bio-degradable" means material that is capable of being readily decomposed by biological means, such as by bacteria.

((8)) (10) "Bio-engineering" means project designs or construction methods which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for establishment of the vegetation.

((9)) (11) "Bottom barrier or screen" means synthetic or natural fiber sheets of material used to cover and kill plants growing on the bottom of a watercourse.

((10)) (12) "Boulder" means a stream substrate particle larger than ten inches in diameter.

(13) "Bulkhead" means a vertical or nearly vertical erosion protection structure placed parallel to the shoreline consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

((11)) (14) "Concentrator" means a device used to physically or mechanically separate and enrich the valuable

mineral content of aggregate. Pans, sluice boxes and mini-rocker boxes are examples of concentrators.

((15)) (15) "Cofferdam" means a temporary enclosure used to keep water from a work area.

((12)) (16) "Control" means level of treatment of aquatic noxious weeds as prescribed by RCW 17.10.010(5).

((13)) (17) "Department" means the department of fish and wildlife.

((14)) (18) "Diver-operated dredging" means the use of portable suction or hydraulic dredges held by SCUBA divers to remove aquatic plants.

((15)) (19) "Drawdown" means decreasing the level of standing water in a watercourse to expose bottom sediments and rooted plants.

((16)) (20) "Dredging" means removal of bed material using other than hand held tools.

((17)) (21) "Early infestation" means an aquatic noxious weed whose stage of development, life history, or area of coverage makes one hundred percent control and eradication as prescribed by RCW 17.10.010(5) likely to occur.

((18)) (22) "Emergency" means an immediate threat to life, public or private property, or an immediate threat of serious environmental degradation, arising from weather or stream flow conditions, other natural conditions, or fire.

((19)) (23) "Entrained" means the entrapment of fish into a watercourse diversion without the presence of a screen, into high velocity water along the face of an improperly designed screen, or into the vegetation cut by a mechanical harvester.

((20)) (24) "Equipment" means any device powered by internal combustion; hydraulics; electricity, except less than one horsepower; or livestock used as draft animals, except saddle horses; and the lines, cables, arms, or extensions associated with the device.

((21)) (25) "Eradication" See "control."

((22)) (26) "Established ford" means a crossing place in a watercourse that was in existence and annually used prior to 1986 or subsequently permitted by the department, and, has identifiable approaches on the ((streambanks)) banks.

((23)) (27) "Excavation site" means the exact location from which aggregate is being removed for the processing and recovery of minerals.

(28) "Extreme low tide" means the lowest level reached by a receding tide.

((24)) (29) "Farm and agricultural land" means those lands identified as such in RCW 84.34.020.

((25)) (30) "Filter blanket" means a layer or combination of layers of pervious materials (organic, mineral, or synthetic) designed and installed in such a manner as to provide drainage, yet prevent the movement of soil particles due to flowing water.

((26)) (31) "Fish life" means all fish species, including but not limited to food fish, shellfish, game fish, and other nonclassified fish species and all stages of development of those species.

((27)) (32) "Fishway" means any facility or device that is designed to enable fish to effectively pass around or through an obstruction without undue stress or delay.

(33) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be

fished for except as authorized by rule of the director of the department of fish and wildlife.

~~((28))~~ (34) "Freshwater area" means those state waters and associated beds below the ordinary high water line that are upstream of river mouths including all lakes, ponds, and streams.

~~((29))~~ (35) "Game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the fish and wildlife commission.

~~((30))~~ (36) "General provisions" means those provisions that are contained in every HPA.

~~((31))~~ (37) "Hand cutting" means the removal or control of aquatic plants with the use of hand-held tools or equipment, or equipment that is carried by a person when used.

~~((32))~~ (38) "Hand-held tools" means tools that are held by hand and are not powered by internal combustion, hydraulics, pneumatics, or electricity. ~~((Examples are shovels, rakes, hammers, etc.))~~ Some examples of hand-held tools are shovels, rakes, hammers, pry bars and cable winches.

~~((33))~~ (39) "Hatchery" means any water impoundment or facility used for the captive spawning, hatching, or rearing of fish and shellfish.

~~((34))~~ (40) "Highbanker" means a stationary concentrator capable of being operated outside the wetted perimeter of the water body from which water is removed, and which is used to separate gold and other minerals from aggregate with the use of water supplied by hand or pumping, and consisting of a sluice box, hopper, and water supply. Aggregate is supplied to the highbanker by means other than suction dredging. This definition excludes mini-rocker boxes.

(41) "Highbanking" means the use of a highbanker for the recovery of minerals.

(42) "Hydraulic project" means construction or performance of other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic projects include forest practice activities, conducted pursuant to the forest practices rules (Title 222 WAC), that involve construction or performance of other work in or across the ordinary high water line of:

- (a) Type 1-3 waters; or
- (b) Type 4 and 5 waters with identifiable bed or banks where there is a hatchery water intake within two miles downstream; or
- (c) Type 4 and 5 waters with identifiable bed or banks within one-fourth mile of Type 1-3 waters where any of the following conditions apply:
  - (i) Where the removal of timber adjacent to the stream is likely to result in entry of felled trees into flowing channels;
  - (ii) Where there is any felling, skidding, or ground lead yarding through flowing water, or through dry channels with identifiable bed or banks with gradient greater than twenty percent;
  - (iii) Where riparian or wetland leave trees are required and cable tailholds are on the opposite side of the channel;
  - (iv) Where road construction or placement of culverts occurs in flowing water;
  - (v) Where timber is yarded in or across flowing water;
- (d) Type 4 and 5 waters with identifiable bed or banks that are likely to adversely affect fish life, where the HPA

requirement is noted by the department in response to the forest practice application.

Hydraulic projects and associated permit requirements for specific project types are further defined in other sections of this chapter.

~~((35))~~ (43) "Hydraulic project application" means a form provided by and submitted to the department of fish and wildlife accompanied by plans and specifications of the proposed hydraulic project.

~~((36))~~ (44) "Hydraulic project approval" (HPA) means:

(a) A written approval for a hydraulic project signed by the director of the department of fish and wildlife, or the director's designates; or

(b) A verbal approval for an emergency hydraulic project from the director of the department of fish and wildlife, or the director's designates; or

(c) The following printed pamphlet approvals and any supplemental approvals to them. See "supplemental approval":

(i) A "Gold and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities for ~~((mineral prospecting (panning)))~~ mineral prospecting and placer mining; or

~~((4))~~ (ii) An "Irrigation and Fish" pamphlet issued by the department which identifies and authorizes specific minor hydraulic project activities; or

~~((e))~~ (iii) An "Aquatic Plants and Fish" pamphlet issued by the department which identifies and authorizes specific aquatic noxious weed and aquatic beneficial plant removal and control activities.

~~((37))~~ (45) "Hydraulicizing" means the use of water spray or water under pressure to dislodge minerals and other material.

(46) "Job site" means the space of ground including and immediately adjacent to the area where work is conducted under the authority of a hydraulic project approval. For mineral prospecting and placer mining projects, the job site includes the excavation site.

(47) "Lake" means any natural or impounded body of standing freshwater, except impoundments of the Columbia and Snake rivers.

(48) "Large woody material" means trees or tree parts larger than four inches in diameter and longer than six feet and rootwads, wholly or partially waterward of the ordinary high water line.

~~((38))~~ (49) "Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of nineteen years. It is measured from the MLLW= 0.0 tidal elevation.

~~((39))~~ (50) "Mean lower low water" or "MLLW" means the 0.0 tidal elevation. It is determined by averaging each day's lowest tide at a particular location over a period of nineteen years. It is the tidal datum for vertical tidal references in the saltwater area.

~~((40))~~ (51) "Mechanical harvesting and cutting" means the partial removal or control of aquatic plants with the use of aquatic mechanical harvesters which cut and collect aquatic plants, and mechanical cutters which only cut aquatic plants.

~~((41))~~ (52) "Mineral prospecting equipment" means any natural or manufactured device, implement, or animal

other than the human body used in any aspect of prospecting for or recovering minerals. Classifications of mineral prospecting equipment are as follows:

(a) Class 0 - nonmotorized pans.

(b) Class I.

(i) Pans.

(ii) Nonmotorized sluice boxes, concentrators and mini-rocker boxes with a riffle area not exceeding ten square feet, and not exceeding fifty percent of the width of the wetted perimeter of the stream.

(c) Class II.

(i) Suction dredges with a maximum nozzle size of four inches inside diameter.

(ii) Highbankers or suction dredge/highbanker combinations with a maximum water intake size of two and one-half inches inside diameter, when operated wholly below the ordinary high water line.

(d) Class III.

(i) Highbankers supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(ii) Suction dredge/highbanker combinations supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(iii) Other concentrators supplied with water from a pump with a maximum water intake size of two and one-half inches inside diameter, when used to process aggregate at locations two hundred feet or greater landward of the ordinary high water line.

(53) "Mini-rocker box" means a nonmotorized concentrator operated with a rocking motion and consisting of a hopper attached to a cradle and a sluice box with a riffle area not exceeding ten square feet. The mini-rocker box shall only be supplied with water by hand and be capable of being carried by one individual. A mini-rocker box shall not be considered a highbanker.

(54) "Mitigation" means actions which shall be required as provisions of the HPA to avoid or compensate for impacts to fish life resulting from the proposed project activity. The type(s) of mitigation required shall be considered and implemented, where feasible, in the following sequential order of preference:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing or providing substitute resources or environments; or

(f) Monitoring the impact and taking appropriate corrective measures to achieve the identified goal.

For projects with potentially significant impacts, a mitigation agreement may be required prior to approval. Replacement mitigation may be required to be established and functional prior to project construction.

((42)) (55) "Natural conditions" means those conditions which arise in or are found in nature. This is not meant to include artificial or manufactured conditions.

((43)) (56) "No-net-loss" means:

(a) Avoidance or mitigation of adverse impacts to fish life; or

(b) Avoidance or mitigation of net loss of habitat functions necessary to sustain fish life; or

(c) Avoidance or mitigation of loss of area by habitat type.

Mitigation to achieve no-net-loss should benefit those organisms being impacted.

((44)) (57) "Ordinary high water line" means the mark on the shores of all waters that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in ordinary years, as to mark upon the soil or vegetation a character distinct from that of the abutting upland: *Provided*, That in any area where the ordinary high water line cannot be found the ordinary high water line adjoining salt-water shall be the line of mean higher high water and the ordinary high water line adjoining freshwater shall be the elevation of the mean annual flood.

((45)) (58) "Pan" means the following equipment used to separate gold or other metal from aggregate by washing:

(a) An open, metal or plastic dish operated by hand; or

(b) A motorized rotating open, metal or plastic dish without pumped or gravity-fed water supplies.

(59) "Panning" means the use of a pan to wash aggregate.

(60) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

((46)) (61) "Placer" means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

(62) "Pool" means a portion of the stream with reduced current velocity, often with water deeper than the surrounding areas.

(63) "Protection of fish life" means prevention of loss or injury to fish or shellfish, and protection of the habitat that supports fish and shellfish populations.

((47)) (64) "Purple loosestrife" means *Lythrum salicaria* and *Lythrum virgatum* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(b).

((48)) (65) "Riffle" means the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

(66) "River or stream." See "watercourse."

((49)) (67) "Rotovation" means the use of aquatic rotovators which have underwater rototiller-like blades to uproot aquatic plants as a means of plant control.

((50)) (68) "Saltwater area" means those state waters and associated beds below the ordinary high water line and downstream of river mouths.

~~((51))~~ (69) "Shellfish" means those species of saltwater and freshwater invertebrates that shall not be taken except as authorized by rule of the director of the department of fish and wildlife. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((52))~~ (70) "Sluice box" means a trough equipped with riffles across its bottom, used to recover gold and other minerals with the use of water.

(71) "Sluicing" means the use of a sluice box for the recovery of gold and other minerals.

(72) "Small scale mineral prospecting equipment" encompasses the equipment included in "mineral prospecting equipment, Class I."

(73) "Spartina" means *Spartina alterniflora*, *Spartina anglica*, *Spartina x townsendii*, and *Spartina patens* as prescribed in RCW 17.10.010(10) and defined in RCW 17.26.020 (5)(a).

~~((53))~~ (74) "Special provisions" means those conditions that are a part of the HPA, but are site or project specific, and are used to supplement or amend the technical provisions.

~~((54))~~ (75) "Streambank stabilization" means those projects which prevent or limit erosion, slippage, and mass wasting; including, but not limited to bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection (physical armoring of ~~((streambanks))~~ banks using rock or woody material, or placement of jetties or groins), gravel removal or erosion control.

~~((55))~~ (76) "Suction dredge" means a machine equipped with an internal combustion engine or electric motor powering a water pump which is used to move submerged bed materials by means of hydraulic suction. These bed materials are processed through an attached sluice box for the recovery of gold and other minerals.

(77) "Suction dredging" means the use of a suction dredge for the recovery of gold and other minerals.

(78) "Supplemental approval" means a written addendum issued by the department to a pamphlet HPA for approved exceptions to conditions of that pamphlet HPA or for any additional authorization by the department when required by a pamphlet HPA. See "hydraulic project approval."

(79) "Tailings" means waste material remaining after processing aggregate for minerals.

(80) "Technical provisions" means those conditions that are a part of the HPA and apply to most projects of that nature.

~~((56))~~ (81) "Toe of the bank" means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the stream bed or marine beach or bed.

~~((57))~~ (82) "Viable" means that any plant or plant part is capable of taking root or living when introduced into a body of water.

~~((58))~~ (83) "Watercourse" and "river or stream" means any portion of a channel, bed, bank, or bottom waterward of

the ordinary high water line of waters of the state including areas in which fish may spawn, reside, or through which they may pass, and tributary waters with defined bed or banks, which influence the quality of fish habitat downstream. This includes watercourses which flow on an intermittent basis or which fluctuate in level during the year and applies to the entire bed of such watercourse whether or not the water is at peak level. This definition does not include irrigation ditches, canals, storm water run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

~~((59))~~ (84) "Water right" means a certificate of water right, a vested water right or a claim to a valid vested water right, or a water permit, pursuant to Title 90 RCW.

~~((60))~~ (85) "Waters of the state" or "state waters" means all salt waters and fresh waters waterward of ordinary high water lines and within the territorial boundaries of the state.

~~((61))~~ (86) "Water type" means water categories as defined in WAC 222-16-030 of the forest practice rules and regulations.

~~((62))~~ (87) "Weed rolling" means the use of a mechanical roller designed to control aquatic plant growth.

~~((63))~~ (88) "Wetted perimeter" means the areas of a watercourse covered with water, flowing or nonflowing.

AMENDATORY SECTION (Amending Order 97-84, filed 6/4/97, effective 7/5/97)

**WAC 220-110-031 Pamphlet hydraulic project approvals—Procedures.** (1) In those instances where a pamphlet is the equivalent of an HPA as defined in WAC 220-110-020~~((36))~~ (44), a person shall obtain a pamphlet HPA issued by the department which identifies and authorizes specific minor hydraulic project activities before conducting a hydraulic project.

(2) Supplemental approvals to the pamphlet HPA as defined in WAC 220-110-020(44) and 220-110-020(78) shall require written authorization by the department.

(3) Applications submitted to the department for supplemental approvals may be verbal or written.

(a) Applications shall specify the requested exception or request for additional authorization and shall include the applicant's name, address and phone number. Written applications shall be signed and dated.

(b) The department shall grant or deny approval within forty-five calendar days of the receipt of a request for supplemental approval.

(4) The supplemental approval shall be attached to the pamphlet HPA and shall be on the job site when work is being conducted and shall be immediately available for inspection.

(5) The pamphlet HPA, or clear reproduction, shall be on the ~~((project))~~ job site when work is being conducted and shall be immediately available for inspection.

~~((3))~~ (6) The pamphlet HPA shall be conditioned to ensure protection of fish life.

~~((4))~~ (7) Pamphlet HPAs do not exempt the applicant from obtaining other appropriate permits and following the

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rules or regulations of local, federal, and other Washington state agencies.

~~((5))~~ (8) Administration of this chapter shall be conducted in compliance with SEPA, chapter 43.21C RCW, and chapters 197-11, 220-100, and 232-19 WAC.

**AMENDATORY SECTION** (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

**WAC 220-110-200 Mineral prospecting** ~~((panning))~~ **technical provisions.** ~~((A copy of the current *Gold and Fish Pamphlet* available from the department shall be on the job site at all times and shall serve as an HPA. The following technical provisions are found in the pamphlet and apply to mineral prospecting (panning) projects:~~

~~(1) Gold pans, mini-rocker boxes, and nonmotorized sluice boxes are allowed. The riffle area of the sluice box shall not exceed one foot wide by three feet long, and shall not exceed fifty percent of the width of the wetted perimeter of the stream.~~

~~(2) All work shall be performed by hand or with hand-held tools only.~~

~~(3) There shall be no disturbance of graveled spawning areas.~~

~~(4) There shall be no streambank excavation.~~

~~(5) There shall be no disturbance of rooted or embedded woody plants (trees, shrubs, etc.) waterward of the ordinary high water line.~~

~~(6) Materials too large to be moved by hand or hand-held tools shall not be disturbed.~~

~~(7) There shall be no damming of the flowing stream.~~

~~(8) All pits, furrows, potholes and diversions shall be filled, leveled, or removed prior to leaving the project site, to prevent fish entrapment.~~

~~(9) No motorized, tracked, or wheeled vehicles shall be allowed within the wetted perimeter of the stream.~~

~~(10) Siltation resulting from this project, which the department considers damaging to fish life, may cause operations to be terminated and the HPA cancelled.~~

~~(11) This HPA does not authorize entry onto private property or removal of minerals from an existing mining claim on federal property or on property covered under mineral prospecting leases or mining contracts issued by the department of natural resources. It is the applicant's responsibility to contact the bureau of land management or department of natural resources to determine if a claim, prospecting lease, or mining contract has been issued. The office of state historic preservation should be contacted to determine if there are any restrictions regarding culturally sensitive areas in the vicinity.)~~ WAC 220-110-201 through 220-110-205 set forth technical provisions that shall apply to mineral prospecting and placer mining projects as necessary to protect fish life. Additional special provisions may be included in written HPAs as necessary to address site-specific conditions. Written HPAs shall also have specific time limitations on project activities to protect fish life. Timing limitations for projects conducted under authority of the *Gold and Fish pamphlet* are found in WAC 220-110-206 through 220-110-209. Saltwater provisions may be applied to tidally influenced areas upstream of river mouths and the mainstem

Columbia River downstream of Bonneville Dam where applicable in written HPAs.

### NEW SECTION

**WAC 220-110-201 Common mineral prospecting technical provisions.** A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all mineral prospecting and placer mining projects.

(1) Excavation, collection and processing of aggregate from the bed shall comply with the timing and location restrictions specified in WAC 220-110-206 through 220-110-209. Excavation, collection and processing of aggregate within the wetted perimeter shall only occur between 5:00 a.m. and 11:00 p.m.

(2) Excavation sites shall be separated by at least two hundred feet.

(3) There shall be no excavation, collection or processing of aggregate within four hundred feet of any fishway, dam or hatchery water intake.

(4) Except as specified in WAC 220-110-203, aggregate collected from outside the bed shall not be washed, sluiced, processed or deposited within two hundred feet landward of the ordinary high water line.

(5) A maximum of five individuals may collect and process aggregate from any excavation site. No more than one pit, furrow or pothole at a time shall be excavated by any one individual.

(6) Excavations shall not occur between the ordinary high water line and two hundred feet landward of the ordinary high water line. Excavations between the ordinary high water line and the toe of the bank shall not result in undercutting below the ordinary high water line or in disturbance of land surfaces above the ordinary high water line.

(7) There shall be no disturbance of live rooted vegetation of any kind. Woody debris jams and large woody material shall not be disturbed in any manner.

(8) With the exception of aggregate excavated by a suction dredge, all excavations of aggregate shall only be performed by hand or with hand-held tools. A maximum of one hand-operated cable, chain or rope winch may be used to move bed material below the ordinary high water line. Additional safety cables, chains or ropes may be attached to this material provided they do not offer a mechanical advantage and are used solely to hold material in place. The use of horses, other livestock or motorized mineral prospecting equipment, except those specifically authorized under WAC 220-110-203 through 220-110-205, is prohibited. Materials too large to be moved with a single hand-operated cable, chain or rope winch shall not be disturbed.

(9) Boulders may be moved only to facilitate collection of aggregate underneath them. Boulders shall be immedi-



ately replaced in their original location prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site.

(10) Only equipment, methods, locations and timing for processing aggregate specified in WAC 220-110-201 through 220-110-209 are authorized. Exceptions shall require additional authorization from the department in the form of a supplemental approval to the *Gold and Fish* pamphlet or a written HPA. A written HPA shall be required for exceptions in cases where "submit application" or "closed" is listed for state waters in WAC 220-110-206 through 220-110-209. Only the following exceptions may be authorized through a supplemental approval to the *Gold and Fish* pamphlet:

(a) Timing and location only for Class I and Class II mineral prospecting equipment.

(b) Location only for Class III mineral prospecting equipment.

(11) With the exception of sieves for classifying aggregate, mineral prospecting equipment shall not be combined in series, joined or ganged with additional mineral prospecting equipment to increase the riffle area or efficiency of mineral recovery of a single piece of mineral prospecting equipment.

(12) There shall be no damming or diversion of the flowing stream except as provided in WAC 220-110-203 (4)(d).

(13) Prior to working another excavation site or leaving the excavation site, tailings of aggregate collected from below the ordinary high water line shall be returned to the location from which the aggregate was originally collected. Sand and lighter material washed away by the streamflow during aggregate processing and tailings resulting from suction dredging may be left where processed.

(14) Except as required in subsection (13) of this section, tailings shall not be deposited in existing pools.

(15) Incubating fish eggs or fry shall not be disturbed. If fish eggs or fry are encountered during excavation of the bed, operations shall immediately cease and the department shall be notified immediately. No further excavations shall occur until all eggs and fry have emerged from the gravel. Further approval shall be required by the department prior to resuming mineral prospecting or placer mining activities in that stream.

(16) Beds containing live freshwater mussels shall not be disturbed. If live mussels are encountered during excavation of the bed, operations shall immediately cease and shall be relocated a minimum of two hundred feet from them.

(17) All pits, furrows, tailing piles, and potholes created during excavation or processing of aggregate shall be leveled or refilled with bed materials or tailings prior to working another excavation site or leaving the excavation site. Not working the excavation site for more than sixteen hours constitutes leaving the site. No more than one pit, furrow or pothole at a time shall be excavated.

(18) Fish entrapped within pits, furrows or potholes created during excavation or processing of aggregate shall immediately be safely collected and returned to flowing waters and the pits, furrows or potholes leveled or filled.

(19) At no time shall mining or prospecting activity create a blockage or hindrance to either the upstream or downstream passage of fish.

(20) If at any time as a result of project activities or water quality problems, fish life are observed in distress or a fish kill occurs, operations shall cease and both the department and the department of ecology shall be notified of the problem immediately. Work shall not resume until further approval is given by the department. Additional measures to mitigate impacts may be required.

(21) No motorized, tracked, or wheeled vehicles shall be:

(a) Operated or allowed below the ordinary high water line of the stream; or

(b) Be operated so as to affect the bed or flow of waters of the state in any way.

(22) Entry onto private property or removal of minerals from an existing mining claim or state-owned lands is not authorized. The permittee is responsible for determining land ownership, land status (i.e., open to entry under the mining laws) and the status and ownership of any mining claims.

(23) Mercury and other hazardous materials shall not be used on the job site for amalgamating minerals.

(24) Mercury, lead and other hazardous materials removed from aggregate or collected in concentrators during processing of aggregate shall not be returned to waters of the state and shall be disposed of as specified by the department of ecology. Contact the department of ecology for direction on disposal.

(25) Once mining or prospecting at a job site is completed, or mining or prospecting is not conducted at the job site for more than one week, the job site shall be restored to preproject conditions, all disturbed areas shall be protected from erosion and revegetated with native plants, and all pits, furrows, tailing piles, and potholes shall be leveled or refilled as required in subsection (17) of this section.

#### NEW SECTION

**WAC 220-110-202 Use of Class 0 mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department contains the rules which shall be followed when using Class 0 mineral prospecting equipment. A copy of the current *Gold and Fish* pamphlet shall be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class 0 mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-209 shall apply to all mineral prospecting and placer mining projects conducted with Class 0 equipment.

(2) The use of a single hand-operated nonmotorized pan is authorized.

(3) Collection and processing of aggregate shall be limited to that portion of the bed above the wetted perimeter.

#### NEW SECTION

**WAC 220-110-203 Use of Class I mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department contains the rules which shall be followed when using Class I mineral prospecting equipment. A copy of the current *Gold and Fish* pamphlet shall be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class I mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-206 through 220-110-207 shall apply to all mineral prospecting and placer mining projects conducted with Class I equipment.

(2) The use of only Class I mineral prospecting equipment is authorized. In addition to the use of one hand-held pan, no more than one other piece of mineral prospecting equipment shall be operated by an individual at any one time and location.

(3) There shall be no hydraulic mining.

(4) The following shall also apply to all mineral prospecting and placer mining projects conducted with Class I equipment during the general or specific tributary seasons as specified in WAC 220-110-206 and 220-110-207:

(a) Collection of aggregate shall be limited to the bed, or to two hundred feet or greater landward of the ordinary high water line.

(b) Aggregate may be processed either on or above the bed: *Provided*, That within two hundred feet landward of the ordinary high water line:

(i) Any water used shall be fully contained in pans, buckets or similar vessels.

(ii) Wastewater resulting from processing of aggregate shall be discharged two hundred feet or greater landward of the ordinary high water line.

(iii) Settleable solids shall be removed from wastewater. Sediments resulting from collection or processing of aggregate shall be deposited so they will not enter waters of the state.

(c) Class I mineral prospecting equipment shall only be supplied with water flowing naturally in the stream, or with water collected with and contained in hand-carried buckets or pans.

(d) There shall be no damming or diversion of the flowing stream beyond that necessary to direct water into a class I sluice box as described in (c) of this subsection, and in no case shall greater than fifty percent of the width of the wetted perimeter of the stream be dammed or diverted. In no case shall the stream be directed outside of the existing wetted perimeter. The site of the dam or diversion shall be restored

to its original condition prior to working another site or leaving the site.

(5) The following shall also apply to all mineral prospecting and placer mining projects conducted with Class I equipment during the special Class I season as specified in WAC 220-110-207:

(a) Collection of aggregate shall be limited to that portion of the bed above the wetted perimeter, or to two hundred feet or greater landward of the ordinary high water line.

(b) Aggregate shall be processed above the wetted perimeter: *Provided*, That within two hundred feet landward of the ordinary high water line:

(i) Any water used shall be fully contained in pans, buckets or similar vessels.

(ii) Wastewater resulting from processing of aggregate shall be discharged two hundred feet or greater landward of the ordinary high water line.

(iii) Settleable solids shall be removed from wastewater. Sediments resulting from collection or processing of aggregate shall be deposited so they will not enter waters of the state.

(c) Equipment shall only be supplied with water collected with and contained in hand-carried buckets or pans.

(d) There shall be no damming or diversion of the flowing stream.

#### NEW SECTION

**WAC 220-110-204 Use of Class II mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class II mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-206 through 220-110-207 shall apply to all mineral prospecting and placer mining projects conducted with Class II equipment.

(2) With the exception of the use of one hand-held pan, the use of only Class II mineral prospecting equipment is authorized. In addition to the use of a hand-held pan, no more than one piece of mineral prospecting equipment shall be operated by an individual at any one time and location.

(3) Only one piece of Class II equipment shall be operated at any time at any excavation site.

(4) Collection of aggregate shall be limited to the bed.

(5) A nozzle greater than four inches inside diameter shall be used on a suction dredge only if a reducer or smaller diameter hose is attached to restrict the inside diameter to four inches or less.

(6) Any device used for diverting or pumping water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to

RCW 75.20.040 and 77.16.220. To prevent fish from entering the system the pump intake shall be screened with either:

(a) Six one-thousandths inch (eighteen gauge) woven wire mesh with openings no greater than eighty-seven one-thousandths inches (six to fourteen mesh); or

(b) Perforated plate with openings no greater than ninety-four one-thousandths inch (three thirty-second inch); or

(c) Profile bar with openings no greater than one and seventy-five one-thousandths millimeter (sixty-nine one-hundredths inch).

The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than four-tenths feet per second, but in no case shall the surface area be less than one square foot. Screens shall be maintained to prevent injury or entrapment to juvenile fish and screens shall remain in place whenever water is withdrawn from the stream through the pump intake.

(7) There shall be no hydraulicing outside of the wetted perimeter. Hydraulicing may be conducted only for redistribution of tailings within the bed to level or fill pits, potholes or furrows, and the nozzle or jet shall be submerged at all times.

(8) Petroleum products or other harmful materials shall not enter waters of the state. Equipment shall be well maintained and inspected frequently to prevent fuel and fluid leaks.

(9) Water shall be pumped only from a water body to a suction dredge operated within the wetted perimeter or to a highbanker located below the ordinary high water line.

#### NEW SECTION

**WAC 220-110-205 Use of Class III mineral prospecting equipment.** A copy of the current *Gold and Fish* pamphlet available from the department shall serve as an HPA, unless otherwise indicated, and be on the job site at all times. Mineral prospecting and placer mining projects authorized through a written HPA may incorporate additional mitigation measures as necessary to achieve no-net-loss of productive capacity of fish and shellfish habitat. Project activities may be prohibited where project impacts adversely affect fish habitats for which no proven mitigation methods are available. The following technical provisions shall apply to all Class III mineral prospecting and placer mining projects:

(1) The common technical provisions as specified in WAC 220-110-201 and the timing and location restrictions as specified in WAC 220-110-208 shall apply to all mineral prospecting projects conducted with Class III equipment.

(2) With the exception of the use of one hand-held pan, the use of only Class III mineral prospecting equipment is authorized. In addition to the use of a hand-held pan, no more than one piece of mineral prospecting equipment shall be operated by an individual at any one time and location.

(3) Aggregate shall be collected and processed two hundred feet or greater landward of the ordinary high water line.

(4) There shall be no motorized movement of bed materials.

(5) The pump intake shall be placed in the water without moving or relocating any material in or on the bed or banks.

(6) Any device used for diverting or pumping water from a fish-bearing stream shall be equipped with a fish guard to prevent passage of fish into the diversion device pursuant to RCW 75.20.040 and 77.16.220. To prevent fish from entering the system the pump intake shall be screened with either:

(a) Six one-thousandths inch (eighteen gauge) woven wire mesh with openings no greater than eighty-seven one-thousandths inches (six to fourteen mesh); or

(b) Perforated plate with openings no greater than ninety-four one-thousandths inch (three thirty-second inch); or

(c) Profile bar with openings no greater than one and seventy-five one-thousandths millimeter (sixty-nine one-hundredths inch).

The screened intake shall consist of a facility with enough surface area to ensure that the velocity through the screen is less than four-tenths feet per second, but in no case shall the surface area be less than one square foot. Screens shall be maintained to prevent injury or entrapment to juvenile fish and screens shall remain in place whenever water is withdrawn from the stream through the pump intake.

(7) Petroleum products or other harmful materials shall not enter waters of the state. Equipment shall be well maintained and inspected frequently to prevent fuel and fluid leaks.

(8) There shall be no hydraulicing.

(9) Settleable solids shall be removed from wastewater prior to the water reentering waters of the state. Sediments resulting from collection or processing of aggregate shall be deposited so they will not enter waters of the state.

#### NEW SECTION

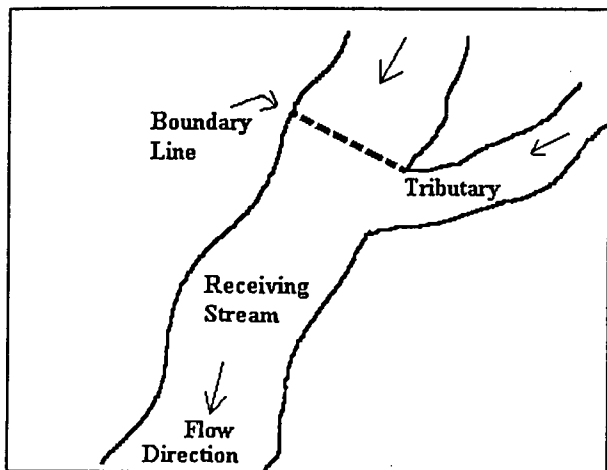
**WAC 220-110-206 Authorized work times and watercourses for mineral prospecting and placer mining projects by specific watercourse, except the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.** Mineral prospecting and placer mining using Class I and II equipment pursuant to WAC 220-110-203 and 220-110-204 shall only occur in watercourses and times specified in the following table:

(1) The general work time for a county applies to all streams within that county, unless otherwise indicated under specific stream and tributary work times.

(2) The work time for a listed stream applies to all its tributaries, unless otherwise indicated. Some streams flow through multiple counties. Check the listing for the county in which mineral prospecting or placer mining is to be conducted to determine the work time for that stream.

(3) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream that is projected from the most upstream point of the tributary mouth to the opposite bank of the receiving stream. (See Figure 1)

Figure 1. Stream boundary line



(4) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in state waters listed as "submit application" or "closed" is not authorized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

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**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING CLASS I AND II EQUIPMENT**

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
Adams	July 1 - October 31	Esquatzel Creek	July 1 - September 30
		Palouse River	June 15 - October 15
Asotin	July 1 - October 31	Asotin Creek	July 15 - August 15
		Grande Ronde River	July 15 - August 15
Benton	June 1 - September 30	Yakima River tributaries	July 1 - September 30
		—Corral Creek	July 15 - September 30
		—Spring Creek	July 15 - September 30
Chelan	July 1 - August 15	Beaver Creek	July 1 - October 31
		Colockum Creek	July 1 - October 31
		Ingalls Creek	July 1 - October 31
		Peshastin Creek	
		—mouth to Ingalls Creek	July 1 - August 15
		—above Ingalls Creek	July 1 - October 31
		Squilchuck Creek	July 1 - October 31
		Stemilt Creek	
—mouth to falls	July 1 - October 31		
Wenatchee River		—mouth to lake	July 1 - September 30
Clallam	July 15 - September 30	Bogachiel River	July 15 - August 15
		Calawah River	July 15 - August 15
		Clallum River	July 15 - September 15
		Dungeness River	submit application
		Elwha	
		—mouth to lower dam	July 1 - August 15

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		Hoko River	July 15 - September 15
		Jimmycomelately Creek	submit application
		Lyre River	July 15 - September 15
		McDonald Creek	July 1 - August 15
		Morse Creek	July 1 - August 15
		Pysht River	July 15 - September 15
		Sekiu River	July 15 - September 15
		Sol Duc River	July 15 - August 15
		Sooes River	July 15 - September 15
Clark	July 1 - September 30	Lewis River	
		—mouth to forks	June 1 - October 31
		—East Fork Lewis River	
		—mouth to LaCenter road bridge	July 1 - October 31
		—above LaCenter & all tributaries	submit application
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1 - August 31
		—Cedar Creek	August 1 - September 30
		—Merwin Dam to Swift Dam	July 1 - July 31
		Lake River	June 1 - October 31
		Washougal River	August 1 - August 31
Columbia	July 15 - October 31	Tucannon River	July 15 - August 15
		Touchet River	July 15 - August 15
Cowlitz	July 1 - September 30	Cowlitz River	August 1 - August 31
		—Coweeman River	August 1 - September 30
		—Toutle River	submit application
		Kalama River	August 1 - August 31
		Lewis River	
		—mouth to forks	June 1 - October 31
		—North Fork Lewis River	
		—mouth to Merwin Dam	August 1 - August 31
		—Merwin Dam to Lower Falls	July 1 - July 31
		—above Lower Falls	July 1 - October 31
Douglas	July 1 - October 31	None	
Ferry	July 1 - August 31	None	
Franklin	June 1 - September 30	Palouse River	
		—above falls	June 15 - October 15
Garfield	July 15 - October 31	Asotin Creek	July 15 - August 15
		Tucannon River	July 15 - August 15
Grant	July 1 - October 31	None	
Grays Harbor	July 15 - October 31	Cedar Creek	July 15 - September 30
		Chehalis River	

PROPOSED

SPECIFIC STREAM & TRIBUTARY WORK TIMES

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		—mouth to Porter Creek	June 1 - October 31
		—above Porter Creek	July 15 - September 30
		Cloquallum River	July 15 - September 30
		Copalis River	July 15 - October 15
		Elk River	July 15 - September 30
		Hoquiam River	July 15 - October 15
		Humptulips River	July 15 - October 15
		Johns River	July 15 - September 30
		Moclips River	July 15 - October 15
		North River	July 15 - September 15
		Porter Creek	July 15 - September 30
		Quinault River	July 15 - August 31
		Satsop River	July 15 - August 31
		Wishkah River	July 15 - October 15
		Wynoochee River	July 15 - October 15
Island	June 15 - September 15	None	
Jefferson	July 15 - October 31	Big Quilcene River	July 15 - August 31
		Bogachiel River	July 15 - August 15
		Chimacum Creek	July 15 - August 31
		Clearwater River	July 15 - September 15
		Donovan Creek	July 15 - September 30
		Dosewallips River	July 15 - August 31
		Duckabush River	July 15 - August 31
		Dungeness River tributaries	submit application
		Hoh River	July 15 - August 15
		Little Quilcene River	July 15 - August 31
		Matheny Creek	July 15 - September 15
		Queets River	July 15 - September 15
		Quinault River	July 15 - August 15
		Salmon Creek	submit application
		Sams River	July 15 - September 15
		Snow Creek	submit application
King	July 1 - September 30	Green River (Duwamish)	August 1 - August 31
		Greenwater River	July 15 - August 31
		Lake Washington tributaries including Cedar and Sammamish rivers	July 1 - August 31
		—Issaquah Creek	June 15 - July 31
		Snoqualmie River	
		—mouth to Snoqualmie Falls	July 1 - September 15
		—Snoqualmie Falls to mouth of South Fork Snoqualmie River	June 15 - October 31
		—North, Middle and South	

PROPOSED

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	WORK TIME
		STREAM & ALL TRIBUTARIES	
		Fork Snoqualmie rivers and tributaries	July 15 - October 31
		—Tolt River	
		—mouth to forks	July 15 - October 31
		—North Fork	
		—mouth to Yellow Creek	July 15 - September 15
		—above Yellow Creek	July 15 - October 31
		—mouth to dam	July 15 - September 15
		—above dam	July 15 - October 31
		White River	July 15 - August 31
Kittitas	June 1 - September 30	Colockum Creek	July 1 - October 31
		Yakima River	
		—above Roza Dam	submit application
		—Gold Creek (Lake Keechelus)	July 1 - July 31
		—Kachess River	
		—above Lake Kachess	July 1 - July 31
		—Box Canyon Creek (Lake Kachess)	July 1 - July 31
		—Little Naches River	July 15 - August 15
		—Wenas Creek	August 1 - October 31
		—other Yakima River tributaries	July 15 - August 31
Kitsap	July 15 - October 31	Seabeck Creek	July 15 - August 31
		Gorst Creek	July 15 - August 31
Klickitat	July 1 - September 30	Klickitat River	July 1 - August 15
		White Salmon River	July 1 - August 15
Lewis	July 1 - September 30	Chehalis River	
		—upstream of South Fork	
		Chehalis River confluence	July 1 - August 31
		Cispus River	
		—mouth to Walupt Creek	August 1 - August 31
		—above Walupt Creek	submit application
		—McCoy Creek	August 1 - September 30
		Connelly Creek	August 1 - September 30
		Cowlitz River	August 1 - August 31
		Newaukum River	July 1 - August 31
		Nisqually River	
		—above Alder Lake	July 1 - September 30
		Skookumchuck River	July 1 - August 31
		Tilton River	August 1 - September 30
		Toutle River	
		—tributaries	submit application
		Walupt Creek	submit application
		Packwood Lake tributaries	submit application

PROPOSED

SPECIFIC STREAM & TRIBUTARY WORK TIMES

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
Lincoln	June 15 - October 15	None	
Mason	July 15 - October 31	Cloquallum Creek	July 15 - September 30
		Coulter Creek	July 15 - September 15
		Hamma Hamma River	
		—mouth to falls	July 15 - August 31
		—John Creek	July 15 - August 31
		Johns Creek	July 15 - August 31
		Lilliwaup River	
		—below falls	July 15 - August 31
		—above falls	July 1 - October 31
		Mill Creek	July 15 - October 15
		Satsop River	July 15 - August 31
		Schaerer Creek	July 15 - August 31
		Sherwood Creek	July 15 - September 15
		Skokomish River	July 15 - September 15
		Tahuya River	July 15 - September 15
		Twano Creek	June 1 - October 31
		Union River	June 1 - September 15
Okanogan	July 1 - August 15	Aneas Creek	
		—mouth to falls	July 1 - October 31
		Chewiliken Creek	
		—mouth to falls	July 1 - October 31
		Chiliwist Creek	
		—mouth to falls	July 1 - October 31
		Methow River	
		—mouth to Carleton	July 1 - September 30
		Mosquito Creek	July 1 - October 31
		Nine Mile Creek	July 1 - October 31
		Omak Creek	
		—mouth to falls	July 1 - October 31
		Similkameen River	
		—mainstem	July 1 - September 30
		—all Similkameen River tributaries	July 1 - August 15
		Tunk Creek	
		—mouth to falls	July 1 - October 31
Pacific	July 15 - September 30	Chehalis River	July 1 - August 31
		Chinook River	August 1 - August 31
		Grays River	August 1 - September 30
		North River	July 15 - September 15
Pend Oreille	July 1 - August 31	Big Muddy Creek	June 1 - August 31
		Bracket Creek	June 1 - August 31
		Calispel Creek	
		—mouth to Calispel Lake	June 1 - August 31

PROPOSED



SPECIFIC STREAM & TRIBUTARY WORK TIMES

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		Exposure Creek	June 1 - August 31
		Kent Creek	June 1 - August 31
		Lime Creek	June 1 - August 31
		Little Spokane River	June 15 - August 31
		Lodge Creek	June 1 - August 31
		Marshall Creek	June 1 - August 31
		Pee Wee Creek	
		—above falls	June 1 - October 31
		Renshaw Creek	June 1 - August 31
Pierce	July 15 - August 31	Nisqually River	
		—mouth to Alder Lake	July 1 - August 31
		—tributaries below Alder Lake	submit application
		—above Alder Lake & tributaries	July 15 - September 15
		Carbon River	July 15 - August 31
		—South Prairie Creek	
		—mouth to Forest Service road #7710	July 15 - September 15
		—above Forest Service road #7710	July 1 - October 31
		—Voights Creek	
		—mouth to falls	July 15 - September 15
		—above falls	July 15 - October 31
		—Wilkeson Creek	
		—mouth to Snell Lake	July 1 - September 30
		—above Snell Lake	July 1 - October 31
		Rocky Creek	July 15 - September 30
San Juan	June 1 - August 31	None	
Skagit	July 1 - September 30	Baker River	
		—mouth to dam	June 15 - August 31
		Cascade River	June 15 - July 15
		Illabot Creek	June 15 - July 31
		Samish River	submit application
		Skagit River	
		—mouth to Sauk River	June 15 - August 31
		—above Sauk River	June 15 - July 31
		—Sauk River	July 15 - August 15
		—Suiattle River	July 15 - August 15
		Nooksack River	submit application
Skamania	July 1 - September 30	Cispus River	August 1 - August 31
		Lewis River	
		—East Fork Lewis River	submit application
		—North Fork Lewis River	
		—Cougar Creek	June 1 - July 31
		—Merwin Dam to Lower Falls & tributaries	July 1 - July 31

PROPOSED

SPECIFIC STREAM & TRIBUTARY WORK TIMES

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		—above Lower Falls	July 1 - October 31
		Little White Salmon River	July 1 - August 31
		McCoy Creek	August 1 - September 30
		Washougal River	August 1 - August 31
		White Salmon River	July 1 - August 31
		Wind River	August 1 - August 15
Snohomish	July 1 - September 30	Lake Washington tributaries	July 1 - August 31
		Sauk River	July 15 - August 15
		—Suiattle River	July 15 - August 15
		Snohomish River	
		—mouth to Highway 9	June 1 - October 31
		—above Highway 9	July 1 - August 31
		—Pilchuck River	July 1 - August 31
		—mouth to city of Snohomish diver- sions dam	July 1 - August 31
		—above city of Snohomish diversion dam	July 1 - September 15
		—Skykomish River	
		—mouth to forks	July 1 - August 31
		—North Fork Skykomish River	
		—mouth to San Juan campground	July 1 - August 31
		—San Juan campground to Deer Falls	submit application
		—above Deer Falls	July 15 - October 31
		—Salmon Creek	submit application
		—South Fork Skykomish River	
		—mouth to Sunset Falls	July 1 - August 31
		—Sunset Falls to Alpine Falls	July 1 - September 15
		—above Alpine Falls	July 15 - October 31
		—Beckler River	
		—mouth to Boulder Creek	July 1 - September 15
		—above Boulder Creek	July 15 - October 31
		—Rapid River	
		—mouth to Meadow Creek	July 15 - September 15
		—above Meadow Creek	July 15 - October 31
		—Foss River	
		—mouth to forks	July 15 - September 15
		—East Fork Foss River	submit application
		—West Fork Foss River	July 15 - October 31
		—Miller River	
		—mouth to forks	July 1 - September 15
		—above forks	July 1 - October 31
		—Olney Creek	
		—mouth to Olney Falls	July 1 - September 15
		—above Olney Falls	July 1 - October 31

PROPOSED

COUNTY	GENERAL WORK TIMES	SPECIFIC STREAM & TRIBUTARY WORK TIMES	
		STREAM & ALL TRIBUTARIES	WORK TIME
		—Sultan River	
		—mouth to old diversion dam	July 1 - August 31
		—old diversion dam to Culmback Dam	July 1 - October 31
		—tributaries above Culmback Dam	August 1 - October 31
		—Wallace River	
		—mouth to Wallace Falls	July 1 - September 1
		—above Wallace Falls	July 1 - October 31
		—Snoqualmie River	July 1 - August 31
		—all other Snohomish River tributaries	July 1 - August 31
		Stillaguamish River	
		—mouth to forks	July 1 - August 31
		—North and South Fork Stillaguamish Rivers	July 1 - August 15
		—Deer Creek	submit application
		—Canyon Creek	submit application
Spokane	June 15 - August 31	Latah Creek	
		—mainstem	June 15 - October 31
		—all Latah Creek tributaries	June 15 - August 31
Stevens	July 1 - August 31	Big Sheep Creek	
		—mouth to Sheep Creek Falls	submit application
		—above Sheep Creek Falls	July 1 - August 31
Thurston	July 15 - September 15	Cedar Creek	July 15 - September 30
		Little Deschutes River	July 15 - October 31
		McLane Creek	July 15 - October 31
		Nisqually River	
		—mainstem	July 1 - August 31
		—all Nisqually River tributaries	submit application
		Porter Creek	July 15 - September 30
		Schneider Creek	July 1 - October 31
		Skookumchuck River	July 1 - August 31
		Woodard Creek	July 1 - October 31
		Woodland Creek	July 1 - October 31
Wahkiakum	July 15 - September 15	Elochoman River	August 1 - September 30
		Grays River	August 1 - September 30
		Naselle River	July 15 - September 30
Walla Walla	July 15 - October 31	Touchet River	July 15 - August 15
		Walla Walla River	July 15 - August 15
Whatcom	July 1 - September 30	Baker River	submit application
		Nooksack River	
		—above forks	submit application
		—all Nooksack River tributaries	submit application
		Ross Lake tributaries	submit application
		Samish River	submit application

PROPOSED

PROPOSED

SPECIFIC STREAM & TRIBUTARY WORK TIMES

COUNTY	GENERAL WORK TIMES	STREAM & ALL TRIBUTARIES	WORK TIME
		Skagit River	June 15 - July 31
Whitman	June 15 - October 15	Palouse River —mouth to falls	June 1 - September 30
Yakima	June 1 - September 30	Klickitat River Yakima River —mouth to Roza Dam —Naches River —mouth to Tieton River —above confluence of Tieton River —Indian Creek (Rimrock Lake) —Tieton River —Little Naches River —American River —Wenas Creek —all other Yakima River tributaries	July 1 - August 15 June 1 - September 30 June 1 - October 31 June 1 - August 15 July 1 - July 31 June 1 - August 15 July 15 - August 15 submit application August 1 - October 31 July 15 - August 31

NEW SECTION

**WAC 220-110-207 Authorized work times and watercourses for mineral prospecting and placer mining projects in the Columbia and Snake rivers, lakes, salt waters and waters within National Park boundaries using Class I and II equipment.** Mineral prospecting and placer mining using Class I and II equipment pursuant to WAC 220-110-203 and 220-110-204 shall only occur in watercourses and times specified in the following table:

(1) Where a tributary is listed as a boundary, that boundary shall be the line perpendicular to the receiving stream and which is projected from the most upstream point of the tribu-

tary mouth to the opposite bank of the receiving stream. (See Figure 1, WAC 220-110-206.)

(2) The general and special Class I work times apply only to the watercourses listed. See WAC 220-110-206 for work times and locations for tributaries to the listed watercourses.

(3) Use of Class I equipment only is authorized for the special Class I work times.

(4) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in state waters listed as "submit application" or "closed" is not authorized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING CLASS I AND II EQUIPMENT**

WATERCOURSE	GENERAL WORK TIME	SPECIAL CLASS I WORK TIME
Columbia River		
—mouth to Snake River	submit application	June 1 - October 31
—Snake River to Priest Rapids Dam	August 1 - August 31	June 1 - August 1
—Priest Rapids Dam to Wenatchee River	October 16 - October 31	June 1 - October 16
—above Wenatchee River	September 1 - October 31	June 1 - September 1
Snake River	August 1 - August 31	June 1 - August 1
Lakes	closed	closed
—Columbia River reservoirs	see Columbia River above	see Columbia River above
—Snake River reservoirs	see Snake River above	see Snake River above
Salt waters	closed	closed

WATERCOURSE	GENERAL WORK TIME	SPECIAL CLASS I WORK TIME
All watercourses, including tributaries, within National Park boundaries	closed	closed

NEW SECTION

**WAC 220-110-208 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class III equipment only.** Mineral prospecting and placer mining using Class III equipment pursuant to WAC 220-110-205 shall only occur in watercourses and times specified in the following table:

- (1) The work times apply to all watercourses listed and their tributaries.
- (2) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in streams listed as "closed" is not authorized.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING CLASS III EQUIPMENT**

WATERCOURSE	WORK TIME
All watercourses not listed as "closed" in WAC 220-110-206 and 220-110-207	January 1 - December 31
All watercourses listed as "closed" in WAC 220-110-206 and 220-110-207	closed

NEW SECTION

**WAC 220-110-209 Authorized work times and watercourses for mineral prospecting and placer mining projects using Class 0 equipment only.** Mineral prospecting and placer mining using Class 0 equipment pursuant to WAC 220-110-202 shall only occur in watercourses and times specified in the following table:

- (1) The work times apply to all watercourses listed and their tributaries.
- (2) Mineral prospecting and placer mining within two hundred feet landward of the ordinary high water line in state waters listed as "submit application" or "closed" is not authorized under the *Gold and Fish* pamphlet. Site review and a written HPA is required for these state waters.

**AUTHORIZED WORK TIMES FOR MINERAL PROSPECTING AND PLACER MINING USING CLASS 0 EQUIPMENT**

WATERCOURSE	WORK TIME
All watercourses not listed as "submit application" or "closed" in WAC 220-110-206 and 220-110-207	January 1 - December 31

WATERCOURSE	WORK TIME
All watercourses listed as "submit application" in WAC 220-110-206 and 220-110-207	submit application
All watercourses listed as "closed" in WAC 220-110-206 and 220-110-207	closed

AMENDATORY SECTION (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

**WAC 220-110-340 Informal appeal of adverse administrative decisions.** It is recommended that an aggrieved party contact the local habitat biologist responsible for the hydraulic permit decision of concern prior to initiating an informal or formal appeal. Discussion of concerns with the habitat biologist often results in resolution of the problem without the need for an informal or formal appeal. The habitat biologist may request review of your concerns by his or her supervisor.

All parties are encouraged to take advantage of this informal appeal process prior to initiating a formal appeal. However, this informal appeal process is not mandatory, and a person may proceed directly to a formal appeal.

(1) The following procedures shall govern informal appeals of department actions taken pursuant to RCW 75.20.100, 75.20.103, 75.20.106, and 75.20.160. This rule does not apply to any provisions or conditions in pamphlets or supplemental approvals as defined in WAC 220-110-020 (44)(c). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual written HPA. A person who is aggrieved or adversely affected by the following department actions may request an informal review:

- (a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA; or
- (b) An order imposing civil penalties.

(2) A request for an informal review shall be in writing and shall be received by the department within thirty days of the denial or issuance of an HPA or receipt of an order imposing civil penalties. The thirty-day time requirement may be stayed by the department if negotiations are occurring between the aggrieved party and the habitat biologist and/or their supervisor. Requests for informal review shall be mailed ~~((or delivered to the following address: Department of Fish and Wildlife, Habitat Management Division, Natural Resources Building, Fifth Floor, 1111 Washington Street, Post Office Box 43155, Olympia, Washington 98504-3155))~~ to Department of Fish and Wildlife, Habitat and Lands Services Program, 600 Capitol Way N., Olympia, Washington 98501-1091, or hand delivered to 1111 Washington Street S.E., Habitat and Lands Services Program, Fifth floor.

PROPOSED

(3) Upon receipt of a written request for informal agency review, the department shall initiate a review of the agency decision. This review shall be conducted by the regulatory services division manager or the division manager's designee. Upon completion of the comprehensive review, the division manager, or designee shall recommend a decision to the director or the director's designee. This recommended decision shall be approved or disapproved by the director or the director's designee within sixty days of the date the informal appeal was received by the department. The department shall notify the appellant in writing of the decision of the director or the director's designee.

(4) If, following this informal agency review process, the appellant still wishes to contest the agency action, a formal appeal may be initiated pursuant to WAC 220-110-350. Formal review must be requested within the time periods specified in WAC 220-110-350.

**AMENDATORY SECTION** (Amending Order 94-160, filed 11/14/94, effective 12/15/94)

**WAC 220-110-350 Formal appeal of administrative decisions.** (1) The following procedures shall govern formal appeals of department actions taken pursuant to RCW 75.20.100 or 75.20.106. This rule does not apply to any provisions or conditions in pamphlets or supplemental approvals as defined in WAC 220-110-020 (44)(c). A person who disagrees with a provision or condition in a pamphlet HPA or its supplemental approval may apply for an individual written HPA. This rule does not apply to an appeal in which a person contests the denial, conditioning or issuance of an HPA issued pursuant to RCW 75.20.103 or 75.20.160, which shall be heard by the hydraulic appeals board. A person who is aggrieved or adversely affected by the following department actions may request a formal appeal:

- (a) The denial or issuance of an HPA, or the conditions or provisions made part of an HPA;
- (b) An order imposing civil penalties; or
- (c) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, chapter 34.05 RCW.

(2) As required by the Administrative Procedure Act, the department shall inform the permittee, or person subject to civil penalty or order of the department, of the opportunity for appeal, the time within which to file a written request for an appeal, and the place to file it.

(3) A request for an appeal shall be in writing and shall be received during office hours by the department within thirty days of the agency action that is being challenged. Requests for appeal shall be mailed ~~((or delivered to the following address: Department of Fish and Wildlife, Habitat Management Division, Natural Resources Building, Fifth Floor, 1111 Washington Street, Post Office Box 43155, Olympia, Washington 98504-3155))~~ to Department of Fish and Wildlife, Habitat and Lands Services Program, 600 Capitol Way N., Olympia, Washington 98501-1091, or hand delivered to 1111 Washington Street SE, Habitat and Lands Services Program, Fifth floor. If there is no timely request for an appeal, the agency action shall be final and unappealable.

(4) The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within thirty days of the date of the department's written decision in response to the informal appeal.

(5) The written request for an appeal shall be plainly labeled as "Request for Formal Appeal" and shall contain the following:

- (a) The name, address, and phone number of the person requesting the appeal;
- (b) The specific agency action that the person contests; for example, denial of an HPA, a particular condition in an HPA, order imposing civil penalties, etc.;
- (c) Whether the person is the permittee, landowner, resident, or other basis for the person's interest in the agency action in question;
- (d) The date of denial, issuance, or condition of an HPA, if the person is contesting denial, issuance, or conditioning of an HPA;
- (e) Specific relief requested; and
- (f) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(6) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464.

(7) All hearings conducted by the director, the director's designee, or an ALJ pursuant to subsection (6) of this section, shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-110-210	Mineral prospecting (sluicing).
WAC 220-110-220	Mineral prospecting (dredging).

**WSR 98-21-072**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed October 21, 1998, 10:15 a.m.]

Original Notice.  
 Preproposal statement of inquiry was filed as WSR 98-15-149.  
 Title of Rule: 1999 sport licenses and dealer issuance.  
 Purpose: Amend recreational license and license issuance rules.

PROPOSED

Statutory Authority for Adoption: Chapter 191, Laws of 1998, RCW 75.08.080.

Statute Being Implemented: Chapter 191, Laws of 1998.

Summary: The 1998 legislature passed a recreational license reform bill that restructures fishing and hunting licensing. These rules implement this bill.

WAC 220-55-001, definitions for licensing.

WAC 220-55-005, new license issuance forms. Allows temporary fishing license to be issued as a stamp for convenience of charter operators and others.

WAC 220-55-010, shellfish validation tag is included as part of license.

WAC 220-55-015, license required on possession. Enforcement requirement.

WAC 220-55-040, license refund policy. Clarifies when a refund is available.

WAC 220-55-050, temporary license validations. Clarifies period of validity.

WAC 220-55-055, age of purchaser determines eligibility; certain licenses are valid if prepurchased for remainder of licensing year. Offers reduced license fees for early youth purchase and does not require purchase of senior fishing license if already licensed.

WAC 220-55-060, reduced fee license issuance requirements clarification for dealers.

WAC 220-55-065, disabled harvester card issuance and policy. Clarifies requirements for disabled fisher assistance.

WAC 220-55-070, catch record card requirements. No change.

WAC 220-55-100, vehicle use permit issuance and dealer requirements. Clarifies dealer requirements.

WAC 220-55-105, dealer requirements. Clarification.

WAC 220-55-110, temporary license issuance dealer requirements. Clarification.

WAC 220-55-115, dealers fees and transaction fees. Begins implementation of a point-of-sale system.

WAC 220-55-120 and 220-55-125, inventory return. Clarifies when inventory to be returned and refund policy.

Repealers: Repeals enhancement stamp and dealer's fee rules as redundant.

Enhancement Account Funding: WAC 220-20-070, 220-140-050, and 232-12-072. The bill requires the department to adopt rules to continue funding enhancement programs at levels equal to the participation of licensees. The mechanism for funding the eastern Washington pheasant enhancement account, regional fisheries enhancement group account, and recreational fisheries enhancement account is to take the current dollars remitted to these accounts, continue to deposit a like sum, and make adjustments based on annual surveys. This method should provide a more sure funding than a percentage of sales, particularly in light of uncertain future sales.

WAC 232-12-001, seasonal wild steelhead limit changed to reflect new licensing year.

WAC 232-12-157, permit changed to catch record card as permit included in new licenses.

WAC 232-12-166, license name change.

WAC 232-12-189, punch card changed to catch record card.

WAC 232-12-619, seasonal wild steelhead limit changed to reflect new licensing year.

WAC 232-12-830, waters in which either a freshwater or saltwater license is valid established as required by section 41, chapter 41, Laws of 1998.

Repealers: WAC 232-12-069, repealed as transport tag fees set by statute. WAC 232-12-241, repealed as requirements of license dealers moved to chapter 220-55 WAC.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; Implementation: Dave Brittell, 1111 Washington Street, Olympia, 902-2206; and Enforcement: Ron Swatfigure, 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.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunters and fishers. The incidental effect on license dealers is set by statute and the department has no ability to modify the statutes. Other than a licensing name change, there is no immediate effect on license dealers as small businesses. The point-of-sale system will require significant rules, which will be addressed in a separate filing.

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

Hearing Location: DoubleTree Hotel, 18740 Pacific Highway South, Seattle, WA, on December 4-5, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by October [November] 13, 1998, TDD (360) 902-2295, or (902) [(360)] 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, fax (360) 902-2940, by December 3, 1998.

Date of Intended Adoption: December 5, 1998.

October 21, 1998

Evan Jacoby

Rules Coordinator

#### NEW SECTION

**WAC 220-55-001 Definitions.** Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

(3) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.

(4) "Veteran" means a veteran of the United States Armed Forces.

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 3/11/96)

**WAC 220-55-005** (~~(Personal use food fish)~~) **Recreational license.** A ~~((personal use food fish))~~ recreational license is a license ~~((card))~~ document issued by the department and ~~((shall be color coded to designate resident, nonresident, three consecutive day, or senior citizen))~~ in the case of a shellfish-seaweed license consists of the license and shellfish validation tag. The license is invalid unless the ~~((fisher))~~ personal identification information on the license has been completed and the ~~((fisher))~~ licensee has signed the license except that a temporary fishing license is issued either as a license document requiring personal identification information or as a stamp, which is invalid unless the two-consecutive days for which it is valid are entered, in permanent ink, on the stamp. ~~((A license is invalid for taking salmon and other food fish from Catch Record Card Areas 5 through 13 and Lake Washington unless a recreational fisheries enhancement stamp has been permanently affixed to a license card in the space provided, and that license is in the physical possession of the fisher except that a recreational fisheries enhancement stamp is not required for three consecutive day licenses, five year disability licenses or for any licenses issued at no cost. Any fisher who has filled a salmon catch record card and purchased another personal use food fish license in order to continue fishing for salmon need not purchase a second recreational fisheries enhancement stamp, provided the fisher has the original license card with recreational fisheries enhancement stamp attached in the fisher's possession.))~~

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 3/11/96)

**WAC 220-55-010** (~~(Personal use)~~) **Recreational shellfish and seaweed ((license)) validation tag.** ~~((A))~~ The recreational personal use shellfish and seaweed ~~((license shall consist of a))~~ validation tag ~~((printed and issued by the department. The license))~~ shall be provided with an opening for attachment or display on outer clothing ~~((and shall be color coded to designate resident, nonresident, three consecutive day or senior citizen)).~~ The ~~((license shall be invalid unless the harvester information on the license has been completed and the harvester has signed the license))~~ validation must be displayed on outer clothing while harvesting or transporting shellfish in the field.

AMENDATORY SECTION (Amending Order 94-162, filed 11/14/94, effective 12/15/94)

**WAC 220-55-015 Valid ((personal use)) recreational license required.** (1) It is unlawful for any person required to have a recreational license to take or possess ~~((food))~~ fish or ~~((shellfish))~~ wildlife for personal use without having in physical possession a valid license. ~~((A personal use shellfish and seaweed license is not required for private tideland owners or lessees of state tidelands or members of their immediate fam-~~

~~ily to harvest clams, oysters, cockles, borers, or mussels taken for personal use from their own tidelands.~~

~~(2) A shellfish and seaweed license must be displayed on outer clothing while harvesting or transporting shellfish in the field.~~

~~(3) The department will not replace lost or mutilated personal use licenses.))~~

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

**WAC 220-55-040** (~~(Free license definitions.))~~ **License, tag and stamp refunds.** ~~((For purposes of free licenses issued by the department:~~

~~(1) A person who is blind, or blind person, means a person who has no vision or whose vision with corrective lenses is so defective as to prevent the performance of ordinary activities for which eyesight is essential.~~

~~(2) Veteran means a veteran of the United States Armed Forces.)) (1) The department will not refund any recreational license or transport tag purchase for which a season or hunt has been scheduled, and the licensee could have participated in the season or hunt, regardless of whether the licensee did in fact participate.~~

~~(2) The department will not refund migratory bird stamp purchases.~~

~~(3) The department will refund the purchase of a second license when such purchase was made on behalf of the licensee by someone other than the licensee.~~

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 3/11/96)

**WAC 220-55-050** (~~(Three consecutive day))~~ **Temporary fishing or hunting license validation date.** On a ~~((three consecutive day personal use food fish or shellfish and seaweed))~~ temporary fishing or hunting license, the validation date is the first date on which ~~((an angler))~~ a licensee may hunt or fish ~~((for, harvest or possess food fish and shellfish))~~ and the temporary license expires at midnight of the day after the validation date for temporary fishing licenses and at midnight of the second day after the validation date for three-consecutive-day small game licenses.

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 3/11/96)

**WAC 220-55-055** (~~(Personal use license and catch record card expiration.))~~ **Age of purchaser.** ~~((The expiration date for all personal use licenses and catch record cards is December 31st of the year printed on the license or catch record card, except a three consecutive day license expires at midnight of the day after the validation date or December 31st, whichever occurs first, and a disability license expires five years after the date of issue.)) (1) The age at the time of purchase determines the license necessary for the recreational activity.~~

~~(2) Youth hunters who turn sixteen years of age during the license year may use a previously purchased youth hunting license during the remainder of the license year, but are~~



required to have a state migratory bird stamp affixed to the license on and after their sixteenth birthday, if they are hunting migratory birds.

(3) Youth fishers who turn fifteen years of age during the license year are required to purchase a youth fishing license.

(4) Youth fishers who turn sixteen years of age during the license year may use a previously purchased youth fishing license during the remainder of the license year.

(5) Resident seniors who turn seventy years of age during the license year may use a previously purchased saltwater or freshwater fishing license during the remainder of the license year.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-060 ((Free personal use)) Reduced fee license issuing procedure. Upon request and presentation of required documentation, a ((free personal use license and catch record)) disability authorization card will be issued by the ((license supervisor of the)) department to any qualified applicant under RCW ((75.25.110)) 77.32.480. ((Persons not required to have a license under RCW 75.25.091 or 75.25.092 will be issued a free license, for their convenience, upon request. A lost, mutilated, or illegible free license will be replaced by the license supervisor upon request.)) Such card entitles the card holder to a reduced fee license which may be purchased at any authorized license dealership or department regional office.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-065 ((Physical disability permit)) Fishing for shellfish, freshwater fish or saltwater fish by persons of disability. ((1) Persons who are disabled, but are not entitled to a free license under RCW 75.25.110 or WAC 220-55-060, may obtain a physical disability permit upon application to the license supervisor of the department. Application must be made on a form supplied by the department and be accompanied by a statement of condition signed by a physician.

(2) Any personal use licensed fisher or shellfish harvester who has a disability permit and is present at the fishing or harvest site may have another personal use licensed fisher or harvester fish or harvest for the person who is disabled.

(3) A seaweed and shellfish licensee with a disability permit need not be present at the site for another licensee to harvest razor clams, but must be in a direct line of sight or within one-quarter mile of the harvest site if the direct line of sight is obstructed. A person harvesting razor clams for a person who has a disability permit must keep his or her razor clams separate from the razor clams being harvested for the person who is disabled.)) (1) Definitions:

(a) "Designated harvester" means a licensed fisher who accompanies a disabled fisher and assists the disabled fisher in the taking of shellfish, game fish or food fish.

(b) "Disabled fisher" means a person of disability who possesses a valid fishing license or shellfish license issued by

the department. A disabled fisher must have all required licenses and catch record cards before fishing.

(c) "Disabled harvester identification card" means a card issued by the department to any person of disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person of disability. Upon issuance of a disabled license, the department will also issue a designated harvester identification card.

(d) "Person of disability" means:

(i) A permanently disabled person who is not ambulatory over natural terrain without a prosthesis or assistive device; or

(ii) A permanently disabled person who is unable to hold or use any legal fishing or shell fishing device; or

(iii) A person who is totally blind or visually impaired.

This definition includes, but is not limited to, permanently disabled persons with upper or lower extremity impairments who have lost the use of one or both upper or lower extremities, or who have a significant limitation in the use of upper or lower extremities, or who have a diagnosed disease or disorder which substantially impairs or interferes with mobility of the use of upper extremities.

(e) "Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than 20 degrees.

(2) The designated harvester, when accompanied by the disabled fisher, may assist the disabled fisher in taking shellfish, game fish and food fish on behalf of the disabled fisher.

(3) It is unlawful for a designated harvester to assist a disabled fisher unless the disabled fisher is present and participating in the fishing activity; except, the disabled fisher is not required to be present at the location where the designated harvester is harvesting shellfish for the disabled person. The licensee is required to be in the direct line of sight of the designated harvester who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the licensee is required to be within one-quarter mile of the designated harvester who is harvesting shellfish for him or her.

(4) It is unlawful for a designated harvester to assist a disabled fisher unless the designated harvester has the designated harvester identification card on his or her person.

(5) Shellfish, game fish or food fish harvested by a designated harvester on behalf of a disabled fisher become part of the disabled fisher's bag or possession limit, and must be kept separate from the designated harvester's bag or possession limit.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-070 Valid catch record card. A catch record card required while fishing for halibut in Catch Record Card Areas 5 through 13, sturgeon in Grays Harbor, Willapa Bay or the Columbia River and tributaries to these three systems, or anadromous salmon anywhere in the state (see WAC 220-56-175) shall be invalid unless:

(1) The angler possesses the appropriate ~~((personal-use)) recreational~~ license for the ~~((fishery)) area~~ in which the angler is participating, if a license is required.

(2) The catch record card number is written in ink in the appropriate space on the back of the ~~((personal-use)) recreational~~ license, if a license is required.

(3) The license issuance date is legible and not altered, and the license has not been mutilated.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

**WAC 220-55-100** ~~((Personal use food fish license and shellfish and seaweed license dealer.))~~ **Fish and wildlife lands vehicle use permit.** ~~((A personal use food fish license and shellfish and seaweed license dealer is any person, business, corporation or governmental agency authorized by the director to issue personal use licenses, recreational fisheries enhancement stamps, and catch record cards.))~~ Recreational license dealers are to issue a fish and wildlife lands vehicle use permit with each annual recreational license sold, except for shellfish-seaweed licenses, and with each trapping license sold. If the fish and wildlife lands vehicle use permit is not issued, it is to be returned to the department with the department's copy of the license, and is due by the 10th of the month following the sale of the license.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

**WAC 220-55-105** ~~((Personal use license dealer—Bonding, prepayment and remittance requirements.))~~ **Requirements of recreational license dealers.** ~~((1) A personal use license dealer who has been authorized less than twenty-four months must either post a surety bond or prepay for licenses and recreational fisheries enhancement stamps. The total value of licenses and stamps issued to bonded dealers will not exceed the amount of the bond.~~

~~(2) Personal use license dealers who have been authorized for twenty-four months or longer and who have had no more than three late remittances or more than one audit exception in a twelve-month period and who provide proof of casualty, theft or loss insurance may be issued licenses without bonding or prepayment.~~

~~(3) Personal use license dealers who have been issued licenses without bonding or prepayment and thereafter have more than three late remittances in a twelve-month period or two audit exceptions in a twelve-month period will resume status as a new dealer.~~

~~(4) Personal use license dealers who make a remittance with insufficient funds must obtain a surety bond or prepay for all further licenses.~~

~~(5) Personal use license dealers shall report license sales on forms provided by the department and shall remit receipts from those sales to the department no later than the tenth day of each month following the close of business for the previous calendar month. Receipts from sales of personal use licenses are the property of the state of Washington. Failure to remit receipts from the sales of personal use licenses within sixty days of the sale of the license may result in crim-~~

~~inal prosecution pursuant to Title 9A RCW, the Washington Criminal Code.))~~ (1) The director or his/her designee may deputize persons, firms or corporations as license dealers in such numbers as deemed necessary for the purpose of issuing licenses, permits, tags, stamps and punchcards.

(2) License dealers must sell a minimum of two hundred fifty licenses per year, have a permanent place of business with regular business hours, and have a type of business that supports hunting and fishing activities. Exceptions to this rule may be granted by the director or his/her designee upon written appeal.

(3) License dealers shall remit all moneys collected from the sale of licenses, stamps, and other department property by the 10th day of the following month in which the licenses are sold. High volume license dealers or dealers with a history of late payments may be required to remit moneys on a more frequent basis.

(4) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a fish and wildlife agent or department designee at reasonable times.

(5) License dealers who remit payments after the 10th of the month on more than two occasions in one year will be required to obtain a bond equal to the value of their license stock or make electronic fund transfer payment arrangements. "One year" is defined as beginning on the first month in which the license dealer is late making a payment due by the 10th of that month. A dealer who is late a third time, or sporadically thereafter, may lose their license dealership. No license dealer may receive additional license inventory if they are in arrears on license payments.

AMENDATORY SECTION (Amending Order 96-13, filed 2/9/96, effective 3/11/96)

**WAC 220-55-110** ~~((Three consecutive day))~~ **Temporary fishing and hunting license and catch record card—License dealer issuance duties.** (1) A ~~((personal-use)) recreational~~ license dealer must, at the time of sale of a ~~((three consecutive day license))~~ temporary fishing or three-consecutive-day small game license, write the validation date in ink on the license document. The validation date is the first day on which a licensee may fish for, harvest or possess ~~((food)) fish or ((shellfish)) wildlife.~~

(2) A ~~((personal-use)) recreational~~ license dealer must, at the time of distribution of a catch record card, record in ink the number of the catch record card in the appropriate space on the personal use food fish license, if a personal use food fish license is required for the fisher.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

**WAC 220-55-115** ~~((Personal-use))~~ **Recreational license dealer's fees.** ~~((Personal use dealers may retain a license fee of one dollar for each personal use food fish license, personal use shellfish and seaweed license, and recreational fisheries enhancement stamp sold. No dealer's fee may be charged for free licenses issued by dealers to residents seventy years of age or older, or for distributing catch~~

record cards to any fisher.)) Dealer fees are defined as fees in excess of license fees.

(1) License dealers may charge an agent fee of one dollar for the issuance of each license document and fifty cents for the issuance of each separate tag, permit, special hunting permit application, and the state migratory waterfowl stamp sold manually.

(2) License dealers with point-of-sale equipment may charge an agent fee of one dollar for each license transaction and fifty cents for each state migratory waterfowl stamp.

(3) License dealers must also collect transaction fees as calculated by the point-of-sale system. These transaction fees are two dollars and fifty cents for five or fewer licenses and license packages, and must be remitted to the department with the license fee remittance.

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

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-120 ((Personal use)) Recreational licenses ((and recreational fisheries enhancement)), stamps and tags—((Redemption and)) Inventory return. ((1) Personal use license dealers may redeem prepaid personal use food fish licenses, personal use shellfish and seaweed licenses, and recreational fisheries enhancement stamps for full value by returning unused stock to the department licensing division not later than January 31 of the year following expiration. Dealers who return stock by mail are entitled to a refund if the postmark is no later than January 31st. No redemption will be made for licenses or stamps received or postmarked after January 31st.

(2) Bonded dealers and dealers who are not required to prepay or bond must return all unused personal use licenses and recreational fisheries enhancement stamps by January 31st of the year following expiration. After January 31st any unreturned licenses or stamps will be presumed to have been sold and remittance will be required under WAC 220-55-105.)) Recreational license dealers are required to return all unused licenses and transport tags and unsold migratory bird stamps to the department by April 30th following the license year for which the licenses and transport tags were issued. No refund will be given for migratory bird stamps received after April 30th.

AMENDATORY SECTION (Amending WSR 94-01-001, filed 12/1/93, effective 1/1/94)

WAC 220-55-125 Catch record cards—Accountability and inventory return. A ((personal use)) recreational license dealer issuing catch record cards for salmon, sturgeon, ((and)) halibut, and steelhead is subject to the following rules:

(1) Catch record card books may not be transferred from one dealer to another without written permission from the department.

(2) All catch record card books from which all cards have been issued, and any catch record card returned to a

dealer by a fisher, must be returned to the department within ten days after the end of each calendar month.

(3) Any dealer terminating business or closing for the license year prior to ((December)) March 31st must return any unused or partially used catch record card books within thirty days of terminating business or closing for the year.

(4) All partially used catch record card books must be returned to the department by ((January 31st)) April 30th of the license year following the year printed on the catch record cards. All complete unused catch record card books, and any catch record cards that are void, lost, destroyed or otherwise missing from a dealership, must be accounted for in writing to the department by ((January 31st)) April 30th of the year following the year printed on the catch record cards.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-55-075 Recreational fisheries enhancement stamp.

WAC 220-55-155 Personal use license dealer's fee.

#### NEW SECTION

WAC 220-20-070 Recreational fisheries enhancement account—Funding. Pursuant to RCW 75.54.140, effective January 1, 1999, the recreational fisheries enhancement account (account) shall be funded as follows:

(1) One-quarter of the revenue amount derived from the 1998 recreational surcharge shall be deposited quarterly into the account beginning with the first quarter of 1999, and the same amount shall be deposited into the account for the following eight quarters.

(2) Beginning April 1, 2001, the amount deposited quarterly into the account shall be adjusted on a percentage basis to reflect the annual increase or decrease in the persons fishing for salmon and marine bottomfish in Puget Sound, based on the previous license year's annual survey of licensed anglers as provided for in RCW 77.32.440.

#### NEW SECTION

WAC 220-140-050 Funding the fisheries regional enhancement group account. Pursuant to RCW 75.50.100, effective January 1, 1999, the dedicated fisheries regional enhancement group account (account) shall be funded as follows:

(1) The one hundred dollar surcharge on commercial salmon licenses, salmon delivery licenses and salmon charter licenses shall be deposited into the account.

(2) The revenue from sale of a group's carcasses and eggs will be deposited into the account for use by the group that produced the surplus.

(3) One-quarter of the revenue amount derived from the 1998 personal use license regional fishery enhancement group surcharge shall be deposited quarterly into the account

beginning with the first quarter of 1999, and the same amount shall be deposited into the account for the following eight quarters. Beginning April 1, 2001, the amount deposited quarterly into the account shall be adjusted on a percentage basis to reflect the annual increase or decrease in the persons fishing for food fish, based on the previous license year's annual survey of licensed anglers provided for in RCW 77.32.440.

#### NEW SECTION

**WAC 232-12-072 Eastern Washington pheasant enhancement—Funding level determination.** The department will deposit one-quarter of the revenue derived from the 1997 Eastern Washington pheasant enhancement program into the program for the first quarter of 1999. Beginning the second quarter of 1999, and thereafter, the department will deposit a like amount, adjusted yearly by the percentage of Eastern Washington pheasant hunters, based upon the annual hunter survey.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-12-069	Transport tag fees for black bear and cougar.
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**AMENDATORY SECTION** (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 232-12-001 Definition of terms.** Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(5) "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(8) "Handgun" means any pistol, revolver or short fire-arm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(9) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(10) "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(12) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

(13) "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

(14) "Catch-and-release" means a type of angling where none of the fish caught are retained by the angler.

(15) "Fish in possession" means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

(16) "Mouth" of stream, river, or slough means those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

(17) Fish length means the length of a fish measured from snout to tip of tail not fork.

(18) Slough means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

(19) "In the field or in transit" means any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(20) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from May (~~1st through the following April 30th~~) 1, 1998, through April 30, 1999; May 1, 1999, through March 31, 2000; and thereafter April 1st through the following March 31st.

(21) "Wild steelhead" means a steelhead trout that does not have the adipose or a ventral fin removed and a healed scar at the removal site.

(22) "Fresh" means game fish that are refrigerated, iced, salted, or surface glazed.

(23) "Frozen" means a game fish that is hard frozen throughout.

(24) "Processed" means a game fish that has been processed by heat for human consumption as kippered, smoked, boiled or canned.

(25) "Juvenile" means a person under fifteen years old.

(26) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact. A fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin is not a wild fish.

**AMENDATORY SECTION** (Amending Order 252, filed 5/23/85)

**WAC 232-12-157 Steelhead ((~~permit~~) catch record card)**. (1) It is unlawful for a person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout without having in their immediate possession a valid steelhead ((~~permit~~) catch record card).

(2) Upon retaining a steelhead trout over twenty inches in length, the holder of a steelhead ((~~permit~~) catch record card) must immediately enter on the ((~~permit~~) catch record card) in ink the date of the catch and the river code number as listed on the card.

(3) Every person possessing a steelhead ((~~permit~~) catch record card) must, by June 1, following the period for which it was issued, return that ((~~permit~~) catch record card) to an authorized license dealer or the department.

**AMENDATORY SECTION** (Amending Order 632, filed 4/14/94, effective 5/1/94)

**WAC 232-12-166 Northern squawfish sport-reward fishery Columbia and Snake rivers.** The Washington department of fish and wildlife shall administer a bounty voucher program for Northern squawfish (*Ptychocheilus oregonensis*) taken by legal fishing methods, in waters open to fishing, from the mouth of the Columbia River to the boundary markers 650 feet below the fish ladders at Priest Rapids Dam; from the mouth of the Snake River to the boat restricted zone below Hells Canyon Dam, and from ((~~the~~) the) backwaters and sloughs as well as up to 400 feet into the tributaries of the reaches listed above on the Columbia and Snake rivers. In addition, the following requirements shall be met to qualify for a voucher:

(a) Each angler must register in person, prior to fishing, at one of the registration stations each fishing day. A fishing day is a 24-hour period from 9:01 p.m. through 9:00 p.m. of the following day;

(b) Each angler, in person must exchange their eligible Northern squawfish for a voucher during the posted hours, and at the same registration station where the angler registered during the same fishing day;

(c) Each Northern squawfish must be eleven inches or longer in total length and presented in fresh condition or alive;

(d) Anglers shall provide information regarding their catch as requested by department personnel at the registration site and mail in survey forms; and

(e) Anglers shall obtain ((~~a Washington state game fishing license to fish for Northern squawfish~~) [angling

licenses])) a valid Washington state fishing license and must use a single rod, reel, and line with up to three hooks with no more than three points each.

**AMENDATORY SECTION** (Amending Order 267, filed 1/15/86)

**WAC 232-12-189 Duplicate licenses, tags, etc.— Rules for issuance.** Request for replacement of licenses, permits, tags, stamps or ((~~punchcards~~) catch record cards) required by chapter 77.32 RCW, which have been lost, mutilated, or stolen, must be made by the licensee.

Duplicate licenses, permits, tags, stamps and ((~~punchcards~~) catch record cards) may be issued at department offices or by game license dealers.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 232-12-619 Permanent Washington state-wide game fish regulations.** The following state-wide regulations apply to all waters unless modified under regional regulation exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day and close at 11:59 p.m. on the last day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.

(b) Take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. A hunting license is required to take bullfrogs.

(c) Feed or use any substance to attract game fish unless specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or over the maximum size as shown in general or special regional regulations.

(3) ((~~Annual~~) Seasonal wild steelhead limit - steelhead trout only: Each ((~~adult~~) angler who possesses a valid steelhead catch record card may not retain more than thirty steelhead over twenty inches in length ((~~per year (May 1 to April 30)~~) May 1, 1998, through April 30, 1999; May 1, 1999, through March 31, 2000; and thereafter April 1st through the following March 31st.

(4) Military personnel, regardless of the length of time in the state of Washington, who are permanently stationed at a military installation within the state, are entitled to purchase a resident license. Military personnel must have a license to fish for game fish anywhere in the state. Dependents must establish a ninety-day residency.

(5) Selective gear rules: In waters designated as being under selective gear rules, only artificial flies with a barbless single hook or lures with a barbless single hook are lawful. It is unlawful to use bait. Fish may be released until the daily limit is retained. It is unlawful to fish from any floating device equipped with a motor, unless specifically allowed under special rules for individual waters.

(6) Night closure: In waters designated as having a night closure, it is unlawful to fish from one hour after official sunset to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild cutthroat release, it is unlawful to possess any cutthroat that does not have a missing adipose fin and a healed scar in the location of the missing fin.

(8) Wild steelhead release: In waters requiring wild steelhead release, it is unlawful to possess any steelhead trout that does not have a missing adipose or ventral fin and a healed scar at the location of the missing fin.

(9) Free fishing weekends: The weekends corresponding with National Fishing Week have been declared as family fishing weekends in Washington. On these weekends a fishing license is not required for any person, regardless of residency or age, to fish for or possess game fish, except that it is unlawful to fish for or possess steelhead trout without the required license and catch record card. During free fishing weekends only the licensing requirement is affected, and all other rules remain in effect.

(10) Trout taken with bait: When fishing with bait, all trout equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, except steelhead trout may be caught and released while using bait until the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use of bait is prohibited, or where artificial flies or lures are used voluntarily, fish may be released until the daily limit is retained. If any fish has swallowed the hook or is hooked in the gill, eye or tongue, it should be kept if legal to do so.

(12) Burbot taken with set line: Where use of a set line is allowed for burbot, a single set line identified with the fisher's name and address and a maximum of ten hooks may be used.

(13) Rainbow trout taken from landlocked lakes: Rainbow trout taken from landlocked lakes shall not be considered steelhead and no ((~~steelhead license or~~) catch record card is required.

(14) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS: YEAR AROUND, unless specified otherwise under exceptions to state-wide rules.

RIVERS, STREAMS AND BEAVER PONDS: JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.

Note: The date set for "traditional" April openers for Lakes, Ponds, and Reservoirs for this year and future years is the last Saturday in April.

~~((Waters managed under April through October seasons are listed under the exceptions to state-wide rules.))~~

(15) Daily limits and minimum sizes:

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None
GRASS CARP....	It is unlawful to fish for or retain grass carp.	
TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.  No more than two of the trout daily catch limit of 5 may be Steelhead.	None in Lakes, Ponds, and Reservoirs.  Eight inches in Rivers, Streams, and Beaver Ponds.
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None
BURBOT	Five	None
CHANNEL CATFISH	Five if taken from lakes, ponds or reservoirs.	Twelve inches if taken in lakes, ponds or reservoirs with no more than one greater than 24 inches in length.

(a) The following game fish species are managed as trout:

- Eastern brook trout
- Brown trout
- Cutthroat trout
- Dolly Varden/Bull trout
- Golden trout
- Kokanee/Silver trout
- Lake trout
- Landlocked Atlantic salmon
- Rainbow trout/Steelhead
- Landlocked chinook and coho

(b) Wild steelhead release is required year-round.

(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.

Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to

PROPOSED

state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.

WALLEYE	Five, not more than one over twenty-four inches	Eighteen inches
	Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	
WHITEFISH	Fifteen	None
ALL OTHER GAME FISH	No Limit	None
BULLFROGS	No Limit	None

(16) Seasonal wild steelhead limits.

(a) It is unlawful for any person to retain more than two wild steelhead from the following watersheds:

- (i) Clearwater River - mouth to Snahapish River.
- (ii) Hoh River - mainstem, south fork and tributaries thereto.

(b) It is unlawful for any person to retain more than five wild steelhead from all of the following rivers and tributaries thereto:

- (i) Bogachiel River.
- (ii) Calawah River.
- (iii) Dickey River.
- (iv) Sol Duc River.
- (v) Quillayute River.

(17) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.

(18) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:

Abernathy Creek	Highway 4 Bridge.
Bear River	Highway 101 Bridge.
Bone River	Highway 101 Bridge.
Chehalis River	Highway 101 Bridge in Aberdeen.
Cowlitz River	A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.

Dakota Creek

Deschutes River

Drano Lake

Duwamish River

Elk River

Entiat River

Hoquiam River

Humptulips River

Johns River

Kalama River

Kennedy Creek

Kettle River

Lake Washington Ship Canal

Lewis River

Little White Salmon River

Methow River

Naselle River

North Nemah River

Niawiakum River

North River

Palix River

Puyallup River

Samish River

Sammamish River

A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.

A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.

Highway 14 Bridge. First Avenue South Bridge.

Highway 105 Bridge. Highway 97 Bridge. Highway 101 Bridge.

Mouth of Jessie Slough.

Highway 105 Bridge. Boundary markers located at the mouth.

An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.

Barstow Bridge.

A line 400 feet west of the fish ladder at the Chittenden Locks.

Boundary markers at the mouth.

At boundary markers on the river bank downstream from the Little White Salmon National Fish Hatchery.

Highway 97 Bridge.

Highway 101 Bridge.

Highway 101 Bridge.

Highway 101 Bridge.

Highway 105 Bridge.

Highway 101 Bridge.

11th Street Bridge.

Samish Island Bridge

(Bayview-Edison Road).

68th Ave. N.E. Bridge.

PROPOSED

Skagit River	A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.	Wind River	Boundary line/markers at mouth.
Skamokawa Creek	Highway 4 Bridge.	Willapa River	South Bend boat launch.
Skookum Creek	A line 400 yards below the old railroad bridge.	Yakima River	Highway 240 Bridge.
Snohomish River	Burlington Northern Railway Bridges crossing main river and sloughs.	(19) Nonbuoyant lure and night closure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect:	
South Nemah River	Lynn Point 117 degrees true to the opposite shore.	Area	Time Period
Spokane River	State Route 25 Bridge.		
Tucannon Creek	State Highway 261 Bridge.	Naselle River (including all forks)	
Wallace River	The furthest downstream rail road bridge.	Hwy 101 Bridge to Hwy 4 Bridge	July 1 - January 31
Washougal River	A straight line projected from the James River pump house southeasterly across the Washougal River to the east end of Highway 14 Bridge at the upper end of Lady Island.	Hwy 4 Bridge to Big Hill Bridge	October 16 - January 31
Whatcom Creek	A line projected approximately 14 degrees true from the flashing light to the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.	Willapa River Mouth to Hwy 6 Bridge	October 1 - November 30
White Salmon River	Markers downstream of the Burlington Northern Railroad Bridge.	Hwy 6 Bridge to Fork Creek	October 16 - January 31
		Humptulips River	September 1 - November 30
		Satsop River (including all forks)	September 1 - November 30
		Nemah River - North Fork	October 1 - November 30
		Nemah River - Middle Fork	September 1 - November 30
		Dungeness and Gray Wolf Rivers	August 1 - October 15
		Kennedy Creek	October 1 - December 31
		Nooksack River - South Fork mouth to Skookum Creek	August 1 - October 31
		Upstream from Skookum Creek	June 1 - September 30
		Big Quilcene River	August 1 - December 31
		Samish River	August 1 - December 31
		Stillaquamish River (including all forks)	August 1 - November 30
		Whatcom Creek	August 1 - December 31
		Cowlitz River From Mill Creek to BarrierDam	August 1 - October 31
		Kalama River From mouth to temporary rack	September 1 - October 31

PROPOSED



Area	Time Period
Lewis River - North Fork From lower Cedar Creek Boat Ramp to Colvin Creek	August 1 - December 31
Washougal River Downstream of Salmon Falls Bridge	September 1 - October 31
Icicle River From Leavenworth Federal Fish Hatchery to mouth	May 8 - June 30
Wenatchee River From mouth of Icicle River to Highway 2 Bridge	May 8 - June 15
Skagit River (and tributaries) Upstream of Gilligan Creek	July 1 - November 30
Tokol Creek From mouth to posted cable markers	December 1 - March 31
Capitol Lake	August 1 - November 30
Deschutes River	August 1 - November 30
Elochoman River	September 1 - November 30
Grays River	September 1 - November 30
Green/Duwamish River mouth to Highway 164 Bridge	August 1 - November 30
McAllister Creek	August 1 - November 30
Nisqually River	August 1 - November 30
Puyallup River mouth to Carbon River	August 1 - November 30
Skykomish River (including all forks)	August 1 - November 30
Snohomish River	August 1 - November 30
White/Stuck River	October 1 - November 30
Toutle River - North Fork	September 1 - October 31
Green River (Cowlitz Co.) mouth to 1,500 feet below hatchery rack	September 1 - October 31

(20) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 232-12-069 Transport tag fees for black bear and cougar.
- WAC 232-12-241 Requirements of license dealers.

NEW SECTION

**WAC 232-12-830 Waters in which either a personal use freshwater or personal use saltwater fishing license is valid.** In the following described waters, it is lawful to fish for food fish and gamefish with a personal use freshwater license, saltwater license, or combination license:

- (1) Those waters of the Columbia River downstream from the Megler-Astoria Bridge.
- (2) Those waters of Grays Harbor described as Catch Record Card Area 2-2 in WAC 220-56-185, and seaward of any river mouth as defined in WAC 232-12-001(16) and 232-12-619(18).
- (3) Those waters of Willapa Bay described as Catch Record Card Area 2-1 in WAC 220-56-185, and seaward of any river mouth as defined in WAC 232-12-001(16) and 232-12-619(18).
- (4) Those waters of Kennedy Creek downstream from the north side of the Highway 101 Bridge to the mouth.

**WSR 98-21-074**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 (Division of Child Support)  
 [Filed October 21, 1998, 10:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-12-107.

Title of Rule: WAC 388-11-320 through 388-11-340, division of child support (DCS) most wanted site: WAC 388-11-320 What is the division of child support's most wanted internet site? WAC 388-11-325 Whose picture can go on the division of child support's most wanted internet site? WAC 388-11-330 How does a noncustodial parent avoid being posted on the division of child support's most wanted internet site? WAC 388-11-335 When does the division of child support remove a noncustodial parent from the DCS most wanted internet site? and WAC 388-11-340 What information does the division of child support post to the DCS most wanted internet site?

Purpose: The division of child support will use the Internet as a tool for locating noncustodial parents, either those who owe at least \$10,000 on a support order, or those whom DCS has been unable to locate for establishment or enforcement of a support order.

**PROPOSED**

Statutory Authority for Adoption: RCW 26.23.120(2).

Statute Being Implemented: Chapter 26.23 RCW.

Summary: The division of child support will use the internet as a tool for locating hard-to-find noncustodial parents. There are two types of parents who will be subject to posting on the site: (1) A noncustodial parent who owes at least \$10,000 in back support and has not made a payment in the last six months, or (2) a noncustodial parent whom the division of child support has been unable to locate after twelve months, for establishment or enforcement of a support order. The division of child support will mail a warning letter to the noncustodial parent, who can avoid being posted on the site by paying the debt in full, entering into a payment agreement, or, in the case of the parent DCS is trying to locate, providing address and employment information. Once a parent has been posted to the site, the same things can get the parent taken off of the site.

Reasons Supporting Proposal: The division of child support views the internet site as yet another tool in helping to enforce support obligations against hard-to-locate parents.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Koptur, DCS Headquarters, P.O. Box 9162, Olympia, WA 98507-9162, (360) 664-5065.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: The division of child support will use the internet as a tool for locating hard-to-find noncustodial parents. There are two types of parents who will be subject to posting on the site: (1) A noncustodial parent who owes at least \$10,000 in back support and has not made a payment in the last six months, or (2) a noncustodial parent whom the division of child support has been unable to locate after twelve months, for establishment or enforcement of a support order. The division of child support will mail a warning letter to the noncustodial parent, who can avoid being posted on the site by paying the debt in full, entering into a payment agreement, or, in the case of the parent DCS is trying to locate, providing address and employment information. Once a parent has been posted to the site, the same things can get the parent taken off of the site.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses. It only affects individuals whom the division of child support is trying to locate.

RCW 34.05.328 applies to this rule adoption. The rules do meet the definition of a significant legislative rule but DSHS/DCS is exempt from preparing further analysis under RCW 34.05.328 (5)(b)(vii).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room 104-B, Lacey, WA 98503, on November 24, 1998, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by November 24, 1998.

Date of Intended Adoption: November 25, 1998.

October 13, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

#### NEW SECTION

**WAC 388-11-320 What is the division of child support's DCS most wanted internet site?** (1) The division of child support (DCS) maintains the DCS most wanted internet site in an effort to:

(a) Locate responsible parents (also known as noncustodial parents) in order to establish or enforce a child support obligation; and

(b) Collect unpaid child support from noncustodial parents who have a support obligation.

(2) Anyone who has information concerning a noncustodial parent (called the "NCP") is encouraged to provide that information to DCS.

#### NEW SECTION

**WAC 388-11-325 Whose picture can go on the division of child support's DCS most wanted internet site?** (1) If the child's physical custodian or custodial parent (called the "CP") requests DCS to post the NCP to the DCS Most Wanted Internet site (also called the "site"), the CP must:

(a) Give written permission to DCS to post the NCP on the site; and

(b) Provide a photograph of the NCP.

(2) Only the NCP's photograph appears on the site. If the CP submits a group photograph, DCS edits out everyone except the NCP.

(3) DCS may post an NCP to the site when:

(a) The NCP:

(i) Has made no payments in at least six months (intercepted IRS refunds are not considered to be payments for purposes of this section); and

(ii) Owes at least ten thousand dollars in back child support; or

(b) DCS has been unable to locate the NCP after trying other means for at least twelve months, and:

(i) There is a valid support order; or

(ii) There is a valid paternity affidavit filed for a child on the case, or

(iii) The NCP is:

(A) The mother of the child(ren) on the case; or

(B) The presumed father under RCW 26.26.040.

#### NEW SECTION

**WAC 388-11-330 How does a noncustodial parent avoid being posted on the DCS most wanted internet site?**

(1) DCS mails a letter to the NCP's last known mailing address by first class mail before posting an NCP on the site. The letter advises the NCP:

- (a) Who cannot be located, to provide DCS with a current address and employer information.
- (b) Who owes back support, to:
  - (i) Pay the back support debt in full; or
  - (ii) Sign a repayment agreement with DCS and make the first payment under that agreement.
- (2) If the NCP does not comply within twenty days of the date on the letter, DCS may post the NCP to the site.
- (3) If the NCP wishes to dispute the amount of the support debt, the NCP may request a conference board review under WAC 388-14-385. Such a request does not stay (stop) DCS from posting the NCP to the site.
- (4) If the NCP files a court or administrative action to vacate or modify the support obligation, DCS will stay the posting of the NCP to the site for up to six months. If DCS finds good cause, DCS may extend the stay.
- (5) If the NCP enters into a repayment agreement, but then misses a payment under the agreement, DCS may post the NCP to the site without further notice to the NCP.

#### NEW SECTION

**WAC 388-11-335 When does DCS remove a noncustodial parent from the DCS most wanted internet site?** (1) DCS must remove the NCP from the site if:

- (a) The NCP pays the back support debt in full;
- (b) The NCP files a court or administrative action to modify or vacate the support obligation (subject to the limitations in WAC 388-11-330(4));
- (c) The NCP enters into a repayment agreement and makes the first payment under that agreement (subject to the limitations in WAC 388-11-330(5));
- (d) The CP withdraws permission for the posting.
- (2) DCS may remove an NCP from the site even if the NCP has not complied with the requirements of this section.
- (3) If an NCP receives a warning letter for locate purposes only, DCS must remove the NCP who provides a current address and employment information.

#### NEW SECTION

**WAC 388-11-340 What information does the division of child support post to the DCS most wanted internet site?** (1) DCS may post to the site any information about the NCP which may aid in locating the NCP or collecting child support from the NCP, such as:

- (a) Full name and aliases;
- (b) Photograph;
- (c) Physical description;
- (d) Birth date;
- (e) Last known address;
- (f) Usual occupation;
- (g) Number and ages of children;
- (h) Amount of back support owed; and
- (i) Ongoing monthly support obligation, if any.
- (2) DCS does not post the names or photographs of the CP or the children.

**WSR 98-21-075**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Economic Services Administration)  
 [Filed October 21, 1998, 10:23 a.m.]

Original Notice.

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

Title of Rule: WAC 388-424-0020 Alien status and eligibility requirements for federal food stamps.

Purpose: Authorizes federal food stamp benefits for certain noncitizens, if otherwise eligible.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: S.1150 The Agricultural Research, Extension, and Education Reform Act of 1998.

Summary: Expands the number and type of noncitizens eligible for federal food stamps including qualified aliens residing in the United States on August 22, 1996, and now disabled or under eighteen and those sixty-five or older on August 22, 1996. Allows eligibility for border Indians and Hmong/Laoian tribe members when tribe assisted United States during Vietnam era. Extends refugee and asylee eligibility from five to seven years.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joan Wirth, Mailstop 45470, Olympia, Washington 98504-5470, (360) 413-3073.

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

Rule is necessary because of federal law, S.1150, The Agricultural Research, Extension, and Education Reform Act of 1998.

Explanation of Rule, its Purpose, and Anticipated Effects: Expands the number and type of noncitizens eligible for federal food stamps including qualified aliens residing in the United States on August 22, 1996, and now disabled or under eighteen and those sixty-five or older on August 22, 1996. Allows eligibility for border Indians and Hmong/Laoian tribe members when tribe assisted the United States during Vietnam era. Extends refugee and asylee eligibility from five to seven years.

With implementation, federal food stamp benefits will increase for noncitizens and state-funded food assistance program caseload will decrease.

Proposal Changes the Following Existing Rules: WAC 388-424-0020, this proposal allows additional noncitizens to get federal food stamp benefits and will result in a reduction of state expenditures and state-funded food assistance program cases.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not impact small businesses. The Department of Social and Health Services is submitting this rule to comply with federal law. See RCW 19.18.061.

RCW 34.05.328 applies to this rule adoption. This rule is significant, but it is exempt under RCW 34.05.328 (5)(b).

Hearing Location: Lacey Government Center (behind Tokyo Bento Restaurant), 1009 College Street S.E., Room

PROPOSED

104-B, Lacey, WA 98503, on November 24, 1998, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Paige Wall by November 13, 1998, phone (360) 902-7540, TTY (360) 902-8324, e-mail pwall@dshs.wa.gov.

Submit Written Comments to: Identify WAC Numbers, Paige Wall, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850, fax (360) 902-8292, by November 24, 1998.

Date of Intended Adoption: November 30, 1998.

October 20, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

WAC 388-424-0020 (~~Citizenship and~~) Alien status(~~(—)~~) and eligibility requirements for the federal food stamp program. (1) (~~Qualified aliens cannot receive federal food stamps unless they are:~~

(a) ~~On active duty in the U.S. military, other than active duty for training;~~

(b) ~~Honorably discharged U.S. veterans;~~

(c) ~~Veterans of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;~~

(d) ~~The spouse or unmarried dependent children of a person described in sections (a) through (c) above.)~~ For federal food stamps, an alien must meet one of the conditions in column 1 and one of the conditions in column 2.

Column 1

Refugee

Asylee

Deportation withheld

Cuban or Haitian entrant

Aliens lawfully admitted for permanent residence

(immigrants)

Parolee for at least one year

Conditional Entrant

Battered spouse, battered child, or parent or child of a

battered person as defined in WAC 388-424-0005

(2) (~~Lawful permanent residents who have earned enough money to qualify for forty quarters of coverage under Title II of the Social Security Act can receive~~) In addition to the above noncitizens, the following are eligible for federal food stamps.

(a) (~~For purposes of this rule, an alien can receive credit for each qualifying quarter of coverage earned by a:~~

(i) ~~Parent while the alien was under eighteen years of age; or~~

(ii) ~~Step-parent while the alien was under eighteen years of age and residing in the same household as the step-parent; or~~

(iii) ~~Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased~~) Hmong or Highland Laotian tribe members (and spouse and dependent children) when tribe rendered assistance to the U.S. during Vietnam era.

(b) (~~Any quarter of coverage earned after January 1, 1997 in which an alien receives the following benefits does not count as a qualifying quarter:~~

(i) ~~Food Stamps;~~

(ii) ~~Temporary assistance for needy families (TANF); or~~

Column 2

The following noncitizens are only eligible for seven years after admitted or granted status:

Refugee/Amerasian/Asylee

Deportation withheld/Cuban or Haitian entrant

(The above noncitizens may be eligible even if they become immigrants within the seven-year period.)

There is no time limit for the following noncitizens:

1. Permanent resident aliens with forty Social Security Administration (SSA) work quarters.

2. Honorably discharged veterans, active duty military (other than training), spouse, and unmarried dependent children.

3. Lawfully in U.S. on August 22, 1996 and:

a. Now under eighteen, or

b. Disabled or blind, or

c. Sixty-five or older on August 22, 1996.

(iii) ~~Medicaid, except for coverage provided under the alien emergency medical program~~) Canadian born American Indians who are fifty percent American Indian blood.

(c) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(3) (~~Aliens admitted to the U.S. as refugees under section 207 of the Immigration and Nationality Act (INA) can receive federal food stamps during the five-year period after their date of entry~~) Lawful permanent residents can receive credit for SSA work quarters by:

(a) Earning enough money to qualify for work quarters;

or

(b) Getting credit for quarters earned by a parent or step-parent while the alien is under eighteen; or

(c) Getting credit for quarters earned by a spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.

(4) (~~The following aliens can receive federal food stamps during the five-year period after the date they are granted their immigration status:~~

(a) Aliens granted asylum under section 208 of the INA;

PROPOSED

~~(b) Aliens whose deportation is withheld under section 243(h) or 241 (b)(3) of the INA;~~

~~(c) Cuban and Haitian entrants, as defined in section 501(e) of the Refugee Education Act of 1980; and~~

~~(d) Amerasians admitted to the U.S. under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as amended)) Lawful permanent residents cannot receive credit for a SSA work quarter after January 1, 1997 if receiving TANF, nonemergency Medicaid, or food stamp benefits during that quarter.~~

**WSR 98-21-077**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed October 21, 1998, 10:58 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 09-11-101 [98-11-101] on May 20, 1998.

Title of Rule: Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance, chapter 296-17 WAC.

Purpose: The department proposes to revise the reporting rules applicable to the retrospective rating program to comply with Executive Order 97-02.

Statutory Authority for Adoption: RCW 51.16.035.

Statute Being Implemented: Chapter 51.16 RCW.

Summary: The department proposes the adoption of twenty-four new rules, amend two rules and repeal of ten rules as follows:

**Proposed new rules:**

- WAC 296-17-91201 Introduction.
- WAC 296-17-91202 Definitions.
- WAC 296-17-91203 Overview of the retrospective rating program.
- WAC 296-17-91204 Participation requirements.
- WAC 296-17-91205 Participation prerequisites for associations.
- WAC 296-17-91206 Workplace safety requirements.
- WAC 296-17-91207 Commonly owned businesses—Participation in retro.
- WAC 296-17-91208 Industry group table and classification process.
- WAC 296-17-91209 Association members must be substantially similar.
- WAC 296-17-91210 Groups classifications—Determination.
- WAC 296-17-91211 Requesting additional classifications—Groups.
- WAC 296-17-91212 Reapplication process for risk classifications.
- WAC 296-17-91213 Application deadlines.
- WAC 296-17-91214 Application process described for groups.
- WAC 296-17-91215 Application process described for individuals.
- WAC 296-17-91216 End of coverage period questions.

- WAC 296-17-91219 When do I get my refund?
- WAC 296-17-91220 Does the department determine refund distribution to association members?
- WAC 296-17-91221 Additional assessments.
- WAC 296-17-91222 When are assessments due?
- WAC 296-17-91223 Disputes and participation.
- WAC 296-17-91224 Are refunds to be shared with employees?
- WAC 296-17-91225 Association disqualification's from sponsoring a group.
- WAC 296-17-91250 Limitation of liability indemnification.
- WAC 296-17-91402 Table II.
- WAC 296-17-91403 Table III.
- WAC 296-17-91404 Table IV.
- WAC 296-17-91405 Table V.
- WAC 296-17-91406 Table VI.

**Amend:**

- WAC 296-17-914 Retro premium formula.

**Repeal:**

- WAC 296-17-904 Definitions.
- WAC 296-17-910 Qualifications for group insurance.
- WAC 296-17-911 Group dividends.
- WAC 296-17-912 Retrospective rating plan.
- WAC 296-17-913 Qualifications for employers.
- WAC 296-17-915 Evaluation of incurred losses.
- WAC 296-17-916 Retro premium adjustment.
- WAC 296-17-91601 Ninety-day open option.
- WAC 296-17-917 Qualifications for group.
- WAC 296-17-918 Limitation of liability indemnification.
- WAC 296-17-91901 Table II.
- WAC 296-17-91902 Table III.
- WAC 296-17-91903 Table IV.
- WAC 296-17-91904 Table V.
- WAC 296-17-91405 Table VI.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting and Enforcement: Frank Romero, Tumwater, Washington, (360) 902-4835; and Implementation: Laura Smith, Tumwater, Washington, (360) 902-4848.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 51.16 RCW authorizes the department to offer retrospective rating options to employers on a voluntary basis. The subject rules promote workplace safety and effective claims management practices among employers that participate in the program. Employers can participate in either an individual plan of their selection, or a group plan sponsored by a trade organization. The subject rules clarify that the program is available to any state fund employer whose tax account is in good standing with the department; levels of participation that can be selected by the individual or organization and the procedure for requesting reconsideration of decisions made by the department. The anticipated effects of the subject rules include clarity of expectations and the finan-

cial incentives available to employers that participate in the program.

Proposal Changes the Following Existing Rules: The subject rules include the following new provisions:

- Strengthened safety program requirements - WAC 296-17-91205 and 296-17-91206 (2)(b).
- Requirements that commonly owned businesses that have substantially similar operations must participate in retro if one of the businesses participates - WAC 296-17-91207.
- How classifications are assigned to an organization's retro group - WAC 296-17-91208 through 296-17-91211.
- Reapplication process for all organizations that sponsor retro groups.
- Activities that can result in an organization being disqualified from sponsoring a retro group - WAC 296-17-91225.

No small business economic impact statement has been prepared under chapter 19.85 RCW. RCW 51.16.035 explicitly and specifically dictates the content of the rule. Pursuant to RCW 34.05.328 (5)(b)(v) the department is not required to prepare a small business economic impact statement if a statute explicitly and specifically dictates the content of the proposed rule.

RCW 34.05.328 does not apply to this rule adoption. RCW 51.16.035 explicitly and specifically dictates the content of this rule. Therefore, this rule is exempt from the significant rule-making requirements of the Administrative Procedure Act.

Hearing Location: Labor and Industries, Room S117, 7273 Linderson Way S.W., Tumwater, WA, on November 25, 1998, at 1 p.m.

Assistance for Persons with Disabilities: Contact Mark Matthies by 3 p.m., November 24, 1998, TDD (360) 902-4838.

Submit Written Comments to: Labor and Industries, P.O. Box 44180, Olympia, WA 98504-4180, fax (360) 902-4258, by 5 p.m., November 24, 1998.

Date of Intended Adoption: November 30, 1998.

October 21, 1998

Gary Moore

Director

## NEW SECTION

**WAC 296-17-91201 Introduction.** Washington Administrative Code (WAC) 296-17-91201 through 296-17-91406 and 296-17-919 contains the general rules applicable to the department's voluntary retrospective rating program. We refer to these rules (WACs) as sections and the complete body of information as the retrospective rating manual. The retrospective rating manual contains sections (WACs) that define or explain:

- Words or phrases which we use;
- The steps you must take to participate in the program;
- How group plans are authorized;
- Why members of a group must be involved in similar business operations;

- The need to have an insurance account with the department and keep it in good standing in order to participate in this voluntary rating plan;

- Workplace safety requirements of the plan;
- Formulas used to establish retrospective premium;
- Premium size tables;
- Plan tables.

## NEW SECTION

**WAC 296-17-91202 Definitions.** In developing the general reporting rules and tables for retrospective rating, we have used certain words or phrases that could have several meanings. Appendix A of this manual contains a list of words or phrases defined by law (Title 51 RCW). To reduce misunderstandings which can result by our use of certain words or phrases not defined in law (Title 51 RCW), we have developed definitions which will govern what these words or phrases mean for purposes of the retrospective rating program.

**Account in good standing:** The term "account" means an individual employer's industrial insurance account and related subaccounts, or a group's retrospective rating account. For an account to be in good standing, the employer and/or group must have submitted all of the required reports and paid all industrial insurance premium payments, assessments, penalties and interest when due and on time. This requirement also includes other fees, fines, penalties and assessments established by the department such as safety violations and computer access fees. An account may be deemed to be in good standing if the employer or group (organization) is current with a repayment agreement with the department.

**Adjustment:** Is the term the department uses to denote the numerical result of subtracting the retrospective premium from the standard premium. The result can be zero or it can be a negative or positive number. If the retrospective premium is less than the standard premium, you will get a refund of the difference. In the event that your retrospective premium is more than your standard premium we will bill you for the additional premium due.

**Basic premium ratio (BPR):** A component of the retrospective rating premium formula, the BPR represents the portion of standard premium that covers administrative costs (except claims handling) and an insurance charge which enables us to limit your retrospective premium requirement. BPRs can be found in WAC 296-17-91402 through 296-17-91406.

**Case reserve:** The department's estimate of cost associated with a specific claim over the lifetime of the claim.

**Coverage period:** A twelve-month period beginning January 1 and ending December 31, or April 1 through March 31, or July 1 through June 30, or October 1 through September 30. Only claims with a date-of-injury within the selected coverage period and standard premium due for the same coverage period are used to calculate retrospective premium. The coverage period is selected by the group or individually enrolled employer.

**Developed losses, a.k.a. total incurred losses (developed):** A component of the retrospective rating premium formula. Based on historical trends we know that the total

incurred losses for open claims in a coverage period tend to increase over time. This can be the result of claim reopenings, changes in time loss duration, increased medical utilization, etc. The developed losses computation anticipates and distributes these increases among all the participants in a coverage period. Developed losses for pension claims are determined by multiplying their incurred losses by the applicable performance adjustment factor. For nonpension claims, developed losses are determined by multiplying their incurred losses by the applicable loss development factors.

**Evaluation date:** The date selected by the department in which incurred losses for applicable claims are measured and captured for the purpose of calculating retrospective premium. Changes in incurred losses that occur after an evaluation date will not be considered until the next applicable evaluation date. The initial evaluation date is between nine and ten months after the coverage period ends. The next evaluation will occur twelve months later. If you elect an optional third and fourth year adjustment the evaluation date will occur in twelve month intervals. The evaluation date is also referred to as a "freeze date."

**Freeze date:** See evaluation date.

**Group:** Employer members of an organization who have agreed to have their retrospective premium calculated using the combined applicable standard premium and related loss data of the participants as a whole.

**Homogeneity:** An insurance term used to denote a similarity between two or more business risks. Although it is rare that any two businesses will be identical, similar businesses have similar exposure to occupational injury and disease.

**Incurred losses:** A term we use to denote a cost component of a claim. For open claims, incurred losses are the total of costs paid-to-date which have been assigned to a given employer account, or the case reserve established by the department, whichever is greater. For closed claims, incurred losses are the total of costs paid-to-date which have been assigned to a given employer account, regardless of any case reserve that may have been established.

**Loss conversion factor (LCF):** A component of the retrospective premium formula, the LCF represents an expense charge for claims handling and the present value of developed losses. LCFs can be found in WAC 296-17-91402 through 296-17-91406.

**Loss Development Factor (LDF):** LDFs are actuarially determined factors that are multiplied by incurred losses of nonpension retro claims to produce developed losses. LDFs are unique to each coverage period, but are the same for every nonpension retro claim in the coverage period. They are periodically recalculated. LDFs shown on retro reports have already been adjusted by the applicable performance adjustment factor.

**Loss ratio:** The numerical result when dividing developed losses by standard premium.

**Maximum premium ratio (MPR):** A factor preselected by the organization (group) or individually enrolled employer that determines the maximum retrospective premium requirement for a given coverage period. MPRs can be found in WAC 296-17-91402 through 296-17-91406.

**Minimum Premium Ratio: (MnPR):** For plans A1, A2 and A3, an actuarially determined factor that determines the minimum retrospective premium requirement for a given coverage period. MnPRs can be found in WAC 296-17-91404 through 296-17-91406.

**Pension Claim:** A claim designated as a fatality or total permanent disability.

**Performance adjustment factor (PAF):** An actuarially determined factor unique to each retro coverage period which ensures that aggregate refunds are proportional to the relative performance of retro versus nonretro state fund employers.

**Plan:** A numeric table developed by the department used to calculate the retrospective premium requirement of a group or individually enrolled employer. A group or individually enrolled employer preselects one of five plans (A, A1, A2, A3 or B). The chosen plan will determine (along with the MPR and standard premium) which basic premium ratio, loss conversion factor and minimum premium ratio will be used to calculate the group or individually enrolled employer retrospective premium requirement.

**Premium:** Money paid (due) from an employer for workers' compensation insurance. It does not include money paid as fees, fines, penalties or deposits.

**Retrospective premium:** The net premium for a group or individually enrolled employer after an adjustment for a given coverage period, using the formulas and provisions found in WAC 296-17-914, 296-17-91402 through 296-17-91406 and 296-17-919.

**Standard premium:** The total accident fund and medical aid fund premiums paid (due) by a group or individually enrolled employer for a given coverage period. The supplemental pension assessment portion of total premiums due (paid) is not included. If the group includes employers subject to the staggered enrollment provision of the retrospective rating rules, the standard premium is the total premiums due (paid) for the calendar months in which they have been accepted into a group.

## NEW SECTION

**WAC 296-17-91203 Can you give me an overview of the retrospective rating program?** Retrospective rating is a voluntary program offered by the department to a qualified employer or group of employers that insure their workers' compensation insurance obligations with the state fund. It offers financial incentives to participants to reduce their workers' compensation claim costs. Reductions in workers' compensation claim costs are accomplished in part through employer or group sponsored safety and accident prevention programs and effective claims management practices. The criteria that must be met to be considered a "qualified employer" can be found in WAC 296-17-91204. Qualified employers that enroll in an individual or group retrospective rating plan must participate in the program through the end of a coverage period if their account remains active. The department allows an organization sponsoring a group plan to enroll new employer members into their group on a quarterly basis. We refer to this as a staggered enrollment. Because of this feature, participation for employers in a group plan can

PROPOSED

be as short as three months or as long as twelve months. All retrospective rating participants agree to be subject to the provisions of the rules contained in the retrospective rating manual. Final determination of employer or group eligibility, account in good standing, evaluation of incurred losses and such other matters covered by the rules contained in the retrospective rating manual rest with the department. An organization may request in writing that a member be removed from a group plan during a coverage period. The organization must set forth the reasons why the member should be removed from the group plan. The department may grant the removal request only in instances where the member of the organization has been convicted of criminal activities or civil infractions related to business practices of the member such as underpayment of taxes to any governmental agency, violation of environmental laws, theft of government managed resources such as timber, or willful violation of safety and health standards. Department determinations applicable to the retrospective rating program are subject to review under RCW 51.52.060.

#### NEW SECTION

**WAC 296-17-91204 I understand that there are specific requirements that an employer must meet before they can participate in either individual or group retrospective rating. Can you tell me what these requirements are?** Yes. The requirements are:

(1) Any employer that wishes to participate in the retrospective rating program must have an industrial insurance account with the department.

(2) Each employer's account must be in good standing at the time of enrollment.

(3) The department may require the posting of a surety bond or other security deposit. If so, it will be executed on forms authorized by the department and be in one thousand dollar increments. The surety bond or security deposit requirement will be based on the difference between the participants' estimated standard premium and the maximum premium due under the applicable retrospective rating plan. In the event that surety bond or security deposit requirement falls within two increment ranges, the bond will be at the higher increment level. The surety bond or security deposit must be in full force and effect for the entire coverage and the related adjustment periods.

#### NEW SECTION

**WAC 296-17-91205 I understand that there are specific prerequisites that an organization must meet to sponsor a retrospective rating group plan. Can you tell me what these requirements are?** Yes. Before further consideration can be given to an organization's request to sponsor a retrospective rating group plan they must meet all the following requirements in addition to any other requirements contained in the retrospective rating manual.

(1) The organization must have been in existence for at least two years.

(a) To validate this, the organization must provide the department with copies of its articles of incorporation,

bylaws and marketing/membership applications or similar material, accompanied with an affidavit certifying that the documents are true and the information contained in the documents is accurate as of the date of submittal.

(b) The department will verify this information through contacts with various state, local and federal agencies and other businesses.

(2) The organization must have been formed for purposes other than sponsoring a group plan and participating in the department's retrospective rating program.

(a) The department will verify the purpose(s) of the organization from the information contained in the articles of incorporation, bylaws, contracts and/or advertising material of the organization.

(b) Since the enhancement of workplace safety for the group is a principal requirement of the retrospective rating program, an organization, which at the time of a request for certification or recertification offers services which are limited to risk management, safety, loss control, claims administration or insurance will be deemed to be set up for the sole purpose of participating in the retrospective rating program and will not qualify to participate in this program.

(3) Employer members of the proposed retrospective rating group must be dues paying members of the organization. We recognize that some organizations may be funded through member donations and not dues. The intent of this requirement is that the members of the organization be current members as opposed to potential members. Where an organization's members do not pay dues the organization must provide a list of its current members and a written explanation of how member contributions are determined.

(a) An organization seeking to sponsor a group retrospective rating plan must submit a complete list of its current membership to the department accompanied with an affidavit certifying the list to be true and accurate as of the date of submittal.

(b) Each employer member that wants to participate in the organization's retrospective rating group plan must be in good standing with the organization and the department.

(c) Each employer member that wants to participate in the organization's retrospective rating group plan must provide us with a written request on a form provided by the department. Completion and submission of this application to the department signifies the employer's desire to participate in the organization's retrospective rating group plan if it is approved. The proposed retrospective rating group plan membership list must be submitted with the group application of the organization and the other material listed in subsection (2) of this section.

(4) The organization's industrial insurance account and retrospective rating account must be in good standing at all times, including the application process and the coverage and adjustment periods.

#### NEW SECTION

**WAC 296-17-91206 Are there other qualifying requirements that an organization must satisfy once the preliminary requirements have been met?** An organization seeking to sponsor a retrospective rating group must sub-



mit a written plan which demonstrates to the department's satisfaction that the formation of the group will substantially improve workplace safety, accident prevention and claims management for the employers in the group. An organization whose retrospective rating group is required to pay additional net premium assessments in two consecutive coverage periods will be placed on probationary status. If the organization is required to pay an additional premium assessment in the third consecutive coverage period, they will be denied future enrollment in the program until they can demonstrate that the deficiencies that led to the additional assessments have been corrected.

#### NEW SECTION

**WAC 296-17-91207** I have several businesses that have been combined for experience rating purposes because of common majority ownership. They still report and pay premiums using separate sub-accounts. If I want to participate in retrospective rating, do I need to enroll all of my businesses or can I enroll some and not the others?

(1) Because an employer might manipulate their company's safety record by use of multiple industrial insurance accounts, employers enrolling a particular account in either an individual or group plan must enroll all businesses that they own or have a controlling interest whose nature of business is substantially the same. A controlling interest is defined as more than fifty percent ownership by one or more owners.

(2) If you have several businesses which are dissimilar to each other when the nature of the service is considered, you may elect to have all of the businesses covered under a retrospective rating plan or just one or more of the businesses.

**Example:** You operate a chain of ten grocery stores. Each store is operated at a different location. You have requested that each store be assigned a special account. In addition to the ten stores, your company also has a separate administrative office. This office reports under the clerical classification. Under subsection (1) of this section you must enroll all of your store locations if you are to participate in a retrospective rating plan. You may elect to include your administrative office under subsection (2) of this section.

#### NEW SECTION

**WAC 296-17-91208** Is there a requirement for employer members of an organization to be engaged in substantially similar businesses to participate in the organization's group plan? (1) Yes. Once we have determined that the organization at the time of certification or recertification exists:

- (a) For purposes other than sponsoring a group and participating in the department's retrospective rating program;
- (b) Has been in existence with members for over two years; and
- (c) Will serve to encourage improvements in work place safety and effective claims management practices, we will

verify that the occupations or industries of the employer members of the organization are substantially similar.

(2) The first step in this process is for the organization to select the retrospective rating group plan(s) it wishes to sponsor from a single general industry/business group from the table below:

#### Industry/business group table

- Agriculture and related services.
- Automotive, truck and boat - manufacturing, sales, repair and related services.
- Construction and related services.
- Distillation, chemicals, food and related services.
- Facilities, property management, maintenance and related services.
- Government, utilities, schools, healthcare and related services.
- Healthcare, pharmaceutical, laboratories and related services.
- Logging and wood products manufacturing and related services.
- Manufacturing - and related services.
- Retail and wholesale stores and professional services such as banks and law firms and related services.
- Temporary help services.
- Transportation, recycle, warehousing, facility maintenance and related services.

The intent of this process is to ensure that the homogeneity requirement of RCW 51.16.035 is met. This is accomplished by requiring an organization to select a single industry/business group from which it will form its group or groups. Whether the organization sponsors one group or multiple groups they must be within the same industry/business grouping. The use of multiple groups cannot be used to circumvent the member homogeneity requirement of the organization contained in RCW 51.16.035.

**Example:** An organization that was formed to advance the interests of apple growers would select the agriculture and related services business/industry group plan. This organization could sponsor a single group for all its grower members or could offer different performance groups for its grower members.

(3) To simplify administration and keep to a minimum the administrative costs associated with devising a different classification system for the retrospective rating program, the retrospective rating program follows the same classification procedure established by the department to assign workers' compensation insurance classifications to an employer (WAC 296-17-31012). This procedure requires employers to be assigned a classification or series of classifications based on the nature of their business, not the occupations or duties of the workers they employ. Only those members whose business undertakings are substantially similar to the industry/business group selected by the organization will be permitted to participate. This grouping technique is fundamental

to workers' compensation insurance and is referred to as "homogeneity of risk."

**Example:** Having selected the agriculture and related services business/industry grouping the department would verify that the employer members of the apple grower organization were either apple growers or were involved in a related service such as an apple processing operation owned by the grower.

#### NEW SECTION

**WAC 296-17-91209 Do all organization members enrolled in a retrospective rating group plan have to report within one classification?** No. Although it might be desirable for all members of the retrospective rating group to be covered under a single common classification, that approach would not be practical since most employers have more than one classification under which they report and pay premiums. We do, however, require that the members of the organization participating in the group be engaged in substantially similar businesses. An otherwise qualifying account which has additional risk classifications not authorized for the group can still be permitted to enroll with the group. This assumes that the organization agrees to the added risks as a part of their group plan. Under no circumstance does this provision allow an organization to market their plan to existing members and or prospective members that report in these heterogeneous classifications.

**Example:** An employer operates an apple orchard and a separate car repair business. This employer could request an organization sponsoring an agricultural group to include the car repair business in their group provided their agricultural (apple orchard) was also enrolled. The organization sponsoring the agricultural and related services group could not enroll a car repair business in their group if the employer member did not also have an agricultural business also enrolled in the group plan.

#### NEW SECTION

**WAC 296-17-91210 Can you tell me how the authorized classifications for a retrospective rating group plan are determined?** Yes, the authorized classification or classifications of a group is determined from an analysis of an organization's current dues paying membership that have submitted applications to participate in the plan. This analysis consists of evaluating the nature of each current dues paying member's business, the risk classification(s) that our underwriters have assigned to those businesses. The department may also rely on information obtained from applicable field audit and classification inspection reports. Only those individual current dues-paying members of an organization or members described in WAC 296-17-91205(3) that are homogeneous (substantially similar) will be considered in determining the classifications authorized for the organization's retrospective rating group. This analysis ensures compliance with the requirement (RCW 51.16.035) that the industries of employers in an organization are substantially similar.

#### NEW SECTION

**WAC 296-17-91211 After a retrospective rating group plan has been authorized a classification or classifications, can an organization be allowed additional classifications at a later date?** The department may authorize an existing retrospective rating group to obtain additional classifications under the following circumstances:

(1) The department has created a new classification which is substantially similar to the nature of the business or businesses authorized for the group;

**Example (a):** Several years ago the department covered all forms of logging under a single logging classification. Changes in technology created new methods of logging leading to a new emerging industry of mechanized logging. To address this change the department created a new classification to cover this form of logging. If a retrospective rating group which included the general logging industry wanted employers assigned the new mechanized logging classification in their group, they could request the addition of this classification and the department would in this case grant approval.

(2) Changes in technology, materials, processes or industry practices if they are substantially similar to the overall process and nature of the business or businesses authorized for the group; or

**Example (b):** Consider a homeowner that wants to have a deck built onto their house. A few years ago the homeowner's choices were limited to wood products. As technology has changed, and new products were developed, the homeowner is now provided a number of options such as polymer based composites. These new products are installed in much the same way as wood decking. Assume the new product is cut, handled and stacked in the same way as wood decking. A retrospective rating group involved in wood products manufacturing could be authorized the classification related to this manufacturing process based on a change related to technology.

(3) Changes in market conditions provided the overall scope of service has not changed.

**Example (c):** A farmer that has historically been engaged in growing hops learns that the market conditions for this crop make it necessary for the farmer to diversify to another crop or livestock. Assume this grower participates in a narrow based organization that was not authorized the classification for the other crop or livestock. This organization could request the additional classification.

The organization must petition the department for the additional classification(s). The request must be in writing and include detail as to how the new classification(s) are substantially similar to others currently assigned to the group. The request and recommendation(s) proposed by the department will be available for public review and comment. This will be done on the same day either before or after the regular business meeting of the retro advisory committee. Information and comments presented by the public at the meeting will be considered by the department prior to final determina-

tion. Final approval of classifications rests with the department. Determinations applicable to the retrospective rating program are subject to review under chapter 51.52.060 RCW.

#### NEW SECTION

**WAC 296-17-91212 Does an organization have to reapply each year for authorized classifications applicable to their retrospective rating group plan?** (1) Once the department approves a classification or a series of classifications for an organization's retrospective rating group, no further reapplication is necessary. Exceptions to this policy are noted in subsections (2) and (3) of this section.

(2) The department will review the past reporting of an organization's retrospective rating group members annually. If we discover a classification or series of classifications under which no worker hours were reported during the prior fiscal year (ending June 30) by the group members, we will remove the classification from the group. The organization can apply to have the classification reinstated if they have members reporting in the classification or classifications in the previous and current year.

(3) New groups formed on or after July 1, 1999, will be required to present their written request for approval to the department. The request and recommendation(s) proposed by the department will be available for public review and comment. This will be done on the same day either before or after the regular business meeting of the retro advisory committee. Information and comments presented by the public at the meeting will be considered by the department prior to final determination. Final approval rests with the department. Department determinations applicable to the retrospective rating program are subject to review under chapter 51.52.060 RCW.

#### NEW SECTION

**WAC 296-17-91213 The department has approved our organization to sponsor a retrospective rating group. Is there an application process that we must follow?** Yes. Your next step would be to complete an application for group retrospective rating on forms provided by the department for the proposed group. A copy of this application can be found in Appendix A of this manual.

The application must be received by us on or before:

- April 30 for the coverage period beginning the following July 1;
- July 31 for the coverage period beginning the following October 1;
- October 31 for the coverage period beginning the following January 1; and
- January 31 for the coverage period beginning the following April 1.

When you complete this application you will need to select the maximum premium ratio and plan (A, A1, A2, A3, or B) that will apply to the group for the coverage period. You should consider the benefits and risk of each plan and maximum premium ratio in making this selection. Plan and maximum premium ratio choices can not be changed after the

deadline listed above. If the agreement is submitted by fax by the deadline, an agreement with an original signature must be received by the department prior to the beginning of the coverage period. In the event that an application with an original signature is not received by the beginning of the coverage period you will not be enrolled in the program.

#### NEW SECTION

**WAC 296-17-91214 What is the next step after the organization has submitted this application?** (1) To enroll, each dues-paying employer member of your organization that completed a written request provided for in WAC 296-17-91205 (3)(c) must complete a group membership application/employer's authorization and release of insurance data. A copy of the application can be found in Appendix A of this manual. Other qualifying members of your organization who want to enroll in your group must complete the same application. The completed application/releases for the accounts the organization wishes to enroll in the group must be received by the department by the 15th calendar day of the month prior to the selected coverage period.

**Example:** You have selected the coverage period beginning July 1. We must receive all group membership applications on or before June 15.

(2) An officer or designated representative of your organization must complete, sign and forward to us an original retrospective rating group agreement. A copy of this agreement can be found in Appendix A of this manual. This completed form must be received by us by the 15th calendar day of the month prior to the selected coverage period.

#### NEW SECTION

**WAC 296-17-91215 Is there an application process to enroll in an individual retrospective rating plan?** Yes. You must complete a retrospective rating plan agreement on forms provided by the department, listing each account or subaccount to be enrolled. A copy of this agreement can be found in Appendix A of this manual. This completed form must be received by us by the 15th calendar day of the month prior to the selected coverage period. If the agreement is submitted by fax by the deadline, an agreement with an original signature must be received by the department prior to the beginning of the coverage period. In the event that an application with an original signature is not received by the beginning of the coverage period you will not be enrolled in the program. When you complete this agreement you will need to select the maximum premium ratio and plan (A, A1, A2, A3, or B) that you wish to participate in. You should consider the benefits and risk of each plan and maximum premium ratio in making this selection. Plan and maximum premium ratio choices can not be changed after the coverage period begins.

#### NEW SECTION

**WAC 296-17-91216 Can you tell me what happens at the end of a coverage period?** (1) The initial evaluation date

PROPOSED

will occur between nine and ten months after the end of the coverage period. All future evaluation dates for a coverage period will take place approximately twelve months after the initial evaluation date.

**Example:** Assume that your coverage period began July 1, 1998, and ended June 30, 1999, (twelve calendar months). Our first evaluation date would occur mid-April. This is roughly nine and one-half months from the last day of the coverage period. Because all retrospective rating plans have two mandatory evaluation dates we would do the second evaluation twelve months later.

(2) On the evaluation date, all claims with a date-of-injury within the coverage period are evaluated and the incurred losses which have been established for these claims are "captured" or "frozen."

(3) For occupational disease claims where multiple employer responsibility has been established, prorated incurred losses will be captured.

(4) Because our evaluation is limited to claim status and type, and not the adjudicative decisions surrounding a claim such as, but not limited to, claim allowance, case reserve, wage determination and dependent status; retrospective rating program appeals that concern claims are limited to the open or closed status of a claim on the evaluation date. If you are in disagreement with the department over an adjudicative or reserving issue you must appeal that decision at the appropriate time. We can not provide relief in the computation of the retrospective premium unless the disagreement (protest or appeal) produces relief prior to the evaluation date.

(5) In the event that the disagreement is over the open status of a specific claim and we determine that all of the information necessary to close the claim was in the department's possession at the time of the evaluation date, we will recalculate the retrospective premium requirement and refund the additional premium or reduce the assessment as applicable.

(6) In the adjustment process, captured incurred losses are translated into developed losses using the appropriate loss development and performance adjustment factors. Retrospective premium is then calculated using the requisite formulas and tables in the retrospective rating manual.

(7) The loss value for any one claim or group of claims arising from a single accident shall be limited to a maximum of five hundred thousand dollars prior to the application of the performance adjustment factor.

(8) For a given coverage period, each group or individually enrolled employer is subject to two mandatory adjustments. The initial adjustment will occur approximately ten months after the coverage period, with any subsequent adjustments occurring in twelve-month intervals. A group or individually enrolled employer can elect a package of two additional adjustments if the request is made within thirty days of the second mandatory adjustment. A group or individually enrolled employer may request an extension of sixty additional days to evaluate the potential impact of electing the two additional adjustments. The request for extension must be received by the department prior to the last day of the initial thirty-day election period.

(9) For claims with injury dates prior to July 1, 1996, a potential claim cost recovery from action against a third party, either by an injured worker or by the department, shall not be considered in the evaluation of incurred losses until the third-party action has been completed. For claims with injury dates after July 1, 1996, if the department determines that there is a reasonable potential of recovery from an action against a third-party, the incurred loss shall be reduced by fifty percent while the third-party action is pending. Regardless of the final outcome of the third-party action, the incurred loss will not be reevaluated after the final retrospective rating adjustment.

(10) For a third-party action completed before the final adjustment, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees, if the action is completed prior to July 1, 1996. If a third-party action is completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees.

#### NEW SECTION

**WAC 296-17-91219 If I am successful in reducing my workers' compensation insurance costs, and you inform me that I am entitled to a refund, when will I get the refund?** Approximately eleven months after the coverage period has ended we will notify you if you are entitled to a refund of premium or owe us additional premium. Our notification will also include instructions on how to request reconsideration of the amount of the refund or assessment. We will not issue a refund check for under ten dollars. If a refund is less than ten dollars we will credit the amount to your industrial insurance account and you can deduct the amount from your next premium payment.

#### NEW SECTION

**WAC 296-17-91220 Do you establish how the refund is to be distributed to members of a group?** No. We are not involved in how the premium refund is distributed. The distribution of any refund is determined by the organization that sponsored the group. We will, however, withhold the pro rata share of any member whose account is not in good standing, up to the amount owed by the member for the coverage period. Any moneys withheld will be deposited into the insurance trust funds and credited to the member's industrial insurance account. If you are enrolled individually and owe us money, we will apply your refund to the amount you owe. In the event that your refund is greater than the amount you owe us, we will refund the difference to you.

#### NEW SECTION

**WAC 296-17-91221 If a group is subject to an additional assessment, does the department bill each member of the group for their share?** No. Just as we do not determine how a refund is to be distributed to members of a group, we are not concerned with how an additional assessment is distributed to members of a group. We hold the organization responsible for any additional assessment.

NEW SECTION

**WAC 296-17-91222** If a group or individually enrolled employer owes money related to a retrospective rating adjustment, when is it due? All additional assessments resulting from a retrospective rating adjustment are due within thirty days of the date we communicate the decision to you. If you disagree with the assessment you should either protest or appeal the decision. Make sure you do this in writing within thirty days of the date we communicate the decision to you. If you fail to do so our decision is final and binding on you.

NEW SECTION

**WAC 296-17-91223** If I am in a dispute with the department over an assessment, claim cost or moneys alleged to be owed to the department, can I participate in the retrospective rating program? If you are in a dispute with the department over an assessment, claim cost or owe the department any moneys, you cannot participate in the retrospective rating program unless you provide a surety bond or security deposit in lieu of the payment pending the outcome of the disagreement. If you have paid the amount covered by the disagreement and it is resolved in your favor, we will refund these moneys. We will not pay interest on this money.

NEW SECTION

**WAC 296-17-91224** Are employers required to share retrospective rating refunds with their workers? No. Retrospective rating refunds are paid out of the accident fund. Accident fund premiums are paid exclusively by employers. Since employees do not pay or contribute towards accident fund premiums employers are not obligated to return any of the retro refund to workers. Similarly, employers cannot charge retrospective rating assessments to their workers.

NEW SECTION

**WAC 296-17-91225** Can an organization be disqualified from sponsoring a retrospective rating group? Yes. If an organization or its officers are convicted of criminal or civil infractions related to the business practices of the organization such as under payment of taxes to any governmental agency; violation of environmental laws; theft of government managed resources such as timber; willful violation of safety and health standards they will lose eligibility to sponsor a retro group plan. The disqualification will take place within thirty days of our formal notice to the organization. Department determinations applicable to the retrospective rating program are subject to review under RCW 51.52.060.

NEW SECTION

**WAC 296-17-91250** Limitation of liability indemnification. With the exception of the required authorization for release of insurance data and group membership enrollment

application for each employer account to be enrolled, the department disclaims interest in contracts executed between employer groups and participating group members. The department neither approves nor disapproves of any language contained therein and shall be held harmless for misrepresentation of fact(s) or errors of omission or commission stated in the terms of said contract. The department is released and exempt from liability for any dispute or cause of action between an employer group and participating group members or amongst participating group members arising under the contract.

NEW SECTION

**WAC 296-17-914** How is retrospective premium calculated? (1) Retrospective premium for a group or individually enrolled employer is calculated using the formula:

Retrospective Premium = (Basic Premium Ratio x Standard Premium) + (Loss Conversion Factor x Developed Losses).

Applicable basic premium ratios and loss conversion factors are found in WAC 296-17-91402 through 296-17-91406, depending on the preselected plan, maximum premium ratio and standard premium.

(2) The maximum retrospective premium is the product of the maximum premium ratio times the standard premium. If the retrospective premium formula produces a value greater than the maximum retrospective premium, the retrospective premium shall be reduced to the maximum retrospective premium.

(3) For plans A1, A2, and A3, the minimum retrospective premium is the product of the minimum premium ratio times the standard premium. If the retrospective premium formula produces a value less than the minimum retrospective premium, the retrospective premium shall be increased to the minimum retrospective premium.

(4) Under plan A, an employer enrolled in an individual plan or an organization sponsoring a group 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 certification guidelines. The basic premium ratio will be .058 if the employer/group selects and qualifies for an unlimited maximum retrospective premium.

NEW SECTION

WAC 296-17-91402 Table II.

RETROSPECTIVE RATING PLAN A  
 BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR= .729  
 Effective January 1, 1998

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														
63	.907	.856	.820	.791	.766	.745	.725	.708	.692	.677	.649	.625	.602	.563
62	.902	.850	.813	.783	.757	.735	.715	.698	.681	.666	.638	.612	.590	.550
61	.897	.844	.805	.774	.748	.726	.705	.687	.670	.654	.625	.600	.577	.536
60	.892	.838	.798	.766	.739	.716	.695	.676	.658	.642	.613	.587	.563	.522
59	.888	.831	.790	.758	.730	.706	.684	.665	.647	.630	.600	.574	.550	.508
58	.883	.825	.783	.749	.720	.696	.674	.654	.635	.618	.588	.561	.537	.495
57	.878	.818	.775	.740	.711	.686	.663	.643	.624	.607	.576	.548	.524	.482
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

PROPOSED

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
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
4	.096	.089	.084	.081	.078	.076	.074	.072	.070	.068	.066	.065	.064	.063

PROPOSED

**NEW SECTION**

**WAC 296-17-91403 Table III.**

**RETROSPECTIVE RATING PLAN B  
BASIC PREMIUM RATIOS  
AND LOSS CONVERSION FACTORS  
Effective January 1, 1998**

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	
<b>Size Group</b>															
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

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
<b>Size Group</b>															
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

PROPOSED



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
<b>Size Group</b>															
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
24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855	.832
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848	.827
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841	.823
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.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	.818
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.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	.812

PROPOSED

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
<u>Size Group</u>															
19	Basic Premium Ratio	.720	.439	.159	.000	.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	.805
18	Basic Premium Ratio	.672	.344	.016	.000	.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	.799
17	Basic Premium Ratio	.617	.234	.000	.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	.794
16	Basic Premium Ratio	.550	.100	.000	.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	.790
15	Basic Premium Ratio	.477	.000	.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	.788
14	Basic Premium Ratio	.414	.000	.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	.787
13	Basic Premium Ratio	.344	.000	.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	.786
12	Basic Premium Ratio	.256	.000	.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	.785
11	Basic Premium Ratio	.159	.000	.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	.784
10	Basic Premium Ratio	.042	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.958	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787	.783
9	Basic Premium Ratio	.000	.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	.782
8	Basic Premium Ratio	.000	.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	.781
7	Basic Premium Ratio	.000	.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	.780
6	Basic Premium Ratio	.000	.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	.779
5	Basic Premium Ratio	.000	.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	.778
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.815	.800	.797	.794	.792	.790	.788	.786	.785	.784	.782	.781	.779	.777

PROPOSED

**NEW SECTION**

**WAC 296-17-91404 Table IV.**

RETROSPECTIVE RATING PLAN A1  
 MINIMUM PREMIUM RATIOS  
 BASIC PREMIUM RATIO= .058  
 LOSS CONVERSION FACTOR= .729  
 Effective January 1, 1998

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
<b>Size Group</b>														
63	.987	.975	.963	.951	.940	.928	.918	.907	.897	.887	.868	.850	.833	.801
62	.987	.974	.961	.949	.938	.926	.915	.904	.894	.884	.864	.845	.828	.795
61	.986	.973	.960	.948	.936	.924	.912	.901	.890	.880	.860	.841	.823	.789
60	.986	.972	.959	.946	.933	.921	.909	.898	.887	.876	.855	.836	.817	.783
59	.985	.971	.958	.944	.931	.919	.907	.895	.883	.872	.851	.831	.812	.777
58	.985	.970	.956	.943	.929	.917	.904	.892	.880	.869	.847	.826	.807	.771
57	.985	.970	.955	.941	.927	.914	.901	.889	.877	.865	.843	.822	.802	.765
56	.984	.969	.954	.939	.925	.912	.899	.886	.874	.862	.839	.818	.797	.760
55	.984	.968	.953	.938	.924	.910	.896	.884	.871	.859	.836	.814	.793	.756
54	.983	.967	.951	.936	.922	.908	.894	.881	.868	.856	.832	.810	.790	.752
53	.983	.966	.950	.935	.920	.906	.892	.878	.866	.853	.829	.807	.786	.748
52	.982	.965	.949	.933	.918	.904	.890	.876	.863	.850	.826	.804	.783	.744
51	.982	.965	.948	.932	.917	.902	.887	.874	.860	.847	.823	.800	.779	.740
50	.982	.964	.947	.930	.915	.899	.885	.871	.857	.844	.819	.796	.775	.735
49	.981	.963	.946	.929	.913	.897	.882	.868	.854	.841	.816	.792	.770	.731
48	.981	.962	.945	.927	.911	.895	.880	.866	.852	.838	.812	.789	.767	.727
47	.980	.962	.944	.926	.910	.894	.878	.864	.849	.836	.810	.786	.764	.723
46	.980	.961	.943	.925	.909	.893	.877	.863	.848	.835	.809	.785	.763	.723
45	.980	.961	.942	.925	.908	.892	.877	.862	.848	.834	.808	.784	.762	.722
44	.980	.960	.942	.924	.907	.891	.876	.861	.847	.833	.808	.784	.762	.722
43	.980	.960	.941	.924	.907	.891	.875	.861	.846	.833	.807	.784	.762	.722
42	.979	.959	.940	.922	.905	.888	.872	.857	.843	.829	.803	.779	.757	.717
41	.978	.958	.938	.920	.902	.885	.869	.853	.839	.825	.798	.774	.751	.710
40	.978	.957	.937	.918	.899	.882	.866	.850	.835	.820	.793	.768	.745	.704
39	.977	.956	.935	.916	.897	.879	.863	.846	.831	.816	.789	.764	.741	.699
38	.977	.955	.934	.914	.895	.877	.860	.843	.828	.813	.785	.760	.736	.694
37	.976	.954	.933	.912	.893	.875	.857	.841	.825	.810	.782	.756	.732	.690
36	.976	.953	.932	.911	.891	.873	.855	.838	.822	.807	.779	.753	.729	.686
35	.976	.953	.931	.910	.890	.871	.854	.837	.821	.805	.777	.751	.727	.684
34	.975	.952	.930	.909	.889	.870	.852	.835	.819	.804	.775	.749	.725	.683
33	.975	.951	.929	.908	.888	.869	.851	.834	.818	.802	.774	.748	.724	.682
32	.975	.951	.929	.907	.887	.868	.850	.833	.817	.802	.773	.747	.724	.682
31	.975	.951	.928	.907	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
30	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
29	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
28	.974	.949	.926	.904	.883	.864	.846	.828	.812	.797	.769	.744	.721	.682
27	.973	.947	.922	.899	.877	.857	.837	.819	.802	.785	.754	.727	.701	.657
26	.972	.945	.919	.895	.872	.851	.830	.811	.792	.775	.742	.712	.685	.636
25	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
24	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
23	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
22	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620

**PROPOSED**

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
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Size Group

21	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
20	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
19	.970	.941	.915	.891	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
18	.969	.940	.912	.887	.864	.843	.823	.804	.785	.766	.732	.701	.672	.620
17	.968	.938	.911	.885	.862	.840	.820	.801	.784	.766	.732	.701	.672	.620
16	.968	.937	.910	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
15	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
14	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
13	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
12	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
11	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
10	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
9	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
8	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
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
4	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

PROPOSED

NEW SECTION

WAC 296-17-91405 Table V.

RETROSPECTIVE RATING PLAN A2  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR= .729  
 Effective January 1, 1998

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
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Size Group

63	Basic Premium Ratio	.483	.457	.439	.425	.412	.402	.392	.383	.375	.368	.354	.342	.330	.311
	Minimum Premium Ratio	.979	.960	.943	.927	.912	.898	.884	.871	.859	.846	.823	.802	.782	.745
62	Basic Premium Ratio	.480	.454	.436	.421	.408	.397	.387	.378	.370	.362	.348	.335	.324	.304
	Minimum Premium Ratio	.978	.959	.941	.925	.909	.894	.880	.867	.854	.841	.818	.796	.775	.738
61	Basic Premium Ratio	.478	.451	.432	.416	.403	.392	.382	.373	.364	.356	.342	.329	.318	.297
	Minimum Premium Ratio	.977	.957	.939	.922	.906	.891	.876	.862	.849	.836	.811	.789	.768	.730
60	Basic Premium Ratio	.475	.448	.428	.412	.399	.387	.377	.367	.358	.350	.336	.323	.311	.290
	Minimum Premium Ratio	.976	.955	.936	.919	.902	.886	.871	.857	.843	.830	.805	.781	.760	.721
59	Basic Premium Ratio	.473	.445	.424	.408	.394	.382	.371	.362	.353	.344	.329	.316	.304	.283
	Minimum Premium Ratio	.975	.954	.934	.916	.898	.882	.867	.852	.837	.824	.798	.774	.752	.713
58	Basic Premium Ratio	.471	.442	.421	.404	.389	.377	.366	.356	.347	.338	.323	.310	.298	.277
	Minimum Premium Ratio	.974	.952	.931	.912	.895	.878	.862	.847	.832	.818	.792	.767	.745	.704

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
<b>Size Group</b>															
57	Basic Premium Ratio	.468	.438	.417	.399	.385	.372	.361	.351	.341	.333	.317	.303	.291	.270
	Minimum Premium Ratio	.973	.950	.929	.909	.891	.874	.857	.842	.827	.813	.786	.761	.738	.697
56	Basic Premium Ratio	.465	.434	.412	.395	.380	.367	.355	.345	.335	.326	.311	.297	.285	.263
	Minimum Premium Ratio	.972	.948	.926	.906	.887	.870	.853	.837	.822	.807	.780	.755	.731	.690
55	Basic Premium Ratio	.462	.430	.408	.390	.374	.361	.349	.339	.329	.320	.304	.290	.278	.257
	Minimum Premium Ratio	.971	.946	.924	.903	.884	.866	.849	.832	.817	.802	.774	.749	.725	.683
54	Basic Premium Ratio	.458	.426	.403	.384	.369	.355	.343	.333	.323	.314	.298	.284	.271	.250
	Minimum Premium Ratio	.970	.945	.922	.900	.880	.862	.844	.827	.812	.797	.768	.743	.719	.677
53	Basic Premium Ratio	.455	.422	.398	.379	.363	.350	.337	.327	.317	.307	.291	.277	.265	.244
	Minimum Premium Ratio	.969	.943	.919	.897	.877	.858	.840	.823	.807	.792	.763	.737	.713	.671
52	Basic Premium Ratio	.451	.417	.393	.374	.358	.344	.332	.320	.310	.301	.285	.271	.258	.238
	Minimum Premium Ratio	.968	.941	.917	.895	.874	.854	.836	.819	.803	.787	.758	.732	.709	.666
51	Basic Premium Ratio	.447	.413	.388	.369	.352	.338	.325	.314	.304	.295	.278	.264	.252	.232
	Minimum Premium Ratio	.967	.939	.914	.891	.870	.851	.832	.815	.798	.782	.753	.727	.703	.660
50	Basic Premium Ratio	.443	.408	.383	.363	.346	.332	.319	.308	.298	.288	.272	.258	.245	.225
	Minimum Premium Ratio	.966	.937	.912	.888	.867	.846	.828	.810	.793	.777	.747	.721	.697	.654
49	Basic Premium Ratio	.440	.403	.378	.357	.340	.326	.313	.301	.291	.282	.265	.251	.239	.219
	Minimum Premium Ratio	.965	.935	.909	.885	.863	.842	.823	.805	.788	.772	.742	.715	.690	.647
48	Basic Premium Ratio	.436	.399	.372	.352	.334	.320	.307	.295	.285	.275	.259	.245	.232	.213
	Minimum Premium Ratio	.964	.933	.907	.882	.860	.839	.819	.801	.783	.767	.737	.710	.685	.641
47	Basic Premium Ratio	.431	.394	.367	.346	.328	.313	.300	.289	.278	.269	.252	.238	.226	.207
	Minimum Premium Ratio	.962	.931	.904	.879	.856	.835	.816	.797	.780	.763	.733	.706	.681	.637
46	Basic Premium Ratio	.427	.388	.361	.339	.321	.306	.293	.282	.271	.262	.246	.232	.220	.201
	Minimum Premium Ratio	.961	.929	.901	.876	.853	.832	.812	.793	.776	.760	.729	.702	.678	.635
45	Basic Premium Ratio	.423	.383	.354	.333	.315	.300	.286	.275	.265	.255	.239	.226	.215	.196
	Minimum Premium Ratio	.960	.927	.899	.873	.850	.829	.809	.790	.773	.757	.727	.700	.675	.633
44	Basic Premium Ratio	.418	.377	.348	.326	.308	.293	.280	.268	.258	.249	.233	.220	.209	.191
	Minimum Premium Ratio	.958	.925	.897	.871	.848	.826	.806	.788	.771	.754	.725	.698	.674	.631
43	Basic Premium Ratio	.413	.371	.342	.319	.301	.286	.273	.262	.252	.243	.227	.215	.204	.186
	Minimum Premium Ratio	.957	.924	.895	.869	.846	.824	.804	.786	.768	.752	.723	.696	.672	.630
42	Basic Premium Ratio	.408	.365	.335	.313	.294	.279	.266	.255	.245	.236	.221	.208	.197	.180
	Minimum Premium Ratio	.956	.921	.892	.865	.842	.820	.799	.781	.763	.747	.716	.690	.666	.623
41	Basic Premium Ratio	.403	.359	.329	.306	.288	.272	.259	.248	.238	.229	.213	.201	.190	.173
	Minimum Premium Ratio	.954	.919	.889	.862	.837	.815	.794	.775	.757	.740	.710	.683	.659	.616
40	Basic Premium Ratio	.398	.353	.322	.299	.281	.265	.252	.241	.231	.222	.207	.194	.184	.167
	Minimum Premium Ratio	.953	.917	.886	.858	.833	.810	.789	.770	.752	.735	.704	.677	.651	.609

PROPOSED

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
<b>Size Group</b>															
39	Basic Premium Ratio	.392	.347	.316	.292	.274	.258	.245	.234	.224	.215	.200	.188	.177	.161
	Minimum Premium Ratio	.951	.914	.883	.855	.829	.806	.785	.765	.747	.730	.699	.671	.646	.603
38	Basic Premium Ratio	.386	.340	.309	.286	.267	.252	.238	.227	.217	.209	.194	.182	.171	.155
	Minimum Premium Ratio	.950	.913	.880	.852	.826	.802	.781	.761	.743	.725	.694	.666	.641	.598
37	Basic Premium Ratio	.380	.333	.302	.279	.260	.245	.232	.221	.211	.202	.188	.176	.166	.150
	Minimum Premium Ratio	.949	.911	.878	.849	.823	.800	.778	.757	.739	.722	.690	.661	.636	.593
36	Basic Premium Ratio	.373	.326	.295	.272	.253	.238	.225	.214	.204	.196	.181	.170	.160	.145
	Minimum Premium Ratio	.948	.909	.876	.847	.821	.797	.775	.755	.736	.718	.687	.658	.634	.590
35	Basic Premium Ratio	.366	.318	.287	.264	.246	.230	.218	.207	.197	.189	.175	.164	.154	.140
	Minimum Premium Ratio	.947	.908	.874	.845	.818	.795	.773	.752	.734	.716	.685	.656	.632	.588
34	Basic Premium Ratio	.358	.310	.279	.256	.238	.223	.211	.200	.191	.183	.169	.158	.149	.135
	Minimum Premium Ratio	.946	.906	.873	.844	.817	.793	.771	.751	.732	.714	.683	.655	.630	.587
33	Basic Premium Ratio	.349	.302	.271	.249	.231	.216	.204	.194	.184	.177	.163	.153	.144	.130
	Minimum Premium Ratio	.945	.906	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.630	.588
32	Basic Premium Ratio	.341	.294	.263	.241	.224	.209	.197	.187	.178	.171	.158	.148	.139	.126
	Minimum Premium Ratio	.945	.905	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.631	.589
31	Basic Premium Ratio	.333	.285	.255	.233	.216	.202	.190	.180	.172	.164	.152	.142	.134	.122
	Minimum Premium Ratio	.944	.904	.870	.841	.814	.790	.769	.749	.730	.714	.683	.656	.633	.591
30	Basic Premium Ratio	.324	.277	.247	.225	.208	.195	.183	.174	.166	.159	.147	.137	.130	.118
	Minimum Premium Ratio	.943	.902	.869	.840	.814	.790	.769	.748	.730	.713	.683	.658	.634	.595
29	Basic Premium Ratio	.315	.268	.239	.218	.201	.188	.177	.168	.160	.153	.142	.133	.126	.115
	Minimum Premium Ratio	.942	.902	.868	.839	.813	.790	.769	.749	.731	.715	.685	.659	.637	.599
28	Basic Premium Ratio	.306	.260	.231	.210	.194	.181	.170	.161	.153	.147	.136	.127	.120	.109
	Minimum Premium Ratio	.942	.901	.867	.838	.811	.788	.766	.747	.729	.711	.681	.655	.632	.593
27	Basic Premium Ratio	.298	.252	.223	.202	.186	.173	.163	.153	.146	.139	.128	.119	.112	.101
	Minimum Premium Ratio	.940	.898	.864	.833	.806	.781	.758	.738	.718	.700	.668	.640	.614	.571
26	Basic Premium Ratio	.290	.244	.216	.195	.179	.166	.155	.146	.138	.132	.121	.112	.105	.094
	Minimum Premium Ratio	.939	.896	.860	.829	.801	.775	.752	.731	.711	.691	.657	.627	.599	.553
25	Basic Premium Ratio	.281	.236	.208	.188	.172	.159	.148	.139	.132	.125	.114	.105	.098	.088
	Minimum Premium Ratio	.938	.895	.858	.826	.797	.771	.747	.725	.704	.685	.650	.619	.592	.542
24	Basic Premium Ratio	.270	.226	.199	.179	.164	.152	.142	.133	.126	.120	.110	.102	.095	.086
	Minimum Premium Ratio	.938	.894	.858	.827	.798	.773	.749	.729	.708	.689	.655	.625	.600	.551
23	Basic Premium Ratio	.259	.216	.190	.171	.156	.145	.136	.128	.121	.115	.106	.098	.093	.084
	Minimum Premium Ratio	.938	.895	.860	.829	.802	.777	.753	.733	.714	.697	.663	.636	.608	.564
22	Basic Premium Ratio	.248	.207	.181	.163	.150	.139	.130	.123	.116	.111	.102	.095	.090	.082
	Minimum Premium Ratio	.938	.896	.862	.832	.805	.781	.760	.739	.722	.704	.674	.648	.622	.580

PROPOSED

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
<b>Size Group</b>															
21	Basic Premium Ratio	.236	.197	.173	.156	.143	.133	.125	.118	.112	.107	.099	.093	.088	.080
	Minimum Premium Ratio	.940	.899	.865	.836	.811	.787	.766	.747	.730	.714	.685	.659	.636	.599
20	Basic Premium Ratio	.226	.188	.165	.149	.136	.126	.119	.112	.107	.102	.094	.089	.084	.077
	Minimum Premium Ratio	.939	.898	.865	.835	.810	.788	.766	.748	.730	.715	.689	.662	.642	.607
19	Basic Premium Ratio	.218	.180	.156	.140	.128	.119	.111	.105	.100	.096	.089	.084	.080	.074
	Minimum Premium Ratio	.937	.894	.860	.830	.804	.781	.761	.742	.724	.708	.680	.655	.633	.597
18	Basic Premium Ratio	.208	.171	.148	.133	.121	.112	.105	.099	.095	.091	.084	.080	.076	.071
	Minimum Premium Ratio	.935	.892	.857	.826	.800	.777	.756	.737	.718	.703	.677	.651	.631	.594
17	Basic Premium Ratio	.199	.162	.140	.125	.115	.106	.099	.094	.090	.086	.081	.076	.073	.069
	Minimum Premium Ratio	.934	.891	.856	.826	.798	.775	.755	.736	.717	.703	.673	.653	.631	.592
16	Basic Premium Ratio	.189	.154	.133	.119	.109	.101	.095	.090	.086	.082	.077	.073	.071	.067
	Minimum Premium Ratio	.934	.890	.855	.825	.798	.775	.754	.736	.719	.706	.679	.658	.633	.598
15	Basic Premium Ratio	.181	.146	.126	.113	.103	.096	.090	.086	.082	.079	.075	.071	.069	.065
	Minimum Premium Ratio	.933	.889	.855	.826	.801	.778	.759	.739	.724	.710	.682	.663	.641	.613
14	Basic Premium Ratio	.176	.139	.119	.108	.100	.093	.088	.084	.081	.078	.074	.070	.068	.065
	Minimum Premium Ratio	.924	.878	.850	.821	.796	.775	.755	.737	.720	.706	.679	.663	.642	.608
13	Basic Premium Ratio	.170	.131	.113	.103	.096	.090	.085	.082	.079	.076	.072	.070	.067	.064
	Minimum Premium Ratio	.915	.868	.844	.818	.793	.772	.754	.735	.719	.706	.682	.656	.643	.612
12	Basic Premium Ratio	.164	.123	.107	.099	.092	.087	.083	.080	.077	.075	.071	.069	.067	.064
	Minimum Premium Ratio	.904	.860	.839	.812	.791	.770	.751	.732	.718	.702	.680	.655	.637	.606
11	Basic Premium Ratio	.156	.113	.102	.094	.089	.084	.081	.078	.075	.073	.070	.068	.066	.063
	Minimum Premium Ratio	.892	.859	.834	.811	.786	.768	.747	.730	.718	.704	.678	.655	.638	.612
10	Basic Premium Ratio	.148	.104	.097	.090	.086	.082	.078	.076	.074	.072	.069	.067	.065	.063
	Minimum Premium Ratio	.876	.858	.829	.807	.782	.762	.748	.728	.712	.699	.676	.654	.640	.605
9	Basic Premium Ratio	.139	.098	.092	.087	.082	.079	.076	.074	.072	.070	.068	.066	.065	.062
	Minimum Premium Ratio	.856	.853	.825	.800	.782	.761	.744	.727	.712	.702	.674	.654	.631	.612
8	Basic Premium Ratio	.106	.093	.087	.083	.079	.076	.074	.072	.070	.069	.067	.065	.064	.062
	Minimum Premium Ratio	.855	.846	.823	.798	.779	.761	.741	.725	.713	.697	.671	.654	.633	.604
7	Basic Premium Ratio	.097	.088	.083	.079	.076	.074	.072	.070	.069	.068	.066	.064	.063	.061
	Minimum Premium Ratio	.855	.840	.818	.797	.777	.756	.738	.725	.707	.691	.668	.655	.636	.613
6	Basic Premium Ratio	.089	.083	.079	.076	.074	.072	.070	.068	.067	.066	.065	.063	.062	.061
	Minimum Premium Ratio	.855	.836	.814	.792	.768	.749	.735	.725	.709	.696	.664	.656	.640	.602
5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.062	.061
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586
4	Basic Premium Ratio	.077	.074	.071	.070	.068	.067	.066	.065	.064	.063	.062	.062	.061	.061
	Minimum Premium Ratio	.855	.830	.811	.782	.767	.752	.729	.714	.700	.689	.677	.658	.624	.586

**PROPOSED**

NEW SECTION

**WAC 296-17-91406 Table VI.**

RETROSPECTIVE RATING PLAN A3  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR= .729  
 Effective January 1, 1998

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
<b>Size Group</b>															
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
62	Basic Premium Ratio	.814	.760	.719	.687	.659	.636	.616	.596	.578	.562	.534	.509	.486	.448
	Minimum Premium Ratio	.945	.912	.887	.866	.848	.831	.815	.801	.788	.775	.751	.729	.709	.673
61	Basic Premium Ratio	.813	.754	.713	.680	.652	.628	.606	.587	.570	.553	.524	.497	.475	.437
	Minimum Premium Ratio	.942	.909	.883	.861	.842	.825	.809	.794	.780	.767	.743	.721	.700	.663
60	Basic Premium Ratio	.811	.749	.705	.672	.644	.618	.597	.577	.558	.543	.513	.486	.464	.425
	Minimum Premium Ratio	.939	.905	.879	.856	.836	.819	.802	.787	.773	.759	.734	.712	.690	.653
59	Basic Premium Ratio	.805	.744	.699	.664	.634	.608	.586	.567	.549	.532	.501	.475	.452	.413
	Minimum Premium Ratio	.937	.901	.874	.851	.831	.813	.796	.780	.765	.751	.726	.703	.681	.643
58	Basic Premium Ratio	.802	.737	.691	.655	.626	.599	.577	.557	.538	.521	.490	.464	.441	.403
	Minimum Premium Ratio	.934	.898	.870	.846	.825	.807	.789	.773	.758	.744	.718	.694	.672	.633
57	Basic Premium Ratio	.796	.731	.685	.647	.618	.591	.568	.547	.528	.511	.480	.454	.431	.392
	Minimum Premium Ratio	.932	.894	.865	.841	.819	.800	.782	.766	.751	.736	.710	.685	.663	.624
56	Basic Premium Ratio	.794	.725	.678	.640	.609	.581	.558	.537	.518	.501	.470	.443	.421	.382
	Minimum Premium Ratio	.928	.890	.860	.835	.813	.794	.776	.759	.743	.728	.701	.677	.654	.614
55	Basic Premium Ratio	.790	.721	.671	.632	.601	.573	.550	.527	.509	.490	.460	.433	.411	.371
	Minimum Premium Ratio	.925	.885	.855	.830	.807	.787	.768	.752	.735	.721	.693	.668	.645	.606
54	Basic Premium Ratio	.787	.714	.666	.626	.592	.565	.541	.518	.499	.481	.450	.423	.400	.363
	Minimum Premium Ratio	.921	.881	.849	.823	.801	.780	.761	.744	.728	.713	.685	.660	.637	.597
53	Basic Premium Ratio	.784	.709	.659	.617	.585	.555	.532	.509	.489	.472	.440	.414	.391	.353
	Minimum Premium Ratio	.917	.876	.844	.818	.794	.774	.754	.737	.721	.705	.677	.652	.629	.589
52	Basic Premium Ratio	.780	.704	.651	.610	.577	.548	.522	.501	.481	.463	.431	.405	.382	.345
	Minimum Premium Ratio	.913	.871	.839	.812	.788	.767	.748	.729	.713	.697	.669	.644	.621	.581
51	Basic Premium Ratio	.775	.698	.644	.602	.567	.539	.514	.491	.471	.454	.422	.396	.372	.336
	Minimum Premium Ratio	.909	.866	.833	.806	.782	.760	.740	.722	.705	.689	.661	.635	.613	.573
50	Basic Premium Ratio	.769	.690	.634	.593	.557	.529	.502	.480	.460	.442	.411	.384	.362	.325
	Minimum Premium Ratio	.905	.861	.828	.799	.775	.752	.733	.714	.697	.681	.652	.627	.604	.564
49	Basic Premium Ratio	.763	.682	.626	.583	.548	.519	.493	.470	.450	.432	.400	.374	.352	.316
	Minimum Premium Ratio	.901	.856	.822	.793	.768	.745	.725	.706	.689	.673	.644	.618	.595	.555

PROPOSED



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
<b>Size Group</b>															
48	Basic Premium Ratio	.756	.674	.617	.574	.538	.509	.482	.460	.439	.422	.390	.365	.342	.307
	Minimum Premium Ratio	.897	.851	.816	.786	.761	.738	.718	.699	.682	.665	.636	.610	.587	.547
47	Basic Premium Ratio	.750	.665	.607	.564	.528	.498	.472	.449	.429	.411	.381	.355	.333	.298
	Minimum Premium Ratio	.892	.846	.810	.780	.754	.731	.710	.692	.674	.658	.628	.602	.579	.539
46	Basic Premium Ratio	.741	.654	.596	.552	.516	.485	.460	.437	.418	.400	.370	.345	.323	.289
	Minimum Premium Ratio	.888	.840	.803	.773	.747	.724	.703	.684	.666	.650	.621	.596	.573	.534
45	Basic Premium Ratio	.731	.643	.585	.540	.503	.473	.448	.426	.406	.389	.360	.335	.315	.282
	Minimum Premium Ratio	.884	.834	.796	.766	.740	.717	.696	.677	.660	.643	.614	.589	.567	.528
44	Basic Premium Ratio	.722	.633	.573	.528	.493	.463	.437	.415	.396	.379	.350	.326	.306	.274
	Minimum Premium Ratio	.879	.828	.790	.759	.732	.709	.689	.670	.653	.637	.608	.583	.561	.523
43	Basic Premium Ratio	.712	.622	.562	.517	.481	.451	.426	.405	.386	.370	.341	.318	.298	.267
	Minimum Premium Ratio	.874	.822	.783	.752	.726	.703	.682	.663	.646	.630	.602	.578	.556	.518
42	Basic Premium Ratio	.703	.612	.551	.506	.470	.440	.415	.394	.375	.358	.330	.307	.288	.257
	Minimum Premium Ratio	.869	.815	.776	.745	.718	.694	.673	.654	.637	.621	.593	.568	.547	.509
41	Basic Premium Ratio	.696	.602	.541	.495	.458	.429	.403	.382	.363	.347	.319	.296	.277	.247
	Minimum Premium Ratio	.863	.809	.769	.737	.710	.686	.665	.645	.628	.612	.583	.559	.537	.499
40	Basic Premium Ratio	.686	.592	.530	.484	.448	.418	.392	.371	.352	.336	.308	.286	.267	.237
	Minimum Premium Ratio	.858	.802	.762	.729	.701	.677	.656	.637	.619	.603	.574	.549	.527	.490
39	Basic Premium Ratio	.677	.581	.520	.473	.437	.407	.382	.360	.342	.325	.298	.275	.257	.228
	Minimum Premium Ratio	.852	.796	.754	.721	.693	.669	.648	.628	.610	.594	.566	.541	.519	.482
38	Basic Premium Ratio	.668	.571	.509	.463	.426	.396	.372	.350	.332	.315	.288	.266	.248	.220
	Minimum Premium Ratio	.846	.789	.747	.714	.686	.661	.639	.620	.602	.586	.557	.533	.510	.473
37	Basic Premium Ratio	.659	.562	.499	.453	.416	.387	.362	.340	.322	.306	.279	.257	.240	.212
	Minimum Premium Ratio	.839	.781	.740	.706	.678	.653	.631	.612	.594	.578	.550	.525	.503	.466
36	Basic Premium Ratio	.649	.551	.488	.442	.405	.376	.351	.330	.312	.297	.270	.249	.231	.204
	Minimum Premium Ratio	.832	.774	.732	.698	.670	.645	.624	.604	.586	.570	.542	.517	.496	.459
35	Basic Premium Ratio	.635	.538	.475	.429	.393	.365	.340	.320	.302	.286	.260	.240	.223	.196
	Minimum Premium Ratio	.825	.766	.724	.690	.662	.637	.616	.596	.579	.563	.535	.510	.489	.453
34	Basic Premium Ratio	.623	.525	.463	.418	.382	.354	.330	.309	.292	.277	.252	.231	.215	.189
	Minimum Premium Ratio	.816	.757	.715	.682	.654	.629	.608	.589	.571	.556	.528	.504	.483	.447
33	Basic Premium Ratio	.610	.513	.451	.406	.371	.343	.320	.300	.283	.268	.244	.224	.208	.183
	Minimum Premium Ratio	.808	.749	.707	.674	.646	.622	.600	.582	.564	.549	.521	.498	.477	.442
32	Basic Premium Ratio	.597	.501	.440	.395	.361	.334	.311	.291	.274	.260	.236	.217	.201	.177
	Minimum Premium Ratio	.799	.740	.699	.666	.638	.614	.593	.575	.558	.543	.515	.492	.472	.438

PROPOSED

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
<b>Size Group</b>															
31	Basic Premium Ratio	.582	.486	.425	.382	.348	.321	.299	.280	.264	.250	.226	.208	.193	.171
	Minimum Premium Ratio	.791	.732	.690	.658	.630	.606	.586	.567	.551	.536	.510	.487	.467	.434
30	Basic Premium Ratio	.567	.471	.412	.369	.336	.309	.288	.269	.254	.240	.218	.201	.187	.165
	Minimum Premium Ratio	.782	.723	.681	.649	.622	.599	.579	.561	.545	.530	.504	.482	.463	.430
29	Basic Premium Ratio	.551	.457	.398	.356	.324	.299	.277	.260	.245	.232	.210	.194	.180	.160
	Minimum Premium Ratio	.773	.714	.673	.642	.615	.592	.572	.555	.539	.524	.499	.477	.459	.427
28	Basic Premium Ratio	.537	.444	.386	.344	.313	.287	.266	.249	.234	.221	.200	.184	.171	.151
	Minimum Premium Ratio	.764	.705	.665	.633	.606	.584	.564	.546	.530	.516	.491	.470	.451	.421
27	Basic Premium Ratio	.524	.431	.373	.332	.300	.275	.254	.236	.221	.208	.187	.170	.157	.136
	Minimum Premium Ratio	.755	.697	.655	.623	.596	.573	.552	.534	.518	.502	.476	.453	.433	.400
26	Basic Premium Ratio	.510	.418	.361	.320	.288	.263	.242	.224	.209	.196	.175	.158	.145	.124
	Minimum Premium Ratio	.747	.688	.646	.613	.586	.562	.541	.523	.505	.490	.463	.439	.418	.383
25	Basic Premium Ratio	.497	.405	.348	.307	.276	.251	.230	.213	.198	.185	.164	.147	.134	.114
	Minimum Premium Ratio	.738	.679	.638	.605	.577	.553	.531	.512	.495	.479	.451	.427	.405	.369
24	Basic Premium Ratio	.476	.386	.331	.292	.262	.238	.218	.202	.188	.176	.157	.141	.129	.111
	Minimum Premium Ratio	.727	.669	.628	.596	.569	.546	.525	.506	.490	.474	.447	.423	.402	.367
23	Basic Premium Ratio	.454	.368	.315	.277	.249	.226	.208	.192	.179	.168	.150	.136	.124	.107
	Minimum Premium Ratio	.716	.659	.619	.588	.561	.539	.519	.501	.485	.469	.443	.420	.400	.365
22	Basic Premium Ratio	.434	.351	.300	.264	.237	.216	.198	.184	.172	.161	.144	.131	.120	.104
	Minimum Premium Ratio	.704	.649	.611	.580	.555	.533	.513	.496	.480	.465	.439	.417	.397	.363
21	Basic Premium Ratio	.414	.335	.286	.252	.226	.206	.190	.176	.165	.155	.139	.126	.117	.102
	Minimum Premium Ratio	.693	.640	.603	.573	.548	.527	.508	.491	.476	.461	.436	.414	.395	.361
20	Basic Premium Ratio	.394	.318	.271	.238	.214	.194	.178	.166	.155	.145	.130	.119	.110	.096
	Minimum Premium Ratio	.683	.631	.595	.566	.541	.520	.502	.485	.470	.456	.431	.410	.391	.358
19	Basic Premium Ratio	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
	Minimum Premium Ratio	.674	.621	.585	.557	.533	.513	.494	.478	.464	.450	.426	.405	.387	.355
18	Basic Premium Ratio	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
	Minimum Premium Ratio	.664	.612	.575	.547	.524	.505	.488	.472	.458	.445	.421	.401	.383	.352
17	Basic Premium Ratio	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
	Minimum Premium Ratio	.654	.602	.567	.539	.517	.497	.480	.466	.453	.440	.418	.398	.380	.350
16	Basic Premium Ratio	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
	Minimum Premium Ratio	.644	.593	.559	.532	.510	.491	.475	.461	.448	.436	.414	.395	.378	.348
15	Basic Premium Ratio	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
	Minimum Premium Ratio	.635	.586	.552	.526	.504	.486	.470	.457	.445	.433	.412	.393	.376	.346

PROPOSED

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
<b>Size Group</b>															
14	Basic Premium Ratio	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
	Minimum Premium Ratio	.630	.579	.545	.521	.501	.483	.468	.455	.443	.432	.411	.392	.375	.346
13	Basic Premium Ratio	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
	Minimum Premium Ratio	.624	.571	.538	.516	.497	.480	.465	.453	.441	.430	.409	.391	.374	.345
12	Basic Premium Ratio	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
	Minimum Premium Ratio	.618	.562	.533	.512	.493	.477	.463	.451	.440	.429	.408	.390	.374	.345
11	Basic Premium Ratio	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
	Minimum Premium Ratio	.611	.552	.527	.507	.490	.474	.461	.449	.438	.427	.407	.389	.373	.344
10	Basic Premium Ratio	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
	Minimum Premium Ratio	.603	.544	.522	.503	.487	.472	.458	.447	.436	.426	.406	.388	.372	.344
9	Basic Premium Ratio	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
	Minimum Premium Ratio	.593	.538	.517	.500	.483	.469	.456	.445	.434	.424	.405	.387	.372	.343
8	Basic Premium Ratio	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
	Minimum Premium Ratio	.582	.532	.513	.496	.480	.466	.454	.443	.433	.423	.404	.387	.371	.343
7	Basic Premium Ratio	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
	Minimum Premium Ratio	.569	.527	.509	.492	.477	.464	.452	.441	.431	.422	.403	.386	.370	.342
6	Basic Premium Ratio	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
	Minimum Premium Ratio	.552	.522	.505	.489	.475	.462	.450	.439	.430	.420	.402	.385	.369	.342
5	Basic Premium Ratio	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
	Minimum Premium Ratio	.536	.518	.501	.486	.472	.459	.448	.438	.428	.419	.400	.384	.369	.342
4	Basic Premium Ratio	.104	.089	.085	.081	.078	.075	.073	.072	.070	.068	.066	.065	.064	.062
	Minimum Premium Ratio	.532	.513	.497	.483	.469	.457	.446	.436	.427	.417	.399	.383	.368	.342

**PROPOSED**

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 296-17-904	Definitions.	WAC 296-17-916	Retrospective premium adjustments—Due and payable.
WAC 296-17-910	Qualifications for employer groups for workers' compensation insurance.	WAC 296-17-91601	Ninety-day open option.
WAC 296-17-911	Group dividends.	WAC 296-17-917	Qualifications for employer group participation in retrospective rating plan.
WAC 296-17-912	Retrospective rating plan.	WAC 296-17-918	Limitation of liability indemnification.
WAC 296-17-913	Qualifications for employer participation in a retrospective rating plan.	WAC 296-17-91901	Table II.
WAC 296-17-915	Evaluation of incurred losses dividend and retrospective rating plans.	WAC 296-17-91902	Table III.
		WAC 296-17-91903	Table IV.
		WAC 296-17-91904	Table V.
		WAC 296-17-91905	Table VI.

**WSR 98-21-083**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed October 21, 1998, 11:04 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-07-011.

Title of Rule: New chapter 246-320 WAC, Hospitals and repeal chapter 246-318 WAC, Hospitals.

Purpose: Chapter 246-320 WAC will replace chapter 246-318 WAC to establish minimum health, safety, operational and construction standards for acute care hospitals.

Statutory Authority for Adoption: RCW 70.41.030 and 43.70.040.

Statute Being Implemented: RCW 70.41.030.

Summary: This rule adoption will repeal chapter 246-318 WAC and adopt chapter 246-320 WAC for the regulation of hospitals.

Reasons Supporting Proposal: In 1995, the legislature enacted HB 1445, requiring the Department of Health to amend the hospital rules to be "consistent in format and general content with the applicable hospital survey standards of the joint commission on the accreditation of health care organizations." The department took this charge seriously and has revised the hospital rules to comply with this statutory requirement. Chapter 246-320 WAC will replace chapter 246-318 WAC, current hospital regulations.

Name of Agency Personnel Responsible for Drafting: Hospital Regulatory Reform Team, P.O. Box 47852, Olympia, WA, (360) 705-6779; Implementation and Enforcement: Byron Plan, P.O. Box 47852, Olympia, WA, (360) 705-6780.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-320 WAC establishes minimum health, safety, operational and construction requirements to reduce the risk of patients receiving inappropriate or unsafe care while in a Washington state hospital. These rules will establish the minimum requirements while allowing the hospital flexibility in reaching the desired outcome.

Proposal Changes the Following Existing Rules: The existing rules which regulate hospitals, chapter 246-318 WAC, will be repealed and replaced by chapter 246-320.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

In 1995 the Washington state legislature enacted HB 1445, an act relating to hospital regulation and inspection. The act revised the current regulatory environment for hospitals. Among other things, it directed the Washington State Department of Health (DOH) to: "...endeavor to make such minimum (hospital) standards and rules consistent in format and general content with the applicable hospital survey standards of the joint commission on the accreditation of health care organizations."

The proposed regulations represent DOH's two year effort towards this mandate. The proposed regulations completely revamp the current regulatory structure. Some changes expand on current requirements while others lower the regulatory burden. However, most changes simply recast existing requirements into a format and presentation consistent with joint commission standards.

**Is a Small Business Economic Impact Statement (SBEIS) necessary?** Under the Regulatory Fairness Act (chapter 19.85 RCW), an SBEIS is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold is \$50 for hospitals.<sup>1</sup> Determining the cost of these changes is difficult because the impact on individual hospitals will be highly dependent on individual circumstances. Nevertheless, careful consideration of the proposed changes (whether by individual sections or the collective WAC chapter) led DOH to conclude that this proposal's additional regulations would increase hospital costs by more than \$50 per year. Therefore, an SBEIS is required.

<sup>1</sup> Facilitating Regulatory Fairness, Washington State Department of Community, Trade and Economic Development, Washington State Business Assistance Center, 1995.

**What is required of an SBEIS?** The Regulatory Fairness Act requirements for an SBEIS.<sup>2</sup>

<sup>2</sup> RCW 19.85.030(3).

"Based upon the extent of the disproportionate impact on small business... the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;
- (e) Reducing or modifying fine schedules for noncompliance; or
- (f) Any other mitigation techniques."

The act defines a business as any "...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..." As such, publicly owned or not-for-profit hospitals are not businesses for the purposes of assessing small business costs. The act defines a small business as one that employs less than fifty individuals.

**Does the proposed rule impose disproportionate costs on small businesses?** Under the act's definition of small business, the proposed rule does not impose disproportionate costs on small businesses. A department review did not find any private, for-profit hospitals with fewer than fifty employees. Since there are no small businesses, small businesses cannot bear disproportionate cost impacts. This finding relieves DOH from the mandate to provide regulatory relief to small businesses. Nevertheless, through an extensive public outreach process the department worked hard to ease the proposal's regulatory burden to all businesses.

PROPOSED

**How did the Department of Health involve hospitals and other interested parties in the development of the rule?** Before beginning this rewrite of existing DOH hospital rules, the department initiated the Hospital Regulatory Reform Project—an extensive public involvement process. The department brought together a policy oversight committee which representatives of DOH, hospitals, physician, nurses, the Joint Commission on the Accreditation of Health Care Organizations, and health care advocates. The policy oversight committee established its over-arching mission as:

The Washington State Department of Health and the hospital community share a common commitment and obligation to work together to improve the quality of hospital care.

**Our mission is to create a clear, concise, efficient and nonduplicative regulatory environment for hospitals.**

The hospital community and the public will have meaningful input into rule making. This project will result in a set of regulations that are feasible and responsive to a rapidly changing health care environment.

(emphasis added) Mission Statement, June 7, 1996.

With the aid of seven (later expanded to ten) technical workgroups, the policy oversight committee delivered a set of draft regulations for DOH's consideration.<sup>3</sup> The technical workgroups included individuals with special expertise in particular regulatory areas (e.g., pathologists for the infection control workgroup, engineers/architects for the construction standards workgroup). The technical workgroups developed draft regulatory language on specific issues which was reviewed and in some cases amended by the policy oversight committee. The policy oversight committee synthesized the work of the technical workgroups into a single proposal and checked it for internal consistency, consistency with the committee's mission statement, and consistency with the requirements of HB 1445. The end results of this effort was the draft regulatory proposal presented to the Department of Health.

<sup>3</sup> 1) Patient Care, Assessment of Patients and Continuum of Care; 2) Leadership, Management of Human Resources, Governing Body, Management, Nursing; 3) Prevention and Control of Infection; 4) Management of Environment of Care; 5) Construction Standards; 6) Surveillance and Safety; 7) Patient Rights and Organizational Ethics, Education of Patient and Family; 8) Medical Staff; 9) Management of Information; and 10) Improving Organizational Performance.

Every meeting during this entire process was open to the public. The department took great pains to advertise the meetings and encourage people to attend. Examples of this effort was the Bellwether newsletter sent to hospitals and other interested parties. The newsletter described the efforts underway, the decisions made, and the topics covered in upcoming meetings. Other public outreach efforts included surveys and questionnaires sent to the administrator of every hospital in Washington state. Questionnaires were also mailed to the hospital department heads when information was needed on specific hospital functional areas (e.g., plant managers, information technology administrators, etc.).

These meetings, both of the technical workgroups and the policy oversight committee, resulted in several significant regulatory changes that will save hospital's money. For example, the department revised the definition of "minor alteration" in such a way that fewer hospital modifications

will have to undergo review by the department. The department also revised the building standards to reduce the number of times that a hospital has to replace existing heating/ventilation and air conditioning systems when upgrading patient rooms. Another change was to allow alternatives to traditional laundering facilities so long as the hospital's infection control committee deems the alternative approach not to pose an unreasonable risk of contamination. These and other changes reduce the overall cost of the proposed changes to state hospital regulations.

A copy of the statement may be obtained by writing to Jennell Prentice, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6661, fax (360) 705-6654.

RCW 34.05.328 applies to this rule adoption.

Hearing Location: One simultaneous hearing will be held on December 2, 1998, at 10:00 a.m., in Spokane, Washington Interactive Technologies, North 1101 Argonne, Suite 109, Spokane, WA 99201; and in Lacey (Olympia), on December 2, 1998, at 10:00 a.m., Washington Interactive Technologies, 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA 98503.

Assistance for Persons with Disabilities: Contact Theresa Phillips by November 17, 1998, TDD (360) 664-0064, or (800) 833-6388.

Submit Written Comments to: Jennell Prentice, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, or Internet JZP0303@wa.doh.gov, fax (360) 705-6654, by November 30, 1998.

Date of Intended Adoption: December 2, 1998.

October 13, 1998

K. Van Gorkom

Deputy Secretary

## NEW SECTION

**WAC 246-320-001 Purpose and applicability of chapter.** This chapter is adopted by the Washington state department of health to implement the provisions of chapter 70.41 RCW and establish minimum health and safety requirements for the operation, maintenance, and construction of acute care hospitals.

(1) Compliance with the regulations in this chapter does not constitute release from the requirements of applicable state and local codes and ordinances. Where regulations in this chapter exceed other codes and ordinances, the regulations in this chapter will apply:

(2) The department will review references to codes and regulations in this chapter, and:

(a) Update as necessary; and

(b) Adopt a revised list of referenced standards, if required.

## NEW SECTION

**WAC 246-320-010 Definitions.** For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Abuse" means injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" will include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of healthcare organizations (JCAHO).

(3) "Administrative business day" means Monday, Tuesday, Wednesday, Thursday, or Friday, 8:00 a.m. to 5:00 p.m., exclusive of recognized state of Washington holidays.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Airborne precaution room" means a room that is designed and equipped to care for patients known or suspected to be infected with microorganisms transmitted by airborne droplet nuclei (small-particle residue [five microns or smaller in size] of evaporated droplets containing microorganisms that remain suspended in the air and can be widely dispersed by air currents within a room or over a long distance).

(6) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(7) "Alteration":

(a) "Alteration" means any change, addition, remodel or modification in construction, or occupancy to an existing hospital or a portion of an existing hospital.

(b) "Major alteration" means any physical change within an existing hospital that changes the occupancy (as defined in state building code) and scope of service within a room or area, results in reconstruction to major portions of a floor or department, or requires revisions to building systems or services.

(c) "Minor alteration" means any physical change to an existing hospital which does not affect the structural integrity of the hospital building, which does not affect fire and life safety, and which does not add beds or facilities over those for which the hospital is licensed.

(8) "Ambulatory" means an individual physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(9) "Area" means a portion of a room or building that is separated from other functions in the room or portions of the building by a physical barrier or adequate space.

(10) "Assessment" means the: (a) Systematic collection and review of patient-specific data; (b) process established by

a hospital for obtaining appropriate and necessary information about each individual seeking entry into a health care setting or service; and (c) information to match an individual's need with the appropriate setting and intervention.

(11) "Authentication" means the process used to verify that an entry is complete, accurate, and final.

(12) "Bathing facility" means a bathtub or shower, but does not include sitz bath or other fixtures designated primarily for therapy.

(13) "Birthing room" or "labor-delivery-recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn, and to accommodate her support people during the complete process of vaginal childbirth.

(14) "Child" means an individual under the age of eighteen years.

(15) "Clean" when used in reference to a room, area, or facility means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

(16) "Communication system" means telephone, intercom, nurse call or wireless devices used by patients and staff to communicate.

(17) "Critical care unit or service" means the specialized medical and nursing care provided to patients facing an immediate life-threatening illness or injury. The care is provided by multidisciplinary teams of highly experienced and skilled physicians, nurses, pharmacists or other allied health professionals who have the ability to interpret complex therapeutic and diagnostic information and access to highly sophisticated equipment.

(18) "Department" means the Washington state department of health.

(19) "Detoxification" means the process of ridding the body of the transitory effects of intoxication and any associated physiological withdrawal reaction.

(20) "Dialysis facility" means a separate physical and functional nursing unit of the hospital serving patients receiving renal dialysis.

(21) "Dialysis station" means an area designed, equipped, and staffed to provide dialysis services for one patient.

(22) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(23) "Direct access" means access to one room from another room or area without going through an intervening room or into a corridor.

(24) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer such agent prior to administration of the agent.

(25) "Drugs" as defined in RCW 16.64.011(3) means:

(a) Articles recognized in the official U.S. pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection but not including devices or component parts or accessories.

(26) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(27) "Easily cleanable" means readily accessible and made with materials and finishes fabricated to permit complete removal of residue or dirt.

(28) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(29) "Emergency triage" means the immediate patient assessment by a registered nurse, physician, or physician assistant to determine the nature and urgency of the person's medical need and the time and place care and treatment is to be given.

(30) "Facilities" means a room or area and equipment serving a specific function.

(31) "Family" means individuals important to and designated by a patient who need not be relatives.

(32) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply is controlled by handles not less than four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply is controlled through a mixing valve designed and installed to be operated by the foot.

(33) "Governing authority/body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(34) "Grade" means the level of the ground adjacent to the building. The ground must be level or slope downward for a distance of at least ten feet away from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(35) "He, him, his, or himself" means an individual of either sex, male or female, and does not mean preference for nor exclude reference to either sex.

(36) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

(37) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not

related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) Maternity homes, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(38) "Individualized treatment plan" means a written statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(a) Treatment goals, with stipulated time frames;

(b) Specific services to be utilized;

(c) Designation of individuals responsible for specific service to be provided;

(d) Discharge criteria with estimated time frames; and

(e) Participation of the patient and the patient's designee as appropriate.

(39) "Infant" means a baby or very young child up to one year of age.

(40) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

(41) "Inpatient" means a patient receiving services that require admission to a hospital for twenty-four hours or more.

(42) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring physical support and treatment beyond support required for a normal neonate and may include the following:

(a) Electronic cardiorespiratory monitoring;

(b) Gavage feedings;

(c) Parenteral therapy for administration of drugs; and

(d) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours for stabilization when trained staff are available.

(43) "Interventional service facility" means a facility other than operating room (OR) where invasive procedures are performed.

(44) "Invasive procedure" means a procedure involving puncture or incision of the skin or insertion of an instrument or foreign material into the body including, but not limited to, percutaneous aspirations, biopsies, cardiac and vascular catheterizations, endoscopies, angioplasties, and implantations. Excluded are venipuncture and intravenous therapy.

(45) "JCAHO" means joint commission on accreditation of healthcare organizations.

(46) "Labor room" means a room in which an obstetric patient is placed during the first stage of labor, prior to being taken to the delivery room.

(47) "Labor-delivery-recovery (LDR) room," "birthing room," or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped for the care of a woman, fetus, and newborn and to accommodate her support people during the complete process of vaginal childbirth.

(48) "Labor-delivery-recovery-postpartum (LDRP) room," "labor-delivery-recovery (LDR) room," or "birthing room" means a room designed and equipped for the care of a woman, fetus, and newborn and to accommodate her support people during the complete process of vaginal childbirth.

(49) "Licensed practical nurse," abbreviated LPN, means an individual licensed under provisions of chapter 18.78 RCW.

(50) "Long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(51) "Maintainable" means able to preserve or keep in an existing condition.

(52) "Maintenance" means the work of keeping something in suitable condition.

(53) "Medical staff" means physicians and may include other practitioners appointed by the governing authority to practice within the parameters of the governing authority and medical staff bylaws.

(54) "Medication" means any substance, other than food or devices, intended for use in diagnosing, curing, mitigating, treating, or preventing disease.

(55) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

(56) "Must" means compliance is mandatory.

(57) "Multidisciplinary treatment team" means a group of individuals from the various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

(58) "Neglect" means mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation, such as lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness.

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(59) "Neonate" or "newborn" means a newly born infant under twenty-eight days of age.

(60) "Neonatal intensive care nursery" means an area designed, organized, equipped, and staffed for constant nursing, medical care, and treatment of high-risk infants who may require:

(a) Continuous ventilatory support, twenty-four hours per day;

(b) Intravenous fluids or parenteral nutrition;

(c) Preoperative and postoperative monitoring when anesthetic other than local is administered;

(d) Cardiopulmonary or other life support on a continuing basis.

(61) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs* by the Accreditation Council for Graduate Medical Education, American Medical Association, 1998 or the *American Osteopathic Association Yearbook and Directory*, 1998.

(62) "Newborn nursery care" means the provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

(63) "New construction" means any of the following:

(a) New buildings to be licensed as a hospital;

(b) Additions to an existing hospital;

(c) Conversion of an existing building or portions thereof for use as a hospital;

(d) Alterations to an existing hospital.

(64) "Nonambulatory" means an individual physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another.

(65) "Nursing unit" means a separate physical and functional unit of the hospital including a group of patient rooms, with ancillary, administrative, and service facilities necessary for nursing service to the occupants of these patient rooms.

(66) "Nutritional assessment" means an assessment of a patient's nutritional status conducted by a registered dietitian.

(67) "Nutritional risk screen" means a part of the initial assessment that can be conducted by any trained member of the multidisciplinary treatment team.

(68) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

(69) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

(70) "Operating room (OR)" means a room within the surgical department intended for invasive and noninvasive procedures requiring anesthesia.

(71) "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

(72) "Outpatient services" means services that do not require admission to a hospital for twenty-four hours or more.



(73) "Patient" means an individual receiving (or having received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital.

(74) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

(75) "Patient related technology" means equipment used in a patient care environment to support patient treatment and diagnosis, such as electrical, battery and pneumatic powered technology as well as support equipment and disposables.

(76) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(77) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

(78) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

(79) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, chapter 18.22 RCW, Podiatric medicine and surgery, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(80) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(81) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least ten percent with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H<sub>2</sub>O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least ten percent with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H<sub>2</sub>O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(82) "Procedure" means a particular course of action to relieve pain, diagnose, cure, improve, or treat a patient's condition usually requiring specialized equipment.

(83) "Protective precaution room" means a room designed and equipped for care of patients with a high risk for contracting infections, such as bone marrow and organ transplant patients.

(84) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

(85) "Psychiatric service" means the treatment of patients pertinent to the psychiatric diagnosis whether or not the hospital maintains a psychiatric unit.

(86) "Psychiatric unit" means a separate area of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in this section.

(87) "Reassessment" means ongoing data collection comparing the most recent data with the data collected on the previous assessment(s).

(88) "Recovery unit" means a special physical and functional area for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

(89) "Registered nurse" means an individual licensed under the provisions of chapter 18.79 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

(90) "Remodel" means the reshaping or reconstruction of a part or area of the hospital.

(91) "Restraint" means any method used to prevent or limit free body movement including, but not limited to, involuntary confinement, an apparatus, or a drug given not required to treat a patient's medical symptoms.

(92) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(93) "Seclusion room" means a small, secure room specifically designed and organized for temporary placement, care, and observation of one patient and for an environment with minimal sensory stimuli, maximum security and protection, and visual observation of the patient by authorized personnel and staff. Doors of seclusion rooms are provided with staff-controlled locks.

(94) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: *Provided*, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

(95) "Sensitive area" means a room used for surgery, transplant, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, emergency or critical care including, but not limited to, intensive and cardiac care or areas where immunosuppressed inpatients are located and central supply room.

(96) "Sinks":

PROPOSED

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout without aerators including brush and handsfree soap dispenser.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(d) "Handsfree handwash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(e) "Handwash sink" means a plumbing fixture of adequate size and proper design for washing hands, with adjacent soap dispenser and single service hand drying device.

(97) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection or cleaning of used or contaminated supplies and equipment or collection or disposal of wastes.

(98) "Special procedure" means a distinct and/or special diagnostic exam or treatment, such as, but not limited to, endoscopy, angiography, and cardiac catheterization.

(99) "Staff" means paid employees, leased or contracted persons, students, and volunteers.

(100) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

(101) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

- (a) Incision, excision, or curettage of tissue or an organ;
- (b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;
- (c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or
- (d) An endoscopic examination with use of anesthetizing agents.

(102) "Surrogate decision-maker" means an individual appointed to act on behalf of another. Surrogates make decisions only when an individual is without capacity or has given permission to involve others.

(103) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

(104) "Toilet" means a room containing at least one water closet.

(105) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

- (a) Pharmacologic, surgical, or supportive;
- (b) Specific for a disorder; or
- (c) Symptomatic to relieve symptoms without effecting a cure.

(106) "Treatment room" means a hospital room for medical, surgical, dental, or psychiatric management of a patient.

(107) "Water closet" means a plumbing fixture fitted with a seat and device for flushing the bowl of the fixture with water.

(108) "Will" means compliance is mandatory.

(109) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation will be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and other appropriate security features will be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

(110) "Work surface" means a flat hard horizontal surface such as a table, desk, counter, or cart surface.

#### NEW SECTION

**WAC 246-320-025 On-site licensing survey.** The purpose of this section is to provide annual on-site survey requirements in accordance with chapter 70.41 RCW.

(1) The department will:

(a) Conduct at least one on-site licensing survey each calendar year to determine compliance with the provisions in chapter 70.41 RCW and this chapter;

(b) Notify the hospital of state survey findings;

(c) Contact the hospital to discuss the findings of an on-site licensing or joint commission on accreditation of health-care organizations (JCAHO) survey when appropriate; and

(d) Not conduct the annual on-site licensing survey when requested by a hospital accredited by JCAHO in accordance with subsections (2) and (3) of this section.

(2) A hospital accredited by the JCAHO may request exclusion from an annual on-site licensing survey during the year of the JCAHO survey. To request exclusion, a hospital must submit to the department:

(a) A written request asking to be excluded from the annual on-site licensing survey during the calendar year in which the hospital will be surveyed by the JCAHO;

(b) The written request at least thirty days prior to the beginning of the calendar year for which the exclusion from an annual on-site licensing survey will be made;

(c) Verification of current JCAHO accreditation; and

(d) A copy of the decisions and findings of the JCAHO survey within thirty days of receipt of the final JCAHO survey report.

(3) The department will grant an exclusion from the annual on-site licensing survey when:

(a) The hospital:

(i) Meets the requirements in subsection (2) of this section; and

(ii) Verifies current JCAHO accreditation;

(b) The department determines the JCAHO survey standards used at the time of the JCAHO survey exceed or are substantially equivalent to chapter 70.41 RCW and this chapter.

(4) A hospital excluded from an annual on-site licensing survey in accordance with this section:

(a) Is not subject to an annual on-site licensing survey during the calendar year the hospital is surveyed by the JCAHO and for twelve months after the date of the JCAHO survey; and

(b) Must notify the department of any changes in JCAHO accreditation status within ten days of receipt of the accreditation report from the JCAHO.

#### NEW SECTION

**WAC 246-320-045 Application for license—License expiration dates—Notice of decision—Adjudicative proceeding.** The purpose of this section is to ensure hospitals are licensed in accordance with chapter 70.41 RCW.

(1) An applicant not currently licensed must submit to the department an application for licensure and applicable fee in accordance with RCW 70.41.100.

(2) The department will, prior to issuing an initial license, verify compliance with the provisions of chapter 70.41 RCW and this chapter which include, but are not limited to:

(a) Approval of construction documents;

(b) Receipt of a certificate of need as provided in chapter 70.38 RCW;

(c) Compliance with local codes and ordinances, including approval to occupy; and

(d) Conducting an on-site licensing survey in accordance with WAC 246-320-025.

(3) The licensed hospital must submit to the department:

(a) No later than November 30 of each calendar year, an application for licensure or verification of license information and applicable fee in accordance with RCW 70.41.100; and

(b) An application addendum indicating any changes to the information previously provided.

(4) The department will issue hospital licenses initially and reissue hospital licenses as often thereafter as necessary each calendar year so as to cause approximately one-third of the total number of hospital licenses to expire on the last day of the calendar year. Licenses issued pursuant to this chapter may be valid for any period not to exceed thirty-six months.

(5) The department may issue a provisional license to permit the operation of the hospital for a period of time to be determined by the department if there is failure to comply with the provisions of chapter 70.41 RCW or this chapter.

(6) The department may deny, suspend, modify, or revoke a license in any case in which it finds that there has been a failure or refusal to comply with the requirements of chapter 70.41 RCW or this chapter.

(a) The department's notice of a denial, suspension, modification, or revocation of a license will be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest a license decision.

(b) A license applicant or holder contesting a department license decision will within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of the Adjudicative Clerk, Department of Health, PO Box 47872, Olympia, WA 98504-7872; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If a provision in this chapter conflicts with chapter 246-08 or 246-10 WAC, the provision in this chapter governs.

#### NEW SECTION

**WAC 246-320-065 Exemptions, alternative methods, and interpretations.** The purpose of this section is to provide hospitals a mechanism to request an interpretation, exemption, or approval to use an alternative method. The provisions of this chapter are not intended to prevent use of any systems, materials, alternate design, or methods of construction as alternatives to those prescribed by these rules.

(1) A hospital requesting exemption from the provisions of this chapter must submit a written request to the department asking for an exemption. The request must specify the section or sections, explain the reason for the exemption and, when appropriate, include supporting documentation.

(2) A hospital requesting approval for use of alternative materials, design, and methods must submit a written request to the department asking for approval to use an alternative. The request must explain the reason(s) for the use of an alternative and must be supported by technical documentation.

(3) The department may:

(a) Exempt a hospital from complying with portions of this chapter when:

(i) The hospital complies with subsection (1) of this section.

(ii) After review and consideration, such exemption will not:

(A) Negate the purpose and intent of these rules;

(B) Place the safety or health of the patients in the hospital in jeopardy;

(C) Lessen any fire and life safety or infection control provision of other codes or regulations; and

(D) Effect any structural integrity of the building;

(b) Approve the use of alternative materials, designs, and methods when:

(i) The hospital complies with subsection (2) of this section; and

(ii) After review and consideration, such alternative:

(A) Meets the intent and purpose of these rules; and

(B) Is at least equivalent to the methods prescribed in these rules.

(4) A hospital requesting an interpretation of a rule or regulation contained in this chapter must submit a written request to the department. The request must specify the section or sections for which an interpretation is needed and details of the circumstances to which the rule is being applied. The hospital must provide any other information the department deems necessary.

(5) The department will, in response to a written request, send a written interpretation of a rule or regulation within thirty calendar days after the department has received complete information relevant to the requested interpretation.

(6) The department and hospital will keep a copy of each exemption or alternative granted or interpretation issued pursuant to the provisions of this section on file and available at all times.

#### NEW SECTION

**WAC 246-320-085 Single license to cover two or more buildings—When permissible.** The purpose of this section is to allow a single hospital license to cover more than one building.

The department may issue a single hospital license to include two or more buildings, provided:

(1) The applicant or hospital:

(a) Meets the licensure requirements of chapter 70.41 RCW and this chapter; and

(b) Operates the multiple buildings as a single integrated system with:

(i) Governance by a single authority or body over all buildings or portions of buildings under the single license; and

(ii) A single medical staff for all hospital facilities under the single license;

(2) The hospital arranges for safe, appropriate, and adequate transport of patients between buildings.

#### NEW SECTION

**WAC 246-320-105 Criminal history, disclosure, and background inquiries.** The purpose of this section is to ensure criminal history background inquiries are conducted for any employee or prospective employee who has or will have unsupervised access to children, vulnerable adults, and developmentally disabled adults.

(1) Hospitals will:

(a) Require a disclosure statement as specified under RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person associated with the licensed hospital having unsupervised access to:

(i) Children under sixteen years of age;

(ii) Vulnerable adults as defined under RCW 43.43.830; and

(iii) Developmentally disabled individuals;

(b) Require a Washington state patrol background inquiry as specified in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other person applying for association with the licensed hospital prior to allowing the person unsupervised access to:

(i) Children under sixteen years of age;

(ii) Vulnerable adults as defined under RCW 43.43.830; and

(iii) Developmentally disabled individuals.

(2) The department will:

(a) Review records required under this section;

(b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and

(c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(3) The department may require the hospital to complete additional disclosure statements or background inquiries, if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry, for any person associated with the licensed facility having unsupervised access to:

(a) Children under sixteen years of age;

(b) Vulnerable adults as defined under RCW 43.43.830; and

(c) Developmentally disabled individuals.

#### NEW SECTION

**WAC 246-320-125 Governance.** The purpose of the governance section is to provide organizational guidance and oversight and to ensure resources and staff to support safe and adequate patient care.

The governing authority will:

(1) Adopt and periodically review bylaws which address legal accountabilities and responsibilities. Bylaws will provide for medical staff communication and conflict resolution with the governing authority;

(2) Establish and review governing authority policies, promote performance improvement, and provide for organizational management and planning;

(3) Establish a process for selecting and periodically evaluating a chief executive officer;

(4) Establish and appoint a medical staff; and

(5) Approve bylaws, rules, and regulations as adopted by the medical staff before they can become effective.

#### NEW SECTION

**WAC 246-320-145 Leadership.** The purpose of the leadership section is to ensure care is provided consistently throughout the hospital and in accordance with patient and community needs.

The hospital leaders will:

(1) Design hospital-wide patient care services and define department specific scope of services appropriate to the scope and level of care required by the patients served and resources available; and

(a) Approve the scope of service of each department;

(b) Integrate and coordinate patient care services; and

(c) Provide for the uniform performance of patient care processes;

(2) Ensure all patients have access to safe and appropriate care;

(3) Establish and implement processes for:

(a) Gathering, assessing and acting on information regarding patient and family satisfaction with the services provided; and

(b) Complaint resolution for patients, families, employees, providers and others;

(4) Plan, promote, and conduct organization-wide performance-improvement activities to provide effective leadership and coordinated delivery of patient care;

(5) Ensure clinical services are provided in a timely manner;

(6) Ensure nursing policies and procedures, nursing standards of patient care, and standards of nursing practices are established and approved by the nurse executive or a designee(s), and nursing services are directed by:

(a) A nurse executive; or

(b) An identified registered nurse leader on a team to function at the executive level;

(7) Determine who has the authority to establish and approve hospital policies;

(8) Ensure individuals conducting business in the hospital comply with hospital policies and procedures;

(9) Adopt and implement policies and procedures in accordance with chapter 26.44 RCW to ensure suspected abuse to a child, adult dependent or developmentally disabled person is reported within twenty-four hours to:

(a) Local police or appropriate law enforcement agency;

(b) The department of health; and

(c) Other state agencies as appropriate;

(10) Notify the department within two administrative days whenever any of the following events occur or administration learns of or is informed of any of these events:

(a) A patient death, loss of limb, or loss of major bodily function which was not reasonably anticipated in the normal course and primary and associated diagnosis, treatment, or care of the patient's medical condition;

(b) Surgery performed on the wrong patient or wrong body part;

(c) A patient suicide within the facility;

(d) An infant abduction or discharge to the wrong family;

(e) A suspected or alleged sexual assault of a patient or staff within the facility or on the facility property;

(f) A transfusion reaction following administration of blood or blood products having major blood group incompatibilities;

(g) A failure or major malfunction of a facility system such as the heating, ventilation, fire alarm, fire sprinkler, electrical, electronic management information, or water supply which affects any patient diagnosis, treatment, or care service within the facility; or

(h) A fire which affects any patient diagnosis, treatment, or care area of the facility.

(11) Notification of the department as required in subsection (10) of this section, does not release a hospital from complying with reporting or notification requirements that may exist in law, such as law enforcement or a professional regulatory agency.

(12) Nothing in this section affects the disclosure, confidentiality, quality improvement and medical malpractice pre-

vention programs, or reporting requirements provided in RCW 70.41.150, 70.41.200, and 70.41.210.

#### NEW SECTION

**WAC 246-320-165 Management of human resources.** The purpose of the management of human resources section is to ensure the hospital provides competent staff consistent with scope of services.

Hospitals will:

(1) Establish, review, and update written job descriptions for each job classification;

(2) Conduct periodic staff performance reviews;

(3) Ensure qualified and competent staff are available to operate each department;

(4) Ensure supervision of staff;

(5) Document verification of current staff licensure, certification, or registration;

(6) Complete tuberculosis screening for new and current employees consistent with the current guidelines of the Centers for Disease Control and Prevention (CDC);

(7) Provide orientation to the work environment;

(8) Provide information on infection control to staff upon hire and annually which includes:

(a) Education on general infection control in accordance with WAC 296-62-08001 bloodborne pathogens exposure control; and

(b) General and department specific infection control measures related to the work of each department in which the staff works; and

(9) Establish and implement an education plan that verifies or arranges for the appropriate education and training of staff on prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310.

#### NEW SECTION

**WAC 246-320-185 Medical staff.** The purpose of the medical staff section is to contribute to a safe and adequate patient care environment through the development of a medical staff structure and mechanisms to assure consistent clinical competence.

The hospital medical staff will:

(1) Adopt medical staff bylaws, rules, and regulations that define the medical staff, the organizational structure of the medical staff and address:

(a) Qualifications for membership;

(b) Verification of application data;

(c) Appointment process;

(d) Reappointment process;

(e) The length of appointment and reappointment;

(f) Process for granting of delineated clinical privileges;

(g) Provision for continuous care of patients;

(h) Assessment of credentialed practitioner's performance; and

(i) Due process;

(2) Include licensed physicians and may include other individuals granted privileges by the governing authority to provide patient care services; and

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(3) Forward recommendations for membership, initial, renewed, or revised clinical privileges, in accordance with the bylaws, rules and regulations, and policies of the medical staff to the governing authority for action.

#### NEW SECTION

**WAC 246-320-205 Management of information.** The purpose of the management of information section is to obtain, manage, and use information to improve patient outcomes and the performance of the hospital in patient care, governance, management, and support services.

Hospitals will:

(1) Facilitate patient care by providing medical staff and other practitioners timely access to information systems, resources, and services;

(2) Maintain confidentiality, security, and integrity of data and information;

(3) Initiate and maintain a medical record for every individual assessed or treated including a process to review records for completeness, accuracy, and timeliness. Medical records must:

(a) Contain information to identify the patient, the patient's clinical data to support the diagnosis, course and results of treatment, author identification, consent documents, and promote continuity of care;

(b) Be accurately written, dated, timed, promptly filed, retained in accordance with RCW 70.41.190 and chapter 5.46 RCW, and accessible;

(c) Indicate:

(i) The legally authorized practitioner authenticated the medical record after the record was transcribed; and

(ii) Entries are dated and authenticated in a timely manner;

(d) Include verbal orders by authorized individuals which are accepted and transcribed by qualified personnel;

(4) Establish a systematic method for identifying each medical record(s) to allow ready identification of area of service, filing, and retrieval of all the patient's record(s); and

(5) Adopt and implement policies and procedures that address:

(a) Access to and release of confidential data in medical records in accordance with chapter 70.02 RCW; and

(b) Transmittal of pertinent medical data to ensure continuity of care.

#### NEW SECTION

**WAC 246-320-225 Improving organizational performance.** The purpose of the improving organizational performance section is to ensure that performance improvement activities of staff, medical staff, and outside contractors result in continuous improvement of patient health outcomes.

Hospitals will:

(1) Have a hospital-wide approach to process design and performance measurement, assessment, and improvement of patient care services in accordance with RCW 70.41.200 and including, but not limited to:

(a) A written performance improvement plan that is periodically evaluated and approved by the governing authority;

(b) Performance improvement activities which are collaborative and interdisciplinary and include at least one member of the governing authority; and

(c) Review of serious or undesirable patient outcomes in a timely manner;

(2) Systematically collect and assess data on important processes or outcomes related to patient care and organization functions. The hospital must prioritize and take appropriate action to improve and/or continue measurement in response to data assessment. The hospital will collect and assess data including, but not limited to:

(a) Processes or outcomes related to:

(i) Operative, other invasive, and noninvasive procedures that place patients at risk;

(ii) Infection rates;

(iii) Mortality;

(iv) Medication use;

(v) Hospital incurred injuries, such as, but not limited to, falls and restraint use;

(vi) Events listed in WAC 246-320-145 (10)(a) through (f);

(vii) Discrepancies or patterns of discrepancies between preoperative and postoperative (including pathologic) diagnosis, including those identified during the pathologic review of specimens removed during surgical or invasive procedures;

(viii) Significant adverse drug reactions (as defined by the hospital);

(ix) Confirmed transfusion reactions;

(x) Adverse events or patterns of adverse events during anesthesia use; and

(xi) Other hospital specific measurements;

(b) The needs, expectations, and satisfaction of patients; and

(c) Quality control and risk management activities.

#### NEW SECTION

**WAC 246-320-245 Patient rights and organizational ethics.** The purpose of the patient rights and organizational ethics section is to help improve patient outcomes by respecting each patient and conducting all relationships with patients and the public in an ethical manner.

Hospitals will:

(1) Provide patients with a written statement of patients rights;

(2) Respect, inform, and support a patient's right to treatment and service by adopting and implementing policies and procedures that:

(a) Ensure the patient's right to:

(i) Confidentiality, privacy, security, complaint resolution, spiritual care, and communication. If communication restrictions are necessary for patient care and safety, they are documented and explained to the patient and family;

(ii) Access protective services; and

(iii) Be involved in all aspects of their care including:

(A) Their right to refuse care and treatment; and

(B) Resolving dilemmas about care decisions;

(b) Result in:

(i) Obtaining informed consent;

- (ii) Participation of family in care decisions when appropriate;
- (c) Address ethical issues in patient care, including:
  - (i) Obtaining and honoring advance directives;
  - (ii) Withholding resuscitative services and forgoing or withdrawing life-sustaining treatment; and
  - (iii) Providing care at the end of life;
- (d) Ensure procurement and donation of organs and other tissues, if done, is in accordance with medical staff input and family/surrogate decision-makers direction;
- (e) Address research, investigation, and clinical trials including:
  - (i) Internal procedures to authorize the research;
  - (ii) Assurance that practitioners follow informed consent laws; and
  - (iii) Assurance that if the patient refuses to participate, their refusal will not compromise their access to services.

#### NEW SECTION

**WAC 246-320-265 Infection control program.** The purpose of the infection control program section is to identify and reduce the risk of acquiring and transmitting nosocomial infections and communicable diseases between patients, employees, medical staff, volunteers, and visitors.

Hospitals must develop and implement an infection control program and will:

- (1) Designate a member or members of the staff to:
  - (a) Oversee, review, evaluate, and approve the activities of the infection control program and the infection control aspects of appropriate hospital policies and procedures; and
  - (b) Provide consultation;
- (2) Assure staff managing the infection control program have:
  - (a) Documented evidence of a minimum of two years experience in a health related field; and
  - (b) Training in the principles and practices of infection control;
  - (3) Adopt and implement written policies and procedures consistent with the current guidelines of the centers for disease control and prevention (CDC), to guide the staff. Where appropriate, policies and procedures are specific to the service area and address:
    - (a) Receipt, use, disposal, processing, or reuse of hospital and nonhospital equipment to assure prevention of disease transmission;
    - (b) Prevention of cross contamination between soiled and clean items during sorting, processing, transporting, and storage;
    - (c) Environmental management and housekeeping functions, including:
      - (i) The process for approval of disinfectants, sanitation procedures, and equipment;
      - (ii) Cleaning areas used for surgical procedures as appropriate, before, between, and after cases;
      - (iii) General hospital-wide daily and periodic cleaning; and
      - (iv) A laundry and linen system that will ensure:
        - (A) The supply of linen/laundry is adequate to meet the needs of the hospital and patients;

(B) Standards used for processing linens assure that clean linen/laundry is free of toxic residues and within industry standard pH range(s); and

(C) Processing and storage in accordance with WAC 246-320-595 (3)(b)(iv);

- (d) Occupational health consistent with current practice;
- (e) Attire;
- (f) Traffic patterns;
- (g) Antisepsis and hand washing;
- (h) Scrub technique and surgical preparation;
- (i) Biohazardous waste management in accordance with applicable federal, state, and local regulations;
- (j) Barrier and transmission precautions; and
- (k) Pharmacy and therapeutics; and
- (4) Establish and implement a plan for:
  - (a) Public health coordination, including a system for reporting communicable diseases in accordance with chapter 246-100 WAC Communicable and certain other diseases; and
  - (b) Surveillance and investigation consistent with WAC 246-320-225 Improving organizational performance.

#### NEW SECTION

**WAC 246-320-285 Pharmacy services.** The purpose of the pharmacy services section is to assure that patient pharmaceutical needs are met in a planned and organized manner.

Hospitals must meet the requirements in chapter 246-873 WAC board of pharmacy and will:

- (1) Prepare, dispense, and administer medications in accordance with current law, regulation, licensure, and professional standards of practice;
- (2) Assure medication use processes are organized and systematic throughout the hospital under direction of a pharmacist and coordinated with the medical staff;
- (3) Have a process for selection of medications based on objective evaluation of their relative therapeutic merits, safety, and cost; and
- (4) Adopt and implement policies and procedures that support safe storing, handling, managing, controlling, prescribing, dispensing, and administering medications in accordance with chapter 246-873 WAC board of pharmacy and address:
  - (a) Prescribing and procuring medications not available on-site;
  - (b) Ensuring prescriptions or orders are verified and patients are identified before medication is administered; and
  - (c) Ensuring medication effects on patients are monitored and documented.

#### NEW SECTION

**WAC 246-320-305 Food and nutrition services.** The purpose of the food and nutrition services section is to assure that patients nutritional needs are met in a planned and organized manner.

Hospitals will:

- (1) Designate an individual who is qualified by experience, education, or training to be responsible for management of food and nutrition services;

(2) Designate a registered dietitian to be responsible for policies and procedures which address providing adequate nutritional care for patients;

(3) Have a registered dietitian who is available to assess nutritional status and plan, when indicated by nutritional risk screen;

(4) Develop and regularly update an interdisciplinary plan for medical nutritional therapy based on current standards for patients at nutritional risk. Monitor and document each patient's response to the medical nutritional therapy plan in the medical record;

(5) Provide meals and document, implement, and monitor a system to assure meals are nutritionally balanced, planned in advance, and respect patient's cultural diversity; and

(6) Adopt and implement policies and procedures to assure that food service complies with chapter 246-215 WAC Food service.

#### NEW SECTION

**WAC 246-320-325 Laboratory, imaging, and other services.** Hospitals will:

(1) If providing laboratory services, adopt and implement policies and procedures which require availability of pathology and clinical laboratory services on a timely basis;

(2) If providing imaging services, adopt and implement policies and procedures which reflect accepted standards of care for that service; and

(3) If providing other services, adopt and implement policies and procedures which reflect accepted standards of care for those services.

#### NEW SECTION

**WAC 246-320-345 Inpatient care services.** The purpose of the inpatient care services section is to guide the development of the plan for patient care. This is accomplished by ensuring availability of materials and resources and through establishing, monitoring, and enforcing policies and procedures that promote the delivery of quality health care.

Hospitals will:

(1) Provide sufficient and appropriate personnel, space, equipment, reference materials, and supplies for the care and treatment of patients;

(2) Have a registered nurse in the hospital at all times and available for consultation;

(3) Have a mechanism to plan and document care that is provided in an interdisciplinary and collaborative manner, including:

(a) Development of an individualized patient plan of care, when appropriate; and

(b) Periodic review and revision based on reassessment of patient condition;

(4) Adopt and implement patient care policies and procedures that are designed to guide personnel, and review periodically, and revised as necessary to reflect current practice;

(5) Have patient care policies and procedures which address:

(a) Criteria for admission of patients to general and specialized patient care service areas;

(b) Reliable method for personal identification of each patient;

(c) Conditions that require transfer of patients within the facility to specialized patient care areas and to outside facilities;

(d) Identifying patients who are organ and/or tissue donors;

(e) Patient safety measures;

(f) Staff access to patient occupied areas;

(g) Use of restraints;

(h) Patient care orders, including:

(i) Who can give and receive orders (as defined by the hospital and consistent with professional licensing laws);

(ii) Written orders authenticated by a legally authorized practitioner for all drugs, intravenous solutions, blood, medical treatments, and nutrition; and

(iii) Authentication of orders in a timely manner;

(i) Use of preestablished patient care guidelines or protocols. When used, they must be documented in the medical record and preapproved or authenticated by an authorized practitioner;

(j) Care and handling of persons whose conditions require special medical or medical-legal consideration;

(k) Medications meeting requirements in chapter 246-873 WAC board of pharmacy and WAC 246-320-285 Pharmacy services;

(l) A hospital-approved procedure for double checking certain drugs, biologicals, and agents by appropriately licensed personnel or medical staff including nurses, physicians, and pharmacists;

(m) Emergency drugs, including:

(i) Immediate access; and

(ii) Dosages appropriate to the patient population;

(n) Preparation and administration of intravenous solutions, medications, and admixtures developed under the direction of a pharmacist;

(o) Preparation and administration of blood and blood products;

(p) Anesthesia services; and

(q) Discharge planning;

(6) Complete and document:

(a) An initial assessment of each patient's physical condition, emotional, and social needs. The assessment is based upon the patient's diagnosis, care setting, desire for care, response to any previous treatment, consent to treatment, and education needs. Initial assessment includes:

(i) Patient history and physical assessment;

(ii) Current needs;

(iii) Need for discharge planning; and

(iv) Immunization status for pediatric patients;

(b) Current physical examination, within thirty days prior to admission, with update as needed by an authorized practitioner on a timely basis if patient status has changed;

(c) Additional specialized assessments when warranted by the patient's condition or needs, including:

(i) Nutritional status;

(ii) Functional status; and

(iii) Social, psychological, and/or physiological status;



- (d) Reassessments in accordance with plan of care and patient's condition; and
- (e) Discharge plans when appropriate, coordinated with:
  - (i) Inpatient and family or caregiver as appropriate; and
  - (ii) Receiving agency or agencies, when necessary.

### NEW SECTION

#### **WAC 246-320-365 Specialized patient care services.**

The purpose of the specialized patient care services section is to guide the development of the plan for patient care. This is accomplished by ensuring availability of materials and resources and through establishing, monitoring, and enforcing policies and procedures that promote the delivery of quality health care in specialized patient care areas.

Hospitals will:

- (1) Meet the requirements in Inpatient care services, WAC 246-320-345;
- (2) Adopt and implement policies and procedures which address accepted standards of care for each specialty;
- (3) Assure physician oversight for each specialty service by a physician with experience in those specialized services;
- (4) Assure staff for each nursing service area are supervised by a registered nurse who provides a leadership role to plan, provide, and coordinate care;
  - (5) If providing surgery and interventional services:
    - (a) Adopt and implement policies and procedures that address appropriate access:
      - (i) To areas where invasive procedures are performed; and
      - (ii) For operating room staff, to information regarding practitioner's delineated privileges;
    - (b) Provide:
      - (i) Emergency equipment, supplies, and services available in a timely manner and appropriate for the scope of service; and
      - (ii) Separate refrigerated storage equipment with temperature alarms, if blood is stored in the surgical department;
  - (6) If providing a post anesthesia recovery unit (PACU), adopt and implement written policies and procedures requiring:
    - (a) The availability of an authorized practitioner in the facility capable of managing complications and providing cardiopulmonary resuscitation for patients when patients are in the PACU; and
    - (b) The immediate availability to the PACU of a registered nurse trained and current in advanced cardiac life support measures;
- (7) If providing obstetrical services:
  - (a) Have capability to perform cesarean sections twenty-four hours per day; or
  - (b) Meet the following criteria when the hospital does not have twenty-four hour cesarean capability:
    - (i) Limit planned obstetrical admissions to "low risk" obstetrical patients as defined in WAC 246-329-010(13) childbirth centers;
    - (ii) Inform each obstetrical patient in writing, prior to the planned admission, of the hospital's limited obstetrical services as well as the transportation and transfer agreements;

- (iii) Maintain current written agreements for adequately staffed ambulance and/or air transport services to be available twenty-four hours per day; and
- (iv) Maintain current written agreements with another hospital to admit the transferred obstetrical patients;
  - (c) Ensure one licensed nurse trained in neonatal resuscitation is in the hospital when infants are present;
  - (8) If providing an intermediate care nursery, have nursing, laboratory, pharmacy, radiology, and respiratory care services appropriate for infants:
    - (a) Available in a timely manner; and
    - (b) In the hospital during assisted ventilation;
  - (9) If providing a neonatal intensive care nursery, have:
    - (a) Nursing, laboratory, pharmacy, radiology, and respiratory care services appropriate for neonates available in the hospital at all times;
    - (b) An anesthesia practitioner, neonatologist, and a pharmacist on call and available in a timely manner twenty-four hours a day; and
    - (c) One licensed nurse trained in neonatal resuscitation in the hospital when infants are present;
  - (10) If providing a critical care unit or services, have:
    - (a) At least two licensed nursing personnel skilled and trained in care of critical care patients on duty in the hospital at all times when patients are present, and:
      - (i) Immediately available to provide care to patients admitted to the critical care area; and
      - (ii) Trained and current in cardiopulmonary resuscitation including at least one registered nurse with:
        - (A) Training in the safe and effective use of the specialized equipment and procedures employed in the particular area; and
        - (B) Successful completion of an advanced cardiac life support training program; and
      - (b) Laboratory, radiology, and respiratory care services available in a timely manner;
    - (11) If providing an alcoholism and/or chemical dependency unit or services:
      - (a) Adopt and implement policies and procedures that address development, implementation, and review of the individualized treatment plan, including the participation of the multidisciplinary treatment team, the patient, and the family, as appropriate;
      - (b) Ensure provision of patient privacy for interviewing, group and individual counseling, physical examinations, and social activities of patients; and
      - (c) Provide staff in accordance with WAC 246-324-170(3);
    - (12) If providing a psychiatric unit or services:
      - (a) Adopt and implement policies and procedures that address development, implementation, and review of the individualized treatment plan, including the participation of the multidisciplinary treatment team, the patient, and the family, as appropriate;
      - (b) Ensure provision of patient privacy for interviewing, group and individual counseling, physical examinations, and social activities of patients;
      - (c) Provide staff in accordance with WAC 246-322-170(3); and
      - (d) Provide:

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- (i) Separate patient sleeping rooms for children and adults;
- (ii) Access to at least one seclusion room;
- (iii) For close observation of patients;
- (13) If providing a long-term care unit or services, provide an activities program designed to encourage each long-term care patient to maintain or attain normal activity and achieve an optimal level of independence;
- (14) If providing an emergency care unit or services, provide basic, outpatient emergency care including:
- (a) Capability to perform emergency triage and medical screening exam twenty-four hours per day;
- (b) At least one registered nurse skilled and trained in care of emergency department patients on duty in the hospital at all times, and:
- (i) Immediately available to provide care; and
- (ii) Trained and current in advanced cardiac life support;
- (c) Names and telephone numbers of medical and other staff on call must be posted; and
- (d) Communication with agencies as indicated by patient condition;
- (15) If providing renal dialysis service:
- (a) Meet WAC 246-320-99902(2) for:
- (i) The cleaning and sterilization procedures if dialyzers are reused;
- (ii) Water treatment, if necessary to ensure water quality; and
- (iii) Water testing for bacterial contamination and chemical purity;
- (b) Test dialysis machine for bacterial contamination monthly or demonstrate a quality assurance program establishing effectiveness of disinfection methods and intervals;
- (c) Take appropriate measures to prevent contamination, including backflow prevention in accordance with WAC 246-320-525 (4)(a);
- (d) Provide for the availability of any special dialyzing solutions required by a patient; and
- (e) Through a contract provider, that provider must meet the requirements in this section.

#### NEW SECTION

**WAC 246-320-385 Outpatient care services.** The purpose of the outpatient care services section is to guide the development of the plan for patient care. This is accomplished by ensuring availability of materials and resources and through establishing, monitoring, and enforcing policies and procedures that promote the delivery of quality health care.

Hospitals will:

- (1) Meet requirements in WAC 246-320-345 (1), (3), and (4) inpatient care services;
- (2) Assure appropriate physician oversight for outpatient services;
- (3) Provide patient services in accordance with a written order or protocol by an authorized practitioner; and
- (4) Complete and document an assessment of patient needs. When needed, a plan of care will be explained to the patient, their family, and as appropriate, social network and support system.

#### NEW SECTION

**WAC 246-320-405 Management of environment for care.** The purpose of the management of environment for care section is to reduce and control environmental hazards and risks, prevent accidents and injuries, and maintain safe conditions for patients, visitors, and staff.

The hospital designates a person or persons responsible to develop, implement, monitor, and follow-up on safety, security, hazardous materials, emergency preparedness, life safety, patient related technology, utility system, and physical plant elements of the management plan.

(1) Safety. The hospital will:

(a) Establish and implement a plan to:

- (i) Maintain a physical environment free of hazards; and
- (ii) Reduce the risk of injury to patients, staff, and visitors;

(b) Report and investigate safety related incidents and when appropriate correct and/or take steps to avoid reoccurrence in the future; and

(c) Educate and review periodically with staff, policies and procedures relating to safety and job-related hazards.

(2) Security. The hospital will:

(a) Establish and implement a plan to maintain a secure environment for patients, visitors, and staff, including a plan to prevent abduction of patients;

(b) Educate staff on security procedures; and

(c) If they have a designated security staff, assure security staff have a minimum level of training and competency commensurate with their assigned responsibility, as defined by the hospital.

(3) Hazardous materials and waste. The hospital will:

(a) Establish and maintain a program to safely control hazardous materials and waste in accordance with applicable federal, state, and local regulations;

(b) Provide space and equipment for safe handling and storage of hazardous materials and waste;

(c) Investigate all hazardous materials or waste spills, exposures, and other incidents, and report to appropriate agency(s);

(d) Educate staff on policies and procedures relating to safe control of hazardous materials and waste.

(4) Emergency preparedness. The hospital will:

(a) Establish and implement a disaster plan designed to meet both internal and external disasters. The plan is:

(i) Specific to the hospital;

(ii) Relevant to the area;

(iii) Internally implementable, twenty-four hours a day, seven days a week; and

(iv) Reviewed and revised periodically;

(b) Ensure the disaster plan identifies:

(i) Who is responsible for each aspect of the plan; and

(ii) Essential and key personnel who would respond to a disaster;

(c) Include in the plan:

(i) Provision for staff education and training; and

(ii) A debriefing and evaluation after each disaster incident or drill.

(5) Life safety. The hospital will:

(a) Establish and maintain a fire-safe environment of care that meets fire protection requirements established by the Washington state patrol, fire protection bureau;

(b) Report to person or persons responsible for the management plan and investigate fire protection deficiencies, failures, and user errors; and

(c) Orient, educate, and drill staff on policies and procedures relating to life safety management and emergencies.

(6) Patient related technologies. The hospital will:

(a) Establish and implement a plan to:

(i) Complete technical and engineering review to ensure the patient related technology will function safely and with appropriate building support systems;

(ii) Inventory all patient related technologies that require preventive maintenance;

(iii) Address and document preventive maintenance (PM); and

(iv) Assure quality delivery of service, independent of service vendor or methodology;

(b) Investigate, report, and evaluate procedures in response to system failures; and

(c) Educate staff regarding relevant patient related medical technology.

(7) Utility systems. The hospital will:

(a) Establish and implement a plan to:

(i) Maintain a safe, controlled, comfortable environment of care, even during controlled utility interruptions;

(ii) Assess and minimize risks of utility failures, and ensure operational reliability of utility systems;

(iii) Investigate utility systems management problems, failures, or user errors and report incidents and corrective actions; and

(iv) Address and document preventive maintenance (PM);

(b) Educate staff on utility management policies and procedures.

(8) Physical plant. The hospital will provide:

(a) A water supply with:

(i) Hot and cold water under pressure which conforms to the quality standards of the department; and

(ii) Hot water supplied for bathing and hand washing purposes not exceeding 120°F;

(b) Plumbing meeting:

(i) The cross connection control requirements in WAC 246-320-525 (5)(a); and

(ii) Medical gas piping requirements in WAC 246-320-99902(10);

(c) Storage;

(d) Ventilation:

(i) To prevent objectionable odors and/or excessive condensation; and

(ii) With air pressure relationships meeting the requirements in WAC 246-320-525 (Table 525-3);

(e) Carpet in accordance with WAC 246-320-525 (7)(b)(ix);

(f) Patient call systems in accordance with WAC 246-320-525 (Table 525-1); and

(g) Tamper resistant receptacles in accordance with WAC 246-320-525 through 246-320-99902.

## NEW SECTION

**WAC 246-320-500 Applicability of WAC 246-320-500 through 246-320-99902.** The purpose of the new construction regulations is to provide minimum standards for a safe and effective patient care environment consistent with other applicable rules and regulations without redundancy and contradictory requirements. Rules allow flexibility in achieving desired outcomes and enable hospitals to respond to changes in technologies and health care innovations.

(1) These regulations apply to a hospital as defined in RCW 70.41.020:

(a) Including:

(i) New buildings to be licensed as a hospital;

(ii) Conversion of an existing building or portion thereof for use as a hospital;

(iii) Additions to an existing hospital;

(iv) Alterations to an existing hospital; and

(v) Buildings or portions of buildings licensed as a hospital and used for outpatient care facilities;

(b) Excluding nonpatient care areas used exclusively for administration functions.

(2) The requirements of chapter 246-320 WAC in effect at the time the application, fee, and construction documents are submitted to the department for review will apply for the duration of the construction project.

## NEW SECTION

**WAC 246-320-505 Design, construction review, and approval of plans.** (1) Drawings and specifications for new construction must be prepared by, or under the direction of, an architect registered under chapter 18.08 RCW. The services of a consulting engineer registered under chapter 18.43 RCW must be used for the various branches of the work where appropriate. The services of a registered professional engineer may be used in lieu of the services of an architect if work involves engineering only.

(2) A hospital must submit construction documents for proposed new construction and major alterations to the department for review and approval prior to occupying the new construction, as specified in this subsection, with the exception of administration areas as defined in WAC 246-320-500 (1)(b) that do not affect fire and life safety or plumbing. Compliance with these standards and regulations does not relieve the hospital of the need to comply with applicable state and local building and zoning codes. The construction documents must include:

(a) A written program containing, at a minimum:

(i) Information concerning services to be provided and operational methods to be used; and

(ii) A plan to show how they will ensure the health and safety of occupants during construction and installation of finishes. This includes taking appropriate infection control measures, keeping the surrounding area free of dust and fumes, and assuring rooms or areas are well-ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors;

(b) Detailed drawings and specifications including architectural, mechanical, and electrical work. Each room, area,

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and item of fixed equipment and major movable equipment must be identified on all drawings to demonstrate that the required facilities for each function are provided; and

(c) Functional layout of the existing building for alterations and additions indicating:

(i) Location of any service or support areas used by alterations or additions; and

(ii) Required paths of exit serving the alterations or additions.

(3) A hospital will:

(a) Notify the department in writing when construction has commenced;

(b) Assure construction is completed in compliance with the final "department approved" documents;

(c) Submit to the department for review any addenda or modifications to the construction documents;

(d) Notify the department in writing when construction is completed; and

(e) Submit to the department a copy of the local jurisdiction's approval for occupancy.

(4) The department will:

(a) Notify the hospital by letter:

(i) When the construction documents are approved; and

(ii) When the construction documents are not approved.

The letter will identify sections and items of chapter 246-320 WAC under which a requirement is stated or a deficiency noted.

(5) A hospital will not use any new or remodeled areas until:

(a) The construction documents are approved by the department; and

(b) The local jurisdictions have issued an approval to occupy.

#### NEW SECTION

**WAC 246-320-515 Site and site development.** Hospitals will:

(1) Provide a site with:

(a) Adequate utilities meeting requirements in WAC 246-320-525 (6)(a),(i), and (k);

(b) Potable water supply meeting requirements in WAC 246-320-99902(14) and chapter 246-290 WAC Class "A" public water systems or chapter 246-291 WAC Class "B" public water systems;

(c) Natural drainage or properly designed/engineered drainage system;

(d) Public or on-site sanitary sewage utilities meeting requirements in chapter 246-271 WAC Public sewage or chapter 246-272 WAC On-site sewage systems;

(e) Access to community emergency services; and

(f) Convenient access to public transportation where available;

(2) Provide parking area, drives, and walkways:

(a) Convenient for patients, staff, and visitors, while avoiding interference with patient privacy and comfort;

(b) Arranged to prevent conflicting traffic between service, patient, staff, and emergency access vehicles;

(c) With surfaces useable in all weather and traffic conditions; and

(d) Illuminated at night;

(3) Provide service roads and parking for service and emergency vehicles;

(4) Plan sufficient space and location for:

(a) Loading dock that is not adjacent to mechanical air intakes;

(b) Garbage storage and disposal;

(c) Service entrance close to storage and elevators;

(d) Access for emergency vehicles;

(e) Heliport service, if planned; and

(f) Oxygen tank or other bulk gas or liquid storage if planned.

#### NEW SECTION

**WAC 246-320-525 General design.** Hospitals will:

(1) Meet all the general design elements in this section for inpatient care and support areas as described in WAC 246-320-535 through 246-320-99902;

(2) Assure architectural components meet WAC 246-320-99902(9), including:

(a) Aisles between fixed elements having sufficient clear width to allow unimpeded movement of equipment and personnel within rooms or suites;

(b) Ceiling heights in occupied areas or areas intended for patient use must be sufficiently high to meet the functional needs and equipment requirements of the space. Suspended tracks, rails, lights, or other obstructions located in path of travel for patient beds or stretchers can not be less than seven feet above finished floor to lowest point of obstruction;

(c) A corridor system throughout the hospital designed for traffic circulation providing patient privacy and preventing through traffic in examination, observation, treatment, and diagnostic areas, with:

(i) Width of eight feet and restrictions of no more than seven inches for nonambulatory patient areas;

(ii) Minimum existing width of seven feet permitted in alteration projects; and

(iii) Five feet width for corridors serving ambulatory patient traffic;

(d) Handrails on both sides of corridors on long-term care units and inpatient orthopedic and rehabilitation units;

(e) Doors:

(i) With minimum clear opening of three feet ten inches for patient care areas and two feet ten inches elsewhere. Existing clear opening of three feet eight inches for patient care areas and two feet six inches elsewhere are permitted;

(ii) Designed to prevent swinging into established corridor widths, except for small unoccupied spaces less than twenty square feet in area, telephone or electrical closets;

(iii) With provision for staff to gain immediate emergency access to patient occupied rooms or areas;

(iv) Swing outward from toilet rooms, showers, and other small rooms; and

(v) With vision panels in all pairs of opposite swinging doors;

(f) At least one elevator in a multistory hospital designed for patient transport;

- (g) Stairways with skid-resistant floor surfaces and ramps with skid-resistant or carpeted floor surfaces;
- (h) Design and construction to control the entrance and infestation by pests;
- (i) Windows in twenty-four-hour stay patient rooms, (except in nurseries) with:
  - (i) A clear glass area of at least one-tenth of the floor space;
  - (ii) Allowance for satisfactory amount of unobstructed natural light meeting the following criteria:
    - (A) Location in the outside wall complying with one of the following:
      - (I) Twenty feet or more from another building or opposite wall or court; or
      - (II) Ten feet or more from property line except on street side or public right of way greater than twenty feet;
    - (B) Relites may be used in an interior atrium or court that is at least twenty feet wide in place of windows on outside walls;
    - (iii) Sills:
      - (A) No higher than three feet from the floor; and
      - (B) No higher than four feet from the floor in critical care patient rooms;
    - (iv) Exterior grade a minimum of six inches below window sill; and
    - (v) If operable portions or vents are provided, sixteen mesh screens must cover the openings;
  - (3) Provide heating, ventilation, and cooling including:
    - (a) A heating and cooling system with capacity to maintain a temperature range in accordance with Table 525-3;
    - (b) Insulated piping and duct systems;
    - (c) Air balancing of distribution systems to maintain air changes, ventilation requirements, and pressure relationships meeting requirements in Table 525-3;
    - (d) An air handling duct system meeting requirements in WAC 246-320-99902(5) with:
      - (i) Fiberglass-lined ducts, if installed, serving sensitive areas with ninety percent efficiency filters installed downstream of the duct lining;
      - (ii) Fiberglass-lined ducts, if installed, meeting the erosion test method described in UL Publication #181; and
      - (iii) Fiberglass-lined ducts, if installed, will not be located downstream of humidification units;
      - (e) Use of space above ceilings for return plenums only in nonsensitive areas where exhaust and return plenums are allowed with:
        - (i) Exposed insulation on pipes and ducts meeting requirements of American Society for Testing and Materials C107; and
        - (ii) Cementitious fire proofing used on structure;
      - (f) Air supply and exhaust locations meeting requirements in WAC 246-320-99902(13), including:
        - (i) Outdoor intakes:
          - (A) Located as far as practical, on directionally different exposures whenever possible, and not less than thirty feet from:
            - (I) Combustion equipment exhaust stacks or outlets;
            - (II) Ventilation exhaust outlets from the hospital or adjoining buildings, including fume hoods and ethylene

- oxide systems, except plumbing vent stacks which may be ten feet away horizontally;
- (III) Medical-surgical vacuum and exhaust systems outlets;
- (IV) Areas that may collect vehicular exhaust and other noxious fumes; and
- (V) Cooling towers;
- (B) Which may be close to outlets that exhaust air suitable for recirculation, however, exhaust air must not short-circuit into the intakes of outdoor air units or fan systems used for smoke control; and
- (C) Serving central systems must have the bottom of the intakes located:
  - (I) As high as practical, but not less than six feet above ground level; or
  - (II) If installed above the roof, three feet above the roof level;
- (ii) Required exhausts:
  - (A) Located a minimum of ten feet above ground level; and
  - (B) Located away from doors, occupied areas, and operable windows;
- (g) Filters installed in central ventilation or air conditioning systems as follows:
  - (i) Filter beds and filter efficiencies meeting requirements in Table 525-4;
  - (ii) Filter bed number two located downstream of the last component of any central air handling unit except:
    - (A) Steam injection-type humidifier permitted fifteen feet or more downstream of filter bed number two;
    - (B) Terminal reheat coils permitted downstream of filter bed number two; and
    - (C) Terminal cooling coils permitted downstream of filter bed number two with additional filtration downstream of coil meeting requirements of filter bed number two;
  - (iii) Filter frames airtight to the enclosing duct work and provided with gaskets or seals to provide positive seal against air leakage; and
  - (iv) A manometer or equivalent installed across each filter bed serving sensitive areas of central air systems;
- (h) Exhaust hoods or other approved exhaust devices provided over equipment likely to produce excessive heat, moisture, odors, or contaminants, and properly designed for intended use;
  - (i) Exhaust hoods provided in food preparation in compliance with WAC 246-320-99902(10);
  - (j) Laboratory hoods or biological safety cabinets constructed for handling infectious materials with:
    - (i) A minimum face velocity of seventy-five feet per minute at maximum operating level of sash;
    - (ii) An independent exhaust system with the exhaust fan located at the discharge end of the system;
    - (iii) Ducts with welded joints or equivalent from the hood to filter enclosure;
    - (iv) Filters in the exhaust stream rated at 99.97% efficiency by the dioctyl-phthalate (DOP) test method;
    - (v) Features designed and equipped to permit the safe removal of contaminated filters; and
    - (vi) Ventilation alarm system;

(k) Laboratory hoods or biological safety cabinets constructed for venting radioactive particulate aerosols in accordance with the Bureau of Radiological Health with:

- (i) A minimum face velocity of one hundred feet per minute at maximum operating level of sash;
- (ii) An independent exhaust system with exhaust fan at discharge end of system;
- (iii) Ducts with welded joints or equivalent from the hood to the filter enclosure;
- (iv) Exhaust stream filters with 99.97% efficiency using the DOP test method;
- (v) Features designed and equipped to permit the safe removal of contaminated filters; and

(l) Laboratory hoods or biological safety cabinets constructed for processing strong oxidizing agents with:

- (i) A minimum face velocity of one hundred feet per minute at maximum operating level of sash;
- (ii) An independent exhaust system and explosion-proof exhaust fan at discharge end of the system;
- (iii) Ducts of welded stainless steel or equivalent throughout the exhaust system; and
- (iv) Hood and exhaust duct system equipped with complete coverage washdown facilities;
- (m) Exhaust systems for ETO sterilizers with ventilation and monitoring in accordance with manufacturer's recommendations and chapter 296-62 WAC;

(4) Design and install plumbing components meeting requirements in WAC 246-320-99902(14), including:

- (a) Backflow prevention:
  - (i) Devices on plumbing fixtures, equipment, facilities, buildings, premises, or areas which may cause actual or potential cross-connections of systems in order to prevent the backflow of water or other liquids, gases, mixtures, or substances into a water distribution system or other fixtures, equipment, facilities, buildings, or areas; and
  - (ii) Meeting requirements of WAC 246-320-99902(1) for practices, procedures, interpretations, and enforcement;
- (b) Trap primers in floor drains and stand pipes subject to infrequent use;
- (c) Wrist, knee, or foot faucet controls or equivalent and gooseneck spouts without aerators on:
  - (i) Handwash sinks in patient care areas. Handwash sinks for personnel use where intended to control cross infection must be designed to permit hand washing without touching fixtures or bowl and to minimize splash and splatter; and
  - (ii) Sinks in patient toilet rooms;
- (d) Handsfree faucet controls and gooseneck spouts without aerators on scrub sinks;
- (e) Drinking fountains or equivalent at locations accessible to the public with at least one on each floor;
- (f) Insulation on:
  - (i) Hot water piping systems;
  - (ii) Cold water and drainage piping; and
  - (iii) Piping exposed to outside temperatures;
- (g) Hot water supply meeting requirements in WAC 246-320-99902(14);
- (h) Equipment to deliver hot water at point of use as follows:

(i) Handwash and bathing fixtures at 120°F or less;

(ii) Laundry:

(A) 160°F or more for laundry washers; or

(B) 120°F or more for laundry washers using chemical sanitization;

(iii) Mechanical dishwashers:

(A) 120°F or more for mechanical dishwashers using chemical sanitization;

(B) 140°F or more for mechanical dishwashers using high temperature sanitization; and

(C) 180°F or more for sanitization cycle in high temperature mechanical dishwashers;

(i) Sewage disposal systems meeting requirements in chapters 246-271 WAC Public sewage and 246-272 WAC On-site sewage systems;

(j) Vacuum and medical gas, and waste gas evacuation systems meeting requirements in WAC 246-320-99902 (6), (8), (11) and Table 525-2;

(k) If the facility is a purveyor of water supply or sewage treatment facilities, they must meet the following additional requirements:

(i) Chapter 246-290 WAC Class "A" public water systems;

(ii) Chapter 246-291 WAC Class "B" public water systems;

(iii) Chapter 246-271 WAC Public sewage; and

(iv) Chapter 246-272 WAC On-site sewage systems;

(5) Provide electrical service meeting the requirements in WAC 246-320-99902(3) including:

(a) General service as follows:

(i) Electrical receptacle outlets meeting requirements in Table 525-5. Provide outlets with ground fault circuit interrupter when installed within five feet of wet areas, bathing facilities, dialysis stations, and at a sink plane or above except when electrical outlets are located in cabinets;

(ii) All patient care areas limited to twelve single electrical receptacle outlets or six duplex electrical receptacle outlets, or equivalent, per twenty amp circuit; and

(iii) Additional electrical receptacle outlets conveniently located to accommodate nonpatient related equipment;

(b) Service to critical care units and areas as follows:

(i) Dedicated circuits to serve designated electrical receptacle outlets located at the head of each bed;

(ii) Capacity limited to six single electrical receptacle outlets or three duplex electrical receptacle outlets or equivalent per twenty amp circuit; and

(iii) Branch circuit panels serving receptacle outlets must be located within the area they serve;

(c) Emergency electrical service with:

(i) Critical emergency power electrical receptacle outlets meeting requirements in Table 525-5; and

(ii) Additional emergency power and lighting meeting requirements in WAC 246-320-99902 (3) and (6);

(d) Lighting fixtures with:

(i) Number, type, and location to provide adequate illumination for the functions of each area;

(ii) A reading light and control, conveniently located for patient use at each bed in the patient rooms;

- (iii) Protective lens or diffusers on overhead light fixtures in:
  - (A) All patient care areas; and
  - (B) Areas where patient care equipment and supplies are processed;
  - (iv) A night light or equivalent low level illumination;
  - (v) Night light switches and general illumination switches located adjacent to the opening side of patient room doors, except in psychiatric patient security and seclusion rooms locate switches outside of the rooms; and
  - (vi) Lighting fixtures in psychiatric security and seclusion rooms of tamper-resistant design;
  - (e) Electrical/electronic equipment including:
    - (i) Communications systems meeting requirements in Table 525-1;
    - (ii) Nurse call annunciator at department or unit control point and additional control points; and
    - (iii) Film illuminators, or equivalent, accommodating at least two X-ray films in all areas where films are viewed, except in private offices;
  - (6) Provide interior finishes suitable to the function of an area including:
    - (a) Floor finishes with:
      - (i) Easily cleanable and/or maintainable surfaces;
      - (ii) Skid-resistant surfaces at entrances and other areas used while wet;
      - (iii) A coved base integral with floors or top set base with toe tight to the walls; and
      - (iv) Seamless floors with integral cove base in sensitive areas;
    - (b) Carpets in areas used by patients, if installed:
      - (i) Made from easily cleanable and/or maintainable material;
      - (ii) Constructed to prevent or reduce static build-up;
      - (iii) With an average pile density of four thousand ounces per cubic yard. Exception: Loop pile carpet with density of five thousand ounce per cubic yard or greater is required in long-term care units;
      - (iv) With a maximum pile height of .312 inches;
      - (v) With padding, if used, that is water resistant and permanently bonded to the carpet backing;
      - (vi) Adhered to the floor;
      - (vii) With edges covered and top set base with toe at all wall junctures; and
      - (viii) Are not permitted in any sensitive areas, toilets, bathrooms, and areas where flooding or infection control is an issue;
    - (c) Ceiling finishes or construction with:
      - (i) Monolithic or bonded construction in patient rooms of psychiatric nursing units, security and seclusion rooms;

- (ii) Easily cleanable or maintainable surfaces;
- (iii) Smooth surface without visible joints or crevices in areas where surgical asepsis must be maintained;
- (d) Wall finishes with:
  - (i) Protection from impact in high traffic areas;
  - (ii) Easily cleanable surfaces;
  - (iii) Smooth surface without open joints or crevices in areas where surgical asepsis must be maintained; and
  - (iv) Water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray;
- (7) Provide bathrooms and toilet rooms with:
  - (a) Handwash sinks in each toilet, except where provided in adjoining single patient room, or connecting dressing or locker rooms;
  - (b) Skid-resistant floor surfaces in tubs and showers;
  - (c) Backing to support mounting all accessories;
  - (d) Accessories at bathing facilities, toilets, dressing rooms, and examination rooms, except in psychiatric units as follows:
    - (i) Toilet paper holder at water closets;
    - (ii) Towel bar, hook, or ring at bathing facilities; and
    - (iii) Robe hook;
  - (e) A mirror and shelving or equivalent at each hand-wash sink in:
    - (i) Toilet room;
    - (ii) Patient room;
    - (iii) Birthing room;
    - (iv) Dressing room; and
    - (v) Locker room, except where located in adjoining toilet room;
  - (f) Dispensers at all sinks, for single-use towels or equivalent, mounted to avoid contamination from splash and splatter;
  - (g) Soap dispenser or equivalent at each sink and bathing facility; and
  - (h) Grab bars that are easily cleanable, resistant to corrosion, functionally designed, and securely mounted:
    - (i) In areas designed for barrier free access meeting the requirements in WAC 51-40-1106; and
    - (ii) In areas not designed for barrier free access:
      - (A) On two sides of each standard bathtub and shower; and
      - (B) With at least one horizontal grab bar extending eighteen inches or more in front of the water closet;
- (8) Provide signage for identification:
  - (a) Meeting requirements in WAC 51-40-1106; and
  - (b) Of electric panel boards in accordance with WAC 246-320-99902(3).

PROPOSED

**Table 525-1 COMMUNICATION SYSTEM**

Area/Room Name	WAC	System Type
<b>Surgical Facilities</b>		
Surgery Suite	246-320-635	
All Operating Rooms		MES
PACU	246-320-645	
Recovery Stage 1		MES, PNC

Table 525-1 COMMUNICATION SYSTEM

Area/Room Name	WAC	System Type
Recovery Stage 2		MES, PNC
Recovery Infants and Pediatrics		MES, PNC
Recovery (Electro Convulsive Therapy)		MES
Patient Holding Area		MES, PNC
Patient Induction		MES, PNC
Outpatient Preoperative		MES, PNC
<b>Obstetrical Services</b>		
OB Cesarean/Surgical	246-320-655	MES
Birthing (Labor Delivery Recovery)	246-320-665	MES, PNC
Infant Station		MES
Adult Station		MES, PNC
<b>Interventional Services</b>		
Cardiology/Angiography	246-320-675	
Cath Labs & Angio Rooms		MES
Endoscopy Recovery		MES
Bronchoscopy		MES
Lithotripsy		MES
<b>Inpatient Services</b>		
Nursing	246-320-685	
Medical & Surgical Beds		MES, PNC
Protective Precaution Room (Transplant)		MES, PNC
Airborne Precaution Room		MES, PNC
<b>Specialized Patient Care Services</b>		
Pediatrics	246-320-695	MES, PNC
Nursery		
Intermediate Care Nursery	246-320-715	MES
NICU	246-320-715	MES
Newborn	246-320-705	MES
Critical Care	246-320-725	
Coronary Care		MES, PNC
Intensive Care		MES, PNC
Alcoholism & Substance Abuse	246-320-735	MES, PNC
Psychiatric	246-320-745	
Psychiatric Activities		MES
Psychiatric Patient		MES
Psychiatric Seclusion		MES
Rehabilitation (Nursing)	246-320-755	MES, PNC
Long-Term Care	246-320-765	MES, PNC
Dialysis	246-320-775	PNC

PROPOSED



Table 525-1 COMMUNICATION SYSTEM

Area/Room Name	WAC	System Type
<b>General Requirements</b>		
Nursing Support Area		Annunciator
Inpatient Treatment		MES
Inpatient Exam Rooms		MES
Patient Dressing		PNC
Patient Shower Bathroom & Toilet		PNC
<b>Imaging Services</b>		
General Radiology	246-320-785	
General X-ray, Fluoroscopy		MES
Mammography		MES
Needle Biopsy		MES
CT Scan		MES
MRI		MES
Nuclear Medicine	246-320-795	MES
<b>Diagnostic &amp; Treatment</b>		
Emergency	246-320-805	
Trauma		MES, PNC
Treatment		MES
Exam		MES, PNC
Receiving/Triage		MES
Rehabilitation (Outpatient)	246-320-755	
Physical Therapy & Hydrotherapy		MES

**NOTES:****Patient Nurse Calls installed as follows:**

- Located at head of bed.
- Signals from toilet and bathing facilities to have distinctive light and distinctive audible signals.
- A properly located signal device mounted no higher than six feet above the floor and activated by a non-conductive pull cord within easy grasp by a patient slumped forward on the floors of either the toilet, bathing facility, or dressing room.
- PNC required in any area not within direct observation of staff.

**Medical Emergency Signals installed as follows:**

- When MES is part of a nurse call system, it must register by light at corridor door or treatment area and register by light and audible signal at a location where staff are always available.
- Call signals initiated by staff within a department by remote or other means must register at a staff control point from which assistance is always available.
- In areas where PNC are not required, a medical emergency system is a method for staff to signal for immediate assistance. The system must signal where staff are always available and indicate location of emergency.
- Signal device located within easy reach by staff.

**When both Patient Nurse Call and Medical Emergency Signal are required, installed as follows:**

- Register by light and outside each patient station or register by light and audible signal at the nurse's station.

Table 525-1 COMMUNICATION SYSTEM

Area/Room Name	WAC	System Type
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**ABBREVIATIONS:**

PNC= Patient Nurse Call/MES= Medical Emergency Signal

**Washington State Hospital Regulatory Reform****Tables of Information****Table 525-2 Medical Gases, Vacuum, and Waste Gas Evacuation**

Area/Room Name	WAC	Number of Outlets Required			
		Oxygen	Medical Air	Nitrous Oxide*	Vacuum
<b>Surgical Facilities</b>					
Surgery Suite	246-320-635				
Cystoscopic		1	1		2
Operating Room		2	1	1	2(B)
Operating Patient Holding		1			1
PACU	246-320-645				
Recovery Stage 1		1			2
Recovery Stage 2		1(D)			1(D)
Recovery (ECT)		1			1
Recovery (Infants and Pediatrics)		1	1		1
<b>Obstetrical Services</b>					
OB Cesarean/Surgical	246-320-655	1(A)	1(A)	1	2(A)
Birthing (Labor Delivery Recovery)	246-320-665	1(A)	1(A)		1(A)
<b>Interventional Services</b>					
	246-320-675				
Cardiology/Angiography					
Cath Labs & Angio Rooms		1	1	(C)	2
Electrophysiology		1	1	(C)	2
Endoscopy		1			1
Bronchoscopy		1			1
Lithotripsy		1	1	(C)	1
<b>Inpatient Services</b>					
Nursing, Medical & Surgical	246-320-685	1			1
Protective Precaution Room (Transplant)		1			1
Airborne Precaution Room	246-320-685	1			1
<b>Specialized Patient Care Services</b>					
Pediatrics	246-320-695	1	1		1
Nursery					
Intermediate Care Nursery	246-320-715	2	2		1
NICU	246-320-715	2	2		1
Newborn	246-320-705	1	1		1
Critical Care	246-320-725				
Coronary Care		1	1		2

**Washington State Hospital Regulatory Reform**

**Tables of Information**

**Table 525-2 Medical Gases, Vacuum, and Waste Gas Evacuation**

Area/Room Name	WAC	Number of Outlets Required			
		Oxygen	Medical Air	Nitrous Oxide*	Vacuum
Intensive Care		1	1		2
Alcoholism & Substance Abuse	246-320-735	1(E)			1(E)
Psychiatric (Medical)	246-320-745	1			1
Rehabilitation (Nursing)	246-320-755	1			1
Long-Term Care	246-320-765	1(D)			1(D)
Dialysis	246-320-775	(D)			(D)
<b>General Requirements</b>					
Treatment & Exam Rooms		1			1
<b>Imaging Services</b>					
General Radiology	246-320-785				
General X-ray, Fluoroscopy		1(D)			1(D)
Mammography		NA	NA	NA	NA
Needle Biopsy		1(D)			1(D)
Ultrasound		1(D)			1(D)
CT Scan		1(D)			1(D)
MRI		1			1
Nuclear Medicine	246-320-795	(E)			(E)
<b>Diagnostic &amp; Treatment</b>					
Emergency	246-320-805				
Trauma		2	1	(C)	2
Treatment		2	1		2
Exam		1			1
Rehabilitation (Outpatient)	246-320-755				
Physical Therapy & Hydrotherapy		NA	NA	NA	NA
<b>Clinical Support Services</b>		NA	NA	NA	NA

- Method for gas evacuation must be provided in areas where nitrous oxide is used.

**Notes**

- (A) Separate outlets for infants.
- (B) If used for delivery, must include A.
- (C) Required only when general anesthesia is used.
- (D) Portable equipment may be used in a ratio of one for every five bed, stretcher, bassinet, or equivalent with a minimum of one unit.
- (E) Portable equipment shall be provided on-site for emergent situations.

**PROPOSED**

**Table 525-3 GENERAL PRESSURE RELATIONSHIPS, VENTILATION TEMPERATURE AND HUMIDITY OF CERTAIN HOSPITAL AREAS**

Area/Room Name	WAC	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units Evacuation	Maximum Capacity (°F) to Attain Temperature		Individual Room Temp Control	Interpretive Guidelines
<b>Surgical Facilities</b>										
Surgery Suite	246-320-635									
Operating Rooms with <sup>10</sup> <i>Recirculating Air Systems</i>		P	3	15	Optional	No <sup>1</sup>	68	76	Yes	Refer to ASHRAE Guidelines for Recommended Humidity Limits for all areas
Operating Rooms with <sup>6</sup> <i>(All Outdoor Air Systems)</i>		P	15	15	Yes	No	68	76	Yes	
Sterile Supply Room		P	4	6	Optional	No	-	72	Yes	
PACU	246-320-645									
Recovery Stage 1		E	2	6	Optional	No <sup>1</sup>	75	75	Yes	"
Recovery Stage 2		E	2	6	Optional	No <sup>1</sup>	75	75	Yes	"
Recovery (ECT)		E	2	4	Optional	No <sup>1</sup>	75	75	Yes	"
Recovery Infants & Pediatrics		E	2	6	Optional	No <sup>1</sup>	75	75	Yes	"
<b>Obstetrical Services</b>										
OB Cesarean/Surgical with <sup>10</sup> <i>Recirculating Air Systems</i>	246-320-655	P	3	15	Optional	No <sup>1</sup>	68	76	Yes	"
OB Cesarean/Surgical with <sup>6</sup> <i>All Outdoor Air Systems</i>	246-320-655	P	15	15	Yes	No	68	76	Yes	"
Birthing (Labor Delivery Recovery)	246-320-665	P	2	4	Optional	No <sup>1</sup>	75	75	Yes	"
<b>Interventional Services</b>										
Cardiology/Angiography	246-320-675									
Cath Labs & Angio Rooms		P	2	6	Optional	No	75	80	Yes	"
Electrophysiology		P	2	6	Optional	No	75	80	Yes	"
Endoscopy		N or E	2	6	Yes	No	75	80	Yes	"
Bronchoscopy/Cough Inducing Procedures		N	2	12	Yes	No	-	72	Yes	"
Lithotripsy		P	2	4	Optional	Optional	75	75	Yes	"
<b>Inpatient Services</b>										

Table 525-3 GENERAL PRESSURE RELATIONSHIPS, VENTILATION TEMPERATURE AND HUMIDITY OF CERTAIN HOSPITAL AREAS

Area/Room Name	WAC	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units Evacuation	Maximum Capacity (°F) to Attain Temperature		Individual Room Temp Control	Interpretive Guidelines
							Cooling	Heating		
<b>Nursing</b>	246-320-685									
Medical & Surgical Beds <sup>9</sup>		P	2	4	Optional	Optional	75	75	Yes	"
Protective Precaution Room (Transplant)		P	2	15	Optional	Optional	75	75	Yes	"
Airborne Precaution Room <sup>3</sup>		N	2	12	Yes	No	75	75	Yes	"
Ante Room (if provided) <sup>3</sup>		N or P	2	10	Yes	No	-	-	-	"
<b>Specialized Patient Care Services</b>										
Pediatrics <sup>9</sup>	246-320-695	P	2	4	Optional	Optional	75	75	Yes	"
<b>Nursery</b>										
Intermediate Care Nursery	246-320-715	P	5	12	Optional	No	75	80	Yes	"
NICU	246-320-715	P	5	12	Optional	No	75	80	Yes	"
Newborn	246-320-705	P	2	6	Optional	No <sup>1</sup>	75	80	Yes	"
<b>Critical Care</b>	246-320-725									
Coronary Care		P	2	6	Optional	No	75	80	Yes	"
Intensive Care		P	2	6	Optional	No	75	80	Yes	"
Alcoholism & Substance Abuse <sup>9</sup>	246-320-735	P	2	4	Optional	Optional	75	75	Yes	"
Psychiatric (Medical) <sup>9</sup>	246-320-745	P	2	4	Optional	Optional	75	75	Yes	"
Rehabilitation (Nursing) <sup>9</sup>	246-320-755	P	2	4	Optional	Optional	75	75	Yes	"
Long-Term Care <sup>9</sup>	246-320-765	P	2	4	Optional	Optional	75	75	Yes	"
<b>Dialysis</b>	246-320-775									
Patient Area		P	2	4	Optional	Optional	75	75	Yes	"
Reuse		N	4	10	Optional	Optional	75	75	Yes	"
Reverse Osmosis		P	2	6	Optional	Optional	75	75	Yes	"
<b>Imaging Services</b>										
General Radiology	246-320-785									
General X-ray, Fluoroscopy		NA	2	6	Optional	Optional	75	80	Yes	"
Mammography		NA	2	6	Optional	Optional	75	80	Yes	"
Needle Biopsy		NA	2	6	Optional	Optional	75	80	Yes	"

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**Table 525-3 GENERAL PRESSURE RELATIONSHIPS, VENTILATION TEMPERATURE AND HUMIDITY OF CERTAIN HOSPITAL AREAS**

Area/Room Name	WAC	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units Evacuation	Maximum Capacity (°F) to Attain Temperature	Cooling Heating	Individual Room Temp Control	Interpretive Guidelines
CT Scan		NA	2	6	Optional	Optional	75	80	Yes	"
MRI		NA	2	6	Optional	Optional	75	80	Yes	"
Dark Room		N	2	10	Yes	No	-	-	Yes	"
Nuclear Medicine	246-320-795	N	2	6	Yes	No				
<b>Diagnostic &amp; Treatment</b>										
Emergency	246-320-805									
Trauma <sup>2</sup>		P	5	12	Optional	No	68	75	Yes	"
Treatment		N or P	2	6	Optional	Optional	75	75	Yes	"
Exam		N or P	2	6	Optional	Optional	-	72	Yes	"
Rehabilitation (Outpatient)	246-320-755									
Physical Therapy & Hydrotherapy		N	2	6	Optional	Optional	-	80	Yes	"
<b>General Requirements</b>										
Treatment Room		N or P	2	6	Optional	Optional	75	75	Yes	"
Exam Room		N or P	2	6	Optional	Optional	75	75	-	"
Patient Corridor		NA	2	4	Optional	Optional				"
Patient Toilet		N	Optional	10	Yes	No	-	72	No	"
Patient Bathing		N	Optional	10	Yes	No	-	72	No	"
Clean Utility		P	2	4	Optional	Optional	-	72	No	"
Soiled Utility		N	2	10	Yes	No	-	72	No	"
Janitor's Closet		N	Optional	10	Yes	No	-	72	No	"
Medication		P	2	4	Optional	Optional	-	-	-	"
<b>Clinical Support Services</b>										
Receiving Storage and Distribution	246-320-565	NA	NA	NA	NA	NA				"
Central Sterilizing	246-320-575									
Clean Workroom Sterile Storage		P	2	4	Optional	Optional	-	72	No	"
ETO Sterilizer <sup>7</sup>		N	2	10	Yes	No				"

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Table 525-3 GENERAL PRESSURE RELATIONSHIPS, VENTILATION TEMPERATURE AND HUMIDITY OF CERTAIN HOSPITAL AREAS

Area/Room Name	WAC	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units Evacuation	Maximum Capacity (°F) to Attain Temperature		Individual Room Temp Control	Interpretive Guidelines
							Cooling	Heating		
Laundry (Part of CSSR)		N	2	10	Yes	No			No	"
Soiled		N	Optional/2	10	Yes	No	-	72	No	"
Receiving/Decontamination										
Environmental Services	246-320-585	N	2	10	Yes	No	-	72	No	"
Laundry	246-320-595									
Laundry General		N	2	10	Yes	No	-	72	No	"
Soiled Linen Sorting & Storage		N	Optional	10	Yes	No	-	72	No	"
Clean Linen Storage		P	Optional/2	2	Optional	Optional	-	72	No	"
Linen & Trash Chute Room		N	Optional	10	Yes	No	-	72	No	"
Dietary	246-320-605									
Dietary Dry Storage		NA	Optional	2	Optional	No	-	72	No	"
Food Preparation Centers <sup>5</sup>		NA	2	10	Yes	No	-	72	No	"
Ware Washing		N	Optional	10	Yes	No	-	72	No	"
Lab General	246-320-625	N	2	6	Yes	No	-	72	Yes	"
Bacteriology		N	2	6	Yes	No	-	72	Yes	"
Biochemistry		P	2	6	Optional	No	-	72	Yes	"
Cytology		N	2	6	Yes	No	-	72	Yes	"
Glass Washing		N	2	10	Yes	Optional	-	72	Yes	"
Histology		N	2	6	Yes	No	-	72	Yes	"
Media Transfer		P	2	4	Optional	No	-	72	Yes	"
Pathology		N	2	6	Yes	No	-	72	Yes	"
Serology		P	2	6	Optional	No	-	72	Yes	"
Sterilizing		N	Optional	10	Yes	No	-	72	Yes	"
Autopsy		N	2	12	Yes	No	-	72	Yes	"
Body Holding Nonrefrigerated <sup>4</sup>		N	Optional	10	Yes	No	-	72	Yes	"
Pharmacy	246-320-615	P	2	4	Optional	Optional	-	72	Yes	"

**ABBREVIATIONS**

N=Negative

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**Table 525-3 GENERAL PRESSURE RELATIONSHIPS, VENTILATION TEMPERATURE AND HUMIDITY OF CERTAIN HOSPITAL AREAS**

Area/Room Name	WAC	Pressure Relationship to Adjacent Areas	Minimum	Minimum	All Air Exhausted Directly To Outdoors	Air Recirculated Within Room Units Evacuation	Maximum Capacity (°F) to Attain Temperature		Individual Room Temp Control	Interpretive Guidelines
			Air Changes of Outdoor Air Per Hour Supplied To Room	Total Air Changes Per Hour Supplied To Room			Cooling	Heating		

P=Positive

NA=Not Applicable (Continuous Direction Control Not Required)

E=Equal

**NOTES:**

- <sup>1</sup> Recirculating room units meeting the filtering requirements for the space may be used.
- <sup>2</sup> The term "trauma room" used in Table 525-3 is the operating room space, in the trauma center routinely used for emergency surgery. The first aid room and/or "emergency room" used for general initial treatment of accident victims may be ventilated as quoted for the "treatment room."
- <sup>3</sup> The airborne precaution room described in the standards might be used in the average community hospital. The assumption is the precaution procedures will be for infectious patients and the room should also be suitable for normal private patient use when not needed for airborne precaution.
- <sup>4</sup> The nonrefrigerated body-holding room would be applicable only for facilities not performing autopsies on-site and using the space for a short period while waiting for body transfer to be completed.
- <sup>5</sup> Food preparation centers shall have ventilation systems with an excess of air supply for positive pressure when hoods are not in operation.
- <sup>6</sup> The number of air changes may be reduced when areas are not occupied if provisions are made to ensure the number of air changes required is reestablished when the space is occupied.
- <sup>7</sup> See WAC 246-320-99902(11) and 296-62-07355 general occupational health standards for ethylene oxide.
- <sup>8</sup> Consistent with scope of service and function of room.
- <sup>9</sup> For renovations, existing window induction units may remain.
- <sup>10</sup> May consider increasing air changes to 5 minimum air changes of outdoor air per hour supplied to room and 25 minimum total air changes per hour supplied to room per ASHRAE Guidelines.



Table 525-4 VENTILATION AND AIR CONDITIONING SYSTEMS FILTER EFFICIENCIES IN HOSPITALS

Area/Room Name	WAC	Filter Bed 1 %	Filter Bed 2 %
<b>Surgical Facilities</b>			
Surgery Suite	246-320-635		
All Operating Rooms		25	90
Organ Transplant		25	90 (A)
PACU	246-320-645		
Recovery Stage 1		25	90
Recovery Stage 2		25	90
Recovery Infants & Pediatrics		25	90
Recovery (ECT)		25	90
<b>Obstetrical Services</b>			
OB Cesarean/Surgical	246-320-655	25	90
Birthing (Labor Delivery Recovery)	246-320-665	25	90 (B)
<b>Interventional Services</b>			
	246-320-675		
Cardiology/Angiography			
Cath Labs & Angio Rooms		25	90
Endoscopy		25	90
		25	90
Lithotripsy		25	90 (B)
<b>Inpatient Services</b>			
Nursing	246-320-685		
Medical & Surgical Beds		25	90 (B)
Protective Precaution Room (Transplant)		25	90 (A)
Airborne Precaution Room	246-320-685	25	90 (B)
Ante Room (if planned)			
<b>Specialized Patient Care Services</b>			
Pediatrics	246-320-695	25	90 (B)
Nursery			
Intermediate Care Nursery	246-320-715	25	90 (B)
NICU	246-320-715	25	90 (B)
Newborn	246-320-705	25	90 (B)
Critical Care	246-320-725		
Coronary Care		25	90 (B)
Intensive Care		25	90 (B)
Alcoholism & Substance Abuse	246-320-735	25	90 (B)
Psychiatric (Medical)	246-320-745	25	90 (B)
Rehabilitation (Nursing)	246-320-755	25	90 (B)
Long-Term Care	246-320-765	25	90 (B)
Dialysis	246-320-775	25	90 (B)

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Table 525-4 VENTILATION AND AIR CONDITIONING SYSTEMS FILTER EFFICIENCIES IN HOSPITALS

Area/Room Name	WAC	Filter Bed 1 %	Filter Bed 2 %
<b>General Requirements</b>			
Treatment Room		25	90 (B)
Exam Room		25	90 (B)
Patient Corridor		25	90 (B)
Patient Toilet		25	90 (B)
Patient Bathing		25	90 (B)
Clean Utility		25	NA
Soiled Utility		25	NA
Janitor's Closet		25	NA
Medication		25	90 (B)
<b>Imaging Services</b>			
General Radiology	246-320-785		
General X-ray, Fluoroscopy		25	90 (B)
Mammography		25	90 (B)
Needle Biopsy		25	90 (B)
CT Scan		25	90 (B)
MRI		25	90 (B)
Nuclear Medicine	246-320-795		
<b>Diagnostic &amp; Treatment</b>			
Emergency	246-320-805		
Trauma		25	90
Treatment		25	90 (B)
Exam		25	90 (B)
Rehabilitation (Outpatient)	246-320-755		
Physical Therapy & Hydrotherapy		25	90 (B)
<b>Clinical Support Services</b>			
Receiving Storage & Distribution	246-320-565	NA	NA
Central Sterilizing	246-320-575	25	90 (B)
Environmental Services	246-320-585	NA	NA
Laundry	246-320-595	80	NA
Dietary	246-320-605		
Food Preparation		80	NA
Storage, Bulk		25	NA
Lab	246-320-625		
Bacteriology		25	90
Biochemistry		25	NA
Cytology		25	NA
Glass Washing		25	NA

Table 525-4 VENTILATION AND AIR CONDITIONING SYSTEMS FILTER EFFICIENCIES IN HOSPITALS

Area/Room Name	WAC	Filter Bed 1 %	Filter Bed 2 %
Histology		25	NA
Media Transfer		25	90
Pathology		25	NA
Serology		25	NA
Sterilizing		25	90
Autopsy		25	NA
Body Holding Nonrefrigerated		NA	NA
Pharmacy	246-320-615	25	90
Administration		25	NA

**Notes**

- (A) 99.9% recirculating air.
- (B) 80% acceptable with total outside air.
- NA Not applicable.

Filtration requirement in this table does not apply to renovated spaces where recirculation is optional, except for sensitive areas as defined in WAC 246-320-010.

Table 525-5 PATIENT CARE AREA SINGLE ELECTRICAL RECEPTACLE OUTLET REQUIREMENTS

Area/Room Name	WAC	Total	Critical Emergency Power	Special Requirements (Hospital Grade)
<b>Surgical Facilities</b>				
Surgery Suite	246-320-635			
All Operating Rooms		16	12	Hospital Grade
PACU	246-320-645			
Recovery Stage 1		6	4	Hospital Grade
Recovery Stage 2		4	2	Hospital Grade
Recovery Infants and Pediatrics		6	4	Hospital Grade
Recovery (ECT)		4	2	Hospital Grade
<b>Obstetrical Services</b>				
OB Cesarean/Surgical	246-320-655	16	12	Hospital Grade
Birthing (Labor Delivery Recovery)	246-320-665	6	2	Hospital Grade
Infant Station		4	2	Hospital Grade
<b>Interventional Services</b>				
Cardiology/Angiography	246-320-675			
Cath Labs & Angio Rooms		8	4	Hospital Grade
Endoscopy		8	2	Hospital Grade
Lithotripsy		2	2	Hospital Grade

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Table 525-5 PATIENT CARE AREA SINGLE ELECTRICAL RECEPTACLE OUTLET REQUIREMENTS

Area/Room Name	WAC	Total	Critical Emergency Power	Special Requirements (Hospital Grade)
<b>Inpatient Services</b>				
Nursing				
Medical & Surgical Beds	246-320-685	4	2	Hospital Grade
Protective Precaution Room (Transplant)		4	2	Hospital Grade
Airborne Precaution Room	246-320-685	4	2	Hospital Grade
<b>Specialized Patient Care Services</b>				
Pediatrics	246-320-695	4	2	Hospital Grade (C)
Pediatric Critical Care		14	12	Hospital Grade
Nursery				
Intermediate Care Nursery	246-320-715	8	6	Hospital Grade
NICU	246-320-715	14	12	Hospital Grade
Newborn	246-320-705	4(A)	2(A)	Hospital Grade
Critical Care				
Coronary Care		14	12	Hospital Grade
Intensive Care		14	12	Hospital Grade
Alcoholism & Substance Abuse	246-320-735	2	0	Hospital Grade (C)
Detox beds	246-320-735	4	2	Hospital Grade (C)
Psychiatric (Medical)	246-320-745	4	2	Hospital Grade (C)
Rehabilitation (Nursing)	246-320-755	2	0	Hospital Grade
Long-Term Care	246-320-765	4	2	Hospital Grade
Dialysis (inpatient)	246-320-775	4(B)	2(B)	Hospital Grade
<b>General Nursing Room Requirements</b>				
Treatment Rooms		4	2	Hospital Grade
Exam Rooms		2	0	Hospital Grade (C)
Patient Toilet		per written program		
Clean Utility		2	0	
Soiled Utility		2	0	
<b>Imaging Services</b>				
General Radiology	246-320-785	per written program		Hospital Grade
General X-ray, Fluoroscopy		4	0	
Mammography		4	0	
Needle Biopsy		4	0	
CT Scan		4	2	
MRI		4	0	
Nuclear Medicine	246-320-795	4	0	
<b>Diagnostic &amp; Treatment</b>				
Emergency	246-320-805			
Trauma		8	6	Hospital Grade

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**Table 525-5 PATIENT CARE AREA SINGLE ELECTRICAL RECEPTACLE OUTLET REQUIREMENTS**

Area/Room Name	WAC	Total	Critical Emergency Power	Special Requirements (Hospital Grade)
Treatment		4	2	Hospital Grade
Exam		2	0	Hospital Grade (C)
Rehabilitation (Outpatient)	246-320-755			
Physical Therapy & Hydrotherapy		2	0	Hospital Grade
<b>Clinical Support Services</b>				
Receiving Storage & Distribution	246-320-565	NA	NA	NA
Central Sterilizing	246-320-575	per written program		
Environmental Services	246-320-585	NA	NA	
Laundry	246-320-595	NA	NA	
Dietary	246-320-605	NA	NA	
Lab	246-320-625	per written program		
Critical Equipment		per written program		
Blood Storage		per written program		
Pharmacy	246-320-615	per written program		

**Notes**

- (A) Between every two basinets and according to program.
- (B) Each station according to program.
- (C) Tamper resistant safety receptacles.
- NA Not Applicable (no minimum outlet requirement for nonpatient care areas).

**NEW SECTION**

**WAC 246-320-535 Support facilities.** Hospitals will:

- (1) Provide staff facilities with:
  - (a) Space for personal belongings;
  - (b) A toilet; and
  - (c) A handwash sink;
- (2) Provide clean storage room with:
  - (a) Storage shelves; and/or
  - (b) Space for carts and equipment;
- (3) Provide clean utility room with:
  - (a) A work counter;
  - (b) A handwash sink; and
  - (c) Storage space;
- (4) Provide housekeeping supply room with:
  - (a) A service sink or equivalent;
  - (b) Soap and towel dispensers or equivalent;
  - (c) A mop rack;
  - (d) Storage area for housekeeping carts, supplies, and equipment; and
  - (e) At least one housekeeping room per floor;
- (5) Provide medication distribution and storage in accordance with chapter 246-873 WAC, hospital pharmacy standards, and meeting at least one of the following:
  - (a) A separate room under visual control of nursing staff located to minimize traffic with:

- (i) A handwash sink;
- (ii) A working surface;
- (iii) Sturdily constructed, lockable drug storage;
- (iv) An enclosed cabinet or equivalent for storage;
- (v) Storage space for medication cart when appropriate;
- (vi) Space and electrical receptacle for refrigerator; and
- (vii) Self-closing positive latching locked entry doors;
- (b) Permanently affixed nurse server storage units with:
  - (i) Convenient access to a refrigerator and hand washing sink;
  - (ii) A work surface;
  - (iii) Sturdy construction; and
  - (iv) Self-closing, positive latching, automatic locking doors and/or drawers;
  - (c) Medication distribution cart(s), stored in locked room or continuously attended area; or
  - (d) Automated dispensing unit, designed and installed in accordance with chapter 246-873 WAC;
- (6) Provide nourishment facilities in a clean room with:
  - (a) A refrigerator;
  - (b) A work counter or space unless combined with a clean utility room;
  - (c) Storage for utensils and food stuffs;
  - (d) A handwash sink unless combined with a clean utility room;

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(e) Space for a waste container unless combined with a clean utility room;

(f) Dishwasher with a two-compartment sink or a three-compartment sink if area will be used to wash dishes, glasses, or pitchers in accordance with WAC 246-215-100 food service, equipment and utensil cleaning and sanitizing; and

(g) Self-dispensing ice machine, if needed, consistent with scope of service;

(7) Provide soiled storage room separate and with no direct connection to clean storage or utility rooms with:

(a) A clinical service sink with bedpan flushing attachment, unless a soiled utility room is on the same nursing unit or bedpan flushing devices are furnished in all toilet rooms adjoining patient rooms;

(b) Space for waste container, linen hampers, carts, and other large equipment;

(c) A handwash sink or equivalent; and

(d) Self-closing door(s);

(8) Provide soiled utility room separate and with no direct connection to clean utility or storage room with:

(a) A double-compartment sink large enough to accommodate equipment to be cleaned;

(b) A work surface;

(c) Storage cabinets sufficient to store cleaning supplies;

(d) A clinical service sink with bedpan flushing attachment unless bedpan flushing devices are furnished in all toilet rooms adjoining patient rooms;

(e) Space for waste containers, linen hampers, and other large equipment; and

(f) Self-closing door(s).

#### NEW SECTION

**WAC 246-320-545 Maintenance, engineering, mechanical, and electrical facilities.** Hospitals will:

(1) Provide boiler and/or mechanical equipment rooms with insulation, sound deadening and mechanical ventilation to minimize transfer of heat and noise to rooms occupied by patients and employees;

(2) Provide maintenance shop, if planned, located and designed for easy delivery and removal of equipment and to minimize noise and dust to the rest of the hospital with:

(a) Storage for solvents, flammable and combustible liquids in accordance with WAC 246-320-99902(11); and

(b) Storage for supplies and equipment;

(3) Provide electrical switch gear and telecommunications room(s) with mechanical ventilation and/or cooling as required to maintain adequate operating temperature for equipment;

(4) Provide area with file space and adequate storage for facility drawings, records, and operation manuals; and

(5) Provide separate room or area specifically for storage, repair, and testing of electronic or other medical equipment according to program.

#### NEW SECTION

**WAC 246-320-555 Admitting, lobby, and medical records facilities.** Hospitals will provide:

(1) Admitting, lobby, and medical records facilities with:

(a) Support facilities meeting requirements in WAC 246-320-535(4) housekeeping supply room; and

(b) Adequate storage for office equipment, forms, and supplies;

(2) An admitting area with provision for auditory privacy during interviews;

(3) A lobby area with:

(a) A waiting area;

(b) Access to public toilet(s) for each sex;

(c) A drinking fountain;

(d) A public telephone; and

(e) An information desk or directory signage;

(4) A medical records area with:

(a) Active and inactive records storage;

(b) Total space appropriate for the duration and type of storage planned; and

(c) Security.

#### NEW SECTION

**WAC 246-320-565 Receiving, storage, and distribution facilities.** Hospitals will:

(1) Provide receiving, storage, and distribution facilities with support facilities meeting the requirements in WAC 246-320-535(3) clean utility;

(2) Locate bulk and general supply storage to:

(a) Avoid disturbance to the operation of the hospital; and

(b) Prevent contamination or damage of goods during movement to and from storage;

(3) Provide bulk and general supply storage constructed in accordance with WAC 246-320-525 (3)(h), and to prevent spoilage, contamination, damage, and corrosion of goods stored therein including:

(a) Protection against inclement weather during transfer of supplies;

(b) Secured spaces with appropriate environmental conditions in accordance with federal and state laws and rules on supplies and drug storage if pharmaceuticals are stored; and

(c) Off-floor storage when required to prevent contamination and water damage to stores;

(4) Provide receiving and unloading area or areas consistent with scope of service with:

(a) Administrative work space near receiving and break-out areas;

(b) Security and protection for supplies; and

(c) Location to prevent vehicle exhaust from entering the hospital;

(5) Provide clean storage rooms designed and equipped for storage of all clean and sterilized items with:

(a) Space for shelving and/or cart storage;

(b) Fixed storage units and shelving at least six inches above floor and located for easy cleaning; and

(c) Areas used for break out not restricting egress;

(6) Provide storage consistent with scope of service for:

(a) Flammable and combustible liquid storage in accordance with WAC 246-320-99902(11);

(b) Laboratory chemicals in accordance with WAC 246-320-99902(7);

(c) Medical compressed gases in accordance with WAC 246-320-99902(6); and

(d) Gaseous oxidizing materials in accordance with WAC 246-320-99902(12) for materials including, but not limited to, oxygen, nitrous oxide, fluorine, and chlorine trifluoride with segregation either by space or in a separate room or separate building.

#### NEW SECTION

**WAC 246-320-575 Central processing service facilities.** Hospitals will:

(1) Provide central processing service facilities with support facilities meeting requirements in:

- (a) WAC 246-320-535(1) staff facilities; and
- (b) WAC 246-320-535(4) housekeeping supply room;

(2) Locate central processing service facilities to:

- (a) Prevent through traffic to other hospital operations;
- (b) Avoid contamination of clean and sterile supplies and equipment;

(c) Prevent objectionable heat and noise in patient care areas; and

(d) Facilitate delivery and return of supplies and equipment to and from other services;

(3) Provide central processing service facilities with:

(a) Areas within the unit to provide for proper handling of supplies and equipment;

(b) Work flow designed to maintain separation of clean or sterile items from soiled or contaminated items;

(c) Device for communication between clean and soiled functions and between administrative and clean and soiled functions; and

(d) Room or area located to permit access from public areas without entering processing areas;

(4) Locate soiled receiving and decontamination rooms to preclude transport of soiled or contaminated items through other clean areas of central processing service with:

(a) Facilities for receiving, disassembling, and cleaning of supplies and equipment physically separated from all clean areas of central processing service; and

(b) Work flow from decontamination room directly into clean preparation room;

(5) Provide soiled receiving and decontamination room or rooms with:

(a) Space for soiled collection carts;

(b) An area with a floor drain connected to a sanitary sewage system for cleaning and disinfecting carts and large equipment unless cart wash facilities are provided elsewhere;

(c) At least one double-compartment sink adequately sized to accommodate the equipment being cleaned;

(d) Additional sinks or mechanical washers as required by types and volume of items to be processed;

(e) Work counter or equivalent space adjacent to each sink or mechanical washer for collection and separation of soiled or contaminated items and washed items;

(f) Storage for cleaning supplies and equipment;

(g) Handsfree handwash sink;

(h) Clinical service sink consistent with scope of service program;

(i) Seamless floors with integral cove base; and

(j) Emergency eyewash;

(6) Provide clean workroom, preparation and repackaging areas with:

(a) Space and facilities arranged for assembling and packing supplies and equipment for sterilization;

(b) Work surfaces;

(c) Storage;

(d) Space for mobile equipment;

(e) A handwash sink located to prevent splash or spray on clean items; and

(f) A separate room to avoid accumulation and spread of lint, if preparation of linen is a function in central processing;

(7) Locate sterilizing equipment to facilitate movement of supplies/materials from assembling/packaging to storage of clean and sterile supplies with:

(a) Easy access for maintenance;

(b) Ventilation according to manufacturer;

(c) Unalterable air gap for drain and cross-connection control on all incoming water lines;

(d) Pressure sterilizers with recording thermometers and automatic controls; and

(e) If an ethylene oxide sterilizer is installed, include:

(i) Mechanical aerator;

(ii) Ventilation and monitoring in accordance with manufacturer's recommendations and chapter 296-62 WAC biological agents;

(iii) Separate room for ethylene oxide gas sterilizer and cylinder storage; and

(iv) Readily accessible emergency deluge shower with floor drain;

(8) Provide separate room or area for clean and sterile items including:

(a) Provisions for issuance without transport through areas of central processing and sterilizing service; and

(b) Enclosed cabinets, or covered carts, or equivalent if storage is in the preparation area.

#### NEW SECTION

**WAC 246-320-585 Environmental services facilities.** Hospitals will:

(1) Provide a primary housekeeping area with:

(a) Storage area consistent with scope of service, including:

(i) Racks, bins, shelves, or cabinets;

(ii) Storage for pesticides, cleaning compounds, and toxic substances;

(iii) Space for mobile housekeeping equipment;

(iv) Eyewash; and

(v) Handwash sink;

(b) Cleanup area for large mobile equipment with:

(i) Service sink for cleaning small equipment and janitorial tools;

(ii) Soap dispenser and single use hand drying device; and

(iii) Area with floor drain for cleaning large mobile equipment unless equipment wash area is provided elsewhere; and

(c) Administrative area;

PROPOSED

(2) Provide waste handling area located to prevent objectionable smoke and odors in other areas of the hospital including:

(a) Storage area in a separate, well-ventilated room or outside, enclosed space with:

- (i) Emergency shower;
- (ii) Eyewash;
- (iii) Handwash sink; and
- (iv) Floor drain connected to sanitary sewage system;

(b) Waste container wash area, if provided, with floor drain connected to a sanitary sewage system and hose bibs with hot and cold water;

(c) Waste dumpsters and compactor storage area with drain connected to a sanitary sewage system and hose bibs with hot and cold water; and

(d) Incineration facilities, if planned, located in a separate well-ventilated room or outside enclosed space with incinerator, meeting requirements in WAC 246-320-99902(4) and other federal, state, and local rules and regulations.

#### NEW SECTION

**WAC 246-320-595 Laundry and/or linen handling facilities.** Hospitals will:

(1) Provide laundry and/or linen handling facilities with support facilities meeting requirements in:

- (a) WAC 246-320-535(1) staff facilities; and
- (b) WAC 246-320-535(4) housekeeping supply room;

(2) Locate laundry and/or linen facilities to:

(a) Avoid through traffic to other hospital patient care areas; and

(b) Avoid excessive heat, noise and odors traveling to patient care areas and other departments;

(3) Provide laundry and linen handling facilities with:

(a) Space for movement and storage of clean and soiled carts;

(b) Separate linen processing areas or rooms with:

(i) Capacity for receiving, holding, and sorting of soiled and clean linen consistent with scope of service;

(ii) Floor drain(s) located in the soiled linen area;

(iii) Handwash sink in soiled and clean processing areas;

(iv) Negative air pressure gradient with direction of air flow from clean side of room to dirty side of room if room is shared; and

(v) A folding area on clean side;

(c) Separate clean linen storage room located to avoid sources of moist or contaminated air with:

(i) Storage for reserve supply of linens, blankets, and pillows; and

(ii) Space for carts and/or shelves;

(d) The following additional provisions if laundry is done on site:

(i) Equipment capacity for processing laundry consistent with scope of service;

(ii) Arrangement for uninterrupted work flow from soiled to clean function;

(iii) Commercial washing machine(s);

(iv) Floor drains consistent with scope of service or as required by equipment;

(v) Commercial dryer(s);

(vi) Dryer exhaust to the exterior and make-up air; and

(vii) Sewing area;

(4) If commercial laundry service issued, provide separate clean and soiled storage rooms, located for convenient dispatch to vendor.

#### NEW SECTION

**WAC 246-320-605 Food and nutrition facilities.** Hospitals will:

(1) Meet the requirements in chapter 246-215 WAC Food service;

(2) Provide food and nutrition facilities with support facilities meeting requirements in:

(a) WAC 246-320-535(1) staff facilities, with door closures if opening directly into food preparation or storage areas; and

(b) WAC 246-320-535(4) housekeeping supply room;

(3) Locate dietary facility to prevent through traffic to other hospital operations with:

(a) Kitchen area located to:

(i) Prevent unnecessary traffic through dietary department;

(ii) Avoid food contamination from other hospital operations; and

(iii) Prevent objectionable heat, noise, and odors to patient care areas;

(b) Dietary facility to facilitate:

(i) Delivery of stores;

(ii) Disposal of kitchen waste; and

(iii) Transport of food to nursing units;

(c) Dining area, if planned, adjacent to employee food service area;

(4) Provide the dietary facility with:

(a) Office space;

(b) Receiving area readily accessible to the refrigeration and food storage areas;

(c) Bulk, refrigerated and frozen food storage spaces conveniently located to receiving area and to avoid through traffic in food preparation area with:

(i) At least one dry storage room located in or adjacent to the kitchen with:

(A) Access from an outside delivery entrance;

(B) Proper construction, ventilation, and temperature to minimize spoilage;

(C) Space for large containers and mobile equipment;

(D) Bottom shelves for food storage at least six inches above floor; and

(E) Storage units located and designed to allow for easy and regular cleaning of shelves, walls, and floors;

(ii) Capacity to stock a quantity of food supplies to accommodate emergencies;

(5) Provide kitchen facilities and food preparation areas including:

(a) Patient tray preparation area with:

(i) Space for mobile equipment such as food tray carts;

(ii) Serving equipment;

(iii) Closed or covered storage units for food containers, dishes, and trays;



- (iv) Refrigerator and/or frozen food storage unit; and
- (v) Beverage service equipment;
- (b) Provision for bulk ice;
- (6) Provide employee food service area, if planned, separate from, but convenient to the kitchen;
- (7) Provide a dishwashing and utensil washing room or area to:
  - (a) Avoid traffic through other areas of the kitchen; and
  - (b) Permit unloading of tray carts and receiving of soiled dishes without obstructing traffic in corridors; and
- (8) Provide access to cart washing or cleaning area conveniently located adjacent to service corridor or elevator.

#### NEW SECTION

##### **WAC 246-320-615 Pharmacy.** Hospitals will:

- (1) Provide each pharmacy with support facilities meeting requirements in WAC 246-320-535(4) housekeeping supply room;
- (2) Locate pharmacy in a separate and secure room;
- (3) Provide pharmacy with:
  - (a) Storage, including locked storage for Schedule II controlled substances in accordance with WAC 246-873-070 and 246-873-080;
  - (b) All entrance doors equipped with closers;
  - (c) Automatic locking mechanisms on all entrance doors to preclude entrance without a key or combination;
  - (d) All perimeter walls of the pharmacy and vault constructed full height from floor to underside of structure above;
  - (e) Security devices or alarm systems for perimeter doors, windows and relites;
  - (f) An emergency signal device to signal at a location where twenty-four-hour assistance is available;
  - (g) Space for files and clerical functions;
  - (h) Break-out and storage area separate from clean areas; and
  - (i) Electrical service including emergency power to critical pharmacy areas and equipment;
- (4) Provide a general compounding and dispensing unit, room, or area with:
  - (a) A work counter with impermeable surface;
  - (b) A corrosion-resistant sink, suitable for hand washing, mounted in counter or integral with counter;
  - (c) Storage space;
  - (d) A refrigeration and freezing unit; and
  - (e) Space for mobile equipment;
- (5) Provide manufacturing and unit dose packaging area or room, if planned, with the following:
  - (a) Work counter with impermeable surface;
  - (b) Corrosion-resistant sink suitable for hand washing, mounted in counter or integral with counter; and
  - (c) Storage space;
  - (6) Locate admixture, radiopharmaceuticals, and other sterile compounding room, if planned, in a low traffic, clean area with:
    - (a) A preparation area;
    - (b) A work counter with impermeable surface;
    - (c) A corrosion-resistant handsfree sink, suitable for hand washing, mounted in counter or integral with counter;

- (d) Space for mobile equipment;
- (e) Storage space;
- (f) A laminar flow hood in admixture area; and
- (g) Shielding and appropriate ventilation in accordance with WAC 246-320-525 (4)(k) and (l) for storage and preparation of radiopharmaceuticals and chemotherapeutic agents;
- (7) If satellite pharmacies are planned, meet:
  - (a) Subsections (1) and (3)(a), (b), (c), (d), (e), and (f) of this section when drugs will be stored;
  - (b) Subsection (3)(g), (h), and (i) of this section, if appropriate; and
  - (c) Subsections (4)(a) through (e) and (6)(a) through (g) of this section if planned;
  - (8) Provide separate outpatient pharmacy, if planned, meeting requirements for satellite pharmacy.

#### NEW SECTION

##### **WAC 246-320-625 Laboratory and pathology facilities.** Hospitals will:

- (1) Provide laboratory and pathology facilities with support facilities meeting requirements in:
  - (a) WAC 246-320-535(1) staff facilities;
  - (b) WAC 246-320-535(4) housekeeping supply room; and
  - (c) WAC 246-320-535(8) soiled utility room;
- (2) Locate laboratory facility to avoid outpatient traffic through inpatient areas;
- (3) Provide laboratory facilities with:
  - (a) Electrical service including emergency power to critical laboratory areas and equipment consistent with scope of service;
  - (b) Noise attenuation where applicable;
  - (c) Piped utility valves and waste line clean-outs accessible for repair and maintenance;
  - (d) Work areas for technical, clerical, and administrative staff, files, and storage;
  - (e) Handwash sink unless other sinks in the laboratory are equipped for washing hands;
  - (f) Impermeable work counter or counters with sufficient height, depth, and length to accommodate equipment, procedures, and documentation;
  - (g) Knee hole spaces at work stations where appropriate;
  - (h) Corrosion resistant sinks in testing areas consistent with scope of service;
  - (i) Space for freestanding equipment;
  - (j) Storage;
  - (k) Clear aisle width suitable to function and to provide accessibility;
  - (l) Special drainage as appropriate for equipment and waste disposal;
  - (m) Easily accessible emergency eye washers;
  - (n) Blood drawing room or area separate from laboratory testing area including:
    - (i) Work counter;
    - (ii) Handwash sink;
    - (iii) Space to accommodate wheelchair and infants; and
    - (iv) Waiting area;
  - (o) Wheelchair accessible toilet with shelf or equivalent to accommodate specimen collection;

PROPOSED

(p) Specimen preparation area located in or adjacent to laboratory with equipment as required in (a), (d), (f), (h), (i), (j), and (k) of this subsection;

(q) Blood bank area including:

(i) Equipment as required in (a) through (n) of this subsection; and

(ii) A blood bank refrigerator equipped with high and low temperature alarm which signals in staffed area;

(r) Chemistry area including equipment as required in (a), (b), (d), (h), (i), (j), (k), (l), and (m) of this subsection with the following additional provisions if applicable:

(i) Fume hood when any procedure produces dangerous, toxic, or noxious fumes;

(ii) Special equipment properly vented as per manufacturer's instructions; and/or

(iii) Special gases piped in or space for special gas cylinders with safety fasteners;

(s) Hematology facility located and equipped as required in (a) through (n) of this subsection;

(4) Provide the following laboratory services, if planned:

(a) Media preparation room or area meeting the ventilation requirements in WAC 246-320-525 (Table 525-3);

(b) Reagent preparation area including equipment as required in subsection (3)(f), (g), (h), (i), and (j) of this section with:

(i) Space for vibration-free balance table unless available elsewhere in laboratory; and

(ii) Equipment for preparation of reagent water or outlet for piped reagent water prepared elsewhere;

(c) Microbiology or areas where specimen may be aerosolized including:

(i) Separate enclosed room or an area located away from traffic flow; and

(ii) Equipment as required in subsection (3)(a), (d), (f), (h), (i), (j), and (k) of this section with the following additional provisions:

(A) Space for special gas cylinders with safety fasteners unless all gas is piped in; and

(B) For highly infectious materials, an additional enclosed area with counters, sink, storage, and biological safety cabinet or laminar flow hood;

(d) Cytology and/or histology in a separate area with:

(i) A staining area with forced air exhaust ventilation;

(ii) As necessary, a fume hood to exhaust tissue processing equipment;

(iii) Space for frozen section equipment as needed; and

(iv) Provisions for storing flammable materials used in the area;

(5) Locate a morgue facility, if planned, to accommodate transport of deceased via least used public corridor or corridors and provide refrigeration for body storage;

(6) Locate an autopsy room, if planned, adjacent to the morgue and provide with:

(a) An autopsy table with water supply, suction outlet, and appropriate drain;

(b) Space for dissection table or counter;

(c) A floor drain;

(d) A scrub sink;

(e) An instrument sterilizer unless provided elsewhere;

(f) A conveniently located changing room, toilet, hand-wash sink and shower;

(g) Space for housekeeping equipment; and

(h) Specimen holding room or area;

(7) Locate vivariums, if planned, separate from the laboratory and patient care areas and provide with:

(a) Food and supply storage;

(b) Handwash sink;

(c) Facilities for disposal of wastes and dead animals;

(d) Locked isolation of inoculated animals;

(e) Controlled access;

(f) Adequately secured areas to prevent escape; and

(g) Measures to control noise and odors.

#### NEW SECTION

**WAC 246-320-635 Surgery facilities.** Hospitals will:

(1) Provide surgery facilities with support facilities meeting requirements in:

(a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room with adequate storage facilities consistent with scope of service;

(b) WAC 246-320-535(4) housekeeping supply room;

(c) WAC 246-320-535(5) medication distribution facility, which includes anesthesia if planned;

(d) WAC 246-320-535(8) soiled utility room with:

(i) A sink and plaster trap; and

(ii) With no direct access to operating room;

(2) Locate a separate segregated surgery suite to:

(a) Prevent traffic through surgery suite to any other area of the hospital; and

(b) Facilitate transfer of patients to recovery/post anesthesia care unit and surgical nursing units;

(3) Provide surgery suite with:

(a) A scrub-up area with direct access or close to each operating room including:

(i) At least two scrub sinks per operating room or at least three scrub sinks for every two operating rooms;

(ii) Soap dispenser at each scrub sink with foot control or equivalent;

(iii) Brush dispenser or equivalent;

(iv) Shelf;

(v) Single service towel dispenser or equivalent; and

(vi) Clock with sweep second hand or equivalent within view from scrub sinks;

(b) Sterilizing facilities located for maintenance accessibility including:

(i) Flash sterilizers consistent with scope of service;

(ii) Compliance with WAC 246-320-575 central processing, if instruments are processed in the operating room;

(iii) Sterilizers with recording thermometers and automatic controls sufficient to accommodate supplies and equipment if sterilized in suite;

(c) Separate patient preoperative area, if planned, including:

(i) Room or alcove out of traffic; and

(ii) Provision for toilet, handwash sink, staff work area, and privacy curtains or equivalent;

(d) A solution warmer;

(e) A blanket warmer; and

- (f) Ice machines consistent with scope of service;
- (4) Provide at least one major operating room with:
  - (a) Minimum room dimension of twenty feet;
  - (b) Minimum room area of four hundred eighty square feet;
  - (c) A ceiling mounted surgery light and general room lighting;
  - (d) Film illuminators or equivalent consistent with scope of service;
  - (e) A clock with sweep second hand or equivalent;
  - (f) Interval timer in accordance with scope of service;
 and
  - (g) Storage for surgical supplies;
- (5) Provide minor operating room, if planned, meeting the requirements in subsection (4)(c) through (g) of this section, with:
  - (a) Minimum dimension of fifteen feet; and
  - (b) Minimum room area of two hundred seventy square feet;
  - (6) Provide anesthesia work room, if planned, with:
    - (a) Space for cleaning, testing, and storing anesthesia machines, carts, supplies, and lockable storage for medications;
    - (b) A two-compartment sink with counter space to separate clean and soiled functions; and
    - (c) A writing surface;
    - (7) Locate control area to permit coordination of functions among operating rooms in or adjacent to surgery facilities with:
      - (a) Telephone;
      - (b) Room convenient to the surgery suite for confidential communication;
      - (c) File storage; and
      - (d) Work area;
      - (8) Provide clean storage facilities for equipment and supplies, including:
        - (a) Blood refrigeration, if blood is stored; and
        - (b) Mobile X-ray equipment;
        - (9) Provide staff facilities with:
          - (a) Locker rooms located within the surgery suite, including:
            - (i) Storage for personal effects;
            - (ii) Storage space for scrub clothing;
            - (iii) Space for collection receptacles for soiled scrub clothing; and
            - (iv) Separate facilities for males and females including:
              - (A) A clothing change area or room;
              - (B) A toilet and handwash sink; and
              - (C) Shower facilities;
            - (b) A lounge within the surgery suite; and
            - (c) Dictation and report area;
      - (10) Include a recovery/post anesthesia care unit in accordance with WAC 246-320-645;
      - (11) Provide cardiovascular, orthopedic, neurological and other special procedure areas, if planned, that require room for additional personnel and/or large equipment with:
        - (a) Same requirements as subsection (5) of this section except with a minimum clear floor area of six hundred square feet; and

- (b) Additional equipment storage room(s) for large equipment required to support these procedures.

#### NEW SECTION

#### **WAC 246-320-645 Recovery/post anesthesia care unit (PACU).** Hospitals will:

- (1) Provide recovery/post anesthesia care unit areas or rooms with support facilities meeting requirements in:
  - (a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
  - (b) WAC 246-320-535(4) housekeeping supply room;
  - (c) WAC 246-320-535(5) medication distribution facility; and (d) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;
  - (2) Locate recovery/post anesthesia care unit area or rooms adjacent to the surgery suite, avoiding through traffic to other patient care areas;
  - (3) Provide patient care area with:
    - (a) Multiple-bed area designed to provide:
      - (i) At least four feet wide space between side of each bed or stretcher and wall, other bed, or fixed equipment; and
      - (ii) At least four feet wide space between foot end of any bed and any wall or fixed equipment;
    - (b) Privacy curtains or equivalent;
    - (c) A handwash sink located convenient to every six patient stations or major fraction;
    - (d) Storage, shelves, drawers, or equivalent and charting surface at each patient station;
    - (e) Clock with sweep second hand or equivalent;
    - (f) Interval timer consistent with scope of service; and
    - (g) Airborne precaution room, if planned, with:
      - (i) One hundred twenty square feet;
      - (ii) A handwash sink with handsfree controls and goose-neck spouts without aerators;
      - (iii) A clock;
      - (iv) A charting surface;
      - (v) A clinic service sink or water closet with bedpan rinsing/flushing attachment adjoining room; and
      - (vi) Air changes and air pressure gradients in accordance with WAC 246-320-525 (Table 525-3);
  - (4) Provide storage for stretchers, supplies and equipment;
  - (5) Provide nursing support area meeting the requirements in WAC 246-320-685 (5)(b);
  - (6) Provide patient toilet with handwash sink where stage two recovery is planned; and
  - (7) Provide easily accessible staff toilet with handwash sink.

#### NEW SECTION

#### **WAC 246-320-655 Obstetrical delivery facilities.** Hospitals will:

- (1) Provide obstetrical delivery facilities with support facilities meeting requirements in:
  - (a) WAC 246-320-535(1) staff facilities with dressing room;
  - (b) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;

- (c) WAC 246-320-535(4) housekeeping supply room;
- (d) WAC 246-320-535(5) medication distribution facility; and
- (e) WAC 246-320-535(8) soiled utility room;
- (2) Locate delivery rooms to prevent traffic through delivery room service areas;
- (3) Provide cesarean delivery room or surgery room for obstetrical services with:
  - (a) Minimum area of four hundred square feet;
  - (b) Minimum room dimension of twenty feet;
  - (c) A ceiling mounted surgery light and general room lighting;
  - (d) Film illuminators or equivalent consistent with scope of service;
  - (e) Clock with sweep second hand or equivalent;
  - (f) Interval timer consistent with scope of service;
- (4) Provide scrub area located to provide direct access to the cesarean/delivery room and in accordance with WAC 246-320-635 (3)(a);
- (5) Provide flash sterilizers consistent with scope of service meeting requirements in WAC 246-320-635 (3)(b);
- (6) Provide anesthesia storage or anesthesia workroom meeting requirements in WAC 246-320-635(6);
- (7) Include a recovery/post anesthesia care unit, if planned, in accordance with WAC 246-320-645;
- (8) Provide storage for supplies and equipment.

#### NEW SECTION

**WAC 246-320-665 Birthing/delivery rooms, labor, delivery, recovery (LDR) and labor, delivery, recovery, postpartum (LDRP).** Hospitals will:

- (1) Provide birthing/delivery rooms, labor, delivery, recovery (LDR) and labor, delivery, recovery, postpartum (LDRP) with:
  - (a) Support facilities located for convenient use by staff meeting the requirements in:
    - (i) WAC 246-320-535(1) staff facilities with dressing room;
    - (ii) WAC 246-320-535(2) clean storage room, or WAC 246-320-535(3) clean utility room;
    - (iii) WAC 246-320-535(4) housekeeping supply room;
    - (iv) WAC 246-320-535(5) medication distribution facility;
    - (v) WAC 246-320-535(6) nourishment facilities with provision for ice; and
    - (vi) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;
  - (b) Toilet and bathing facilities adjoining each patient room;
  - (c) Nursing support area or equivalent meeting requirements in WAC 246-320-685 (5)(b); and
  - (d) Storage for supplies and equipment;
- (2) Locate birthing rooms to prevent unnecessary traffic through the obstetrical service area; and
- (3) Provide single-bed birthing room with:
  - (a) Four feet at each side and six feet at foot of bed;
  - (b) Minimum room area of two hundred square feet;
  - (c) A handsfree handwash sink;
  - (d) Privacy curtains or equivalent;

- (e) One full-length wardrobe, closet, or locker for storage of personal effects; and
- (f) Uncarpeted floors.

#### NEW SECTION

**WAC 246-320-675 Interventional service facilities.** Hospitals will:

- (1) Provide interventional service facilities with convenient and easily accessible support facilities consistent with scope of service meeting requirements in:
  - (a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
  - (b) WAC 246-320-535(4) housekeeping supply room;
  - (c) WAC 246-320-535(5) medication distribution facility; and
  - (d) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;
- (2) Locate procedure rooms for easy access by patients, preventing through traffic, and convenient to waiting area or patient holding area;
- (3) Meet requirements in WAC 246-320-785 (3) and (5) when imaging procedures are done in procedure rooms which are not located in the radiology facilities;
- (4) Provide endoscopy room(s) for routine procedures, if planned, with:
  - (a) Minimum room dimension of fifteen feet;
  - (b) Minimum room area of two hundred fifty square feet;
  - (c) A handwash sink;
  - (d) Exam light or equivalent and adequate general room lighting;
  - (e) Clock with sweep second hand or equivalent;
  - (f) Supply and equipment storage; and
  - (g) The following consistent with scope of service:
    - (i) Film illuminators or equivalent;
    - (ii) Interval timer;
    - (iii) Adjoining patient toilet with handwash sink; and
    - (iv) Scope cleaning room with proper ventilation and facilities for cleaning and drying;
- (5) Provide procedure room for cystoscopic and other endo-urological procedures, if planned:
  - (a) Meeting the requirements in subsection (4) of this section, with the following exceptions:
    - (i) Minimum room dimension of eighteen feet;
    - (ii) Minimum room area of three hundred square feet;
    - (iii) Ceiling mounted surgery light in cystoscopy; and
    - (iv) Scrub sink;
  - (b) With adequate space for equipment transformer cabinet; and
  - (c) With waste evacuation drainage plumbing if required by table manufacturer;
  - (6) Provide cardiac, diagnostic, interventional procedure room, or other special procedure room, if planned, with:
    - (a) Minimum room dimension of twenty feet exclusive of control booth and fixed equipment;
    - (b) Minimum room area of four hundred eighty square feet;
    - (c) A scrub sink located immediately outside of procedure room;
    - (d) Work surface;
    - (e) Supply and equipment storage;

- (f) Exam light;
- (g) Clock with sweep second hand;
- (h) Interval timer consistent with scope of service;
- (i) Washable ceiling tile; and
- (j) Control room where required for equipment operation and safety;
- (7) Provide lithotripsy room, if planned, with:
  - (a) Minimum room dimension of fifteen feet;
  - (b) Minimum room area of two hundred fifty square feet;
  - (c) Handwash sink, unless lithotripsy device is in operating room;
  - (d) Work surface;
  - (e) Supply and equipment storage;
  - (f) Clock with sweep second hand; and
  - (g) Interval timer consistent with scope of service.

### NEW SECTION

**WAC 246-320-685 Nursing unit.** Hospitals will:

- (1) Provide each nursing unit with support facilities on or adjacent to each unit meeting requirements in:
  - (a) WAC 246-320-535(1) staff facilities;
  - (b) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
  - (c) WAC 246-320-535(4) housekeeping supply room;
  - (d) WAC 246-320-535(5) medication distribution;
  - (e) WAC 246-320-535(6) nourishment facilities; and
  - (f) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;
- (2) Locate each nursing unit to avoid through traffic to any service, diagnostic, treatment, or administrative area;
- (3) Provide each nursing unit with separate areas for each of the following clinical services:
  - (a) Beds for postpartum patients grouped together and located to avoid intermixing with beds for other types of patients;
  - (b) When a separate pediatric unit is planned or when rooms with pediatric beds are located together or in close proximity to each other, consistent with scope of service and WAC 246-320-695 (4)(a), (b), and (c);
  - (c) When a separate psychiatric unit is planned, or when ten or more psychiatric beds are planned, a psychiatric unit must be provided in accordance with WAC 246-320-745;
  - (d) Segregated critical care patient beds where five or more beds are planned in accordance with WAC 246-320-725; and
  - (e) A separate long-term care unit where ten or more beds are planned in accordance with WAC 246-320-765;
- (4) Provide the following on each unit:
  - (a) Patient rooms located:
    - (i) To prohibit traffic through rooms;
    - (ii) To minimize entrance of odors, noise, and other nuisances; and
    - (iii) With direct access from corridor of nursing unit;
  - (b) Patient rooms designed with:
    - (i) A maximum capacity of four beds per room;
    - (ii) At least eighty square feet usable floor space per bed in multibed rooms;
    - (iii) At least one hundred square feet usable floor space in single-bed rooms;

- (iv) Beds arranged in multibed rooms with at least:
  - (A) Two feet from wall, except at head;
  - (B) Three feet apart; and
  - (C) Three feet eight inches clearance at foot of bed;
- (v) Handwash sink in each room located as near to entry as practical, optional in psychiatric patient rooms;
- (vi) Cubicle curtains or equivalent to provide patient privacy in all multibed patient rooms arranged to provide patient access to toilet, handwash sink, wardrobe, and entry without interference to privacy of other patients; and
- (vii) One full-length wardrobe, closet, or locker per bed;
- (c) Patient bathing facilities including showers or tubs in the ratio of one bathing facility per eight beds or major fraction thereof. Beds having a bathing facility adjoining the patient room will be excluded from the ratio;
- (d) Patient toilets with bedpan flushing equipment adjoining each patient room; and
- (e) Toilet rooms serving patient beds in ratio of one per four beds or major fraction with one toilet room serving no more than two patient rooms;
- (5) Provide the following on or adjacent to each unit:
  - (a) Self-dispensing ice machine;
  - (b) Nursing support area with:
    - (i) A writing surface;
    - (ii) Storage for patient charts;
    - (iii) A telephone; and
    - (iv) A clock;
  - (c) A room for confidential communication;
  - (d) A waiting room or area, convenient to the unit; and
  - (e) Storage for supplies and equipment;
  - (6) Provide at least one airborne precaution room as appropriate for isolation of airborne communicable diseases in the hospital with:
    - (a) Adjoining toilet, bedpan flushing equipment, and bathing facility;
    - (b) Handwash sink with handsfree faucet controls and gooseneck spout without aerators located in room near entry;
    - (c) Air changes and air pressure gradients in accordance with WAC 246-320-525 (Table 525-3);
    - (d) Uncarpeted floors; and
    - (e) Anteroom or vestibule.

### NEW SECTION

**WAC 246-320-695 Pediatric nursing unit.** Hospitals will:

- (1) Provide each pediatric nursing unit with support facilities located for convenient use by staff and to prevent access by pediatric patients meeting requirements in:
  - (a) WAC 246-320-535(1) staff facilities;
  - (b) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
  - (c) WAC 246-320-535(4) housekeeping supply room;
  - (d) WAC 246-320-535(5) medication distribution facility;
  - (e) WAC 246-320-535(6) nourishment facilities; and
  - (f) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;

(2) Locate the pediatric unit to prevent unnecessary traffic through the service area and in accordance with WAC 246-320-405(2);

(3) Provide tamper resistant electrical outlets in all patient areas, including corridors;

(4) Meet the requirements in WAC 246-320-685(4) except as follows:

(a) Patient rooms designed with at least fifty square feet usable floor space per bassinets;

(b) Adjoining patient toilets may be omitted from bassinets rooms; and

(c) At least one airborne infection precaution room must be located in the pediatric area meeting requirements in WAC 246-320-685(6);

(5) Meet the requirements in WAC 246-320-685(5) with the waiting room for parents provided on or adjacent to the unit;

(6) Treatment and examination room with minimum dimension of eight feet and at least one hundred square feet, including:

(a) Handwash sink;

(b) Work surface; and

(c) Storage;

(7) Provide multipurpose room or area, commonly known as play room.

#### NEW SECTION

**WAC 246-320-705 Newborn nursery facilities.** Hospitals will:

(1) Provide newborn nursery facilities with support facilities convenient to nursery room meeting requirements in:

(a) WAC 246-320-535(1) staff facilities with dressing room;

(b) WAC 246-320-535(3) clean utility room with additional provision of refrigerator for infant feedings;

(c) WAC 246-320-535(4) housekeeping supply room;

(d) WAC 246-320-535(5) medication distribution facility; and(e) WAC 246-320-535(8) soiled utility room;

(2) Locate the nursery facilities to prevent unnecessary traffic through the service area;

(3) Provide nursery rooms with:

(a) Enough bassinets for newborn infants consistent with scope of service;

(b) An area of twenty-four square feet per bassinet, exclusive of aisle space;

(c) At least three feet between bassinets;

(d) Handsfree handwash sink(s) with:

(i) One located at every entrance to nursery;

(ii) Additional sinks located within the nursery area in a ratio of one handwash sink for every twelve bassinets or major fraction; and

(iii) A soap dispenser with foot control or equivalent at each sink;

(e) A clock with sweep second hand or equivalent visible from all nursery rooms;

(f) A writing surface; and

(g) A telephone;

(4) Provide storage area for linen, supplies, infant formula, and equipment; and

(5) Provide security for newborns consistent with scope of service.

#### NEW SECTION

**WAC 246-320-715 Intermediate care nursery and neonatal intensive care nursery.** Hospitals will:

(1) Provide each intermediate care nursery and neonatal intensive care nursery with support facilities convenient to nursery room meeting requirements in:

(a) WAC 246-320-535(1) staff facilities with dressing room;

(b) WAC 246-320-535(3) clean utility room with additional provision of refrigerator for infant feedings;

(c) WAC 246-320-535(4) housekeeping supply room;

(d) WAC 246-320-535(5) medication distribution facility; and(e) WAC 246-320-535(8) soiled utility room;

(2) Locate the nursery facilities to prevent unnecessary traffic through the service area;

(3) Provide nursery rooms with:

(a) Film illuminators or equivalent consistent with scope of service;

(b) A clock with sweep second hand or equivalent visible from all nursery rooms;

(c) A writing surface; and

(d) A telephone;

(4) Provide infant stations with:

(a) Usable floor area exclusive of aisles with:

(i) Fifty square feet in intermediate care nursery; and

(ii) Eighty square feet in neonatal intensive care nursery;

(b) Space to accommodate monitors and equipment;

(c) Work counter with provisions for a writing area; and

(d) Closed storage for supplies and equipment;

(5) Provide sinks as follows:

(a) At least one scrub sink at each entrance, including a clock with sweep second hand or equivalent within view from scrub sinks; and

(b) Handsfree handwash sinks for every eight infant stations or a major fraction thereof;

(6) Provide an airborne precaution room, if planned, meeting the requirements in subsection (4) of this section;

(7) Provide an area for breast pumping, with:

(a) Access to a:

(i) Handwash sink; and

(ii) Refrigerator;

(b) Provisions for privacy; and

(c) Storage for equipment and supplies consistent with scope of service;

(8) Provide:

(a) Conference or counseling room which allows for parent privacy convenient to intermediate care and neonatal intensive care nursery rooms;

(b) Nursing support area or equivalent meeting the requirements in WAC 246-320-685 (5)(b);

(c) Storage room for linens, supplies, infant formula, and equipment;

(d) Parent's waiting room; and

(e) Security consistent with scope of service.

**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 246-320-725 Critical care facilities.** Hospitals will:

(1) Provide critical care facilities with support facilities meeting requirements in:

- (a) WAC 246-320-535(1) staff facilities;
- (b) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
- (c) WAC 246-320-535(4) housekeeping supply room;
- (d) WAC 246-320-535(5) medication distribution facility;

(e) WAC 246-320-535(6) nourishment facilities with provision for bulk ice; and

(f) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;

(2) Provide a critical care facility with:

(a) Location to avoid through traffic and penetration of objectionable noise or odors from other areas of the hospital;

(b) Location of patient rooms and placement of beds in rooms to provide for direct visibility of patients from nursing support station unless there is provision for indirect viewing of patients by television;

(c) A water closet, clinical sink, or equivalent with bedpan flushing device for disposing of patient wastes, in a separate room directly accessible to each critical care patient room;

(d) Additional storage for equipment and supplies; and

(e) Airborne precaution room in accordance with WAC 246-320-685(6);

(3) Provide patient rooms with:

(a) Maximum capacity of two beds per room provided each bed has visual access to natural light;

(b) Usable floor space per bed of one hundred fifty square feet, exclusive of areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms;

(c) Spacing of at least:

(i) Four feet or more between side of bed and wall;

(ii) Six feet or more between foot of bed and wall; and

(iii) Eight feet or more between beds in multibed rooms;

(d) Equipment and furnishings as follows:

(i) Curtains or equivalent means of providing visual privacy;

(ii) Clocks with sweep second hands or equivalent;

(iii) One handwash sink;

(iv) A physiological monitor with an audio alarm system for each bed;

(v) Charting area; and

(vi) An interval timer consistent with scope of service;

(e) Uncarpeted floors;

(4) Provide nursing support area or equivalent with:

(a) Space for patient monitoring equipment including:

(i) Slave oscilloscope with audio alarm for continuous display of each patient's electrocardiogram;

(ii) Rate meter; and

(iii) Recorder;

(b) Wall-mounted clock with sweep second hand or equivalent; and

(c) A writing surface.

### NEW SECTION

**WAC 246-320-735 Alcoholism and chemical dependency nursing unit.** Hospitals will:

(1) Provide each alcoholism and chemical dependency nursing unit with support facilities equipped with door closers and locks on all housekeeping, medication, storage, and utility rooms, and meeting requirements in:

(a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;

(b) WAC 246-320-535(4) housekeeping supply room;

(c) WAC 246-320-535(5) medication distribution facility;

(d) WAC 246-320-535(6) nourishment facilities; and

(e) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;

(2) Locate each nursing unit to avoid through traffic to any service, diagnostic, treatment, or administrative area and to control access;

(3) Provide the unit with:

(a) Patient rooms, toilet rooms, bathing facilities, and nursing support station or equivalent, as required in WAC 246-320-685;

(b) Examination and treatment room available including:

(i) Minimum room area of one hundred square feet;

(ii) Minimum dimension of eight feet;

(iii) Handwash sink;

(iv) Work surface; and

(v) Storage cabinet;

(c) Social facilities with at least four hundred square feet for unit of ten beds or less. Add twenty square feet per bed for each additional bed;

(d) Offices for staff;

(e) Interview and counseling rooms for patient confidentiality and privacy;

(f) Facilities for patients to launder personal belongings;

(g) Detoxification area, if planned, with patient rooms equipped with oxygen and suction outlets at each bed; and

(h) A staff toilet with handwash sink available on the unit.

### NEW SECTION

**WAC 246-320-745 Psychiatric facilities.** Hospitals will design to prevent opportunity for suicide and:

(1) Provide psychiatric facilities with support facilities equipped with door closers and locks on all housekeeping, medications, storage, and utility rooms and meeting requirements in:

(a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;

(b) WAC 246-320-535(4) housekeeping supply room;

(c) WAC 246-320-535(5) medication distribution facility;

PROPOSED

(d) WAC 246-320-535(6) nourishment facilities with provision for self-dispensing ice; and

(e) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;

(2) Locate to avoid through traffic to any service, diagnostic, treatment and/or administrative area, and penetration of objectionable noise, or odors from other areas of the hospital;

(3) Provide psychiatric treatment facilities including:

(a) Treatment and examination room, unless available in an adjacent area or unit, with minimum dimension of eight feet and at least one hundred square feet, including:

- (i) A handwash sink;
- (ii) A clock with sweep second hand or equivalent;
- (iii) A writing surface; and
- (iv) A storage cabinet;

(b) Patient toilet rooms, adjoining each patient room, with water closets in ratio of at least one water closet and handwash sink to every four beds;

(c) A staff toilet with handwash sink available on the unit;

(d) Patient bathing facilities with showers or tubs in the ratio of at least one bathing facility per eight beds or major fraction thereof. Beds having a bathing facility adjoining the patient room will be excluded from the ratio;

(e) Administrative facilities with:

(i) Storage for personal effects of staff apart from storage for patient care supplies and equipment;

(ii) Office or private area for staff and supervisory activities; and

(iii) Lockable storage for patient personal belongings;

(f) Waiting area adjacent to the unit;

(g) A wheelchair-accessible:

- (i) Water fountain; and
  - (ii) Public telephone;
- (h) Facilities for patient laundry;

(4) Provide patient rooms:

(a) Meeting requirements in WAC 246-320-685 (4)(a) and (b) with exception of maximum capacity of two beds per patient room and optional privacy curtains; and

(b) With a wardrobe, closet, or locker per bed;

(5) Provide a nursing support station or equivalent with:

- (a) A writing surface;
- (b) Storage for patient charts and supplies;
- (c) A telephone; and
- (d) A clock;

(6) Provide a seclusion room with:

(a) Design to minimize potential for stimulation, escape, hiding, injury, or suicide;

(b) Maximum capacity of one patient;

(c) Doors to open outward into a vestibule or anteroom;

(d) At least space of eighty square feet;

(e) Minimum dimension of eight feet;

(f) Staff-controlled, lockable, adjoining toilet room; and

(g) A provision for staff to see the occupant at all times;

(7) Provide suitably equipped areas for:

- (a) Dining;
- (b) Occupational and recreational therapies with:
  - (i) Handwash sink;
  - (ii) Work counter; and

(iii) Storage and physical/occupational therapy displays or other training features consistent with scope of service;

(c) Day room;

(d) Physical activity and patient recreation on the unit or elsewhere on the hospital premises; and

(e) Group therapy;

(8) Provide space and privacy for interviewing, group, family, and individual counseling;

(9) Provide:

(a) All windows and relites:

(i) Meeting requirements in WAC 246-320-525 (2)(i); and

(ii) Installation of security or maximum security windows or equivalent;

(b) Tamper-resistant accessories and equipment in all rooms used by patients; and

(c) Tamper-resistant electrical receptacles;

(10) If electroconvulsive therapy (ECT) rooms are planned, meet the requirements for interventional services - cardiology/angiography in WAC 246-320-525 (Tables 1 through 5), and provide:

(a) At least an area of one hundred fifty square feet;

(b) Minimum dimension of twelve feet; and

(c) The following equipment:

- (i) Emergency call;
- (ii) Handwash sink;
- (iii) Storage for supplies and equipment;
- (iv) Space and electrical receptacles for ECT machine;
- (v) Oxygen and suction outlet;
- (vi) Stretcher or treatment table or equivalent;
- (vii) Space for emergency medical supplies and equipment;

(viii) Space for anesthesia machine or cart and equipment;

(ix) Space for electrocardiograph (EKG) monitor; and

(x) Clock with sweep second hand or equivalent;

(11) If ECT is performed, provide a recovery facility, which may be the patient room or PACU with:

(a) Location near ECT treatment room;

(b) Oxygen and suction for each bed, stretcher, or cart; and

(c) Easy access to a clean and soiled utility room.

#### NEW SECTION

**WAC 246-320-755 Rehabilitation facilities.** Hospitals will:

(1) Provide rehabilitation facilities with support facilities located for convenient use by staff meeting requirements in:

(a) WAC 246-320-535(1) staff facilities; and

(b) WAC 246-320-535(4) housekeeping supply room;

(2) Locate rehabilitation facilities for easy access by patients, avoiding outpatient traffic through inpatient areas and meeting accessibility requirements in WAC 51-40-1100;

(3) Meet the requirements in WAC 246-320-765 for an inpatient rehabilitation nursing unit;

(4) Provide outpatient rehabilitation facilities, if planned, with:

(a) Patient toilet;



- (b) Changing area with lockers or other suitable clothing storage;
- (c) Reception and waiting area in or convenient to the facility;
- (d) Office and work space with communication device for staff;
- (e) Public toilets for each sex convenient to the facility; and
- (f) Ready access to emergency medical equipment;
- (5) Provide physical therapy facilities, if planned, meeting requirements in subsection (4) of this section with:
  - (a) General treatment area including:
    - (i) Private areas large enough for therapist to access both sides of work station;
    - (ii) Arrangement to permit easy access for wheelchair or stretcher patients;
    - (iii) Therapy area of at least thirty-six square feet usable floor area per patient in therapy at any one time; and
    - (iv) Provision for patient privacy;
  - (b) Handwash sink in or convenient to treatment areas;
  - (c) Storage for hot packs and equipment;
  - (d) Refrigeration for cold packs;
  - (e) Area for physical activities and equipment; and
  - (f) Clean linen storage;
- (6) Provide occupational therapy facilities, if planned, meeting requirements in subsection (4)(a) and (c) through (f) of this section with:
  - (a) Therapy areas of at least thirty-six square feet useable floor area per patient in therapy at any one time, divided and equipped for diversified work;
  - (b) Handwash sink with plaster trap consistent with scope of service;
  - (c) Storage for supplies and equipment; and
  - (d) Provision for patient privacy;
- (7) Provide pools, spas, and tubs which remain filled between patients, if planned, meeting requirements in chapter 246-260 WAC Water recreation facilities.

#### NEW SECTION

#### **WAC 246-320-765 Long-term care and hospice unit.**

Hospitals will:

- (1) Provide each long-term care and hospice unit with support facilities:
  - (a) Meeting requirements in:
    - (i) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
    - (ii) WAC 246-320-535(4) housekeeping supply room;
    - (iii) WAC 246-320-535(5) medication distribution facility;
    - (iv) WAC 246-320-535(6) nourishment facilities;
    - (v) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room; and
  - (b) With locks and closers on all doors where housekeeping chemicals are stored;
  - (c) With additional general storage space for patient belongings in addition to closets and equipment storage provided in the long-term care service area; and
  - (d) With a self-dispensing ice machine;

- (2) Locate long-term care unit to minimize through traffic and penetration of objectionable noise, or odors from other areas of the hospital;
- (3) Patient personal laundry area with handwash sink;
- (4) Provide long-term care unit with:
  - (a) Wheelchair accessible patient toilets including:
    - (i) Water closets in a ratio of at least one per four beds;
    - (ii) Bedpan flushing equipment;
    - (iii) Accessibility from each patient room;
    - (iv) A handwash sink in each adjoining toilet room for each multibed room; and
    - (v) Grab bars properly located and securely mounted on both sides of the water closet;
  - (b) Handwash sink in each patient room located as near to entry as practical;
  - (c) Handrails along both sides of all patient use corridors;
  - (d) Patient bathing facilities including:
    - (i) Showers or tubs in a ratio of at least one per fifteen beds or major fraction thereof;
    - (ii) At least one bathing by immersion fixture or equivalent accessible for wheelchairs and stretchers;
    - (iii) One roll-in shower or equivalent designed for ease of shower chair entry; and
    - (iv) Grab bars at patient bathing facilities in accordance with WAC 51-40-1100 with addition of one vertical bar at the faucet end;
    - (e) Waiting room or area near public toilet rooms;
- (5) Provide patient rooms with:
  - (a) Maximum capacity of two beds per patient room;
  - (b) Meeting requirements in WAC 246-320-685 (4)(a) and (b);
  - (c) At least eighty-five square feet usable floor space per bed in multibed rooms;
  - (d) Space for wheelchair storage;
  - (e) The provision for patient privacy in all rooms;
  - (f) One wardrobe or closet for hanging of full-length garments; and
  - (g) A securable drawer for personal effects per patient;
- (6) Provide a nursing support area meeting requirements in WAC 246-320-685 (5)(b);
- (7) Provide office for confidential staff communications;
- (8) Provide suitably equipped patient areas in the long-term care facility with:
  - (a) Day/dining room, recreation, activity room or rooms with windows totaling at least four hundred square feet and twenty additional square feet for each additional bed over twenty;
  - (b) Space and privacy for group, family, and individual counseling; and
  - (c) At least one wheel chair accessible toilet opening directly from main corridor adjacent to (a) and (b) of this subsection;
- (9) Provide occupational therapy and physical therapy facilities as described in WAC 246-320-755 either in the long-term care unit or elsewhere in the hospital;
- (10) Include the following features if planning to provide a protective facility for cognitively impaired patients:
  - (a) Floors, walls, and ceiling surfaces displaying contrasting colors for identification;

(b) Instruction labels on door release devices requiring direction for use;

(c) Secured outdoor space and walkways, when outdoor space is provided, including:

(i) Walls or fences at least six feet high and designed to prevent climbing and penetration;

(ii) Ambulation area with:

(A) Walking surfaces firm, stable, and free from abrupt changes in elevation; and

(B) Slip-resistant walking surfaces on areas subject to wet conditions;

(iii) Exits from the secured outdoor spaces and walkways releasing automatically upon activation of fire alarm signal or upon loss of power; and

(iv) Nontoxic plants for landscaping;

(d) Plants used for interior decoration must be nontoxic;

(11) If a hospice unit is planned, meet subsections (1) through (7) of this section and include:

(a) Medication storage room meeting WAC 246-320-535 (5)(a);

(b) Children's play room or area with tamper resistant electrical receptacle, if provided;

(c) Kitchen located to prevent objectionable heat, noise, and odors to patient care areas with:

(i) Refrigerator;

(ii) Two-compartment sink;

(iii) Domestic dishwasher, if provided with 155°F water supply;

(iv) Range with exhaust hood;

(v) Work surfaces; and

(vi) Storage;

(d) Day/dining room consistent with scope of service; and

(e) Space and privacy for interviewing group, family, and individual counseling consistent with scope of service.

#### NEW SECTION

**WAC 246-320-775 Dialysis facilities.** Hospitals will:

(1) Provide dialysis facilities with support facilities meeting requirements in:

(a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;

(b) WAC 246-320-535(4) housekeeping supply room;

(c) WAC 246-320-535(5) medication distribution facility; and

(d) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;

(2) Locate dialysis facility to minimize outpatient traffic through inpatient areas and to facilitate transport of patients to and from other hospital services areas;

(3) Provide a dialysis facility with:

(a) Uncarpeted floors in patient care and wet areas;

(b) Coat hooks or equivalent for hanging full length garments;

(c) A patient waiting area;

(d) Patient preparation areas adjacent to dialysis stations with provisions for:

(i) A handwash sink; and

(ii) Storage;

(e) A work station for staff with writing surfaces and storage for supplies;

(f) Privacy areas for interviewing and consultation;

(g) A conveniently located toilet;

(h) Patient education room with a handwash sink if home training is planned;

(i) Chemical storage room; and

(j) Reuse room with:

(i) Capture hoods, exhausting directly to outdoors, capable of maintaining formaldehyde levels less than 0.5 parts per million in the rooms;

(ii) Eyewash; and

(iii) Handwash sink;

(4) Provide dialysis stations including:

(a) Minimum square feet per dialysis station of:

(i) Fifty square feet excluding aisles when the service uses recliner chairs; and

(ii) Eighty square feet excluding aisles when the service uses beds;

(b) A handwash sink convenient to each dialysis station;

(c) Medical emergency signal for station isolated from immediate staff assistance; and

(d) Plumbing for each dialysis station providing:

(i) A water supply system or mechanism capable of meeting the flow and pressure requirements of the manufacturer for each machine;

(ii) A waste line serving dialysis equipment with an unalterable air gap or equivalent to prevent backflow;

(iii) Connections to the dialysis equipment or equivalent to prevent backflow; and

(iv) Piping and fittings used for all dialysis functions conforming to current National Sanitation Foundation Standard No. 14 entitled "Plastics Piping Components."

#### NEW SECTION

**WAC 246-320-785 Imaging facilities.** Hospitals will:

(1) Provide imaging facilities with:

(a) Support facilities meeting requirements in:

(i) WAC 246-320-535(1) staff facilities, if planned;

(ii) WAC 246-320-535(2) clean storage room;

(iii) WAC 246-320-535(4) housekeeping supply room; and

(iv) WAC 246-320-535(8) soiled utility room;

(b) A processing or dark room if planned, including:

(i) A safe light;

(ii) Developing tank with a thermostatic mixing valve, or automatic film processor with appropriate backflow protection;

(iii) Film storage, shielded from stray radiation;

(iv) Work counter;

(v) Sink; and

(vi) Lighting for clean-up and maintenance purposes;

(c) A dressing area with rooms or booths for privacy including:

(i) Provision for clean and soiled linen storage in or near dressing rooms or booths;

(ii) At least one booth or room designed to accommodate a wheelchair in or adjacent to the dressing area;

- (iii) Provisions for hanging clothing and securing valuables; and
- (iv) Seat or bench in each room or booth;
- (d) An image viewing area with:
  - (i) Film illuminator or equivalent consistent with scope of service; and
  - (ii) Location to prevent public view of films;
- (e) A waiting area with space for wheelchair patients, stretcher patients, and ambulatory patients;
- (f) A toilet connected to or convenient to radiographic room or rooms;
- (g) Supply and equipment storage including protected storage for unexposed film; and
- (h) Administrative facilities with:
  - (i) Office area, with provision for consultation; and
  - (ii) An active film file area;
- (2) Locate imaging facilities to minimize outpatient traffic through inpatient areas and facilitate transport of patients to and from other hospital services areas;
- (3) Provide each radiographic room with:
  - (a) Access for wheeled stretcher or bed movement;
  - (b) Control area with view window to allow full view of patient at all times;
  - (c) Grounding of table, tube stand and controls, and any associated electrical apparatus in accordance with WAC 246-320-99902(3);
  - (d) Easily accessible handwash sink;
  - (e) Provision for patient privacy; and
  - (f) Proper shielding of room meeting requirements in chapter 246-221 WAC Radiation protection standards;
- (4) Magnetic resonance imaging (MRI) room, if planned, with:
  - (a) A minimum floor space consistent with scope of service and equipment plan; and
  - (b) Patient holding area consistent with scope of service to accommodate stretcher(s);
- (5) Provide additional radiographic rooms meeting the requirements in subsection (3) of this section, WAC 246-320-675 Interventional service facilities, and WAC 246-320-795 Nuclear medicine facilities, as appropriate.

#### NEW SECTION

**WAC 246-320-795 Nuclear medicine facilities.** Hospitals will:

- (1) Provide nuclear medicine facilities with:
  - (a) Housekeeping facilities meeting requirements in WAC 246-320-535(4);
  - (b) Impermeable, readily decontaminated work surfaces and floors subject to spills of radioactive solutions; and
  - (c) A private patient clothes changing room or area including a receptacle for potentially contaminated hospital clothing;
- (2) Locate the nuclear medicine facility to avoid outpatient traffic through inpatient areas with minimum exposure hazard to patients and personnel;
- (3) Provide radiochemistry lab with radiation shielding and other protective devices to facilitate safe storage and handling of nuclides and waste materials including:

- (a) Separate work surfaces for patient dose and clinical specimen preparation;
- (b) Fume hood, if appropriate, in accordance with WAC 246-320-525 (3)(k);
- (c) Lockable nuclide storage;
- (d) Equipment and supply storage;
- (e) Corrosion-resistant sink suitable for hand washing; and
- (f) Lockable storage for all radioactive materials, equipment, and waste;
- (4) Locate patient imaging room away from X-ray machines, and radioactive materials or shield the room and provide with:
  - (a) Administrative work surface at least ten feet away from imaging device;
  - (b) Space for examination bed, table, or equivalent;
  - (c) Work surface equipment; and
  - (d) Storage.

#### NEW SECTION

**WAC 246-320-805 Emergency facilities.** Hospitals will:

- (1) Provide emergency facilities with support facilities meeting requirements in:
  - (a) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
  - (b) WAC 246-320-535(4) housekeeping supply room;
  - (c) WAC 246-320-535(5) medication distribution facility; and
  - (d) WAC 246-320-535(8) soiled utility room;
- (2) Locate patient entrance to emergency facilities to provide:
  - (a) Ready access at grade level to pedestrian, ambulance, and other vehicular traffic;
  - (b) Protection of emergency patient and the interior of the emergency facility from weather when a patient is brought from an ambulance or other vehicle into the emergency facility with:
    - (i) Port-size to accommodate at least one vehicle twenty-two feet long, eleven feet high, and eight feet wide designed to:
      - (A) Permit attendants to stand on same level as entrance when removing a stretcher from vehicle; and
      - (B) Accommodate different levels of approach with curb cuts for pedestrian traffic;
    - (ii) Automatic doors;
- (3) Locate an emergency facility to:
  - (a) Avoid traffic through emergency treatment facilities to any other area of hospital; and
  - (b) Facilitate transfer of patients to other hospital service areas;
- (4) Provide emergency facilities with:
  - (a) Emergency receiving/triage area adjacent to emergency entrance, and convenient to treatment rooms;
  - (b) Decontamination area with shower and floor drain to sanitary sewage system adjacent to entrance;
  - (c) Registration area including:
    - (i) Office space or work space for registration, located to control access to emergency facility patient care areas; and

- (ii) A communication device;
- (d) Waiting area and public telephone located outside the main traffic flow;
- (e) Police, press, and ambulance attendant room, if planned, located outside the main traffic flow;
- (f) Work area for staff;
- (g) Privacy curtains or equivalent in examination, treatment, or observation rooms;
- (h) At least one patient toilet convenient to examination and treatment rooms and located so patients receiving treatment have access without entering a public corridor;
- (i) Sink with plaster trap;
- (j) At least one public toilet for each sex accessible to waiting area; and
- (k) Storage for:
  - (i) Stretcher(s) and wheelchair(s) adjacent to emergency facility entrance;
  - (ii) Mobile cart(s) with emergency medical supplies and equipment, in a clean area, readily accessible from all rooms used for patient care or treatment;
  - (iii) Portable X-ray equipment, if stored in emergency facility; and
  - (iv) Other major portable or mobile equipment;
- (5) Provide at least one major or minor treatment or exam room with negative air pressure for the management of airborne diseases. See WAC 246-320-525 (Table 525-3) for requirements for Airborne Precaution Room. This can be the same room required in subsection (7) or (8) of this section;
- (6) Provide at least one major treatment or trauma room with:
  - (a) Dimensions and arrangement to provide:
    - (i) Clear space at least four feet wide at both sides and both ends of each treatment table or stretcher; and
    - (ii) Clear eight feet wide space between treatment tables or stretchers;
  - (b) Storage for clean and sterile supplies and small equipment;
  - (c) Work surface in each patient treatment room;
  - (d) A scrub sink located separate from clean and sterile supply storage, equipment, drugs, and patient treatment area;
  - (e) Ceiling mounted treatment light for each treatment space;
  - (f) Film illuminator or equivalent;
  - (g) Outlet for mobile X-ray machine;
  - (h) Clock with sweep second hand or equivalent within view of each treatment space;
  - (i) Storage space for major medical equipment; and
  - (j) Space for linen hampers and waste containers;
- (7) Provide minor treatment and examination room, if planned, with:
  - (a) Dimensions and arrangement to provide:
    - (i) Clear space at least three feet at each side and end of each treatment table or stretcher; and
    - (ii) Clear six feet wide space between treatment tables or stretchers;
  - (b) Handwash sink separate from patient treatment area;
  - (c) Work surface separate from patient treatment area;
  - (d) Storage for supplies and equipment;
  - (e) Examination light;
  - (f) Readily accessible film illuminator or equivalent; and

- (g) Space for linen hampers and waste containers convenient to all treatment rooms;
- (8) Provide observation room, if planned, located convenient to staff work area with:
  - (a) At least one hundred square feet in one-bed rooms;
  - (b) Each multiple-bed room designed to provide:
    - (i) At least four feet wide space between side of each bed or stretcher and wall, other bed, or fixed equipment;
    - (ii) At least four feet wide space between foot end of any bed and any wall or fixed equipment; and
    - (iii) Six feet foot to foot;
  - (c) Handwash sink separate from patient treatment area; and
- (9) Provide room for severely disturbed patients, if planned, for patient safety meeting the requirements in WAC 246-320-745(6).

#### NEW SECTION

**WAC 246-320-815 Outpatient care facilities.** Hospitals will:

- (1) Design outpatient care facilities meeting the general design requirements in WAC 246-320-525(4) plumbing, WAC 246-320-525(6) interior finishes, and WAC 246-320-525(7) bathroom and toilet rooms;
- (2) Provide outpatient care facilities with a housekeeping supply room meeting the requirements in WAC 246-320-535(4);
- (3) Locate outpatient care facilities to minimize outpatient traffic through inpatient areas;
- (4) Provide for the following:
  - (a) Easy access for outpatients;
  - (b) Conveniently located waiting room;
  - (c) Patient toilet with handwash sink;
  - (d) Changing area with locker or other suitable clothing storage;
  - (e) Administrative facilities including:
    - (i) Registration area or room;
    - (ii) Work surface or desk;
    - (iii) Telephone;
    - (iv) Clock;
    - (v) Storage space; and
    - (vi) Room for confidential communication, convenient to the unit;
- (5) Provide outpatient exam or treatment facilities, if planned, with:
  - (a) Direct accessibility from the corridor;
  - (b) Support facilities meeting the requirements in:
    - (i) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
    - (ii) WAC 246-320-535(5) medication distribution facility; and
    - (iii) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room; and
  - (c) Single bed rooms of at least one hundred square feet or multibed rooms with at least eighty square feet per patient, including:
    - (i) Privacy curtains or equivalent for each patient in multibed rooms;
    - (ii) Closet, locker, or equivalent for each patient;

- (iii) Handwash sink in the ratio of one for every six patients or major fraction thereof in multibed rooms;
- (iv) Adjoining toilet with handwash sink; and
- (v) A clock;
- (d) Exam or treatment rooms including:
  - (i) Minimum eight feet dimension with eighty square feet of floor space;
  - (ii) Handwash sink;
  - (iii) Examination table or equivalent;
  - (iv) Examination light or equivalent;
  - (v) Storage for supplies and equipment;
  - (vi) Film illuminator or equivalent conveniently available; and
  - (vii) Coat hook or equivalent;
- (e) Nursing support area meeting the requirements in WAC 246-320-685 (5)(b);
- (6) Meet the general design requirements in WAC 246-320-525 for the following areas if planned:
  - (a) Surgical suites in accordance with WAC 246-320-635;
  - (b) Post anesthesia care unit (PACU) in accordance with WAC 246-320-645;
  - (c) Interventional services in accordance with WAC 246-320-675;
  - (d) Airborne precaution room in accordance with WAC 246-320-685(6);
  - (e) Central sterilizing in accordance with WAC 246-320-575; and
  - (f) Any area where patients are rendered nonambulatory;
  - (7) Provide a room or rooms for preoperative and pre-discharge functions, if planned, with:
    - (a) Access to support facilities meeting the requirements in:
      - (i) WAC 246-320-535(2) clean storage room or WAC 246-320-535(3) clean utility room;
      - (ii) WAC 246-320-535(5) medication distribution and storage; and
      - (iii) WAC 246-320-535(7) soiled storage room or WAC 246-320-535(8) soiled utility room;
    - (b) Convenient access to main hospital operating room or provide separate operating room meeting requirements in WAC 246-320-635; and
    - (c) Convenient access to main hospital interventional service facilities or provide separate interventional services facilities meeting the requirements in WAC 246-320-675.

#### NEW SECTION

**WAC 246-320-990 Fees.** Hospitals licensed under chapter 70.41 RCW shall:

- (1) Submit an annual license fee of sixty-one dollars and fifty cents for each bed space within the licensed bed capacity of the hospital to the department;
- (2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;
- (3) Include neonatal intensive care bassinet spaces;
- (4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

- (a) Physical plant requirements of this chapter are met without movable equipment; and
- (b) The hospital currently possesses the required movable equipment and certifies this fact to the department;
- (5) Exclude all normal infant bassinets;
- (6) Limit licensed bed spaces as required under chapter 70.38 RCW;
- (7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and
- (8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

#### NEW SECTION

**WAC 246-320-99902 Appendix B—Dates of documents adopted by reference in chapter 246-320 WAC.** (1) Accepted Procedure and Practice in Cross-contamination Control, Pacific Northwest Edition, 9th Edition, American Waterworks Association.

(2) Association for Advancement of Medical Instrumentation, (AAMI), 1997.

(3) National Fire Protection Association (NFPA) 70-1996. Required.

(4) National Fire Protection Association (NFPA) 82, Chapter 2, 1994. Required.

(5) National Fire Protection Association (NFPA) 90A and 90B, 1996. Required.

(6) National Fire Protection Association (NFPA) 99, Chapter 4, 1996. Required.

(7) National Fire Protection Association (NFPA) 99, Chapter 7, 1996. Required.

(8) National Fire Protection Association (NFPA) 101, 1997. Required.

(9) Uniform Building Code, 1997, hereafter amended by the state of Washington (chapter 51-40 WAC). Required.

(10) Uniform Fire Code, Article 74, 1997. Required.

(11) Uniform Fire Code, Article 79, 1997. Required.

(12) Uniform Fire Code, Article 80, 1997. Required.

(13) Uniform Mechanical Code, 1997, hereafter amended by the state of Washington (chapter 51-42 WAC). Required.

(14) Uniform Plumbing Code, 1997, hereafter amended by the state of Washington (chapter 51-46 WAC). Required.

#### **WSR 98-21-085**

#### **PROPOSED RULES**

#### **DEPARTMENT OF HEALTH**

[Filed October 21, 1998, 11:07 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-10-109.

Title of Rule: Temporary worker housing—Building code standards, chapter 246-359 WAC.

Purpose: Establishes building code requirements for structures to be used as temporary worker housing.

Statutory Authority for Adoption: RCW 70.114A.081.

Statute Being Implemented: RCW 70.114A.081.

Summary: This rule establishes building code requirements intended for temporary, or seasonal, worker housing. It allows for exemption to the state building code when meeting the requirements of this rule and licensure requirements of chapter 246-358 WAC.

Reasons Supporting Proposal: The 1998 legislature passed SB 6168, an act relating to developing and funding temporary worker housing. From this bill, RCW 70.114A.081 directs the department to adopt a temporary worker housing building code to meet the requirements established by statute.

Name of Agency Personnel Responsible for Drafting: Mari Eichner and Natalie Gonzalez, P.O. Box 47852, Olympia, 98504-7852, (360) 705-6787; Implementation: Natalie Gonzalez, P.O. Box 47852, Olympia, 98504-7852, (360) 705-6787; and Enforcement: Maria Gardipee, P.O. Box 47852, Olympia, 98504-7852, (360) 705-6625.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The intent of this chapter is to increase construction of housing used for temporary worker housing by developing standards which are less costly yet allow for structurally sound housing. The goal of the legislation and the legislature is to provide more housing for temporary workers which would reduce the numbers of migrant farmworkers residing on riverbanks or in sagebrush thereby protecting their and the public's health.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Background:** In 1998, the Washington state legislature adopted the Housing For Temporary Workers Act. The act requires the Washington State Department of Health (department) to promulgate regulations dealing with the provision of housing for temporary workers. The department is specifically directed to:

"... adopt by rule a temporary worker building code in conformance with the temporary worker housing standards developed under the Washington Industrial Safety and Health Act, chapter 49.17 RCW, the rules adopted by the state Board of Health under RCW 70.54.110, and the following guidelines:

(a) The temporary worker building code shall provide construction standards for shelter and associated facilities that are safe, secure, and capable of withstanding the stresses and loads associated with their designated use, and to which they are likely to be subjected by the elements;

(b) The temporary worker building code shall permit and facilitate designs and formats that allow for maximum affordability, consistent with the provision of decent, safe, and sanitary housing;" (RCW 70.114A.081).

The proposed regulations are the department's response to this mandate.

**Does the proposed rule affect both large and small businesses?** The Regulatory Fairness Act defines a business as any "... 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 ..." The act defines a small business as one that employs less than fifty individuals.

The proposed code clearly affects both large and small businesses. While specific figures are not available, present farmworker housing facilities provide a picture of the range of business size. In 1997, one hundred ninety-seven active housing facilities were present in Washington. Of these facilities, one hundred twelve had ten or fewer units. Assuming an average of five workers per unit, then slightly more than half of the affected facilities are small businesses with the rest being large.<sup>1</sup>

<sup>1</sup> It is important to keep in mind that only a small number of fruit farms provide housing units. As a result, small businesses may comprise a significantly higher or lower proportion of all businesses than the 56 % estimated here. This estimate is solely to demonstrate that the proposed rule affects both large and small businesses as defined by the Regulatory Fairness Act.

**Is an SBEIS necessary?** Under the Regulatory Fairness Act (chapter 19.85 RCW), a small business economic impact statement (SBEIS) is required whenever a regulation imposes "more than minor" costs on a regulated business. The "more than minor" threshold varies by industry. It is \$50 for the businesses falling under the "fruits and tree nuts" standard industrial code classification. The cost to construct housing for temporary workers is far in excess of \$50 and, therefore, an SBEIS is required.

**Does the proposed rule impose disproportionate cost on small businesses?** Prior to calculating with the proposed rule imposes disproportionate cost on small business, the department considered the mandate of the Regulatory Fairness Act. The act requires the following action when an agency finds that a regulation imposes a disproportionate cost burden on small businesses.

"Based upon the extent of the disproportionate impact on small business... the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

(b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

(c) Reducing the frequency of inspections;

(d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques" (RCW 19.85.030(3)).

This statutory language clearly states that any effort to reduce the regulatory cost must be legal. In the case of the Housing For Temporary Workers Act, the department is specifically required to adopt a temporary worker building code that is "... substantially equivalent with the temporary worker building code developed by the state Building Code Council as directed by section 8, chapter 220, Laws of 1995" (RCW

70.114A.081). The proposed code meets this requirement. The department believes that it cannot deviate from the current proposal to reduce small business costs and, at the same time, remain substantially equivalent to the temporary worker building code developed by the state Building Code Council. The department concludes that it could not legally provide relief for small businesses in this rule.

Based on this conclusion the department chose not to expend the time and effort to determine whether small businesses face disproportionate costs from the proposal. Nevertheless, the department does not believe that the proposed code will impose disproportionate costs on small farms. The department expects that the cost to construct a structure housing a given number of employees will be substantially similar for small and large farms. Therefore, the department expects no disproportionate costs on a "per employee" basis.

**The conclusion of the Department of Health on whether to reduce the cost to small businesses.** The department has determined that it cannot legally provide regulatory relief to small businesses and, therefore, is not proposing to reduce the regulatory requirements on small businesses.

A copy of the statement may be obtained by writing to Jennell Prentice, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 705-6661, fax (360) 705-6654.

RCW 34.05.328 does not apply to this rule adoption. RCW 70.114A.081 directs the department not only to adopt rules, but outlines the specific requirements for the rules. The statute states: "The initial temporary worker building code adopted by the department shall be substantially equivalent with the temporary worker building code developed by the state building code council as directed by section 8, chapter 220, Laws of 1995."

**Hearing Location:** Hearing will be a videoconference held simultaneously on December 1, 1998, at 1:30 p.m.; at the Washington Interactive Technologies, 8551 West Gage Boulevard, Suite H, Kennewick, WA 99336; at ESD 189, 205 Steward Road, Mt. Vernon, WA 98273; and at Wenatchee Valley Community College, Brown Library, Room 9103, 1300 Fifth Street, Wenatchee, WA 98801.

**Assistance for Persons with Disabilities:** Contact Theresa Phillips by November 20, 1998, TDD (360) 664-0064, or (800) 833-6388.

**Submit Written Comments to:** Jennell Prentice, Rules Coordinator, Facilities and Services Licensing, P.O. Box 47852, Olympia, WA 98504-7852, or Internet JZP0303@wa.doh.gov, fax (360) 705-6654, by November 30, 1998.

**Date of Intended Adoption:** December 1, 1998.

October 21, 1998  
Kris Van Gorkom  
Deputy Director

## Chapter 246-359 WAC

### TEMPORARY WORKER HOUSING CONSTRUCTION STANDARD

#### NEW SECTION

**WAC 246-359-001 Purpose and scope.** (1) **Purpose.** The purpose of this chapter is to provide minimum requirements to safeguard the health and general welfare of occupants of temporary worker housing by regulating and controlling the design, construction, materials, location and maintenance of all buildings and structures within the authority of chapter 246-358 WAC (the temporary worker housing rules) and this chapter.

(2) **Scope.** This chapter implements the requirements established by RCW 70.114A.081 and 43.70.337 to provide minimum construction requirements for new, relocated, existing or altered buildings and structures or portions thereof intended for use as temporary worker housing. Such buildings and structures must be licensed by the Washington state department of health under chapter 246-358 WAC and designated as "temporary worker housing occupancies." Buildings and structures which are not licensed, inspected and approved by the department must meet the provisions of the state building code under the local authority having jurisdiction and local ordinances.

#### NEW SECTION

**WAC 246-359-005 Applicability.** (1) This chapter applies only to temporary worker housing as:

- (a) Defined in chapter 70.114A RCW; and
- (b) Licensed under chapter 246-358 WAC (temporary worker housing rules) according to RCW 43.70.340 (Farmworker housing inspection fund—fee on labor camp operating license).

(2) An applicant choosing to use this chapter to construct dormitories, dwelling units and related structures as temporary worker housing must follow WAC 246-359-001 through 246-359-170 and:

- (a) WAC 246-359-200 through 246-359-580 for wood framed construction and concrete masonry units; or
- (b) WAC 246-359-600 for alternate construction methods.

(3) Existing structures built as nonresidential buildings, according to the state building code, can be licensed as temporary worker housing by complying with the specific requirements of WAC 246-359-600, alternate construction, and approved under the authority of this chapter.

(4) Alterations to residential housing constructed according to the state building code and approved by the authority having jurisdiction must apply to:

- (a) The authority having jurisdiction for issuing building permits; or
- (b) The department in compliance with this chapter.

(5) Temporary worker housing meeting the requirements of subsection (1) of this section must:

- (a) Be located on a rural worksite; and
- (b) Comply with:

PROPOSED

- (i) WISHA labor camp provisions;
  - (ii) Federal and state environmental laws;
  - (iii) The federal American Disabilities Act, public law 101.336, Title III; and
  - (iv) The electrical code, chapter 296-46 WAC.
- (6) Temporary worker housing built in compliance with this chapter is exempt from RCW 19.27.031(5), state building code accessibility laws.

(7) Temporary worker housing built in compliance with this chapter which is subsequently converted to another use becomes subject to all local requirements for such use as enforced by the authority having jurisdiction.

(8) This chapter does not apply to:

(a) Housing built for use by the general public meeting the definition of chapter 59.18 RCW (residential Landlord-Tenant Act) or chapter 59.20 RCW (Mobile Home Landlord-Tenant Act);

(b) Factory assembled structures as defined in this chapter, except for the requirements in subsection (9) of this section; and

(c) The construction of structures governed by the state building code and enforced by the authority having jurisdiction.

(9) This chapter is limited to issuing a construction permit for factory assembled structures to meet the following requirements:

(a) On-site installation; and

(b) Inspection of the site, foundation, and hook-ups, including, but not limited to: Potable water, sewage disposal systems, or gas connections.

#### NEW SECTION

**WAC 246-359-010 Definitions.** For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "Alter" or "alteration" means any change, major repair, addition or modification in construction.

(2) "Architect" means an individual licensed by chapter 18.08 RCW to practice in the state of Washington.

(3) "Construction permit" means a permit issued by the department which allows the applicant to construct structures according to this chapter.

(4) "Construction standard" means temporary worker housing construction code as defined in RCW 70.114A.081.

(5) "Department" means the Washington state department of health.

(6) "Dormitory" means a building or portion of a building, designed to provide group sleeping accommodations for temporary workers.

(7) "Dwelling unit" means a shelter, building, or portion of a building, for a family that may include cooking, eating, sleeping and sanitation facilities and that is physically separated from other nonsleeping and common-use areas.

(8) "Engineer" and "structural engineer" means an individual licensed by chapter 18.43 RCW to practice in the state of Washington.

(9) "Factory assembled structures" or "FAS" means those structures under the authority of chapter 43.22 RCW including:

(a) Mobile and manufactured homes;

(b) Commercial coaches;

(c) Recreational vehicles;

(d) Park trailers; and

(e) Factory-built housing which is any structure designed for human occupancy other than a mobile home, where the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site.

(10) "Family" means two or more persons related by blood or marriage or a group of persons living together in a dwelling unit.

(11) "Floor area" is the area included within the surrounding exterior walls of a building or portion thereof.

(12) "Habitable room" or "habitable space" is a room or space in a structure with a minimum seven foot ceiling used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

(13) "Jurisdiction having authority" means, for example:

(a) A local county or city building or health or zoning or public works department;

(b) State department of health or ecology or labor and industries, etc.

(14) "Labor camp" means the temporary labor camp requirements of WAC 296-307-160 of the Washington Industrial Safety and Health Act of 1993, chapter 49.17 RCW as amended September 10, 1994.

(15) "Occupant" means a temporary worker or a person who resides with a temporary worker at a housing site.

(16) "State building code" means the building code, plumbing code, mechanical code, and fire code as referenced under RCW 19.27.031.

(17) "Special inspector" means a person paid at the applicant's expense to conduct special inspections when the department determines the required inspections are not sufficient.

(18) "Temporary worker" means a person employed intermittently and not residing year-round at the same site.

(19) "Temporary worker housing" or "TWH" means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes "labor camps" under RCW 70.54.110.

(20) "Temporary worker housing (TWH) occupancies" means buildings, structures or portions thereof used for occupancy by temporary workers.

(21) "WISHA" means the Washington Industrial Safety and Health Act of 1993, chapter 49.17 RCW administered by the state of Washington department of labor and industries. Temporary labor camp requirements of WAC 296-307-160 are in force for temporary labor camps.



NEW SECTION

**WAC 246-359-020 Powers and duties of the department of health.** The department:

(1) Is authorized and directed to enforce all the provisions of this chapter, according to the laws as enacted by the 1998 Washington state legislature.

(2) Has the power to issue written interpretations of this chapter as long as the interpretations are in conformance with the intent and purpose of this chapter and the regulated community is informed of these interpretations.

(3) May adopt and enforce rules and supplemental regulations to clarify the application of the provisions of this chapter consistent with the intent and purpose of this chapter.

NEW SECTION

**WAC 246-359-030 Cooperation with the department of health—Right of entry.** (1) **Department authority.** The department has authority to enter any building or area used for temporary worker housing, at reasonable times to:

(a) Inspect the site for compliance with this chapter and related standards; and

(b) Determine, based on reasonable cause, if a building or condition on the premises is unsafe, dangerous or hazardous.

(2) **Refusal of entry.** When the owner or person having lawful control or supervision authority refuses entry or has required a warrant, the department will seek all remedies provided by law to secure entry to the temporary worker housing site.

(3) **Occupied temporary worker housing.** The department must present credentials to the occupant and request the right to enter a dormitory or dwelling unit when temporary workers are in residence.

(4) **Unoccupied temporary worker housing.** When a dormitory or dwelling unit does not have temporary workers in residence, the department must make a reasonable effort to locate the owner or person having lawful control or supervision of the temporary worker housing to request entry.

NEW SECTION

**WAC 246-359-040 Appeals.** (1) The department may deny, suspend, modify, or revoke a permit in any case in which it finds that there has been a failure or refusal to comply with the requirements of chapter 70.114A RCW or this chapter.

(2) The department's notice of a denial, suspension, modification, or revocation of a license will be consistent with RCW 43.70.115. An applicant or license holder has the right to an adjudicative proceeding to contest a decision.

(3) An applicant who contests a department permit decision must, within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Administrative Hearings Unit, Department of Health, PO Box 47872, Olympia, WA 98504-7872; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(4) The proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapters 246-08 and 246-10 WAC. If a provision in this chapter conflicts with chapter 246-08 or 246-10 WAC, the provision in this chapter governs.

NEW SECTION

**WAC 246-359-050 Variances to the temporary worker housing construction standard.** An applicant may apply for a variance from the requirements of this chapter by filing a written request with the department.

(1) **Responsibilities of applicant.** If requesting a variance, an applicant must:

(a) Submit the following information in writing:

(i) The specific requirement or requirements from which the variance is requested;

(ii) Adequate justification that the variance is needed to obtain a beneficial use of the housing or to prevent a practical difficulty; and

(iii) How the variance will achieve the same result as the requirement and any specific alternative measures to be taken to protect the health and safety of the occupants;

(b) Pay a fee set by the department according to WAC 246-359-990, Table I; and

(c) Follow the process stated in WAC 246-359-060, alternate construction, when applicable.

(2) **Department response.** The department will provide a written response to the applicant within forty-five days of receipt of the variance request. The written response will state the acceptance or denial of the variance, including the reasons for the department's decision. At a minimum the department will make its decision based on:

(a) The applicant's request as described in subsection (1) of this section;

(b) Research into the variance request; and

(c) Expert advice.

(3) **Applicant's response to denials.** According to chapter 34.05 RCW the applicant has twenty-one days after receiving the department's written denial, of the variance request, to contest the decision.

NEW SECTION

**WAC 246-359-060 Architect or engineer of record and plan submittal responsibilities.** (1) The department will require construction documents to be prepared by an architect or engineer under:

(a) WAC 246-359-600, alternate construction;

(b) WAC 246-359-710, installation requirements for factory assembled structures;

(c) WAC 246-359-720, installation requirements for manufactured homes.

(2) The applicant must provide the name of the architect or engineer of record on the construction permit application.

PROPOSED

(3) The applicant is responsible to notify the department, in writing, when the architect or engineer of record changes or is no longer able to review and coordinate all the necessary submittal documents for compatibility with the design of the building.

#### NEW SECTION

**WAC 246-359-070 Application and construction documents required for plan review.** (1) To have construction documents reviewed the applicant must submit to the department:

(a) A completed and signed application, on a form provided by the department, for each structure (individual building);

(b) The required plan review fee, according to WAC 246-359-990;

(c) Two sets of construction documents, on substantial paper, including:

(i) Plans and diagrams drawn to scale;

(ii) Specifications;

(iii) Computations; and

(iv) Other documents needed to determine if the provisions of this chapter and related state rules are being met, for example solid waste disposal management plan or soil testing;

(d) When applicable manufacturer's installation instructions as required for factory assembled structures, WAC 246-359-710, and manufactured homes, WAC 246-359-720;

(e) Proof of an adequate approved potable water supply to meet the intended use of the temporary worker housing and which meets the requirements of chapters 246-290 and 246-291 WAC (water rules) and WISHA;

(f) Copy of the on-site sewage system permit from the jurisdiction having authority;

(g) Proof of a water right permit from the department of ecology, when required;

(h) Proof of current approval from labor and industries, when required, for factory assembled structures; and

(i) Proof the project meets zoning requirements as established for height, setback and road access under the authority having jurisdiction.

(2) The plans and specifications must clearly identify in detail the location, nature and extent of the work proposed.

(3) The department will only begin plan review when:

(a) All the documents required in this section are submitted; and

(b) The plan review fee is received.

(4) The department can refund up to eighty percent of the plan review fee if the applicant submits a written request to stop the project before the plan review process is complete. Refunds are based on the plan review fee paid as required by Table I in WAC 246-359-990 and the amount of plan review completed as determined by the department.

(5) The department will charge an additional plan review fee according to Table I in WAC 246-359-990, when:

(a) Site inspections determine the project has not been built according to the approved construction documents and an additional plan review is required; or

(b) Revised construction documents are submitted after approval of the initial construction documents.

#### NEW SECTION

**WAC 246-359-080 Plan review approval and expiration of plan approval.** (1) The department will notify the applicant in writing:

(a) With a "plan review approval letter" when the construction documents meet the requirements of this chapter; or

(b) With a "not approved letter" when the construction documents do not meet the requirements of this chapter and a resubmission of plans or documents is required by the department for approval.

(2) The applicant has a period of one year from the date of the plan review approval letter to submit the construction permit fee or the plan review approval will expire.

(3) The department will destroy all construction documents related to the project when the plan review approval expires.

(4) To renew action on an expired plan review the applicant must resubmit the construction documents and pay a new plan review fee to the department as required in WAC 246-359-990.

(5) Construction documents modified after the department issues approval must be resubmitted for approval with an additional fee as specified in WAC 246-359-070.

#### NEW SECTION

**WAC 246-359-090 Issuing and maintaining a construction permit.** (1) The department will issue a construction permit when:

(a) Construction documents are approved according to WAC 246-359-080; and

(b) Permit and inspection fees are paid according to WAC 246-359-990.

(2) Construction can begin after the applicant is issued a construction permit by the department;

(3) The following conditions, at a minimum, must be met during construction:

(a) The "inspection record card" must be posted in a visible location at the worksite and be readily accessible to the inspector at the worksite; and

(b) The approved plans must be readily available to the inspector during all scheduled inspections.

(4) The department will void the permit and the applicant's right to continue construction when:

(a) The plans are changed, modified or altered without prior approval by the department as specified in WAC 246-359-080;

(b) Any deviation in construction or design is made from the approved plans; and

(c) The inspection record card and the approved plans are not readily and easily available to the inspector.

#### NEW SECTION

**WAC 246-359-100 Expiration and extension of construction permits.** (1) **Permit expiration.** The permit will

be considered null and void one year from the date the permit was issued if the applicant:

- (a) Has not initiated the work authorized by the permit;
- (b) Suspends or abandons the authorized work at any time after the work has begun by not calling for the next required inspection within one year after a required inspection;

(c) Has not applied for a time extension according to the requirements in subsection (2) of this section.

(2) **Permit extension.** The applicant can apply for a one time only extension when the request is made in writing to the department:

- (a) Before the permit expires;
  - (b) Stating reasons satisfactory to the department;
  - (c) The original plans and specifications will be used and no changes have been made or are planned to be made; and
  - (d) The applicable standards have not changed.
- (3) Any applicant who does not apply for an extension according to the requirements in this section cannot resume work unless the applicant:

- (a) Resubmits plans according to WAC 246-359-070; and
  - (b) Pays full plan review and permit fee according to WAC 246-359-990.
- (4) The department can refund up to eighty percent of the construction permit fee if the applicant submits a written request before construction starts. The refund will be determined by the department based on the permit fee paid as required by Table I in WAC 246-359-990.

#### NEW SECTION

##### **WAC 246-359-110 Construction without a permit.**

(1) Construction of temporary worker housing allowed by this chapter can only begin after a construction permit has been issued by the department as described in WAC 246-359-090.

(2) A person who begins any work without a construction permit will be subject to an investigation and an investigation fee as described in WAC 246-359-990 whether or not a permit is then or subsequently issued. An investigation and investigation fee will be in addition to any other "additional" inspections or fees described in WAC 246-359-990.

(3) The department will determine if the person initiating building or work without a required construction permit is:

- (a) Under the authority of this chapter and must follow the construction permit process defined in this chapter; or
- (b) Found to be outside the authority of this chapter and must be reported to the jurisdiction having authority and the prosecuting attorney.

#### NEW SECTION

**WAC 246-359-120 Required inspections.** The department or its designee, when notified by the applicant in writing has authority to conduct all of the inspections described in this section.

(1) **Site/foundation inspection.** To be made after excavations for footings are complete, and after any required

forms and reinforcing steel are in place, **but** before any concrete has been placed.

(2) **Concrete slab or under-floor inspection.** To be made after all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, **but** before any concrete is placed or floor sheathing installed, including the subfloor.

(3) **Framing/rough-in inspection.** To be made after the roof, all framing, wall, and roof members are in place including fire blocking and bracing, heating, and rough electrical and plumbing has been installed.

(4) **Final inspection.** To be made after finish grading and the building is completed and ready for occupancy.

(5) **Additional inspections.** To be made after the applicant has received notification that an additional inspection or inspections are necessary. The department will conduct the following additional inspections to:

(a) Assure the requirements of this chapter are being met, specifically to verify:

- (i) Stop work orders, WAC 246-359-130, are adhered to;
- (ii) Approved plans, according to WAC 246-359-080, have not been altered without prior department approval; and
- (iii) A construction permit has been issued according to WAC 246-359-090;

(b) Determine compliance with other required laws or ordinances necessary to enforce this chapter; and

(c) Determine if an approved variance is being followed, when verification cannot be determined through the inspections described in subsections (1) through (4) of this section.

(6) **Special inspections.** To be made by a special inspector when the applicant is building to the alternate construction standards and the inspections required in subsections (1) through (5) of this section are not sufficient to determine compliance with the alternate construction methods.

(7) **Reinspections.** Reinspections will be conducted and a reinspection fee charged for each reinspection conducted for the following reasons:

- (a) Work for which an inspection is requested and is not complete;
- (b) Required corrections called for have not been made;
- (c) The inspection record card is not posted or readily available at the worksite;
- (d) The approved plans are not readily available to the inspector; and
- (e) The inspector's request for equipment or information was not provided at the site preventing the inspector from conducting the scheduled inspection.

#### NEW SECTION

**WAC 246-359-130 Stop work orders.** (1) The department, upon notifying the applicant in writing, will order work to be stopped when the work being done is found to be contrary to:

- (a) The approved plans;
- (b) The requirements of this chapter; and
- (c) Other laws or ordinances required and necessary to enforce this chapter at a minimum as stated in WAC 246-359-005(4), applicability.

(2) If the department finds work being done contrary to subsection (1) of this section the department, in addition to notifying the applicant in writing, will post a "stop work order" on the construction site.

(3) The applicant is prohibited from continuing any work or causing any work to be performed until solutions to rectify the conditions causing the stop work order have been approved by the department.

(4) The department will document removal of the stop work order by:

(a) Providing the applicant written authorization to proceed with the work; and

(b) Removing or causing the "stop work order" to be removed.

#### NEW SECTION

**WAC 246-359-140 Certificate of completion.** (1) The department will issue a "certificate of completion" when:

(a) The inspector determines the project is completed in compliance with the approved construction documents;

(b) The department determines the project is in compliance with this chapter and related rules including:

(i) Proof the potable water supply is approved and adequate to meet the requirements of chapters 246-290 and 246-291 WAC (water rules) and WISHA;

(ii) Proof the sewage disposal system has been approved by the jurisdiction having authority, for example, city or county health or public works department, state department of health or state department of ecology; and

(iii) Proof the electrical system has been approved by the jurisdiction having authority, for example, Washington state department of labor and industries or the city building or planning departments.

(2) **Approved to apply for a license.** The applicant can apply for a temporary worker housing license according to chapter 246-358 WAC after receiving a certificate of completion from the department.

#### NEW SECTION

**WAC 246-359-150 Site requirements.** (1) The site used for temporary worker housing must be:

(a) Adequately drained and not subject to periodic flooding;

(b) Located a distance of at least two hundred feet from all surface water;

(c) Located so the drainage from and through the temporary worker housing will not endanger any domestic or public water supply;

(d) Graded, ditched, and made free from depressions which allow water to become a nuisance;

(e) Adequate in size to prevent overcrowding of necessary structures; and

(f) Located on a slope which is not more than one unit (inches, feet, etc.) vertical per twenty units horizontal.

(2) Any structure used for sleeping or preparing and serving food must be located at least five hundred feet from any area in which livestock is kept.

(3) All temporary worker housing structures must be located a minimum of ten feet from any other structure or building.

#### NEW SECTION

**WAC 246-359-160 Temporary worker housing minimum floor area and ceiling height.** (1) Rooms used for sleeping purposes only must have a minimum of fifty square feet of floor space for each occupant.

(2) Rooms used for cooking, living, and sleeping must have a minimum of seventy square feet for the first occupant and fifty-square feet for each additional occupant.

(3) All habitable rooms and spaces including halls, bathrooms and toilet compartments must have at least a seven foot clear height from the floor to the ceiling or exposed ceiling framing.

#### NEW SECTION

**WAC 246-359-170 Wood framed construction and concrete masonry unit (CMU) general limitations.** (1) When building with wood or CMU as required by WAC 246-359-200 through 246-359-580 the following requirements apply:

(a) Floor area is limited to three thousand six hundred square feet per building;

(b) Height is limited to one story; and

(c) All floor surfaces must be above grade, no basements.

(2) When building to WAC 246-359-600, alternate construction, the limitations in subsection (1) of this section do not apply.

#### NEW SECTION

**WAC 246-359-180 Concrete footings and foundations for wood framed construction.** (1) Concrete used for footings and foundations must have a minimum compressive strength of two thousand pounds per square inch (psi). Concrete must be mixed and delivered in accordance with the requirements of ASTM C94 (Ready-Mix Concrete), or may be field mixed. Field mixed concrete will be subject to independent compressive strength testing and special inspection.

(2) Concrete footings must be placed on firm, undisturbed soil.

(3) Concrete footings will be continuous, be a minimum of twelve inches wide by six inches thick, be reinforced with a minimum of two No. 4 continuous rebar, and be at least eighteen inches below finished grade measured from the bottom of the footing.

(4) Concrete foundations must be a minimum of six inches thick, be reinforced with a minimum of two continuous horizontal No. 4 at the top, be reinforced vertically with No. 4 at twenty-four inches on center, extend at least six inches above the finished grade, and have a total height of not greater than forty-eight inches.

(5) Concrete foundations that are formed by a thickened concrete slab edge as part of four inch nominal thick slab on grade floor must be reinforced with two pieces of No. 4 rebar

in the upper part and two pieces of No. 4 rebar in the lower part of the foundation. The thickened concrete slab edge must extend at least eighteen inches below finished grade, be at least twelve inches in width, and provide a slab height of at least six inches above finished grade.

(6) Where the walls are of wood construction, the treated foundation plates or sills must be bolted to the foundation or foundation wall with not less than one-half inch nominal diameter steel bolts embedded at least seven inches into the concrete and spaced not more than seventy-two inches apart. There must be a minimum of two bolts per piece with one bolt located within twelve inches of each end of each piece. A properly sized nut and washer must be tightened on each bolt to secure the place.

#### NEW SECTION

**WAC 246-359-200 Wood framed construction.** (1) Buildings constructed using wood materials must follow the requirements of WAC 246-359-001 through 246-359-340 to comply with this chapter.

(2) Wood structural members in contact with the ground, and/or concrete must be pressure treated and must bear the proper grade mark of an approved inspection/testing agency.

#### NEW SECTION

**WAC 246-359-210 Treated wood foundations for wood framed construction.** (1) All lumber and plywood used for wood foundation systems must be pressure treated and bear the grade mark FDN (foundation grade) or better.

(2) Where FDN lumber and plywood is cut or drilled after treatment, the cut surface must be field treated with a preservative that is designated for that purpose.

(3) Hot-dipped zinc-coated steel nails or stainless steel fasteners will be used as fasteners for treated wood foundation walls. Electrogalvanized nails or staples and hot-dipped zinc-coated staples cannot be used.

(4) Treated wood foundations must have composite footings consisting of a minimum two-by-eight lumber footing plate set eighteen inches below finished grade on top of a layer of gravel, coarse sand or crushed stone. The gravel, sand, or crushed stone footing will have a width of not less than sixteen inches and a depth of not less than six inches, and must be placed in firm, undisturbed soil.

(5) The gravel, sand, or crushed stone footing must consist of:

(a) Washed and graded gravel free from organic, clayey or silty soils with a maximum stone size not exceeding three-fourths inch;

(b) Coarse sand free from organic, clayey, or silty soils with a minimum grain size of one-sixteenth inch; or

(c) Crushed stone with a maximum size of one-half inch.

(6) Treated wood foundation walls must be constructed of two-by-six studs at a minimum of sixteen inches on center with a double two-by-six top plate. Cover the studs with a minimum one-half inch thick pressure treated exterior plywood sheathing placed on the exterior of the studs. Treated wood foundation walls will not be greater than forty-eight

inches measured from the bottom of the footing plate to the top of the double top plate.

(7) Joints in the footing plate and top plates must be staggered at least one stud space. Framing at locations where openings occur in the wall and floor systems above, and at other points of concentrated loads must have studs added at those points to support the concentrated loads.

(8) Before backfilling, cover the gravel, sand, or crushed stone appearing outside the treated wood foundation wall with strips of six-mil thick polyethylene sheeting, Type 30 felt, or equivalent material with adjacent strips lapped to provide for water seepage while preventing excessive infiltration of fine soils.

(9) Backfill on the outside to eight inches or more below the top of the treated wood foundation walls. Backfill on the inside of the treated wood foundation walls (crawl space) a minimum depth of six inches above the top of the footing plate.

#### NEW SECTION

**WAC 246-359-220 Floor framing for wood framed construction.** (1) **Girders.**

(a) Girders supporting floor joists must be a minimum four-by-six Hem-Fir #2, spaced not more than eight feet on center, and placed at least twelve inches above ground.

(b) Girders must be continuous, or must be spliced over supports. When a girder is spliced over a support, a positive tie to the support must be provided.

(c) Each end of each girder member must have a minimum three inch of bearing on treated wood plates or treated wood posts.

#### (2) **Floor joists.**

(a) Floor joists must be a minimum two-by-six spaced sixteen inches on center or two-by-eight spaced twenty-four inches on center, Hem-Fir #2 or better, spanning not more than eight feet between supports, and placed at least eighteen inches above ground.

(b) Floor joists must be continuous or spliced only over a support with a minimum three-inch lap.

(c) The end of each joist must have not less than three inch bearing on treated wood plate.

(d) Notches on the ends of joists cannot not exceed one fourth the joist depth. Holes bored in joists cannot be within two inches of the top or bottom of the joist, and the diameter of any such hole cannot exceed one-third the depth of the joist. Notches in the top or bottom of joists cannot exceed one-sixth the depth and not located in the middle third of the span.

(e) Floor joists must have solid blocking at the ends and at each support. Solid blocking cannot be less than two inches nominal in thickness and the full depth of the joist.

(3) **Interior bearing.** Interior bearing footings (pads) must be of plain concrete at least sixteen inches by sixteen inches by eight inches thick placed on firm undisturbed soil.

(4) **Ventilation.** Under floor areas (crawl spaces) must be ventilated by one-fourth inch screened openings of not less than one square foot of opening for each one hundred fifty square feet of under-floor area.

(5) **Supporting interior bearing partitions.** Interior bearing partitions perpendicular to floor joists must not be offset from support girders more than the joist depth. Interior bearing partitions parallel to the floor joists must be supported by a doubled floor joist located directly under the interior bearing partition.

(6) **Subflooring.** Subflooring must be structural wood panels (plywood or OSB), particleboard subfloor or combination subfloor-underlayment, or solid wood.

(a) Structural wood panels will be tongue-and-groove installed perpendicular to the floor joists with end joints occurring over floor joists. The minimum thickness must be five-eighths inches (eleven-sixteenths inches) over floor joists spaced sixteen inches on center and three-fourths inches (twenty-five thirty-seconds inches) over floor joists spaced twenty-four inches on center. Structural wood panels must be grade stamped for use and span. Secure structural wood panels to the floor joist system by use of either nails or glue and nails combination. In both systems, nails must be 8d common or deformed shank, spaced six inches on center at the edges and twelve inches on center at intermediate supports.

(b) Particleboard subfloor or combination subfloor-underlayment must be installed perpendicular to the floor joists. The minimum thickness must be five-eighths inches over floor joists spaced sixteen inches on center and three-fourths inches over floor joists spaced twenty-four inches on center. Particleboard must be grade stamped for use and span. Secure particleboard to the floor joist system by use of either nails or glue and nails combination. In both systems, nails must be 8d common or deformed shank, spaced six inches on center at the support edges and twelve inches on center at intermediate supports.

(c) Solid wood must be a minimum size of one-inch by six-inch nominal tongue-and-groove wood strip flooring applied perpendicular or diagonally to the floor joists. Secure solid wood flooring to the floor joist system by use of either nails or glue and nails combination as follows for:

- (i) Wood strip flooring six inches or less must be nailed to each floor joist by "two-eight d" common or box nails; or
- (ii) Wood strip flooring greater than six inches must be nailed to each floor joist by "three-eight d" common or box nails.

#### NEW SECTION

**WAC 246-359-230 Wall framing for wood framed construction.** (1) Exterior walls and interior partitions must be framed as follows:

(a) Studs must be minimum two-by-four wood, Hem-Fir stud grade or better, spaced not more than sixteen inches on center, support no more than one ceiling and one roof, nor exceed eight feet in height for exterior walls.

(b) Studs must be placed with their wide dimension perpendicular to the wall. Not less than three studs must be installed at each corner of an exterior wall.

(c) Studs must be capped with double top plates installed to provide overlapping at corners and at intersections with other partitions. End joints in double top plates must be offset at least forty-eight inches.

(d) Studs must have full bearing on a plate or sill not less than two inches nominal in thickness having a width not less than that of the wall studs.

(2) Headers. All openings four feet wide or less in bearing walls must be provided with headers consisting of either two pieces of two-by-eight Hem-Fir #2, or better, placed on edge and securely fastened together or one piece of four-by-eight Hem-Fir #2 or better. All openings over four feet and up to eight feet wide in bearing walls must be provided with headers consisting of two pieces of two-by-twelve Hem-Fir #2 or better, placed on edge and securely fastened together, or one piece of four-by-twelve Hem-Fir #2 or better.

(3) Wall bracing. Exterior walls must be braced with one of the following methods:

(a) Wood boards of five-eighths inch net minimum thickness applied diagonally to the studs and face nailed with two - 8d common nails per stud.

(b) Minimum forty-eight inch width of wood structural panel sheathing (plywood) with a minimum thickness of three-eighths inches applied vertically at each corner. Provide solid blocking at all edges not supported by studs and secure to studs with 6d common or deformed shank nails spaced at six inches on center at edges and twelve inches on center at intermediate supports. Sheathing must extend from treated plate through double top plate.

(4) Where plumbing, heating or other pipes are placed in studs, a metal tie not less than sixteen galvanized gauge and one and one-half inches wide must be fastened to each plate across and to each side of the opening.

#### NEW SECTION

**WAC 246-359-240 Exterior wall covering for wood framed construction.** (1) All weather-exposed surfaces must have a weather resistive barrier. Such barrier must be of waterproof building paper or asphalt saturated felt. Building paper, felt, or equivalent materials must be covered with siding as a protection against damage. Weatherproof sheathing may be used to meet this requirement.

(2) When weatherproof sheathing is used for the weather resistive barrier protection, it must be of the exterior type not less than three-eighth inch thick. Joints must occur over framing members and must be protected by built-in edge laps, a continuous wood batten, caulking, flashing, or by an equivalent material installed per the manufacturer's specifications.

(3) All wood siding and trim must be painted to protect from weather damage.

(4) Flashing. All exterior openings exposed to the weather must be flashed in such a manner as to make them weatherproof.

#### NEW SECTION

**WAC 246-359-250 Roof framing for wood framed construction and concrete masonry units (CMU).** (1) Roof framing must have a minimum slope of three units vertical to twelve units horizontal, and must be framed with one of the following methods:

(a) Factory built trusses. Installed per manufacturer's directions and spaced not more than twenty-four inches on center. Roof trusses must be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement;

(b) Rafter spans. Allowable rafter spans for Hem-Fir #2 or better must be in accordance with the spans and load conditions listed in Tables 250-A, 250-B or 250-C;

(c) Rafters. Rafters must be framed directly opposite each other at the ridge. There must be a ridge board at least one inch nominal thickness at all ridges and not less in depth than the cut end of the rafter;

(d) Notching at the ends of rafters cannot exceed one fourth the depth. Notches in the top or bottom must not exceed one sixth the depth and must not be located in the middle one third of the span;

(e) Holes bored in rafters must not be within two inches of the top or bottom and their diameter must not exceed one third the depth of the rafter; and

(f) Rafters must be supported laterally at points of bearing by solid blocking of the same mat to prevent rotation and lateral displacement.

2 x 8	24	10-10
2 x 10	12	18-9
2 x 10	16	16-3
2 x 10	24	13-3
2 x 12	12	21-9
2 x 12	16	18-10
2 x 12	24	15-5

Table 250-C Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 60# Snow Load and 10# Dead Load		
Ceiling Joist Size	Spacing—inches on center	Span—feet- inches
2 x 8	12	13-0
2 x 8	16	11-3
2 x 8	24	9-2
2 x 10	12	15-10
2 x 10	16	13-9
2 x 10	24	11-3
2 x 12	12	18-5
2 x 12	16	15-11
2 x 12	24	13-0
2 x 14	12	20-7
2 x 14	16	17-10
2 x 14	24	14-6

Table 250-A Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 30# Snow Load and 10# Dead Load		
Rafter Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	12-7
2 x 6	16	11-5
2 x 6	24	9-7
2 x 8	12	16-7
2 x 8	16	14-11
2 x 8	24	12-2
2 x 10	12	21-0
2 x 10	16	18-2
2 x 10	24	14-10
2 x 12	12	24-4
2 x 12	16	21-1
2 x 12	24	17-3

Table 250-B Western Wood Products Table for Hem-Fir #2 Rafter (L/240 Deflection Limit) 40# Snow Load and 10# Dead Load		
Rafter Size	Spacing—inches on center	Span—feet- inches
2 x 6	12	11-5
2 x 6	16	10-5
2 x 6	24	8-7
2 x 8	12	15-1
2 x 8	16	13-4

(2) The department will allow site built trusses accompanied by structural calculations prepared by a structural engineer.

(3) Trimmer and header rafters must be doubled when the span of the header exceeds four feet. The ends of the header rafters more than six feet long must be supported by framing anchors or rafter hangers unless bearing on a beam, partition, or wall.

(4) Rafters must be nailed to adjacent ceiling joists to form a continuous tie between exterior walls when such joists are parallel to the rafters. Where not parallel, rafters must be nailed to minimum one-by-four cross ties.

(5) Rafter cross ties must be spaced not more than four feet on center, located immediately above the ceiling joists.

(6) Rafter and truss ties must be installed per manufacturer's instructions.

(7) Roof assembly must have rafter and truss ties to the wall below and spaced not more than four inches on center.

**NEW SECTION**

**WAC 246-359-300 Ceiling framing for wood framed construction and concrete masonry units (CMU).** (1) Notching at the ends of ceiling joists cannot not exceed one fourth the depth. Notches in the top or bottom shall not exceed one sixth the depth and shall not be located in the middle one third of the span.

PROPOSED

(2) Holes bored in ceiling joists shall not be within two inches of the top or bottom and their diameter shall not exceed one third the depth of the rafter.

(3) Ceiling joists shall be supported laterally at points of bearing by solid blocking to prevent rotation and lateral displacement.

(4) Allowable ceiling joist spans for Hem-Fir #2 or better shall be in accordance with the spans and load conditions listed in Table 300-A.

(5) The department will allow spans using other wood species or grade or other load conditions when accompanied by structural calculations prepared by a structural engineer.

Ceiling Joist Size	Spacing—inches on center	Span—feet-inches
2 x 6	12	14-5
2 x 6	16	12-8
2 x 6	24	10-4
2 x 8	12	18-6
2 x 8	16	16-0
2 x 8	24	13-1
2 x 10	12	22-7
2 x 10	16	19-7
2 x 10	24	16-0
2 x 12	12	26-3
2 x 12	16	22-8
2 x 12	24	18-6

**NEW SECTION**

**WAC 246-359-310 Roof sheathing for wood framed construction and concrete masonry units.** Roof sheathing shall be structural wood panels (plywood, OSB) with a minimum five-eighths inch thickness, grade stamped for use and span. Secure roof sheathing panels to the roof framing with 8d common nails, spaced six inches on center at the edges and twelve inches on center at intermediate supports.

**NEW SECTION**

**WAC 246-359-320 Roof covering materials for wood framed construction and concrete masonry units (CMU).** Roof sheathing must be protected by installing a material that has been designed as a roofing covering product. Installation of the selected roof covering material must be according to manufacturer's instructions and industry standards.

**NEW SECTION**

**WAC 246-359-330 Roof framing ventilation for wood framed construction and concrete masonry units (CMU).** (1) Ventilation must be provided for enclosed roof

framing spaces by providing sixteen-mesh screened openings at the:

- (a) The eaves;
- (b) The gable ends;
- (c) The ridge; or
- (d) Any combination.

(2) The minimum amount of ventilation openings must be at the rate of one square foot of net free opening for every three-hundred square feet of attic area.

**NEW SECTION**

**WAC 246-359-340 Nailing Schedule wood framed construction and concrete masonry units.** All nailing must be completed according to Table 340.

CONNECTION	NAILING <sup>1</sup>
1. Joist to sill or girder, toenail	3-8d
2. Bridging to joist, toenail each end	2-8d
3. 1" x 6" subfloor or less to each joist, face nail	2-8d
4. Wider than 1" x 6" subfloor to each joist, face nail	3-8d
5. 2" subfloor to joist or girder, blind and face nail	2-16d
6. Sole plate to joist or blocking, typical face nail	16d at 16" o.c.
Sole plate to joist or blocking, at braced wall panels	3-16d per 16"
7. Top plate to stud, end nail	2-16d
8. Stud to sole plate	4-8d, toenail or 2-16d, end nail
9. Double studs, face nail	16d at 24" o.c.
10. Doubled top plates, typical face nail	16d at 16" o.c.
Doubled top plates, lap splice	8-16d
11. Blocking between joists or rafters to top plate, toenail	3-8d
12. Rim joist to top plate, toenail	8d at 6" o.c.
13. Top plates, laps, and intersections, face nail	2-16d
14. Continuous header, two pieces	16d at 16" o.c. along each edge
15. Ceiling joists to plate, toenail	3-8d
16. Continuous header to stud, toenail	4-8d
17. Ceiling joists, laps over partitions, face nail	3-16d
18. Ceiling joists to parallel rafters, face nail	3-16d
19. Rafter to plate, toenail	3-8d

PROPOSED



Table 340  
Nailing Schedule

CONNECTION	NAILING <sup>1</sup>
20. 1" brace to each stud and plate, face nail	2-8d
21. 1" x 8" sheathing or less to each bearing, face nail	2-8d
22. Wider than 1" x 8" sheathing to each bearing, face nail	3-8d
23. Built-up corner studs	16d at 24" o.c.
24. Built-up girder and beams	20d at 32" o.c. at top and bottom and staggered 2-20d at ends and at each splice
25. 2" planks	2-16d at each bearing

<sup>1</sup> Common or boxed nails must be used.

**NEW SECTION**

**WAC 246-359-350 Roof connections for concrete masonry units (CMU).** (1) Framing members must bear on a pressure treated plate anchored to the CMU wall with one-half inch diameter bolts. The anchor bolts must be spaced at maximum of six feet on center and a minimum of twelve inches from end of each plate member, and must be embedded into the top of the wall bond beam a minimum of four inches.

(2) Each roof framing member must be secured to the treated plate by installation of a metal tie as approved by the department.

**NEW SECTION**

**WAC 246-359-400 Concrete masonry unit (CMU).** Buildings constructed using CMU must follow the requirements of WAC 246-359-001 through 246-359-170 and WAC 246-359-400 through 246-359-580 to comply with this chapter.

**NEW SECTION**

**WAC 246-359-405 Concrete masonry units (CMU) materials.** (1) Solid masonry units cannot be used.

(2) **Water.** Water used in mortar or grout must be clean and free of deleterious amounts of acid, alkalis or organic material or other harmful substances.

(3) **Cement.** Cementitious materials for:

(a) Grout must be either lime or portland cement; and

(b) Mortar must be one or more of the following:

(i) Lime;

(ii) Masonry cement;

(iii) Portland cement; or

(iv) Mortar cement.

(4) **Mortar.** Mortar must consist of a mixture of cementitious materials and aggregate to which sufficient water has been added to achieve a workable, plastic consistency.

(5) **Grout.** Grout must consist of a mixture of cementitious materials and aggregate to which water has been added such that the mixture will flow without segregation of the materials.

(6) **Handling, storage and preparation of materials.** Handling, storage and preparation of materials at the site must conform to the following:

(a) Masonry materials must be stored so that at the time of use the materials are clean and structurally suitable for use.

(b) All metal reinforcement must be free from loose rust and other coatings that would inhibit reinforcing bond.

(c) Concrete masonry units must not be wetted.

(d) Mortar or grout mixed at the job site must be mixed for:

(i) A period of time not less than three minutes; or

(ii) More than ten minutes in a mechanical mixer with the amount of water required to provide the desired workability.

(e) Hand mixing of small amounts of mortar is permitted.

(f) Mortar may be retempered, except that mortar or grout which has hardened or stiffened due to hydration of the cement cannot be retempered or used again.

(g) When water has been added to the dry ingredients, at the job site the mixed:

(i) Mortar cannot be used after two and one-half hours has passed; and

(ii) Grout cannot be used after one and one-half hours has passed.

(h) Mortar and grout dry mixes, blended in the factory, and mixed at the job site must be mixed in mechanical mixers until workable. The on-site mixing time cannot exceed ten minutes if the mix is to be acceptable for use.

**NEW SECTION**

**WAC 246-359-410 Foundations and footings for concrete masonry units (CMU) walls.** (1) Footings for load bearing CMU walls must be continuous concrete having a minimum twelve width-by-ten inch thickness, placed a minimum eighteen inches below the finished grade, and reinforced with a minimum of two No. 4 continuous rebar.

(2) Foundations must be one of the following:

(a) Concrete reinforced vertically and horizontally with No. 4 rebar at twenty-four inches on center; or

(b) CMU reinforced vertically and horizontally with No. 4 rebar and having all cells below finished grade fully grouted.

(3) Vertical reinforcement must be spaced at four feet on center, within twelve inches of each corner, extend at least twenty inches up into the CMU wall, and extend at least six inches into the footing with an additional six inches bent at ninety degrees and tied to the horizontal footing rebar.

(4) Foundations must be six inches in width or the width of the CMU wall, whichever is greater.

PROPOSED

NEW SECTION

**WAC 246-359-420 Placing of concrete masonry units (CMU).** (1) CMU must be laid in a running bond pattern with the units in each successive course overlapping the joints in the course below. At corners the length of the corner unit must alternate direction on each successive course.

(2) The mortar must be sufficiently plastic and the units must be placed with sufficient pressure to extrude mortar from the joint and produce a tight joint. Joint furrowing must not exceed the thickness of the shell.

(3) Head joints of open-end CMU designed for use as bond beams that are to be fully grouted need not be mortared.

(4) Surfaces to be in contact with mortar or grout must be clean and free of deleterious materials.

NEW SECTION

**WAC 246-359-430 Floors for concrete masonry units (CMU).** (1) Floors must be concrete slab on grade and not less than three and one-half inches thick and be constructed with not less than four sacks of cement per cubic yard.

(2) When concrete is used as the finished floor it must be sealed or finished according to WAC 246-359-530, interior finishes.

NEW SECTION

**WAC 246-359-440 Walls of concrete masonry units (CMU).** (1) **Wall thickness.** CMU blocks used for bearing walls must have a minimum nominal thickness of six inches.

(2) **Rebar cover.** All rebar must be:

(a) Placed within the openings of the hollow masonry units;

(b) Completely embedded in mortar or grout; and

(c) Have a minimum cover of three-fourth inch including the masonry unit. Where masonry is exposed to weather, one and one-half inches of cover is required. Where masonry is exposed to soil, two inches of cover is required.

(3) **Reinforcement.**

(a) Masonry walls must have both vertical and horizontal reinforcement. Spliced rebar must overlap at least twenty inches. Reinforcement must be placed prior to grouting. Bolts must be accurately set and held in place to prevent dislocation during grouting.

(b) Vertical reinforcement must consist of No. 4 rebar placed four feet on center along the full length of walls, on each side of window and door openings, and at corners. Vertical rebar must extend from the top of the foundation to the top of the wall and be grouted in place.

(c) Horizontal reinforcement must consist of bond beams located at four feet above the foundation and repeated at four foot intervals, including one at the top of the wall. Bond beams must be constructed using bond beam masonry units with one continuous No. 4 rebar, grouted in place.

(d) Lintels over door and window openings must be provided and must be sixteen inches deep consisting of bond beam or lintel masonry units extending over the opening and at least twenty inches beyond each side, and with four pieces of No. 4 rebar running the full length of the lintel, grouted in

place. The span of lintels over openings must not exceed twelve feet.

(4) **Grouting.**

(a) The grout space must be clean so that all spaces to be filled with grout do not contain mortar projections greater than one-half inch, mortar droppings or other foreign material. Cleanouts must be provided where necessary to clean and clear the spaces prior to grouting. When cleanouts are needed, they must be sealed before grouting.

(b) Grout must be placed so that all spaces designated to be grouted must be filled with grout and the grout must be confined to those specific spaces.

(c) Where bond beams occur, the grout pour must be stopped a minimum of one-half inch below the top of the masonry.

NEW SECTION

**WAC 246-359-500 Window construction requirements.** (1) All habitable rooms and spaces must be provided with windows the total area of which must be not less than one-tenth of the floor area.

(2) At least one-half of each required window must be able to open for ventilation purposes.

(3) Every sleeping room must have at least one operable window or door for emergency escape or rescue directly opening to an outside area to provide a clear escape away from the building.

(4) Escape or rescue windows must have:

(a) A minimum net clear openable area of five point seven square feet; and

(b) A finished sill height not more than forty-four inches above the floor.

(c) The following minimum net clear openable dimensions:

(i) The height dimension of twenty-four inches; and

(ii) The width dimension of twenty inches.

(5) All operable window openings must be screened with sixteen-mesh material.

NEW SECTION

**WAC 246-359-510 Door requirements.** Temporary worker housing habitable structures:

(1) Must have a primary entrance, which is at a minimum, three foot-by-six foot eight-inch exit door made of solid core wood or other material designed for use as an exterior door.

(2) Must have at least two exit doors when accommodating ten or more occupants. When two exit doors are required, the doors must be placed a distance apart equal to at least one-half of the length of the maximum overall diagonal dimension of the building area used.

(3) Must have all exterior door openings screened with sixteen-mesh material self-closing screen doors.

(4) With a calculated occupant load of fifty occupants or more must have a screen door which swings in the direction of exiting.

(5) With latched screen doors must have a roller type latch.

NEW SECTION

**WAC 246-359-520 Door landings, stairways and guardrails.** (1) Door landings. Every door must have, at a minimum, a floor area or landing with:

(a) A width not less than the width of the door or the width of the stairway served, whichever is greater; and

(b) A length not less than thirty-six inches.

(2) **Stairways.** Every stairway having two or more risers must meet the following requirements:

(a) **Rise and Run.** The rise of steps and stairs must not be less than four inches nor more than eight inches. The greatest riser height within any flight of stairs must not exceed the smallest by more than three-eighths inch. The run must not be less than nine inches. Stair treads must be of uniform size and shape except the largest tread run within any flight of stairs must not exceed the smallest by more than three-eighths inch.

(b) **Headroom.** Every stairway must have a headroom clearance of not less than 6 feet eight inches.

(3) **Handrails.**

(a) At least one handrail is required when a stairway has three or more risers;

(b) The top of a handrail must be placed not less than thirty-four inches or more than thirty-eight inches above the nosing of the treads.

(c) Handrails must be continuous the full length of the stairs.

(d) The handgrip portion of a handrail must:

(i) Not be less than one and one-quarter inches nor more than two inches in cross-sectional dimension; and

(ii) Have a smooth surface with no sharp corners.

(e) Handrails projecting from a wall must have a space of not less than one and one-half inches between the wall and the handrail.

(4) **Guardrails.** Unenclosed porches, balconies, and landings, which are more than thirty inches above grade or floor below cannot be less than thirty-six inches in height and must have intermediate rails spaced such that a sphere four inches in diameter cannot pass through.

NEW SECTION

**WAC 246-359-530 Interior finishes.** (1) Floors must be finished to provide an easily cleanable surface. Acceptable finishes are paint, sheet vinyl, tile, or other materials designed for use as a finished floor surface. All materials must be installed per manufacturer's instructions.

(2) Walls and ceilings must be finished to prevent any injury to an occupant, for example, no protruding nails or other fasteners or hanging wires.

(3) In toileting and kitchen areas walls must be finished to provide an easily cleanable surface impervious to moisture.

(4) If material to provide a finished surface for the walls is to be installed, then material such as gypsum board (GB) with a one-half inch minimum thickness must be secured to the wall structural members by fasteners approved for such attachment such as glue, nails, or screws. If GB is installed,

then the joints must be fire taped and the wall surface sealed with paint or covered with another wall finish material.

(5) If materials are installed to provide a finished surface for the ceiling, then material such as GB with a five-eighths inch minimum thickness must be secured to the ceiling structural members by fasteners approved for such attachment such as nails or screws. If GB is installed, then the joints must be fire taped and the ceiling surface sealed with paint.

NEW SECTION

**WAC 246-359-540 Lighting and electrical.** (1) The installation of electrical systems and wiring must comply with the state electrical code, chapter 246-46 WAC, as administered by the department of labor and industries and according to the number of outlets or light fixtures required in subsection (2) of this section.

(2) Outlets and light fixtures provided in temporary worker housing must comply with the requirements of subsection (1) of this section and WISHA requirements, including:

(a) Each habitable room must have at least one ceiling light fixture and one separate floor or wall outlet; and

(b) Laundry, toilet rooms, and rooms where people congregate must have at least one ceiling or wall light fixture.

NEW SECTION

**WAC 246-359-550 Smoke detectors.** (1) Temporary worker housing must be provided with approved smoke detectors installed according to the manufacturer's instructions.

(2) Smoke detectors must:

(a) Be installed in each sleeping room;

(b) Be installed at a central point in a corridor or area which gives access to each separate sleeping room; and

(c) Emit a signal when the batteries are low.

(3) In new construction, required smoke detectors must:

(a) Receive their primary power from the building wiring, when the wiring is served from a commercial source; and

(b) Be equipped with a battery backup.

(4) Smoke detector wiring must be permanent and without a disconnecting switch except as required for overcurrent protection.

(5) Battery operated smoke detectors will be accepted:

(a) In existing buildings;

(b) In buildings without commercial power; or

(c) During when alteration, repairs or additions are being conducted to a building.

NEW SECTION

**WAC 246-359-560 Plumbing.** (1) The installation of plumbing systems, fixtures, and fittings must comply with the Uniform Plumbing Code and Uniform Plumbing Code Standards as adopted by the state building code council, chapters 51-46 and 51-47 WAC, except for the following parts of the plumbing code which do not apply:

(a) The provisions for "water conservation performance standards";

PROPOSED

(b) The minimum plumbing facilities and requirements for minimum numbers of fixtures, instead the following ratios will apply:

Minimum Number of Required Plumbing Fixtures					
	Water Closets		Lavatory Sinks		Bathubs or Showers
Dwelling Units	1		1		1
	Male	Female	Male	Female	
Shared Facilities, not in individual dwelling units.	1 per 15 or fraction thereof; with a minimum of 2. (See Note)	1 per 15 or fraction thereof; with a minimum of 2.	1 per 6 or fraction thereof.	1 per 6 or fraction thereof.	1 showerhead for every 10 persons or fraction thereof, for both male and female showers.

Note: Where urinals are provided in addition to water closets, the urinals must be provided in a 1:25 ratio.

(2) The applicant must comply with the following WISHA requirements:

(a) When a toilet is in a separate building from the sleeping room, the toilet room must be within one-hundred feet of the door of each dormitory unit;

(b) Laundry sinks must be provided on a ratio of one to thirty;

(c) When handwashing sinks and bathing facilities are not provided in individual dwelling units the following ratios apply:

(i) Handwashing sinks must be provided on a ratio of one to every six; and

(ii) Bathing facilities must be provided on a ratio of one to every ten.

(3) Water and septic systems must be approved by the jurisdiction having authority, including installation or modification.

**NEW SECTION**

**WAC 246-359-565 Cooking facilities.** (1) **Individual dwelling units.** Cooking facilities in individual dwelling units must be sufficient to meet the requirements of WAC 246-358-125, temporary worker housing cooking and foodhandling facilities;

(2) **Common use cooking facilities.** Cooking facilities separate from sleeping units and used by multiple individuals or families must:

(a) Meet the requirements of WAC 246-358-125, temporary worker housing cooking and foodhandling facilities;

(b) Comply with WAC 296-307-160, WISHA;

(c) Be located within one hundred feet of the dormitory structure; and

(d) Have mechanical ventilation installed with a one hundred cubic feet per minute (CFM) intermittent fan or a twenty-five CFM continual fan, vented to the outside for each cooking unit.

(3) **Dining halls with cooking facilities.** Cooking facilities which are to be provided by the licensed operator for temporary workers residing in the temporary worker housing must comply with:

(a) WAC 246-358-125(3), dining hall rules for temporary worker housing;

(b) WAC 296-307-160; and

(c) Chapter 246-215 WAC, food service sanitation rules.

**NEW SECTION**

**WAC 246-359-570 Mechanical installations.** The installation of heating, ventilating, cooling, refrigeration systems, and other miscellaneous heat producing equipment must meet the requirements of the uniform mechanical code as adopted by the state building code council, chapter 51-42 WAC, except as exempted in WAC 246-359-575.

**NEW SECTION**

**WAC 246-359-575 Energy and ventilation and indoor air quality requirement exemptions.** Temporary worker housing as defined in this chapter are exempt from all versions of the Washington state energy code and the ventilation and indoor air quality code.

**NEW SECTION**

**WAC 246-359-580 Heating and insulation.** (1) When the temporary worker housing is used during cold weather department approved heat producing equipment must:

(a) Be available or installed; and

(b) Comply with WISHA and chapter 246-358 WAC.

(2) A minimum of R-11 insulating material must be used to insulate ceilings and exterior walls of temporary worker housing occupancies when heating is required, according to subsection (1) of this section.

(3) When insulation is used it must be covered with material which is safe and sturdy and sufficient to protect the building occupants from the insulating material.

**NEW SECTION**

**WAC 246-359-590 Liquid petroleum gas (LP-gas) storage tanks.** Installed LP-gas, such as propane, propylene, butane, normal butane or isobutane, and butylenes, must comply with uniform fire code article 82 and uniform fire code standard 82-1.

PROPOSED

NEW SECTION

**WAC 246-359-600 Alternate construction.** (1) The department will allow alternate construction to the requirements stated in WAC 246-359-200 through 246-359-440 of this chapter when the plans are designed and stamped by an engineer or architect licensed to practice in the state of Washington.

(2) Any changes in the structural design must be stamped by a structural engineer including:

(a) Fixed construction, which cannot be dismantled and stored. Such fixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, snow load, live load, and dead load.

(b) Nonfixed construction which can be dismantled and stored for use when ice or snow exceed the snow loads stated in this chapter. Such nonfixed construction must comply with the structural requirements of the state building code, for example, wind forces, seismic forces, live load, and dead load with the exception of snow loads.

(3) To determine compliance with this section the department may require a special inspector to conduct special inspections.

NEW SECTION

**WAC 246-359-700 Approval of factory assembled structures (FAS).** No FAS will be approved unless the FAS has been approved by the Washington state department of labor and industries.

NEW SECTION

**WAC 246-359-710 Installation of factory assembled structures (FAS)—Except for manufactured homes.** The department will approve the installation of all FAS except for manufactured homes (see WAC 246-359-720) when the following requirements are met:

(1) New and relocated FAS must be installed according to the manufacturer's written instructions;

(2) If the manufacturer's written instructions are unavailable or insufficient to address safe installation the department will require installation instructions for FAS to be submitted by an engineer or architect;

(3) The department will inspect FAS installation to determine if the site is properly prepared and the FAS is anchored according to the:

(a) Manufacturer's installation instructions; or

(b) Design of an engineer or architect.

(4) The requirements stated in WAC 246-359-720 (6) through (9) apply to FAS installation.

NEW SECTION

**WAC 246-359-720 Installation requirements for manufactured homes.** The department will use the following criteria for approving the installation of manufactured homes:

(1) New and relocated manufactured homes must be installed according to the manufacturer's written installation instructions;

(2) If the manufacturer's installation instructions are unavailable for manufactured homes, the department will accept the following:

(a) American National Standards Institute (ANSI) A225.1, 1994 edition, section 3; or

(b) The installation instructions of an engineer or architect licensed in Washington.

(3) The department will inspect the installation to determine if the manufactured home is placed on a properly prepared site and anchored according to the:

(a) Manufacturer's installation instructions;

(b) ANSI A225.1, 1994 edition, section 3; or

(c) Design of an engineer or architect licensed in Washington.

(4) The department will require, at a minimum, specific instructions be obtained from a licensed engineer or architect when a manufactured home is to be installed on a site where the specific soil bearing capacity is not addressed in the manufacturer's instructions.

(5) The department may review, at a minimum, the following installation requirements:

(a) Heat duct crossovers, except that heat duct crossovers supported above the ground by strapping or blocking to avoid standing water and to prevent compression and sharp bends to minimize stress at the connections are also accepted;

(b) Dryer vents exhausted to the exterior side of the wall or skirting, when installed; and

(c) Hot water tank pressure relief lines. These lines must be exhausted to the exterior side of the exterior wall or skirting and downward.

(6) Water lines, waste lines, gas lines and electrical systems must be installed according to the requirements of this chapter.

(7) When skirting is used the skirting must:

(a) Be made of a material suitable for ground contact including all metal fasteners which must be made of galvanized, stainless steel or other corrosion resistant material;

(b) Be recessed behind the siding or trim and attached in such a manner to prevent water from being trapped between the skirting and siding or trim; and

(c) Have vent openings located close to corners which:

(i) Provide cross-ventilation on at least two opposite sides;

(ii) Are designed to prevent the entrance of rodents by covering the vent openings with corrosion-resistant wire mesh with mesh opening of one-fourth inch in dimension; and

(iii) Have a net area of not less than one square foot for each one hundred fifty square feet of under floor area.

(8) Provide access to the under floor area of the manufactured home so that all areas under the home are available for inspection. The opening must not be less than eighteen inches by twenty-four inches. The cover must be of metal, pressure treated wood or vinyl.

PROPOSED

NEW SECTION

**WAC 246-359-730 Manufactured home installers.** A manufactured home may be installed by:

- (1) The applicant;
- (2) A certified installer as required by WAC 296-150M-0630;
- (3) An individual supervised by an on-site certified installer; or
- (4) A specialty trades person, for certain aspects of installation.

NEW SECTION

**WAC 246-359-740 Drain connector to factory assembled structures (FAS).** (1) A FAS containing plumbing fixtures must be connected to the drain inlet by a drain connector:

- (a) Approved by the department;
  - (b) Consisting of pipe not less than Schedule 40 with appropriate fittings and connectors; and
  - (c) Not less in size than the FAS outlet.
- (2) The fitting connected to the drain inlet must be a directional fitting to discharge the flow into the drain inlet.
- (3) A drain connector must be:
- (a) Installed and maintained with a grade not less than one-fourth inch per foot;
  - (b) Gas-tight and no longer than necessary to make the direct connection between the mobile home outlet and drain inlet at the site.
  - (4) Each drain inlet must be maintained gas-tight when not in use.

NEW SECTION

**WAC 246-359-750 Water connector to factory assembled structures (FAS).** (1) A FAS with plumbing fixtures must be connected to the approved water service outlet by a flexible connector, such as copper tubing or other approved material, not less than one-half inch interior diameter.

- (2) A separate water service shutoff valve installed on the supply side at or near the water service outlet for each FAS.

NEW SECTION

**WAC 246-359-760 Gas connections to factory assembled structures (FAS).** (1) A FAS, when using gas for heating or cooking purposes, must be connected to the gas outlet by an approved mobile or manufactured home connector. Gas connectors must be of adequate size to supply the total demand of the connected FAS and have a maximum length of six feet.

- (2) A shutoff valve controlling the flow of gas to the entire gas piping system must be:
- (a) Installed for each FAS;
  - (b) Readily accessible;
  - (c) Identified as the "shutoff valve"; and

- (d) Installed near the point of connection to the service piping or supply connection of the liquified petroleum gas (LP-gas) tank.

- (3) The installation and size of each section of LP-gas piping may be determined by the uniform mechanical code.

NEW SECTION

**WAC 246-359-800 WISHA requirements affecting building temporary worker housing.** (1) A separate sleeping area must be provided for the husband and wife in all family units in which one or more children over six years of age are housed.

- (2) If a camp is used during cold weather, adequate heating equipment must be provided.

Note: All heating, cooking, and water heating equipment must be installed according to state and local ordinances and codes regulating installations.

NEW SECTION

**WAC 246-359-990 Fees.** (1) **General fee information.**

- (a) The plan review fee and permit or inspection fees for:
- (i) Wood framed construction and concrete masonry units will be charged based on square footage and the time required to complete the work, according to Table I, Parts A through C;
  - (ii) The installation of factory assembled structures will be based on Table I, Part D; and
  - (b) Each fee must be received before the department will:
    - (i) Conduct plan review of construction or installation documents;
    - (ii) Issue a construction permit; or
    - (iii) Conduct any on-site inspection.
- (2) **Plan review fee for construction and installation documents.** The plan review fee is:
- (a) A separate and additional fee from the construction permit fees or inspection fees;
  - (b) Based on the initial plan review and assumes all documents required by WAC 246-359-070, application process and WAC 246-359-080, required documents for plan review, have been submitted.
  - (c) An additional plan review fee will be charged as stated in Table I, Part E when:
    - (i) The documents submitted are incomplete;
    - (ii) Plans previously reviewed and approved have been changed;
    - (iii) The department has determined, by inspection, that the approved plans were not followed during construction.
  - (3) **Variance requests.** Written variance requests must be accompanied by a fee as stated in Table I, Part E.
  - (4) **Construction permit fee, includes required inspections.** The construction permit fee:
    - (a) Is a separate and additional fee from the plan review fee;
    - (b) Includes the required inspections as stated in WAC 246-359-120 (1) through (4);

(c) Is based on the time required to conduct an inspection and assumes all of the requirements for application and plan review as required by subsection (2) of this section have been met and the plans are approved.

(5) **Additional inspections.** When the department determines additional inspections are necessary to determine compliance with this chapter the additional inspection fee will be charged according to Table I, Part F.

(6) **Investigation inspections.** If the department finds a person has initiated building or work without a permit, a fee will be charged according to Table I, Part F for the time taken to investigate.

(7) **Special inspections.** When an applicant is building to alternate construction standards and the required inspections in this chapter are not deemed sufficient by the department to determine compliance with this chapter special inspections may be required. The applicant must pay the full cost of the special inspections. The department will fully discuss what is required and the reasons for requiring a special inspection with the applicant.

(8) The department will provide on-site technical assistance at the applicant's request. A fee will be charged according to Table I, Part F.

Table I, Fee Table

Square footage of project review		Construction plan review fee	Construction permit or inspection fee
Part A.	Up to 1000 square feet	\$330	\$550
Part B.	For each additional 100 square feet or fraction thereof	\$ 15	\$ 30
Part C.	Preapproved plans	\$ 66	\$550
	For each additional 100 square feet or fraction thereof	\$ 3	\$ 30
Part D.	Factory Assembled Structures, for example, manufactured homes, park trailers, modular buildings	\$ 66	\$550
		\$ 3	\$ 30
Part E.	Additional plan reviews, conducted after initial approval; and Variance requests	\$47 per hour (two hour minimum)	
Part F.	Additional and investigation inspections and on-site technical assistance visits	\$47 per hour (two hour minimum)	

**WSR 98-21-087**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed October 21, 1998, 11:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-088.

Title of Rule: Designate green crab and mitten crab as deleterious exotic wildlife, and allow volunteers to possess deleterious exotic wildlife by permit.

Purpose: Add green crab and mitten crab to the list of deleterious exotic wildlife, and allow volunteers to assist the agency in monitoring and control programs.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Reasons Supporting Proposal: The green crab and mitten crab have the potential to negatively impact aquatic ecosystems and the economy of Washington. Designating them as deleterious will increase our ability to protect the resource. The Washington Department of Fish and Wildlife does not have the financial resources to implement an effective monitoring and control program without volunteers and a permitting process is needed to allow trained volunteers to possess deleterious species under specific guidelines.

Name of Agency Personnel Responsible for Drafting: Scott Smith, 1111 Washington Street, Olympia, WA, (360) 902-2724; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, (360) 902-2325; and Enforcement:

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Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

Name of Proponent: Washington 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 amendment to WAC 232-12-017 Deleterious exotic wildlife, will allow the Washington Department of Fish and Wildlife to limit the possession of green crab and mitten crab to trained staff and volunteers, and thereby minimize the potential for spreading these species into new waters.

Proposal Changes the Following Existing Rules: This proposal makes amendments to WAC 232-12-017 Deleterious exotic wildlife, by adding green crab and mitten crab as deleterious exotic wildlife, and adds a new section that allows volunteers to possess deleterious exotic wildlife by permit.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment does not affect small business. The proposed changes make it illegal to possess green crab and mitten crab without a permit.

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

Hearing Location: DoubleTree Hotel, 18740 Pacific Highway South, Seattle, WA, on December 4-5, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 16, 1998, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA, fax (360) 902-2940, by December 3, 1998.

Date of Intended Adoption: December 5, 1998.

October 21, 1998

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 582, filed 1/27/93, effective 2/13/93)

**WAC 232-12-017 Deleterious exotic wildlife.** (1) The following animals are hereby designated as deleterious exotic wildlife:

(a) Fish and shellfish

(i) In the family Claridae, (walking catfish) all members of the family.

(ii) In the family Cyprinidae, (diploid grass carp,) *Ctenopharyngodon idella*

(iii) In the family Amiidae, (bowfin, mudfish or grinnel) *Amia calva*

(iv) In the family Characidae, the piranha (also pirameba, caribe, pira, piraya, chupita, rodoleira, palometa), all species of the genera *Serrasalmus*, *Rooseveltiella* and *Pygocentrus*

(v) In the family Cyprinidae, the rudd (*Scardinius erythrophthalmus*) and Ide (silver orfe or golden orfe (*Leuciscus idus*))

(vi) In the family Lepiosteidae, the gar-pikes

(vii) In the family Channidae, the snakeheads (China fish) and all forms of the genus *Channa* (*Ophicephalus*)

(viii) The European green crab (*carcinus maenas*)

(ix) Chinese mitten crab (all members of the genus *Eri-ocheir*)

(b) Amphibians

(i) In the family Pipidae, the African clawed frog (*Xenopus laevis*)

(c) Birds

(i) In the family Anatidae, the mute swan (*Cygnus olor*)

(d) Mammals

(i) In the family Viverridae, the mongoose (all members of the genus *Herpestes*)

(ii) In the family Suidae, the wild boar(~~(f)~~) (*Sus scrofa* and all wild hybrids)

(iii) In the family Tayassuidae, the collared peccary (javelina) (*Tayassu tajacu*)

(iv) In the family Bovidae, all members and hybrids of the following genera: *Rupicapra* (Chamois); *Hemitragus* (Tahr); *Capra* (goats, ibexes except domestic goat *Capra hircus*); *Ammotragus* (Barbary sheep or Aoudad); *Ovis* (sheep), except domestic sheep *Ovis aries*; *Damaliscus* (Sassabies); *Alcelaphus buselaphus* (Hartebeest); *Connochaetes* (Wildebeests).

(v) In the family Cervidae, the European red deer (*Cervus elaphus elaphus*), all nonnative subspecies of *Cervus elaphus*, and all hybrids with North American elk; Fallow deer (*Dama dama*), Axis deer (*Axis axis*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*), Sika deer (*Cervus Nippon*), Reindeer (all members of the Genus *Rangifer* except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*).

(2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under (3), (4), (5), (6), or (7) below.

(3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities with written director approval or as otherwise authorized in writing by the director,

(c) The specimens will be euthanized and all parts incinerated at the end of the project, except federally listed endangered or threatened species may be retained or transferred where in compliance with federal law,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with other requirements of this section.

(4) Retention or disposal of existing specimens lawfully in captivity:



(a) Specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity which were classified by the wildlife commission as deleterious exotic wildlife on or before January 18, 1991 may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to January 18, 1991 provided such person complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section:

(b) Specimens lawfully in captivity prior to June 20, 1992: A person holding the following deleterious exotic wildlife specimens in captivity which were classified by the wildlife commission as deleterious exotic wildlife by operation of emergency rule filed June 19, 1992 (in the family Bovidae, *Sassabies* (all member of the Genus *Damaliscus*), *Hartebeest* (*Alcelaphus buselaphus*), *Wildebeests* (all members of the Genus *Connochaetes*), *Markhor* (*Capra falconeri*), and *Marcopolo sheep* (*Ovis ammon*); in the family Cervidae, *Fallow deer* (*Dama dama*), *Axis deer* (*Axis axis*), *Sika deer* (*Cervus Nippon*), *Rusa deer* or *Sambar deer* (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to June 20, 1992, and the lawful progeny thereof provided such person complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section and except as provided under subsection (7).

(c) The person reported to the director in writing the species, number and location of the specimens as required.

(d) The specimens are confined to a secure facility at the location reported,

(e) Live specimens are not propagated, except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director,

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AAZPA accredited facilities with the written permission of the director,

(g) Live specimens are not released,

(h) Live specimens are not sold or transferred except:

(i) Live specimens in lawful possession may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements are satisfied and the total number of locations where animals are held is not increased.

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(5) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding exotic wildlife specimens in captivity which are newly classified by the Wildlife Commission as deleterious exotic wildlife by operation of this rule ((f))(Reindeer (all members of

the Genus *Rangifer*, except *Rangifer tarandus caribou*), and *Roedeer* (all members of the Genus *Capreolus*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The person complies with subsections (4)(d) through (4)(h) herein and the other requirements of this section.

(6) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(7) Notwithstanding the provisions of subsection (2), *Fallow deer* (*Dama dama*) and *reindeer* (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) may be imported into the state, held, possessed, propagated, offered for sale, sold, and/or transferred provided:

(a) The person complies with subsection (4)(c) through (4)(g) hereunder and the other requirements of this section, except for subsections (4)(e), (4)(f), and (4)(h), and

(b) The person complies with department of agriculture WAC 16-54-035 as now or hereafter amended except:

(i) Animals which have resided at any time east of a line drawn through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the 100th Meridian where it passes through Texas or have had contact with or shared common ground with animals which have resided at any time east of such line shall not be imported into the state of Washington, unless specifically authorized in writing by the directors of the department of agriculture and the department of wildlife.

(c) No specimens affected with any infectious or communicable disease shall be imported into the state unless in compliance with all applicable laws and regulations and unless written permission is obtained from the directors of the department of agriculture and the department of wildlife.

(d) The specimens are confined to a secure facility.

(e) Reindeer may not be imported into, held, or possessed in Ferry, Stevens, or Pend Oreille counties or that portion of Spokane County north of Spokane River.

(8) Escaped animals

(a) Escaped deleterious exotic wildlife, including *Fallow deer* (*Dama dama*), and *Reindeer* (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of deleterious exotic wildlife must be reported immediately to the department.

(c) The recapture or death of escaped deleterious exotic wildlife must be reported immediately to the department.

(9) Secure facility

(a) All deleterious exotic wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of deleterious exotic wildlife specimens or ingress of resident wildlife ungulates (hoofed animals). The adequacy of the facility shall be determined by the director or agents of the director.

(b) For deleterious exotic wildlife listed in subsections (1)(d)(iv) and (1)(d)(v), the "secure facility" must comply with the fencing requirements in subsection (10) unless otherwise authorized by the director in writing.

#### (10) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and deleterious exotic wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

(i) If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of deleterious exotic wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent deleterious exotic wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing deleterious exotic wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director,

such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

#### (11) Marking requirements

(a) All live specimens of deleterious exotic wildlife except those listed in subsections (1)(a) and (1)(b), shall be permanently and individually identified by methods approved by the director,

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) All specimens of deleterious exotic wildlife identified in subsections (1)(d)(iv) and (1)(d)(v) must be individually identified by the methods specified below.

(i) All live specimens of such deleterious exotic wildlife shall be marked with USDA Official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such deleterious exotic wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(d) All lawful progeny of deleterious exotic wildlife must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(e) Where allowed, if an animal is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(f) Where allowed, live specimens of deleterious exotic wildlife shall be marked prior to importation.

(g) No unmarked deleterious exotic wildlife may be sold or otherwise transferred from the holding facility.

#### (12) Testing of specimens

(a) Where allowed, prior to entry into the state of Washington, a person importing any member of the Genus Cervus which is identified in subsection (1)(v) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) The director may require a person currently possessing any member of the Genus Cervus which are identified in subsection (1)(v) herein to submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington), for each individual cervid to the department. Such testing shall be at the ((possessor's)) possessor's expense. The director may require that any animal identified a red deer or having non-indigenous genetic influence be destroyed, removed from the state, or neutered.

(c) The director may require that all specimens of deleterious exotic wildlife lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended and/or for other disease or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(13) Reporting

(a) A person holding deleterious exotic wildlife in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing deleterious exotic wildlife must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(14) Inspection

(a) All holding facilities for deleterious exotic wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

(15) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that deleterious exotic wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that deleterious exotic wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of animals, quarantine, or disinfection is required at any facility holding deleterious exotic wildlife pursuant to this rule. If the director determines that destruction, quarantine, or disinfection is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(16) Quarantine area

(a) Any facility holding deleterious exotic wildlife must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington State department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor must provide an on-site quarantine facility or make arrangements at such possessor's expense to trans-

port the animals to the approved quarantine facility named in the quarantine action plan.

(17) Seizure

(a) The department of wildlife may seize any unlawfully possessed deleterious exotic wildlife.

(b) The cost of any seizure and/or holding of deleterious exotic wildlife may be charged to the possessor of such animals.

(18) Monitoring and control programs

The director may authorize by permit volunteers working within the scope and supervision of a department sponsored monitoring and control program to capture, possess and destroy deleterious exotic wildlife, provided that:

(a) All volunteers have completed a mandatory training program and are certified by the department.

(b) All volunteers have a permit authorized by the director or designee in possession and are working within the scope of a monitoring and control effort supervised by the department.

(c) All species collected shall be disposed of in accordance with the prescribed control program.

(d) Volunteers are required to submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the permit.

**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 98-21-088**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH**

[Filed October 21, 1998, 11:48 a.m.]

Original Notice.

Supplemental Notice to WSR 97-20-161.

Preproposal statement of inquiry was filed as WSR 97-15-002.

Title of Rule: Sexual misconduct prohibited, WAC 246-840-740.

Purpose: This would create a new WAC to assist the nurses and the public in understanding the concept and actions which can be taken in disciplinary cases coming before the commission and to ensure that the commission's disciplinary actions are enforceable and therefore more fully protect the public.

Statutory Authority for Adoption: RCW 18.130.-180(24).

Statute Being Implemented: Chapter 18.79 RCW.

Summary: This rule would make it easier for nurses and the public to understand that there are professional boundaries and standards of practice which need to be adhered to.

Reasons Supporting Proposal: Protection of the public is the commission's primary goal when the profession of nursing is practiced. This WAC would allow the commission to successfully prosecute sexual misconduct cases reported to the commission. It would also educate the care givers and the

PROPOSED

public that sexual misconduct is not an acceptable standard of practice.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, 1300 S.E. Quince Street, Olympia, WA 98504, (360) 664-4207 or 236-4712 after October 19, 1998.

Name of Proponent: Washington State Department of Health, Nursing Care Quality Assurance Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Since 1993 the commission has had sexual misconduct guidelines in place. This served as a method of articulating the Nursing Commission's standards for the nursing profession when complaints involving sexual relations with patients and/or former patients were received. While the guidelines were helpful, moving them into rule would provide enforceability of commission actions. The rule would be available to all applicants, licensees, facilities and the public via the law book and would set the standard for nursing which would be beneficial to everyone.

Having this rule in place would protect the public because it provides notice to all. It will put facilities, nurses and schools on notice, it will make the patients aware of their rights. Commission action would be enforceable. The action could remove a licensee from the practice of nursing, order therapy, remedial education, or limit the setting a nurse could practice in, or other action deemed appropriate to provide protection to the public.

Proposal does not change existing rules.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement and Economic Impact Analysis

**Introduction:** RCW 18.79.110 Commission—Duties and powers—Rules—Successor to boards, this statute states in part ... "The commission shall adopt such rules under chapter 34.05 RCW as are necessary to fulfill the purposes of this chapter." In 1996 the Nursing Commission identified the need to convert the sexual misconduct guideline into a rule that is enforceable, is available to all applicants and licensees and is clear that it is the standard for all nursing professions.

The sexual misconduct guideline has been in place since 1994. This served as a method of articulating the Nursing Commission's standards for the nursing profession related to sexual relations with patients and former patients. While the guidelines were helpful, they were not enforceable should a practitioner choose to have sexual relations with a patient or former patient. The Nursing Commission decided that this guideline should be placed into a rule.

**Necessity of Sexual Misconduct Guideline Rule:** In 1997 there were 623 complaints received against nurses. (365 for registered nurses, 15 for advanced registered nurses and 243 for licensed practical nurses). Of those 623 complaints, approximately twenty complaints were received that were sexual in nature. With only guidelines in place, regardless of the evidence, the Nursing Care Quality Assurance

Commission was unable to take any action regarding these complaints because it is not possible to prosecute a violation of a guideline.

These twenty complaints were reviewed and/or investigated to determine if there were other violations that could or should be prosecuted. The majority of sexual complaints are not regarding sexual intercourse with a current patient which could be currently prosecuted under RCW 18.130.180. Most of those 20 complaints would need to be closed if no other violations were evident because they are mostly relating to boundary violations, sexual contact such as touching that does not involve a current patient. This creates a potential harm for the public, the facility and the licensee. The public is not served when a violation is known and the disciplinary authority can take no action. The facility is not served by having employees who are committing sexual misconduct or boundary violations against patients. The licensee is not served because the existing sexual misconduct guideline was distributed in 1994 but has not been redistributed since then. Many licensees and applicants are not aware that guidelines exist today.

If the sexual misconduct guidelines were placed in rule, all licensees would receive a copy of the rule via the law book. All students, future applicants, school administrators and facilities would be placed on notice regarding the rule via the law book which is distributed to all interested persons. The rule would be readily accessible to interested persons through the Code Reviser's Office and the World Wide Web.

**Magnitude of New Sexual Misconduct Guidelines Adopted by Rule:** If the sexual misconduct guideline were adopted into rule this would impact the licensee and the facility because it would become an enforceable violation. Should a licensee or applicant violate the sexual misconduct guideline after adoption, the licensee or applicant may be subject to the following sanctions:

- Additional course work
- Fines
- Suspension
- Revocation
- Monitoring

The impact to the Department of Health would result in the increased cost to prosecute sexual misconduct complaints. There would be no increased cost for review, analysis and investigation of these complaints as this is already occurring. There would however be an increase in the amount of staff attorney and assistant attorney general time spent to prosecute complaints. It is estimated that of the twenty complaints per year, at least one of those cases would involve prosecution. It is also estimated that this one case could be settled without the need for a formal hearing, but would require a little more investigation than the average case. Following is the estimated costs:

Staff Attorney	\$2,000
Investigator	\$2,000
Assistant Attorney General	\$4,000
Travel	\$500
Total	<u>\$8,500</u>

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**Impact to Licensees:** There would not be a fiscal impact to licensees through their renewal fees because this anticipated increase will be covered under the regular fees. However, there is a potential for impact to the licensee because of the perceived need for an attorney to represent the licensee or applicant should sexual misconduct charges be levied. This cannot be quantified because not all licensees or applicants choose to have an attorney represent them. The cost would further vary depending on whether other charges were present in addition to sexual misconduct. Another variance would be whether or not the settlement negotiations were short or protracted.

The licensee or applicant would be positively impacted by knowing up-front that sexual relations in any manner with a current or former patient would be a violation of law. The licensee or applicant could choose their behavior accordingly. The licensee or applicant who have no knowledge of how sexual relations with a patient or former patient may negatively impact them, could choose to seek knowledge in this area and avoid any legal repercussion.

**Summary:** Having sexual misconduct guidelines in place by rule would be of benefit to the public, licensees, applicants and facilities. This rule would be published and available to all interested persons. All applicable parties would be put on notice of the standards expected of nurses dealing with sexual issues related to current and former patients. Adoption of this rule will allow the Nursing Care Quality Assurance Commission to take necessary action should any licensee or applicant in the future violate these standards.

**Small Business Economic Impact Statement:** In preparing this small business economic impact statement (SBEIS), the department used SIC Code 809 Miscellaneous Health & Allied Services, Not Elsewhere Classified which has a minor impact threshold of \$53.00. The estimated cost to health care practitioners for implementing a sexual misconduct rule is zero.

Therefore, there is no disproportionate cost for small businesses.

A copy of the statement may be obtained by writing to Department of Health, Nursing Care Quality Assurance Commission, Attn: Terry J. West, 47864, Olympia, WA 98504-7867, phone (360) 664-4207 or (360) 236-4712 after October 19, 1998, fax (360) 586-2165 or (360) 236-4738 after October 19, 1998.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. These rules are significant under section 201, chapter 403, Laws of 1995, because they adopt substantive provisions which subject the violator to penalty or sanction and establish, alter or revoke qualification or standard for the issuance, suspension or revocation of a license or permit.

Hearing Location: Department of Health, 1101 Eastside Street, Olympia, WA 98504, on January 8, 1999, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Terry J. West by January 4, 1999, TDD (360) 664-0064, or fax (360) 586-2165 or 236-4738.

Submit Written Comments to: Terry J. West, Department of Health, P.O. Box 47864, Olympia, WA 98504-7864, fax (360) 586-2165 or 236-4738, by January 4, 1999.

Date of Intended Adoption: January 8, 1999.

September 15, 1998

Paula R. Meyer

Executive Director

#### NEW SECTION

#### **WAC 246-840-740 Sexual misconduct prohibited. (1) What is the nursing commission's intent in prohibiting this type of misconduct?**

Sexual or romantic conduct with a client or the client's family is serious misconduct because it harms the nurse/client relationship and interferes with the safe and effective delivery of nursing services. A nurse does not need to be "assigned" to the client in order for the nurse/client relationship to exist. The role of the nurse in the nurse/client relationship places the nurse in the more powerful position and the nurse must not abuse this power. Under certain circumstances, the nurse/client relationship continues beyond the termination of nursing services. Not only does sexual or romantic misconduct violate the trust and confidence held by health care clients towards nursing staff, but it also undermines public confidence in nursing. Nurses can take measures to avoid allegations of such misconduct by establishing and maintaining professional boundaries in dealing with their clients.

#### **(2) What conduct is prohibited?**

Nurses shall never engage, or attempt to engage, in sexual or romantic conduct with clients, or a client's immediate family members or significant others. Such conduct does not have to involve sexual contact. It includes behaviors or expressions of a sexual or intimately romantic nature. Sexual or romantic conduct is prohibited whether or not the client, family member or significant other initiates or consents to the conduct. Such conduct is also prohibited between a nursing educator and student.

Regardless of the existence of a nurse/client relationship, nurses shall never use patient information derived through their role as a health care provider to attempt to contact a patient in pursuit of a nurse's own sexual or romantic interests or for any other purpose other than legitimate health care.

#### **(3) What should a nurse do to avoid allegations of sexual or romantic misconduct?**

Establishing and maintaining professional boundaries is critical to avoiding even the appearance of sexual or romantic misconduct. Nurses can take certain preventative steps to make sure safeguards are in place at all times, such as:

(a) Setting appropriate boundaries with patients, physically and verbally, at the outset of professional relationships, and documenting such actions and the basis for such actions;

(b) Consulting with supervisors regarding difficulties in establishing and maintaining professional boundaries with a given client; and/or

(c) Seeking reassignment to avoid incurring a violation of these rules.

#### **(4) What about former clients?**

A nurse shall not engage or attempt to engage a former client, or former client's immediate family member or significant other, in sexual or romantic conduct if such conduct

would constitute abuse of the nurse/client relationship. The nurse/client relationship is abused when a nurse uses and/or benefits from the nurse's professional status and the vulnerability of the client due to the client's condition or status as a patient.

(a) Due to the unique vulnerability of mental health and chemical dependency clients, nurses are prohibited from engaging in or attempting to engage in sexual or romantic conduct with such former clients, or their immediate family or significant other, for a period of at least two years after termination of nursing services. After two years, sexual or romantic conduct may be permitted with a former mental health or chemical dependency client, but only if the conduct would not constitute abuse of the nurse/client relationship.

(b) Factors which the commission may consider in determining whether there was abuse of the nurse/client relationship include, but are not limited to:

(i) The amount of time that has passed since nursing services were terminated;

(ii) The nature and duration of the nurse/client relationship, the extent to which there exists an ongoing nurse/client relationship following the termination of services, and whether the client is reasonably anticipated to become a client of the nurse in the future;

(iii) The circumstances of the cessation or termination of the nurse/client relationship;

(iv) The former client's personal history;

(v) The former client's current or past mental status, and whether the client has been the recipient of mental health services;

(vi) The likelihood of an adverse impact on the former client and others;

(vii) Any statements or actions made by the nurse during the course of treatment suggesting or inviting the possibility of sexual or romantic conduct;

(viii) Where the conduct is with a client's immediate family member or significant other, whether such a person is vulnerable to being induced into such relationship due to the condition or treatment of the client or the overall circumstances.

**(5) Are there situations where these rules do not apply?**

These rules do not prohibit:

(a) The provision of nursing services on an urgent, unforeseen basis where circumstances will not allow a nurse to obtain reassignment or make an appropriate referral;

(b) The provision of nursing services to a spouse, or family member, or any other person who is in a preexisting, established relationship with the nurse where no evidence of abuse of the nurse/client relationship exists.

**WSR 98-21-089**

**PROPOSED RULES**

**DEPARTMENT OF**

**FISH AND WILDLIFE**

[Filed October 21, 1998, 11:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-08-058 [98-06-058].

Title of Rule: Personal use rules.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: WAC 220-16-225, modifies geographical definition of Columbia River.

WAC 220-55-160, designates first full weekend in June as free fishing weekend.

WAC 220-56-100, modifies definition of "Buoy 10 Line."

WAC 220-56-103, removes Merwin Lake from the list of landlocked lakes.

WAC 220-56-145, modifies rules for filleting food fish while in the field.

WAC 220-56-185, updates the name of the buoy used to mark the line between Marine Areas 6 and 7.

WAC 220-56-250, closes fishing for lingcod in Marine Areas 1-4 because of declines in stock size.

WAC 220-56-255, modifies season for halibut fishery.

WAC 220-56-267, closes herring fishery in parts of Marine Areas 6 and 7.

WAC 220-56-270, closes smelt fishery in the Columbia River and its tributaries because of declines in stock size.

WAC 220-56-310, details the carapace measurement requirement for spot shrimp.

WAC 220-56-320, modifies rules for buoys on shellfish pots.

WAC 220-56-330, makes it illegal to tend crab pot gear from a boat at night.

WAC 220-56-350, adjusts beach seasons for clams to conserve resource.

WAC 220-56-380, adjusts beach seasons for oysters to conserve resource.

WAC 232-12-001, defines "hatchery fish."

WAC 232-12-018, removes Merwin Lake from the list of landlocked lakes.

WAC 232-12-619, removes requirement for a hunting license to harvest bullfrogs. Modifies rules for filleting food fish while in the field. Designates first full weekend in June as free fishing weekend.

WAC 232-28-619, adjusts game fish seasons and gear requirements for sea-run cutthroat protection, bull trout protection, and additional fishing opportunity.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, 902-2932.

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.

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

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

Hearing Location: DoubleTree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA, on December 4, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 20, 1998, TDD (360) 902-2295, or (360) 902-2293.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, fax (360) 902-2942, by December 4, 1998.

Date of Intended Adoption: December 5, 1998.

October 21, 1998

Evan Jacoby  
Rules Coordinator

**AMENDATORY SECTION** (Amending Order 817, filed 5/29/69)

**WAC 220-16-225 Geographical definitions—Columbia River.** The term "Columbia River" shall be construed to include all the waters of the Columbia River, including sloughs tributary thereto, upstream and easterly of a line projected (~~((from the inshore end of the north jetty to the knuckle of the south jetty at the entrance to the river))~~) true north-south through Buoy 10 located between the north and south jetties at the mouth of the Columbia River.

**NEW SECTION**

**WAC 220-55-160 Free fishing weekend.** The first full weekend in June is declared to be free fishing weekend in Washington. On this weekend a fishing license and catch record card are not required for any person, regardless of age or residency, to fish for or possess fish and shellfish. During free fishing weekend only the license and catch record card requirement is affected, and all other rules remain in effect.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-100 Definitions—Personal use.** (1) "Daily limit" means the maximum number or pounds of food fish, shellfish or seaweed of the required size of a given species or aggregate of species which a person may legally retain in a single day.

(2) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

"In the field or in transit" means any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(3) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double

hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(4) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which does not use scent and/or flavoring to attract fish.

"Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

"Bait" means any substance which attracts fish by scent and/or flavors. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber, or plastic which uses scent and/or flavoring to attract fish.

(5) The term "processed" as it applies in this chapter is defined as food fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled or canned.

(6) The term "fresh" is defined as food fish or shellfish that are refrigerated, iced, salted or surface glazed.

(7) The term "frozen" is defined as fish or shellfish that are hard frozen throughout.

(8) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks in the act of fishing for personal use and not for sale or barter, to be attached to a pole held in hand while landing fish, or the use of a hand-operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottomfish, "angling" and "jigging" shall be identical in meaning.

(9) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

"Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

"Spearing" or "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(10) The term "bow and arrow fishing" is defined as any method of taking, or attempting to take, food fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(11) The term "freshwater area" means, for purposes of this chapter:

(a) Within any freshwater river, lake, stream, or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream, or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream, or pond.

(12) The term "Bonilla-Tatoosh Line" is defined as a line projected from the most westerly point on Cape Flattery to the lighthouse on Tatoosh Island to the buoy adjacent Duntz Rock then to Bonilla Point on Vancouver Island.

(13) The term "Buoy 10 Line" is defined as a true north-south line projected through Buoy 10 (~~((near))~~) at the mouth of the Columbia River.

PROPOSED



(14) The term "Buoy 10 Fishery" is defined as a fishery between the down stream side of the Megler-Astoria Bridge and the Buoy 10 Line.

(15) The term "Channel Marker 13 Line" is defined as a true north-south line through Grays Harbor Channel Marker 13.

(16) The term "selective gear rules" means terminal gear is limited to artificial flies with a barbless single hook or lures with a barbless single hook, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. In waters under selective gear rules, fish may be released until the daily limit is retained.

**AMENDATORY SECTION** (Amending Order 97-53, filed 3/19/97, effective 5/1/97)

**WAC 220-56-103 Definitions—Landlocked chinook and coho.** Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as trout rules (except Lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

- (1) Big Lake (Skagit County).
- (2) Clear Lake (Pierce County).
- (3) Cushman Reservoir (Mason County).
- (4) Mayfield Lake (reservoir) (Lewis County).
- (5) McMurray Lake (Skagit County).
- (6) ~~((Merwin (lake) Reservoir (Clark/Cowlitz County))~~
- ~~((7))~~ Riffe (lake) Reservoir (Lewis County).
- ~~((8))~~ (7) Scanewa Lake (Cowlitz Falls Reservoir) (Lewis County).
- ~~((9))~~ (8) Wilderness Lake (King County).
- ~~((10))~~ (9) Wynoochee Reservoir (Grays Harbor County).
- ~~((11))~~ (10) Chelan, Lake (Chelan County).
- ~~((12))~~ (11) Roosevelt, Lake (Columbia River) (Stevens County).
- ~~((13))~~ (12) Spokane River (Spokane County).
- ~~((14))~~ (13) Tarboo Lake (Jefferson County).

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-145 Possession of food fish or shellfish in unlawful condition.** (1) ~~((It is unlawful to possess in the field for any purpose any salmon in such a condition:~~

- ~~((a) That its size or species cannot be determined.~~
- ~~((b) That its weight or sex cannot be determined if a weight or sex restriction is prescribed for said salmon.~~

(2)) It is unlawful to possess in the field for any purpose any food fish other than salmon in such a condition that its size, weight, or sex cannot be determined, if a size, weight, or sex restriction is prescribed for said food fish except that it is lawful to possess ~~((lingcod and halibut))~~ said food fish in fileted form after the fisher has brought the fish to shore and has stopped fishing. It is lawful to possess fileted halibut and bottomfish in the field while the fisher is still fishing if the skeleton or frame of the fish, including head and tail is

retained. For purposes of calculating the daily limit, two filets equals one fish.

~~((3))~~ (2) It is unlawful to possess in the field for any purpose any shellfish in such a condition that its size, weight, or sex cannot be determined, if a size, weight, or sex restriction is prescribed for said shellfish.

(3) This section does not apply to food fish or shellfish being consumed in the field, except that any such fish or shellfish will be counted as part of the daily limit.

**AMENDATORY SECTION** (Amending Order 95-10, filed 1/30/95, effective 5/1/95)

**WAC 220-56-185 Marine area codes.** The term "marine area code numbers" is defined as the catch area for the catch record card. The following is a list of the catch areas:

- (1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. 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.
- (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))~~ Vessel Traffic Separation 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 (Fl 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 (Fl red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

**AMENDATORY SECTION** (Amending Order 92-19, filed 5/12/92, effective 6/12/92)

**WAC 220-56-250 Lingcod—Areas and seasons.** It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through ~~((3)) 4 - ((open)) closed~~ the entire year~~((, (b) Catch Record Card Area 4—April 16 through November 30))~~.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-255 Halibut—Season.** It is unlawful to fish for or possess halibut taken for personal use except from:

(1) Catch Record Card Area 1: Open May 1 through September 30, unless closed earlier by emergency regulation. Minimum size limit 32 inches in length.

(2) Catch Record Card Area 2 - Open May ~~((3)) 2~~ through September 30, unless closed earlier by emergency regulation. Closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday. If May 1 occurs on a closed day, the season opens on the first Sunday following. The following waters are closed to halibut fishing: West of 124°40'W, north of 47°10'N and south of 47°31'42"N (Queets River).

(3) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: Open May 1 to June 30, unless closed earlier by emergency regulation, and July 1 through September 30 unless closed by emergency regulation. Closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. If May 1 occurs on a closed day, the season opens on the first Tuesday following. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within a line from 48°18'N, 125°11'W to 48°18'N, 124°59'W to 48°04'N, 125°11'W to 48°04'N, 124°59'W to the point of origin.

(4) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May 21 through August 3 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

#### NEW SECTION

**WAC 220-56-267 Herring—Areas and seasons.** Herring fishing is open in all state waters year around except:

(1) Those waters of Catch Record Card Area 6 south of a line from Ediz Hook to Partridge Point are closed January 16 through April 15.

(2) Those waters of Catch Record Card Area 7 north of a line from Sandy Point through Patos Island to the United States-Canada boundary are closed year around.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-270 Smelt—Areas and seasons.** (1) Smelt fishing is permitted the entire year on Pacific Ocean beaches and in all rivers except the Columbia River and tributaries.

(2) Smelt fishing is open in Puget Sound and the Strait of Juan de Fuca the entire year except closed weekly from 8:00 a.m. Wednesday to 8:00 a.m. Friday for all types of gear except forage fish jigger gear.

(3) The Columbia River and tributaries are closed to the fishing for or retention of smelt.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-310 Shellfish—Daily limits.** It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams in the aggregate, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance - diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) Willapa Bay - diggers may additionally retain up to twenty-four cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters:

(a) In all Puget Sound waters except those contiguous waters south of a line from Tala Point to Foulweather Bluff, 18 oysters in the shell, minimum size 2 1/2 inches across the longest dimension of the shell.

(b) In the Puget Sound contiguous waters south of a line from Tala Point to Foulweather Bluff and waters of the

Pacific Ocean, Grays Harbor and Willapa Bay, 18 oysters, shucked and the shells left on the beach.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 10 pounds or 5 quarts in the shell.

(9) Shrimp:

(a) In all waters except Shrimp District 5 - total weight 10 pounds, fishers must retain the heads of all shrimp taken while in the field. Spot shrimp minimum size one and three-sixteenths inch from the base of the eyestalk to the top rear edge of the carapace.

(b) In Shrimp District 5 (Hood Canal) - 7 pounds, whole in the shell.

(10) Octopus: 2 octopus.

(11) Pinto abalone: Closed state-wide.

(12) Crawfish: 10 pounds in the shell. Minimum size 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs:

(a) In all waters except the Columbia River - 6 male crabs.

(b) In the Columbia River - 12 male crabs.

(19) Red rock crabs: 6 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed state-wide.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-320 Shellfish gear—Unlawful acts.** (1)

It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots:

(a) All buoys must consist of durable material and remain ~~((floating on the water's surface when at least 5 pounds of weight are attached))~~ visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-330 Crab—Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear or to have in the water, set or fish any shellfish pot gear except during the open shellfish pot gear

season. The open shellfish pot gear season for crab in Puget Sound waters may open by emergency regulation prior to July 16, but if not previously opened by emergency regulation will open July 16 through April 15.

The open shellfish pot gear season in waters of the Pacific Ocean, Grays Harbor, Willapa Harbor, and waters of the Columbia River is December 1 through September 15.

(2) It is lawful to fish for and possess male Dungeness crabs taken for personal use the entire year in state waters.

(3) It is lawful to fish for and possess red rock crabs of either sex taken for personal use the entire year in state waters.

(4) No crab fisher may set or pull crab pots, ring nets or star traps (~~in the waters of Hood Canal between~~) from a vessel in all state waters from one hour after official sunset and one hour before official sunrise.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons.** (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

- (a) Ben Ure Spit: Open January ((±)) 15 through June 15.
- (b) Cama Beach State Park: Closed the entire year.
- (c) Camano Island State Park: Open June 1 through June 30.
- (d) Cline Spit: Open January 1 through May 15.
- (e) Cutts Island State Park: Open January 1 through June 15.
- (f) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:
  - (i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.
  - (ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.
  - (iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.
- (g) Dosewallips State Park: Open entire year only in area defined by boundary markers and signs posted on the beach.
- (h) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of clams.
- (i) Dungeness Spit - Open May 15 through September 30.
- (j) Eagle Creek: Open April 1 through April 30.
- (k) Fort Flagler State Park: Open April 1 through June 30.
- (l) Frye Cove - Open January 1 through March 31.

(m) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(n) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(o) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

(p) Hope Island State Park (South Puget Sound): Open April 1 through June 15.

(q) Illahee State Park: Open May 1 through May 31.

(r) Kayak Point County Park: Open April 1 through April 15.

(s) Kitsap Memorial State Park: Open June 1 through July 31.

(t) Kopachuck State Park: Open May 1 through May 31.

(u) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(v) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(w) Mukilteo State Park - Closed the entire year.

(x) Mystery Bay State Park: Open April 1 through April 30.

(y) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Oyster Reserves on the east side of North Bay north of the power transmission lines.

(z) North Sequim Bay State Park - Open April 1 through June 15.

(aa) Oak Bay County Park: Open January 1 through July 31.

(bb) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except the following are open the entire year:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet.

(iii) Oakland Bay: Tidelands on the channel of the northwest shore of the Bayshore Peninsula between department markers.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(cc) Penrose Point State Park: Open May 1 through May 15.

(dd) Picnic Point County Park: Closed the entire year.

(ee) Pitship Point: Closed the entire year.

(ff) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(gg) Point Whitney (excluding Point Whitney Lagoon): Open May 1 through August 31.

(hh) Point Whitney Lagoon: Open June 1 through July 31.

(ii) Port Townsend Ship Canal: Open April 1 through June 30.

(jj) Potlatch DNR tidelands: Open January 1 through August 15.

(kk) Potlatch State Park: Open January 1 through August 31.

(ll) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(mm) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those tidelands on the west side of the bay defined by boundary markers and a sign on the beach are open April 1 through June 30, daily from official sunrise to official sunset only.

(nn) Rendsland Creek: Open January 1 through July 31.

(oo) Saltwater State Park: Closed the entire year.

(pp) Samish Island Recreation Area - Open January 1 through June 15.

(qq) Scenic Beach State Park - Open April 16 through June 15.

(rr) Seahurst County Park: Open January 1 through April 15.

(ss) Sequim Bay State Park - Open April 1 through June 15.

(tt) Shine Tidelands: Open January 1 through July 31.

(uu) South Indian Island County Park: Open January 1 through July 15.

(vv) Spencer Spit State Park: Open April 1 through June 30.

(ww) Strait of Juan de Fuca: All beaches west of the tip of Dungeness Spit: Open November 1 through March 31.

(xx) Triton Cove State Park: Open April 1 through June 30.

(yy) Twanoh State Park: Closed the entire year.

(zz) West Dewatto: DNR Beach 44A is open January 1 through May 15.

(aaa) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

(bbb) Wolfe Property State Park: Open January 1 through May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

**AMENDATORY SECTION** (Amending WSR 98-06-031, filed 2/26/98, effective 5/1/98)

**WAC 220-56-380 Oysters—Areas and seasons.** (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point: Closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open January ((±)) 15 through May 15 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are closed to the harvest of oysters the entire year.

(e) Hoodspout: Tidelands at the Hoodspout Salmon Hatchery are closed the entire year.

(f) Illahee State Park: Open May 1 through July 15.

(g) Kitsap Memorial State Park: Open June 1 through December 31.

(h) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(i) Mystery Bay: Open October 1 through April 30.

(j) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for oyster reserves.

(k) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(ii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(l) Penrose Point State Park: Open May 1 through June 15.

(m) Potlatch State Park: Open April 1 through September 15.

(n) Quilcene Bay - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those tidelands on the west side of the bay defined by boundary markers and a sign at the beach are open April 1 through June 30, daily from official sunrise to official sunset, only.

(o) Scenic Beach State Park: Open April 16 through June 15.

(p) Triton Cove State Park: Open April 1 through June 30.

(q) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(r) Wolfe Property State Park - Open January 1 through May 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

**AMENDATORY SECTION** (Amending WSR 97-18-035, filed 8/27/97, effective 9/27/97)

**WAC 232-12-001 Definition of terms.** Definitions used in rules of the commission are defined in RCW 77.08.010. In addition, unless otherwise provided:

(1) "Snagging" means an effort to take fish with a hook and line in a manner such that the fish does not take the hook voluntarily in its mouth.

(2) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(3) "Spearing" and "spear fishing" means an effort to take fish by impaling the fish on a shaft, arrow, or other device.

(4) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(5) "Hook" means one single, double, or treble hook. A "single hook" means a hook having a single point; a "double hook" means a hook having two points on a common shank; and a "treble hook" means a hook having three points on a common shank. "Barbless hook" means a hook on which all barbs have been deleted when manufactured, filed off, or pinched down.

(6) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(7) "Anadromous game fish" means:

(a) Steelhead trout, *Oncorhynchus mykiss*, defined as any searun rainbow trout over twenty inches in length

(b) Searun cutthroat, *Oncorhynchus clarkii*

(c) Searun Dolly Varden, *Salvelinus malma*

(8) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(9) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent and/or flavoring to attract fish. "Nonbuoyant lure" means a lure, complete with hooks, swivels or other attachments, that does not float in freshwater.

(10) "Bait" means any substance which attracts fish or wildlife by scent and/or flavor. Bait includes any device made of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which uses scent and/or flavoring to attract fish or wildlife.

(11) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(12) "Daily limit" means the maximum number of game fish which a person may legally retain in a single day.

(13) "Boat fishing" means fishing while in or on a boat, raft, or any other floating device.

(14) "Catch-and-release" means a type of angling where none of the fish caught are retained by the angler.

(15) "Fish in possession" means any fish retained, secure from escape, whether dead or alive. Bass or Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.

(16) "Mouth" of stream, river, or slough means those waters upstream of a line projected between the outermost uplands at the mouth. Outermost uplands means those lands are not covered by water during an ordinary high water.

(17) Fish length means the length of a fish measured from snout to tip of tail not fork.

(18) Slough means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Many waters commonly called sloughs are not connected to a river and, therefore, are considered lakes.

(19) "In the field or in transit" means any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motorhome or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(20) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from May 1st through the following April 30th.

(21) "Wild steelhead" means a steelhead trout that does not have the adipose or a ventral fin removed and a healed scar at the removal site.

(22) "Fresh" means game fish that are refrigerated, iced, salted, or surface glazed.

(23) "Frozen" means a game fish that is hard frozen throughout.

(24) "Processed" means a game fish that has been processed by heat for human consumption as kippered, smoked, boiled or canned.

(25) "Juvenile" means a person under fifteen years old.

(26) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

(27) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin ((is not a wild fish)).

**AMENDATORY SECTION** (Amending Order 97-50, filed 3/19/97, effective 5/1/97)

**WAC 232-12-018 Definitions—Landlocked chinook and coho.** Chinook and coho taken from the following waters are defined as landlocked. A game fish license is required to fish for these species, a food fish license is not required. Season, daily limit, and size restriction rules for landlocked chinook and coho are the same as trout rules (except Lake Chelan). The angler's combined catch of landlocked salmon and trout applies toward the trout limit.

- (1) Big Lake (Skagit County).  
 (2) Clear Lake (Pierce County).  
 (3) Cushman Reservoir (Mason County).  
 (4) Mayfield Lake (reservoir) (Lewis County).  
 (5) McMurray Lake (Skagit County).  
 (6) ~~((Merwin (Lake) Reservoir (Clark/Cowlitz County))~~  
~~((7))~~ Riffe (Lake) Reservoir (Lewis County).  
~~((8))~~ (7) Scanewa Lake (Cowlitz Falls Reservoir)  
 (Lewis County).  
~~((9))~~ (8) Wilderness Lake (King County).  
~~((10))~~ (9) Wynoochee Reservoir (Grays Harbor  
 County).  
~~((11))~~ (10) Chelan, Lake (Chelan County).  
~~((12))~~ (11) Roosevelt, Lake (Columbia River) (Stevens  
 County).  
~~((13))~~ (12) Spokane River (Spokane County).  
~~((14))~~ (13) Tarboo Lake (Jefferson County).

**AMENDATORY SECTION** (Amending WSR 98-06-031,  
 filed 2/26/98, effective 5/1/98)

**WAC 232-12-619 Permanent Washington state-wide  
 game fish regulations.** The following state-wide regulations  
 apply to all waters unless modified under regional regulation  
 exceptions.

(1) Fishing seasons open at 12:01 a.m. on the first day  
 and close at 11:59 p.m. on the last day.

(2) It is unlawful to:

(a) Use a gaff hook to land game fish.  
 (b) Take bullfrogs except by angling, hand dip netting,  
 spearing (gigging) or with bow and arrow. ~~((A hunting  
 license is required to take bullfrogs.))~~

(c) Feed or use any substance to attract game fish unless  
 specifically authorized by special regulations.

(d) Fish for game fish with a bow and arrow or spear.

(e) Possess fish which are under the minimum size or  
 over the maximum size as shown in general or special  
 regional regulations.

(f) Possess game fish in the field in such condition that  
 the size cannot be determined if there is a size restriction,  
 except that it is lawful to possess fileted game fish after the  
 fish have been brought to shore and the fisher has stopped  
 fishing. This subsection does not apply to game fish being  
 consumed in the field, except that any such game fish will be  
 counted as part of the daily limit.

(3) Annual limit - steelhead trout only: Each adult angler  
 who possesses a valid steelhead catch record card may not  
 retain more than thirty steelhead over twenty inches in length  
 per year (May 1 to April 30).

(4) Military personnel, regardless of the length of time in  
 the state of Washington, who are permanently stationed at a  
 military installation within the state, are entitled to purchase  
 a resident license. Military personnel must have a license to  
 fish for game fish anywhere in the state. Dependents must  
 establish a ninety-day residency.

(5) Selective gear rules: In waters designated as being  
 under selective gear rules, only artificial flies with a barbless  
 single hook or lures with a barbless single hook are lawful. It  
 is unlawful to use bait. Fish may be released until the daily  
 limit is retained. It is unlawful to fish from any floating

device equipped with a motor, unless specifically allowed  
 under special rules for individual waters.

(6) Night closure: In waters designated as having a night  
 closure, it is unlawful to fish from one hour after official sun-  
 set to one hour before official sunrise.

(7) Wild cutthroat release: In waters requiring a wild  
 cutthroat release, it is unlawful to possess any cutthroat that  
 does not have a missing adipose fin and a healed scar in the  
 location of the missing fin.

(8) Wild steelhead release: In waters requiring wild  
 steelhead release, it is unlawful to possess any steelhead trout  
 that does not have a missing adipose or ventral fin and a  
 healed scar at the location of the missing fin.

(9) Free fishing ~~((weekends))~~ weekend: The ~~((weekends  
 corresponding with National Fishing Week have been))~~ first  
 full weekend in June is declared as ~~((family))~~ free fishing  
~~((weekends))~~ weekend in Washington. On ~~((these week-  
 ends))~~ this weekend a fishing license is not required for any  
 person, regardless of residency or age, to fish for or possess  
 game fish, except that it is unlawful to fish for or possess  
 steelhead trout without the required ~~((license and))~~ catch  
 record card. During free fishing ~~((weekends))~~ weekend only  
 the licensing requirement is affected, and all other rules  
 remain in effect.

(10) Trout taken with bait: When fishing with bait, all  
 trout equal to or greater than the minimum size are counted as  
 part of the daily limit, whether kept or released, except steel-  
 head trout may be caught and released while using bait until  
 the daily limit is retained.

(11) Fish taken with artificial flies and lures: Where use  
 of bait is prohibited, or where artificial flies or lures are used  
 voluntarily, fish may be released until the daily limit is  
 retained. If any fish has swallowed the hook or is hooked in  
 the gill, eye or tongue, it should be kept if legal to do so.

(12) Burbot taken with set line: Where use of a set line  
 is allowed for burbot, a single set line identified with the  
 fisher's name and address and a maximum of ten hooks may  
 be used.

(13) Rainbow trout taken from landlocked lakes: Rain-  
 bow trout taken from landlocked lakes shall not be consid-  
 ered steelhead and no steelhead license or catch record card is  
 required.

(14) OPEN SEASONS:

LAKES, PONDS, AND RESERVOIRS:	YEAR AROUND, unless specified oth- erwise under exceptions to state-wide rules.
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RIVERS, STREAMS AND BEAVER PONDS:	JUNE 1 THROUGH OCTOBER 31, unless specified otherwise under exceptions to state-wide rules.
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Note: The date set for "traditional" April openers for Lakes,  
 Ponds, and Reservoirs for this year and future years is the  
 last Saturday in April.

Waters managed under April through October seasons are  
 listed under the exceptions to state-wide rules.

(15) Daily limits and minimum sizes:

PROPOSED

GAME FISH SPECIES	DAILY LIMIT	MINIMUM SIZE LIMIT	state-wide rules, Dolly Varden/Bull Trout count as part of the combined trout daily limit of five.		
BASS	Five - not more than three over fifteen inches Bass may be caught, retained, and released alive from a livewell until a daily limit is in possession.	None	WALLEYE	Five, not more than one over twenty-four inches  Walleye may be caught, retained, and released alive from a livewell until a daily limit is in possession.	Eighteen inches
GRASS CARP.... It is unlawful to fish for or retain grass carp.					
TROUT (except Eastern Brook trout)	A total of five trout, of which no more than two may be from Rivers, Streams, and Beaver Ponds.  No more than two of the trout daily catch limit of 5 may be Steelhead.	None in Lakes, Ponds, and Reservoirs.  Eight inches in Rivers, Streams, and Beaver Ponds.	WHITEFISH	Fifteen	None
			ALL OTHER GAME FISH	No Limit	None
			BULLFROGS	No Limit	None
EASTERN BROOK TROUT (Salvelinus fontinalis)	Five - to be considered part of the trout daily catch limit.	None	<p>(16) Seasonal wild steelhead limits.</p> <p>(a) It is unlawful for any person to retain more than two wild steelhead from the following watersheds:</p> <p>(i) Clearwater River - mouth to Snahapish River.</p> <p>(ii) Hoh River - mainstem, south fork and tributaries thereto.</p> <p>(b) It is unlawful for any person to retain more than five wild steelhead from all of the following rivers and tributaries thereto:</p> <p>(i) Bogachiel River.</p> <p>(ii) Calawah River.</p> <p>(iii) Dickey River.</p> <p>(iv) Sol Duc River.</p> <p>(v) Quillayute River.</p> <p>(17) Possession limit. Except as otherwise provided, the possession limit is two daily limits in fresh, frozen or processed form.</p> <p>(18) River mouths. The following river mouth definitions are exceptions to the general river mouth definition:</p>		
BURBOT	Five	None	Abernathy Creek	Highway 4 Bridge.	
CHANNEL CATFISH	Five if taken from lakes, ponds or reservoirs.	Twelve inches if taken in lakes, ponds or reservoirs with no more than one greater than 24 inches in length.	Bear River	Highway 101 Bridge.	
			Bone River	Highway 101 Bridge.	
			Chehalis River	Highway 101 Bridge in Aberdeen.	
			Cowlitz River	A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.	
(a) The following game fish species are managed as trout:					
<ul style="list-style-type: none"> <li>Eastern brook trout</li> <li>Brown trout</li> <li>Cutthroat trout</li> <li>Dolly Varden/Bull trout</li> <li>Golden trout</li> <li>Kokanee/Silver trout</li> <li>Lake trout</li> <li>Landlocked Atlantic salmon</li> <li>Rainbow trout/Steelhead</li> <li>Landlocked chinook and coho</li> </ul>					
(b) Wild steelhead release year-round.					
(c) All waters, state-wide, are CLOSED YEAR AROUND to fishing for or retaining Dolly Varden/Bull Trout.					
Where exceptions to the above closure for Dolly Varden/Bull Trout occur under individual listings in the exceptions to					

PROPOSED

Dakota Creek	A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.	Skagit River	A line projected from the terminus of the jetty with McGlenn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
Deschutes River	A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.		Highway 4 Bridge.
Drano Lake	Highway 14 Bridge.	Skamokawa Creek	Highway 4 Bridge.
Duwamish River	First Avenue South Bridge.	Skookum Creek	A line 400 yards below the old railroad bridge.
Elk River	Highway 105 Bridge.	Snohomish River	Burlington Northern Railway Bridges crossing main river and sloughs.
Entiat River	Highway 97 Bridge.		Lynn Point 117 degrees true to the opposite shore.
Hoquiam River	Highway 101 Bridge.	South Nemah River	State Route 25 Bridge.
Humtuplups River	Mouth of Jessie Slough.		State Highway 261 Bridge.
Johns River	Highway 105 Bridge.	Spokane River	The furthest downstream rail road bridge.
Kalama River	Boundary markers located at the mouth.	Tucannon Creek	A straight line projected from the James River pump house southeasterly across the Washougal River to the east end of Highway 14 Bridge at the upper end of Lady Island.
Kennedy Creek	An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.	Wallace River	
Kettle River	Barstow Bridge.	Washougal River	
Lake Washington Ship Canal	A line 400 feet west of the fish ladder at the Chittenden Locks.		
Lewis River	Boundary markers at the mouth.	Whatcom Creek	A line projected approximately 14 degrees true from the flashing light to the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
Little White Salmon River	At boundary markers on the river bank downstream from the Little White Salmon National Fish Hatchery.	White Salmon River	Markers downstream of the Burlington Northern Railroad Bridge.
Methow River	Highway 97 Bridge.		
Naselle River	Highway 101 Bridge.		
North Nemah River	Highway 101 Bridge.		
Niawiakum River	Highway 101 Bridge.		
North River	Highway 105 Bridge.		
Palix River	Highway 101 Bridge.		
Puyallup River	11th Street Bridge.		
Samish River	Samish Island Bridge (Bayview-Edison Road).		
Sammamish River	68th Ave. N.E. Bridge.		



Area	Boundary line/markers at mouth.	Area	Time Period
Wind River			
Willapa River	South Bend boat launch.	Lewis River -	
Yakima River	Highway 240 Bridge.	North Fork	
		From lower Cedar	
		Creek Boat Ramp	
		to Colvin Creek	August 1 - December 31
		Washougal River	
		Downstream of Salmon	
		Falls Bridge	September 1 - October 31
		Icicle River	
		From Leavenworth	
		Federal Fish Hatchery	
		to mouth	May 8 - June 30
		Wenatchee River	
		From mouth of Icicle	
		River to Highway 2	
		Bridge	May 8 - June 15
		Skagit River (and	
		tributaries) Upstream of	
		Gilligan Creek	July 1 - November 30
		Tokul Creek	
		From mouth to posted	
		cable markers	December 1 - March 31
		Capitol Lake	August 1 - November 30
		Deschutes River	August 1 - November 30
		Elochoman River	September 1 - November 30
		Grays River	September 1 - November 30
		Green/Duwamish River	
		mouth to Highway	
		164 Bridge	August 1 - November 30
		McAllister Creek	August 1 - November 30
		Nisqually River	August 1 - November 30
		Puyallup River	
		mouth to Carbon River	August 1 - November 30
		Skykomish River	August 1 - November 30
		(including all forks)	
		Snohomish River	August 1 - November 30
		White/Stuck River	October 1 - November 30
		Toutle River -	
		North Fork	September 1 - October 31
		Green River (Cowlitz	
		Co.) mouth to 1,500	
		feet below hatchery	
		rack	September 1 - October 31

(19) Nonbuoyant lure and night closure restriction: In the following waters and during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank and a night closure is in effect:

Area	Time Period
Naselle River (including all forks)	
Hwy 101 Bridge to Hwy 4 Bridge	July 1 - January 31
Hwy 4 Bridge to Big Hill Bridge	October 16 - January 31
Willapa River Mouth to Hwy 6 Bridge	October 1 - November 30
Hwy 6 Bridge to Fork Creek	October 16 - January 31
Humtulsips River	September 1 - November 30
Satsop River (including all forks)	September 1 - November 30
Nemah River - North Fork	October 1 - November 30
Nemah River - Middle Fork	September 1 - November 30
Dungeness and Gray Wolf Rivers	August 1 - October 15
Kennedy Creek	October 1 - December 31
Nooksack River - South Fork mouth to Skookum Creek	August 1 - October 31
Upstream from Skookum Creek	June 1 - September 30
Big Quilcene River	August 1 - December 31
Samish River	August 1 - December 31
Stillaquamish River (including all forks)	August 1 - November 30
Whatcom Creek	August 1 - December 31
Cowlitz River From Mill Creek to BarrierDam	August 1 - October 31
Kalama River From mouth to temporary rack	September 1 - October 31

(20) Freshwater fishing hours: It is unlawful to fish during a night closure. A night closure is in effect for all waters during the period of a nonbuoyant lure restriction.

PROPOSED

**AMENDATORY SECTION** (Amending Order 98-122, filed 7/15/98, effective 8/15/98)

**WAC 232-28-619 Washington game fish—Exceptions to state-wide rules.** (1) County freshwater exceptions to state-wide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to state-wide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to state-wide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(2) Specific freshwater exceptions to state-wide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cut-throat. Release all steelhead June 1 through October 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

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

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited.

Alexander Lake (Kitsap County): Closed waters.

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

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

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

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

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

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

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

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

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

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

South Fork and tributaries: Closed waters.

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

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

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

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

Baker River (Skagit County): From the mouth to Baker River fish barrier dam: Closed waters June 1 through August 31.

Ballinger Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily

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limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles and holders of free licenses only.

Bear River (Pacific County): June 1 through last day in February season. All species: Release all fish. Single point barbless hooks required July 1 through January 31 downstream from the Lime Quarry Road. ~~((Trout: Minimum length fourteen inches.))~~ Upstream from the Lime Quarry Road: Selective gear rules.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Beaver Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

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

Beaver Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

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

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through October 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

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

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek: Selective gear rules. Trout: Minimum length ~~((twelve))~~ fourteen inches. ~~((Release wild cutthroat.))~~

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

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

Blooms Ditch (Thurston County): Selective gear rules. Trout: Minimum length twelve inches. Release wild cutthroat.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters.

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

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): March 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

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

Boundary Creek (Clallam County): Closed waters.

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

Box Canyon Creek (Kittitas County), from mouth to bridge on USFS Road No. 4930: Closed waters.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Lake and inlet streams (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Terminal gear limited to one single ((barbless)) hook. Release all fish other than whitefish.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

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

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, including East and West Forks (Okanogan County): Selective gear rules. Trout: Maximum length twenty inches.

Cady Lake (Mason County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Calawah River, South Fork (Clallam County) from mouth to National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Campbell Lake (Skagit County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

Canyon Creek (Mason County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through July 31 season. Trout: Daily limit five, minimum length eight inches. Additional August 1 through March 31 season. Trout: Daily limit two, minimum length fourteen inches.

Carbon River (Pierce County), from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through January 31. Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

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

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

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through October 31 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited.

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

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

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

Cascade River (Skagit County):

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Cases Pond (Pacific County): Last Saturday in April through October 31 season. Juveniles only.

Cashmere Pond (Chelan County): Juveniles only.

Cassidy Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to junction of Chelatchie Creek: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Selective gear rules. Trout: Maximum length twenty inches.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County): Closed waters.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required October 1 through October 31 upstream from mouth to Porter Bridge and September 16 through October 31 from the Porter Bridge to the high bridge. Trout: Minimum length ~~((twelve))~~ fourteen inches. ~~((Release wild cutthroat:))~~

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Lake (Chelan County): Year around season except closed April 1 through June 30 north of a line between Purple Point at Stehekin and Painted Rocks and April 1 through June 30 within 400 feet of the mouths of all tributaries north of Fields Point. Trout except kokanee: Daily limit two except south of Fields Point May 15 through September 30 daily limit 5, not more than two of which may be over 15 inches in length. Trout except kokanee minimum length 15 inches except south of Fields Point minimum length 8 inches May

15 through September 30. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Salmon: Minimum length 15 inches. Burbot: Set line gear allowed.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective gear rules.

Chelan River (Chelan County): Year around season. Selective gear rules. Trout, minimum length twelve inches, maximum length twenty inches.

Chewelah Creek, forks and tributaries (Stevens County): Selective gear rules.

Chewuch River (Chewack River) (Okanogan County), from mouth to Pasayten Wilderness boundary: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County), from mouth to South Fork: Selective gear rules.

Chiwawa River (Chelan County): Selective gear rules. Trout: Maximum length twenty inches.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Additional season November 1 through May 31, steelhead only. Release all fish other than steelhead.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

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

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Chumming permitted.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single (~~barbless~~) hook.

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

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length (~~twelve~~) fourteen inches. (~~Release wild cutthroat.~~)

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length (~~twelve~~) fourteen inches. (~~Release wild cutthroat.~~)

Clogh Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit one, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

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

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through August 31 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year around season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit eight fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

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

Columbia Park Lagoon (Benton County): Juveniles and licensed adults accompanied by a juvenile only.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other gamefish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to the Megler-Astoria Bridge: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Fishing from the north jetty is allowed during salmon season openings.

From the Megler-Astoria Bridge to the I-5 Bridge: Closed waters: 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. Trout: Release wild cutthroat. Release all trout April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco, including Drano Lake: 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 wing wall of the boat lock near the Washington shore. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and in the waters of Drano Lake. Release all trout April 1 through June 15.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout, except May 1 through August 15 in those waters from the Ringold Hatchery from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek when fishing from the bank on the hatchery side of the river.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. All species: June 1 through March 31 season. Trout: Release all trout.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to boat fishing from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout.

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

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

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

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

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

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

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

Copolis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

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

Cottonwood Creek (Lincoln County): Year around season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

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Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Cow Lake (Adams County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout: Daily limit five, minimum length eight inches.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year around season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. All species: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin.

From Mayfield Dam to mouth of Muddy Fork: Year around season.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length may be retained.

Coyote Creek and Ponds (Adams County): March 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln County) and tributaries: Year around season.

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

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

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

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

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

Curl Lake (Columbia County): (~~June 1~~) Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): September 1 through March 31 season

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): March 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through October 31 season. Juveniles only.

Deep Creek (Clallam County): Closed waters.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year around season. Trout: Minimum length 14 inches.

Deer Creek (Mason County): Closed waters.

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

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

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

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

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



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

Dempsey Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

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

Deschutes River (Thurston County), from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park, except waters from Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder are closed waters: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Henderson Boulevard Bridge upstream: June 1 through March 31 season. Selective gear rules. All species: Release all fish except trout greater than twenty inches in length.

Desire Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

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

Dewatto River (Mason County): ~~((Trout, minimum length twelve inches. Wild cutthroat release.))~~ All species: Release all fish. From Dewatto-Holly Road Bridge upstream: Selective gear rules.

From mouth to bridge on Bear Creek-Dewatto Road, additional November 1 through last day in February season. ~~((Trout: Minimum length twelve inches. Release wild cutthroat.))~~

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

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained.

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

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season. ~~((Trout: Minimum length twelve inches. Release wild cutthroat.))~~ All species: Release all fish except that up to two hatchery steelhead per day may be retained.

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

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

Dry Falls Lake (Grant County): Last Saturday in April through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season. ~~((Trout: Minimum length twelve inches. Release wild cutthroat.))~~ All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness River, October 16 through last day in February season. Trout: Minimum length fourteen inches.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

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

East Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Trout: Minimum length ~~((twelve))~~ fourteen inches. ~~((Release wild cutthroat.))~~

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Finnel Lake (Adams County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

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

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

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

Flowing Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

Fort Borst Park Lake (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

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

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Garfield Juvenile Pond (Whitman County): Juveniles only.

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

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

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

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

Gold Creek (Okanogan County): From mouth to Foggy Dew Creek: Selective gear rules.

Goldsborough Creek (Mason County): June 1 through last day in February season. Trout: Minimum length twelve inches. Release wild cutthroat.

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

Goodwin Lake (Snohomish County): Chumming permitted. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

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

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

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

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

Grande Ronde River (Asotin County):

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

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches. Additional season September 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

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

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

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

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

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: January 1 through March 15 season. All species: Release all fish except steelhead without an adipose fin and healed scar at the fin site. Trout: Minimum length twenty inches.

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

Grays River, West Fork (Wahkiakum County), downstream from Hatchery Road Bridge: June 1 - August 31 season. Trout: Release wild cutthroat. Additional January 1 through March 15 season downstream from Hatchery Road Bridge. Release all fish other than trout and all trout less than twenty inches in length.

Green Lake and Green Lake, Lower (Okanogan County): December 1 through March 31 season.

Green (Duwamish) River (King County):

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through last day in February season, except waters from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn are closed September 1 through October 15 and waters from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge are closed September 1 through October 31. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. Wild steelhead may be retained July 1 through the last day in February.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Fishing from any floating device prohibited. Trout, minimum length fourteen inches.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from the water intake at the upper end of the hatchery grounds downstream to a point 1500 feet below the salmon hatchery rack during the period September 1 through November 30. All species: Release all fish except steelhead. Trout: Minimum length twenty inches.

From 2800 Bridge to source: Closed waters.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): March 1 through September 30 season.

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

Hallin Lake (Adams County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Hamilton Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release

wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through last day in February season. ~~((Trout: Minimum length fourteen inches.))~~ Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): March 1 through July 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Hart Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

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

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

Hawk Creek and tributaries (Lincoln County): Year around season.

Hays Creek and Ponds (Adams County): March 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles and holders of free licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to mouth of South Fork: June 1 through April 15 season. December 1 through April 15, from Highway 101 to mouth of south fork, selective gear rules. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to Highway 101 one wild steelhead per day may be retained.

Hoh River South Fork (Jefferson County), outside Olympic National Park boundary: June 1 through April 15 season. December 1 through April 15, selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): Trout, minimum length fourteen inches. Release wild cutthroat upstream from upper Hoko Bridge (cement bridge on Lake Ozette Highway).

From mouth to upper Hoko Bridge: Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Release wild cutthroat.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Trout: Minimum length ~~((twelve))~~ fourteen inches. ~~((Release wild cutthroat.))~~

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

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

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

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season. Single point barbless hooks required September 16 through October 31. Trout: Minimum length fourteen inches.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to Donkey Creek Road Bridge: Additional November 1 through March 31 season. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 and 2 (Yakima County): Walleye: Unlawful to retain walleye.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. From Rock Island Bridge upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): Closed waters.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Issaquah Creek (King County): Closed waters.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): June 1 through November 30 season. Trout: Minimum length fourteen inches.

John's Creek (Mason County): Closed waters.

Johns River, including North and South Forks (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length ~~((twelve))~~ fourteen inches. ~~((Release wild cutthroat.))~~

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Trout, minimum length 14 inches. Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year around season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Fishing from a floating device equipped with a motor prohibited upstream of Morrow Bridge. Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. September 1 through October 31.

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

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season. Selective gear rules.

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 to Kalama Falls: Closed waters.

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

Kapowsin Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Kathleen Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum

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length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

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

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Trout: Minimum length fourteen inches.

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

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches.

Additional season: November 1 through May 31. All species except whitefish: Selective gear rules and release all fish. Whitefish: Single hook only.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

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

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

Kings Lake Bog (King County): Closed waters.

Klaus Lake (King County): Last Saturday in April through October 31 season, except the inlet and outlet to first Weyerhaeuser spur are closed waters.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: 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, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater

may be retained. Bass: Only bass less than twelve inches or over eighteen inches in length may be retained.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam. Trout: Release wild cutthroat.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Lake Creek, mouth to Three Prong Creek (Okanogan County): Selective gear rules. Trout: Maximum length twenty inches.

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

Latah (Hangman) Creek (Spokane County): Year around season.

Lawrence Lake (Thurston County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

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

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

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Lenice Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

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

Lewis River (Clark County), from mouth to forks: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Johnson Creek: Year around season. Trout: Minimum length twelve inches. Release wild cutthroat.

From Johnson Creek to Colvin Creek: June 16 through August 15 and November 16 through April 30 seasons except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: December 16 through September 30 season. Trout: Minimum length twelve inches. Release wild cutthroat.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

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

Lewis River, East Fork (south) (Clark/Skamania counties): Closed waters: From the posted markers four hundred feet below to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls 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. Release wild cutthroat.

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mouth to posted markers at top boat ramp at Lewisville Park: Trout: Additional April 16 through May 31 season. Release all fish other than steelhead with a missing adipose fin and a healed scar at the fin site.

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

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Lincoln Pond (Clallam County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Holco River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

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

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season: (~~Trout: Minimum length fourteen inches.~~) Selective gear rules. All species: Release all fish.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Little Twin Lake (Okanogan County): December 1 through March 31 season.

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

Little Wenatchee River (Chelan County), from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective gear rules. Trout: Maximum length twenty inches.

Little White Salmon River (Skamania County): Closed waters: From markers at federal fish hatchery a distance of one thousand five hundred feet upstream to fishway. Trout: Daily limit five. Release wild cutthroat.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Kitsap County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five,

except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From one-quarter mile above bridge to mouth of Monument Creek: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April to October 31 season.

Lyons Park Pond (at College Place) (Walla Walla County): Juveniles only.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches. From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

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

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

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

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

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

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

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

McAllister Creek (Thurston County): Trout: Minimum length fourteen inches.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from the south bridge on Highway 101 upstream: Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

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

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through October 31 season. Selective gear rules. Trout: Daily limit one.

Methow River (Okanogan County):

From mouth upstream to the falls above Brush Creek: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

Methow River tributaries except Chewuck, Lost and Twisp Rivers: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): Closed waters.

Mill Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.



**Mill Creek (Walla Walla County):**

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except steelhead with a missing adipose fin and a healed scar at the fin site September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Bennington Lake flood diversion dam: Trout: Daily limit five.

From Bennington Lake flood diversion dam upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

**Mill Creek Pond (Grays Harbor County):** Juveniles only.

**Mill Pond (Auburn) (King County):** Last Saturday in April through October 31 season. Juveniles only.

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

**Mima Creek (Thurston County):** Selective gear rules. Trout: Minimum length twelve inches.

**Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary:** Closed waters.

**Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County):** Selective gear rules. Trout: Minimum length twelve inches.

**Mineral Lake (Lewis County):** Last Saturday in April through September 30 season.

**Minter Creek (Pierce/Kitsap counties):** Closed waters: Area from department intake dam downstream to mouth. Trout: Minimum length fourteen inches.

**Mirror Lake (Grant County):** Last Saturday in April through September 30 season.

**Mission Lake (Kitsap County):** Last Saturday in April through October 31 season.

**Moclips River (Grays Harbor County), from mouth to outside the Quinault Indian Reservation:** June 1 through last day in February season. Trout: Minimum length fourteen inches.

**Monte Christo Lake (Snohomish County):** June 1 through October 31 season. Selective gear rules.

**Mooses Pond (Pacific County):** June 1 through October 31 season.

**Moran Slough (including inlet and outlet streams) (Grant County):** Closed waters.

**Morgan Lake (Adams County):** March 1 through September 30 season.

**Morse Creek (Clallam County), from mouth to Port Angeles Dam:** June 1 through last day in February season. Trout: Minimum length fourteen inches.

**Moses Lake (Grant County):** Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Blue-

gill: Daily limit five, only bluegill more than eight inches in length may be retained.

**Mosquito Creek (Jefferson County) outside Olympic National Park:** June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

**Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County):** Selective gear rules. Trout: Release all trout.

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

**Mud Lake (Yakima County):** Selective gear rules. Trout: Daily limit two.

**Mudget Lake (Stevens County):** Last Saturday in April through October 31 season.

**Munn Lake (Thurston County):** Last Saturday in April through October 31 season.

**Muskegon Lake (Pend Oreille County):** Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

**Myron Lake (Yakima County):** Selective gear rules. Trout: Daily limit two.

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

**Naches River (Yakima/Kittitas counties):**

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish. Terminal gear restricted to one single ((barbless)) hook.

From Little Naches River upstream: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

**Naneum Creek (Kittitas County):** Selective gear rules.

**Naneum Pond (Kittitas County):** Juveniles only.

**Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks:** All species: Release all fish except that up to two hatchery steelhead per day may be retained in the mainstem and South Fork. Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and September 1 through January 31, waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery. Single point barbless hooks required July 1 through January 31 upstream from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. ((Trout: Minimum length fourteen inches.))

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. ((Trout: Minimum length fourteen inches.))

PROPOSED

South Fork, from mouth to Bean Creek: Additional November 1 through last day in February season. (~~Trout: Minimum length fourteen inches.~~)

North Fork: Selective gear rules.

Nason Creek (Chelan County): Selective gear rules. From the mouth upstream to the downstream end of the Cascade Tunnel: Trout: Maximum length twenty inches.

From the downstream end of the Cascade Tunnel upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Nason Creek Fish Pond (Chelan County): Juveniles and disabled persons only.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through last day in February season. (~~Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through January 31, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road July 1 through January 31, and on South Nemah upstream to confluence with Middle Nemah July 1 through January 31. Trout: Minimum length fourteen inches.~~) Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork (Lewis County): June 1 through March 31 season. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): All species: Release all fish. From the South Bend/Palix Road Bridge upstream: Selective gear rules.

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

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through November 30 season. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June

1 through March 15 season. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through March 15. Trout: Minimum length fourteen inches.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through March 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

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

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream: All species: Release all fish except up to two hatchery steelhead per day may be retained. Single point barbless hooks required July 1 through October 31 upstream to Salmon Creek. (~~Trout: Minimum length fourteen inches.~~)

From Highway 105 Bridge to Falls River: Additional November 1 through last day in February season. Single point barbless hooks required November 1 through January 31 upstream to Salmon Creek. (~~Trout: Minimum length fourteen inches.~~)

Upstream from Falls River: Selective gear rules.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through October 31 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year around season. Trout: Release all trout. Selective gear rules. Trout: Maximum length twenty inches.

Closed waters: From the highway bridge at Malott upstream: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

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

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

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette River (Clallam County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through last day in February season. All species: Release all fish. Single point barbless hooks required July 1 through January 31 upstream to the confluence of the south and middle forks. ~~((Trout: Minimum length fourteen inches.))~~ Above the confluence of the south and middle forks: Selective gear rules.

Palouse River and tributaries (Whitman County): Year around season.

Palmer Lake (Okanogan County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Burbot: Set line gear allowed.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

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

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): March 1 through July 31 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

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

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

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

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

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

Pend Oreille River (Pend Oreille County): Year around season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Phantom Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective fishing regulations. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

PROPOSED

**Pilchuck River (Snohomish County)**

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Wild steelhead may be retained.

From 500 feet below diversion dam to diversion dam: Closed waters.

**Pillar Lake (Grant County):** March 1 through March 31 and September 1 through September 30 seasons.

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

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

**Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County):** Closed waters.

**Pipers (Carkeek) Creek (King County),** from its mouth to its source, including tributaries: Closed waters.

**Pleasant Lake (Clallam County):** Trout: Kokanee minimum length eight inches, maximum length twenty inches.

**Plummer Lake (Lewis County):** Last Saturday in April through last day in February season.

**Poacher Lake (Grant County):** March 1 through March 31 and September 1 through September 30 seasons.

**Portage Creek (tributary to Stillaguamish River) (Snohomish County):** Closed waters.

**Potholes Reservoir (Grant County):** Crappie and bluegill: Combined daily limit twenty-five fish.

**Potter's Pond (Stevens County):** Last Saturday in April through October 31 season.

**Pratt River (tributary to Middle Fork Snoqualmie) (King County):** Selective gear rules. All species: Release all fish.

**Prices Lake (Mason County):** Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

**Promised Land Pond (Grays Harbor County):** June 1 through October 31 season.

**Purdy Creek (Mason County):** June 1 through August 15 season. ~~((Trout: Minimum length fourteen inches.))~~ Selective gear rules. All species: Release all fish.

**Pysht River (Clallam County):** June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

**Pysht River South Fork (Clallam County):** Trout: Minimum length fourteen inches.

**Puyallup River (Pierce County):**

From mouth to the Electron power plant outlet: June 1 through January 31 season. Trout: Minimum length fourteen

inches. Wild steelhead may be retained December 1 through January 31.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

**Quail Lake (Adams County):** Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

**Quarry Pond (Walla Walla County):** Fishing from any floating device prohibited.

**Quilcene River (Jefferson County):**

From mouth to upper boundary of Falls View Campground June 1 through last day in February season: ~~((Trout: Minimum length fourteen inches.))~~ Selective gear rules. All species: Release all fish.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

**Quillayute River (Clallam County):** June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained.

**Quinault River, Upper (Jefferson County),** from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through March 31.

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

**Raging River (King County),** from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

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

**Rapjohn Lake (Pierce County):** Last Saturday in April through October 31 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

**Rat Lake (Okanogan County):** December 1 through March 31 season.

**Rattlesnake Creek (Yakima County):** Selective gear rules. All species: Release all fish.

**Rattlesnake Lake (King County):** Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

**Ravensdale Lake (King County):** Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

**Reflection Pond (Okanogan County):** Last Saturday in April through October 31 season.

**Renner Lake (Ferry County):** Last Saturday in April through October 31 season.

Ridley Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Riffe Lake (Reservoir) (Lewis County): Lawful to fish up to the base of Swofford Pond Dam.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

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

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

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

Rock Creek (below Landsburg) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout: No more than two over twenty inches in length. Only kokanee with a missing adipose fin and healed scar at the fin site may be retained. Walleye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 20 inches. Release walleye 16 to 20 inches in length.

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

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

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

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two.

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

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 season. Trout: Minimum length twelve inches. Release all steelhead and wild cutthroat. Additional season: November 1 through March 15. (~~Trout: Minimum length twelve inches. Release wild cutthroat.~~) Selective gear rules. All species: Release all fish.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Salmon Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained November 1 through last day in February.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the old Highway 99 Bridge and from the department rack to the Hickson Bridge: June 1 through March 15 season. Trout: Minimum length fourteen inches.

From Highway 99 Bridge to department salmon rack: Closed waters.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while

those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, including all forks (Grays Harbor County): Selective gear rules on East Fork upstream from mouth of Bingham Creek. All open periods: Trout: Minimum length twelve inches. Release wild cutthroat, except on east fork above Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Single point barbless hooks required September 16 through October 31.

Middle Fork (Turnow Branch), from mouth to Cougar-Smith Road: Additional November 1 through last day in February season. West Fork, from mouth to Cougar-Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the mouth of the White Chuck River to headwaters, including North and South Forks: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

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

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout:

Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

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

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): March 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

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

Shoecraft Lake (Snohomish County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Shoveler Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Use of water dogs or salamanders for fishing prohibited. Bass: Minimum length fourteen inches.

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 retained.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Additional season

December 1 through March 31. Selective gear rules. Trout: Release all trout.

From Enloe Dam to Canadian border: Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Release steelhead March 1 through May 31. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to pipeline crossing at Sedro Woolley: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From pipeline crossing at Sedro Woolley to Bacon Creek: June 1 through March 15 season except closed June 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: June 1 through last day in February season. (~~Trout: Minimum length twelve inches. Release wild cutthroat.~~) All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. (~~Trout: Minimum length twelve inches. Release wild cutthroat.~~) All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. (~~Trout: Minimum length twelve inches. Release wild cutthroat.~~) All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skookum Creek (Mason County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: Single point barbless hooks required October 16 through November 15. June 1 through April 30 season. Trout: Minimum length (~~twelve~~) fourteen inches. (~~Release wild cutthroat.~~)

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Sultan River: June 1 through last day in February season. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February. Additional March 1 through April 30 season: Selective gear rules. Fishing from any floating device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. All species: Release all fish.

From the mouth of the Sultan River to the forks: June 1 through March 31 season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Fishing from any floating device

prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

#### Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

#### Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season. ~~((Single point barbless hooks required July 1 through January 31 upstream to the Highway 101 Bridge. Trout: Minimum length fourteen inches.))~~ Selective gear rules: All species: Release all fish except up to two hatchery steelhead per day may be retained.

Snake River: Year around season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): March 1 through March 31 and September 1 through September 30 seasons.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

#### Snoqualmie River (King County):

From mouth to the falls: June 1 through March 31 season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From Snoqualmie Falls, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries: June 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries except Crocker Lake: Closed waters.

Sol Duc River (Clallam County): June 1 through April 30 season. November 1 through April 30, selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Soos Creek (King County), from mouth to salmon hatchery rack: June 1 through October 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Minimum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year around season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Kittitas County): Trout: Daily limit sixteen.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.



**Spokane River (Spokane County):**

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season except walleye. 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. Release walleye sixteen inches to twenty inches in length, and April 1 through May 31 release all walleye.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Selective gear rules. Trout: Daily limit one. Release wild trout.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating device equipped with a motor permitted. Trout: Daily limit one, minimum length 12 inches.

**Sportsman's Lake (San Juan County):** Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

**Sprague Lake (Adams/Lincoln counties):**

Waters northeast of the lakeside edge of the reeds to Danekas Road: Closed waters: Inlet stream (Negro Creek), April 1 through June 15. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Waters southeast of the lakeside edge of the reeds to Danekas Road: July 1 through September 15 season. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

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

**Spring Lake (King County):** Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

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

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

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

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

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

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

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

**Stevens, Lake (Snohomish County):** Chumming permitted. Bass: Daily limit one, minimum length eighteen inches.

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

**Stillaguamish River (Snohomish County):**

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year around season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Selective gear rules June 1 through November 30. Trout: Minimum length twenty inches June 1 through November 30. Release all fish except trout with a missing adipose fin and a healed scar at the fin site. Minimum length fourteen inches December 1 through last day in February and wild steelhead may be retained.

**Stillaguamish River, North Fork (Snohomish County),** from mouth to Swede Heaven Bridge: March 1 through November 30 all species: Fly fishing only and release all fish other than trout greater than twenty inches in length that are missing the adipose fin and have a healed scar at the fin site. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). December 1 through last day in February: Trout: Minimum length fourteen inches and wild steelhead may be retained. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge).

**Stillaguamish River, South Fork (Snohomish County):**

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

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

**Stratford/Brook Lake (Grant County):** February 1 through September 30 season.

**Stump Lake (Mason County):** Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

**Suiattle River (Skagit County):** Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

PROPOSED

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Daily and possession limit two. Only bass less than twelve inches or over eighteen inches in length may be retained. Channel catfish: Minimum length twenty inches.

Tahuya River (Mason County): ~~((Trout: Minimum length twelve inches. Release wild cutthroat.))~~ All species: Release all fish. From marker one mile above North Shore Bridge upstream: Selective gear rules.

From mouth to Bear Creek-Dewatto Road crossing, additional November 1 through last day in February season. ~~((Trout: Minimum length twelve inches. Release wild cutthroat.))~~

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year around season.

Tarboo Lake (Jefferson County): Last Saturday in April through October 31 season.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

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

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted. Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Trout: Daily limit five, no minimum length. Whitefish: Additional December 1 through March 31 season. Release all fish except whitefish.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season, closed 5:00 p.m. to 7:00 a.m. daily. Trout: Minimum length fourteen inches.

Wild steelhead may be retained December 1 through last day in February.

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

Tolt River (King County):

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

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.

From mouth of Yellow Creek upstream on North Fork: Year-round season. Trout: Selective gear rules and release all trout.

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

Totem Lakes 1 and 2 (Whatcom County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained. Daily limit may not contain more than three bass over fifteen inches in length.

Touchet River (Columbia/Walla Walla counties):

From mouth to confluence of north and south forks: June 1 through October 31 season. Trout: Daily limit five. Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and brown trout. From confluence of north and south forks upstream, including Wolf Fork: June 1 through October 31 season. Selective gear rules. Release all steelhead. Tributaries other than Wolf Fork: Closed waters.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site. Trout: Minimum length twenty inches.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

Tradition Lake (King County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the Highway 261 Bridge upstream to Turner Road Bridge: Trout: Daily limit five, no more than two of which may be steelhead. Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to a sign referencing Deer Lake about 3/4 mile upstream of the Tucannon hatchery: Closed waters.

From a sign referencing Deer Lake to the Panjab Creek Bridge: Selective gear rules. ~~((Trout: Legal to retain Dolly Varden/Bull Trout in the daily trout limit, minimum length twenty-four inches.))~~

From the Panjab Creek Bridge upstream: Closed waters.

Tucannon River tributaries (Columbia/Walla Walla counties): Closed waters.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to South Fork Twisp River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

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

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County):

~~((From mouth to watershed boundary: Trout: Minimum length fourteen inches.))~~ All species: Release all fish. From

mouth to lower bridge on the Old Belfair Highway: Selective gear rules.

From mouth to lower bridge on the Old Belfair Highway, additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only.

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

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through October 31 season. Juveniles, holders of a senior license and holders of a department disability license only. Pond Two: Last Saturday in April through October 31 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Trout: Daily limit two, minimum length twelve inches.

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

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Voight's Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Waddell Creek (Thurston County): Selective gear rules. Trout: Minimum length twelve inches.

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

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

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

Wallace River (Snohomish County):

From its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth to mouth of Olney Creek: Additional November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Wild steelhead may be retained December 1 through last day in February.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year around season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

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

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): 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 retained. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February: Release all steelhead and rainbow trout over twenty inches in length. March 1 through June 30: Minimum length twelve inches, and release all steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open

year around. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

**Washougal River (Clark County):**

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release steelhead August 16 through October 15.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. All species: Release all fish except steelhead with a missing adipose fin and a healed scar at the fin site.

From bridge at Salmon Falls to its source: Closed waters.

**Washougal River, West (North) Fork (Clark/Skamania counties):**

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

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

**Wenas Lake (Yakima County):** Trout: Daily limit five, of which not more than two may be brown trout.

**Wenatchee Lake (Chelan County):** Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

**Wenatchee River (Chelan County):**

From mouth to Lake Wenatchee: June 1 through August 31 season. Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Whitefish: Additional season December 1 through March 31. Release all fish except whitefish. Selective gear rules.

**West Twin River (Clallam County):** June 1 through last day in February season. Trout: Minimum length fourteen inches.

**Whatcom Creek (Whatcom County):**

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

**Whatcom, Lake (Whatcom County):** Last Saturday in April through October 31 season, except those waters between the

Electric Avenue Bridge and the outlet dam are closed waters: Trout: Daily limit may contain no more than one cutthroat trout, minimum cutthroat length eighteen inches.

**Whatcom, Lake, tributaries (Whatcom County):** Closed waters.

**White River (Chelan County), from mouth upstream to White River Falls:** Selective gear rules. Trout: Maximum length twenty inches.

**White (Stuck) River (Pierce County):**

From mouth to R Street Bridge in Auburn: June 1 through September 30: Closed waters. October 1 through last day in February season: Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley, except waters of Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin are closed waters: October 1 through October 31 season only. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

**Whitechuck River (Snohomish County):** Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

**White Salmon River (Klickitat/Skamania counties):**

From mouth to powerhouse: Year around season. Trout: Minimum length fourteen inches.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout: Minimum length fourteen inches.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

**Whitestone Lake (Okanogan County):** Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

**Wide Hollow Creek (Yakima County):** Trout: Daily limit five, no minimum length.

**Widgeon Lake (Grant County):** March 1 through March 31 and September 1 through September 30 seasons.

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

**Wildcat Lake (Kitsap County):** Last Saturday in April through October 31 season.

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

**Willame Lake (Lewis County):** Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

**Willapa River (Pacific County), including all forks:** Closed waters: Four hundred feet below falls on South Fork to falls.

All species: Release all fish except that up to two hatchery steelhead per day may be retained, from mouth to Forks

Creek and in South Fork. From department boat launch in South Bend upstream to Forks Creek: Single point barbless hooks required July 1 through October 31 upstream to Forks Creek. (~~Trout: Minimum length fourteen inches.~~) Upstream from Forks Creek: Selective gear rules.

From department boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek. Single point barbless hooks required November 1 through January 31. (~~Trout: Minimum length fourteen inches.~~)

South Fork: Additional November 1 through last day of February season. (~~Trout: Minimum length fourteen inches.~~) Selective gear rules.

Williams Creek (Pacific County): June 1 through last day in February season. (~~Trout: Minimum length fourteen inches.~~) Selective gear rules. All species: Release all fish.

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

Williams Lake (Stevens County): December 1 through March 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Selective gear rules. Trout: Daily and possession limit one, minimum length eighteen inches.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: June 1 through March 15 season. Trout: Minimum length fourteen inches.

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. All species: Selective gear rules.

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) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wiser Lake (Whatcom County): Bass: Only bass less than twelve inches or over fifteen inches in length may be retained.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length twelve inches. Release wild cutthroat.

From the mouth to four hundred feet below outlet: Additional November 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

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

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Single point barbless hooks required September 16 through October 31 upstream to 7400 line bridge above mouth of Schafer Creek. Trout: Minimum length twelve inches. Release wild cutthroat.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to four hundred feet below Roza Dam: Year around season. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Trout: Selective gear rules, and release all trout. Whitefish: Bait and one single-pointed, barbless hook only may be used for whitefish December 1 through last day in February.

From Lake Easton to Keechelus Dam: Selective gear rules.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

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

(3) Specific marine water exceptions to state-wide rules:

(a) Marine water area codes and boundaries:

(i) Area 1 (Ilwaco): Waters west of the Buoy 10 Line and north to Leadbetter Point.

(ii) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(iii) 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.

(iv) 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.

(v) Area 3 (La Push): From the Queets River north to Cape Alava.

(vi) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(vii) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(viii) 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))~~ Vessel Traffic Separation Buoy ((BW)) "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB 1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(ix) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(x) 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.

(xi) 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.).

(xii) 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.

(xiii) 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.

(xiv) 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.

(xv) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(xvi) 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.

(xvii) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

(b) 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):

(i) Fishing hours: Twenty-four hours per day year around, except those waters of Area 10 west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed waters.

(ii) License requirements: A valid current Washington state department of fish and wildlife game fish license, and, if appropriate, a steelhead license, is required to fish for game fish including steelhead in marine waters. All steelhead taken from 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.

(iii) Gear restrictions: Angling gear only, and in those waters of Area 10 downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island, nonbuoyant lure restriction July 1 through November 30. In all areas, underwater spearfishing, spearing, gaffing, clubbing, netting, or trapping game fish is unlawful.

(iv) ~~((Trout: Daily limit two fish, minimum length fourteen inches, except release Dolly Varden/Bull Trout in all areas, release wild cutthroat in Marine Areas 12 and 13, and release all trout November 1 through May 31 in 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.))~~ All species: Release all fish except up to two hatchery steelhead may be retained per day.

## WSR 98-21-090

### PROPOSED RULES

### DEPARTMENT OF FISH AND WILDLIFE

[Filed October 21, 1998, 11:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-087.

Title of Rule: Commercial fishing rules.

Purpose: Amend coastal Dungeness crab harvest rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Restrict commercial effort to within four miles of the Washington coast from July 1 through September 15.

Reasons Supporting Proposal: Historical data show that fishing during the crab recruit molt period damages the resource because softshell crab are discarded at sea, and after

PROPOSED

handling and discard many do not survive. Fishing effort restrictions are needed to minimize wastage of the resource. Additionally, a deep water closure will minimize the risk to fishers and processors of being cited for possessing crabs that do not meet the legal standard of hard-shell definition.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, (360) 902-2930; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, (360) 902-2325; and Enforcement: Ron Swatfigure, 1111 Washington Street, Olympia, (360) 902-2927.

Name of Proponent: Washington 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: Proposed changes to WAC 220-52-046 would provide softshell crab regulatory measures for the summer crab fishery, which are consistent with softshell management measures applied for the December opener. Historically, in five out of six seasons softshell crab during the summer period present management and enforcement problems. The outside four-mile restriction allows the summer fishery to continue in-shore, yet, avoids the deeper waters where an abundance of new recruit-softshell crab are most likely to occur. In addition to reducing wastage, it keeps the fleet from overharvesting next season's recruits which promotes even flow harvesting (a legislative policy) and facilitates the harvest of a quality product.

Proposal Changes the Following Existing Rules: Currently, there are no area restrictions during the summer fishery period. The fishery is wide open until the normal fishery closure of September 15. The regulation restricts the effort to within four miles of the coast from July 1 through September 15. It limits the total fishing grounds for vessels that crab during the summer period.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:** None.

**2. Kinds of Professional Services that a Small Business is Likely to Need in Order to Comply with such Requirements:** None.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** None.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** Forty to fifty crab vessels fish during the summer period, after July 1. Some of these vessels normally fish outside the four-mile zone. Crab are more abundant in the deeper waters but usually are soft-shelled and represent the new recruit crab for the upcoming December fishery opener. The closure of the off-shore area will reduce revenue for those vessels if landings cannot be replaced from in-shore open areas; however, the crab not caught during the closure area/period will be available for harvest once the fish-

ery reopens in December. The area closure impact represents more of a shift in revenue producing period than a loss of revenue. The potential range of revenue lost by the forty to fifty vessels is minimal, probably from 0% to 10% of their summer revenue. The respective dollar loss ranges from \$0 to \$5,000 per vessel as a worst case scenario.

**5. Cost of Compliance for the Ten Percent of Businesses that are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:** a. Costs per employee—\$0 to \$800. b. Cost per hour of labor; or NA. c. Costs per one hundred dollars of sales. NA.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for Not Doing So:** The department carefully analyzed the harvest log information to determine the depth and timing stratification of the soft-shelled crab problem and used that information to preserve an in-shore crab fishery as an alternative to a total seasonal closure.

**7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule:** Coastal crab fishers, processors and the coastal crab advisory group met with the Washington Department of Fish and Wildlife throughout the 1997/98 season. The Washington Department of Fish and Wildlife mailed letters in June 1998 to all licensed coastal crabbers regarding the rule change. The department will hold a public workshop in November and a public hearing in December.

**8. A List of Industries that will be Required to Comply with the Rule:** Nontreaty coastal crab fishers.

A copy of the statement may be obtained by writing to Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2940.

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

Hearing Location: DoubleTree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA, on December 4-5, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 16, 1998, TDD (360) 902-2295, or (360) 902-2923.

Submit Written Comments to: Evan Jacoby, Washington Department of Fish and Wildlife, Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, fax (360) 902-2940, by December 3, 1998.

Date of Intended Adoption: December 5, 1998.

October 21, 1998

Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 98-185, filed 9/4/98, effective 10/5/98)

**WAC 220-52-046 Crab fishery—Seasons and areas.** "Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crabs for commercial purposes, and shall include the possession of crab on the water for com-



mercial purposes, and the landing or initial delivery of crab for commercial purposes.

The lawful open times and areas for commercial crab fishing are as follows:

(1) All Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas are open for commercial crab fishing beginning 8:00 a.m. October 1st through the following April 15th and, after October 1, one-half hour before sunrise to one-half hour after sunset, except:

(a) Areas 25C, 26B, 26C, 26D, 27A, 27B, 27C, 28A, 28B, 28C, and 28D are not open to commercial crab fishing; and

(b) The areas and times provided by other subsections below are not open to commercial crab fishing.

(2) The following areas are closed to commercial crab fishing except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in *United States v. Washington*:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A between a line from the boat ramp at the western boundary of Birch Bay State Park to the western point of the entrance of the Birch Bay Marina and a line from the same boat ramp to Birch Point are closed March 1 through April 15.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Lummi Bay east of a line projected from the entrance buoy at Sandy Point to Gooseberry Point.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A in Bellingham Bay west of a line projected from the exposed boulder at Point Francis to the pilings at Stevie's Point.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A east of lines projected north from the most westerly tip of Skagit Island and south to the most westerly tip of Hope Island, thence southeast to Seal Rocks, thence southeast to the green can buoy at the mouth of Swinomish Channel, thence easterly to the west side of Goat Island.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B inside a line projected from Priest Point to the five-meter tower between Gedney Island and Priest Point, thence northwesterly on a line between the five-meter tower and Barnum Point to the intersection with a line projected true west from Kayak Point, thence east to shore.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24B north of a line projected true west from Kayak Point and south and west of a line from Kayak Point to Barnum Point.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25A west of a line from the new Dungeness Light to the mouth of Cooper Creek are closed through November 15th of each year.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 25D within a line projected from the Point Hudson Marina entrance to the northern tip of Indian Island, thence to Kala Point, and thence following the shoreline to the point of origin.

(3) The following areas are closed to commercial crab fishing during the periods indicated:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24C inshore of the 400 foot depth contour within an area bounded by parallel lines projected northeasterly from Sandy Point and the entrance to the marina at Langley are closed October 1 through October 31, and March 1 through April 15 of each year.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A in Useless Bay north and east of a line from Indian Point to a point on shore 1.5 miles northeast of Double Bluff are closed October 1 through October 31, and March 1 through April 15 of each year.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B inside lines from Oyster Creek to the fisheries monument on Samish Island and from Oyster Creek to Point Williams are closed shoreward of the ten fathom contour October 1 through October 31, and March 1 through April 15 of each year.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Fidalgo Bay south of a line projected from the red number 4 entrance buoy at Cap Sante Marina to the northern end of the eastern most oil dock are closed October 1 through October 31, and March 1 through April 15 of each year.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A in Coronet Bay south of a line projected true east and west from the northernmost tip of Ben Ure Island are closed October 1 through October 31, and March 1 through April 15 of each year.

(4) The following areas are closed to commercial crab fishing until further notice:

(a) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24A within a line projected from Rocky Point northeast to the red number 2 buoy, thence to Brown Point.

(b) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 24D south of a line from Dines Point to the point just north of Beverly Beach.

(c) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A south and east of a line projected from the 3A buoy at the Snohomish River mouth to the outermost tip of the ferry dock at Mukilteo.

(d) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26A within a line from the green number 1 buoy at Scatchet Head to the green number 1 buoy at Possession Point thence following the 200 foot contour to a point due east from the Glendale Dock.

(e) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21B in Samish Bay south of a line from Oyster Creek to the fisheries management monument on Samish Island.

(f) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Westcott and Garrison Bays east of a line projected due south from Point White to San Juan Island.

(g) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A in Birch Bay east of a line projected from the boat ramp at the western boundary of

Birch Bay State Park to the western point of the entrance to the Birch Bay Marina.

(h) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 21A shoreward of the ten-fathom (MLLW) contour in Chuckanut Bay.

(i) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Blind Bay south of a line projected due west from Point Hudson to Shaw Island.

(j) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Deer Harbor north of a line projected from Steep Point to Pole Pass.

(k) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Fisherman Bay south of a line projected east-west through the red number 4 entrance buoy.

(l) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A in Mud Bay south of a line projected from Lopez Island through Crab and Fortress Islands to Lopez Island.

(m) Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22B in Padilla Bay within a line projected from the northern end of the eastern most oil dock to the red number 2 buoy, thence southeasterly to the red number 8 buoy, thence west to shore.

(n) All waters in the San Juan Islands Marine Preserve Area.

(5) Coastal, Pacific Ocean, Grays Harbor, Willapa Bay and Columbia River waters are open to commercial crab fishing December 1 through September 15 except that it is lawful to set baited crab gear beginning at 8:00 a.m. November 28. However, the department may delay opening of the coastal crab fishery due to softshell crab conditions, in which case the following provisions will apply:

(a) After consultation with the Oregon Department of Fish and Wildlife, the director may, by emergency rule, establish a softshell crab demarcation line.

(b) For waters of the Pacific Ocean north of Point Arena, California, it is unlawful for a person to use a vessel to fish in any area for which the season opening has been delayed due to softshell crab for the first thirty days following the opening of such an area if the vessel was employed in the coastal crab fishery during the previous forty-five days.

(c) Fishers may not set crab gear in any area where the season opening has been delayed, except that gear may be set as allowed by emergency rule and shall allow setting sixty-four hours in advance of the delayed season opening time.

(d) It is unlawful to fish for or possess Dungeness crabs or to set crab gear in waters of the Pacific Ocean adjacent to the states of Oregon or California except during the lawful open seasons, areas and times specified by the individual states.

(6) The following areas (Special Management Area; SMA's) are closed to commercial crab fishing during the periods indicated, except for treaty Indian commercial crab fishing where the treaty Indian crab fisher is following tribal openings that are in accordance with provisions of court orders in United States v. Washington:

(a) Those waters bounded by lines projected between the following coordinates:

Southern SMA Description:

NW corner:	47°09.00'N	124°23.80'W (LORAN 41885)
NE corner:	47°09.00'N	124°16.30'W
SW corner:	46°58.00'N	124°22.00'W (LORAN 41885)
SE corner:	46°58.00'N	124°15.30'W

Northern SMA Description:

NW corner:	47°32.00'N	124°34.00'W (LORAN 41865)
NE corner:	47°32.00'N	124°29.50'W (LORAN 41880)
SW corner:	47°27.00'N	124°33.00'W (LORAN 41865)
SE corner:	47°27.00'N	124°28.60'W (LORAN 41880)

~~((The non-Indian fishery will be closed within these areas through January 4, 1998. The areas will open to the non-Indian fishery on January 5, 1998, and remain open through September 15, 1998.))~~ The non-Indian fishery will be closed within these areas December 1, 1998, through January 4, 1999. The areas will open to the non-Indian fishery on January 5, 1999, and remain open through September 15, 1999, except as provided for in (d) of this subsection.

(b) Those waters between 47°40.50'N (Destruction Island) north to 48°02.25'N, east of a line (to the coastline) described by the following points:

Southern point:	47°40.50'N	124°37.50'W
Central point:	48°00.00'N	124°49.50'W
Northern point:	48°02.25'N	124°50.00'W

~~((This area is closed to non-Indian fishing through January 7, 1998. It will reopen to non-Indian fishing on January 8, 1998, and close on February 5, 1998. This area will reopen on March 28, 1998, and remain open through September 15, 1998.))~~ This area is closed to non-Indian fishing from December 1, 1998, through January 7, 1999. It will reopen to non-Indian fishing on January 8, 1999, and close on February 5, 1999. This area will reopen on March 28, 1999, and remain open through September 15, 1999, except as provided for in (d) of this subsection.

(c) Those waters east of a line approximating the 25 fathom curve, from 48°02.15'N 124°50'00"W to 48°07'36"N 124°51'24"W to 48°20'00"N 124°50'00"W to Cape Flattery. This area will close to non-Indian fishing December 29, 1997, (after 28 days of fishing) and remain closed through March 31, 1998. The area will reopen on April 1, 1998, and remain open through September 15, 1998.

(d) It is unlawful to place gear, fish for or take Dungeness crab for commercial purposes in the following area from July 1 through September 15:

Those waters west of straight lines drawn in sequence from south to north between the following coordinates:

	<u>Land description</u>	<u>Coordinate</u>
(i)	<u>Washington - Oregon border</u>	<u>46°15.00'N 124°10.00'W</u>
(ii)	<u>Seaview</u>	<u>46°20.00'N 124°10.00'W</u>
(iii)	<u>Willapa Bay entrance</u>	<u>46°40.00'N 124°10.00'W</u>

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	<u>Land description</u>	<u>Coordinate</u>
(iv)	<u>N. Willapa Bay spits</u>	<u>46°43.50'N 124°11.50'W</u>
(v)	<u>Grayland</u>	<u>46°50.00'N 124°12.30'W</u>
(vi)	<u>Grays Harbor</u>	<u>46°54.70'N 124°16.00'W</u>
(vii)	<u>Ocean Shores</u>	<u>47°00.00'N 124°16.00'W</u>
(viii)	<u>Moclips</u>	<u>47°15.00'N 124°19.00'W</u>
(ix)	<u>Cape Elizabeth</u>	<u>47°20.00'N 124°25.00'W</u>
(x)	<u>Raft River</u>	<u>47°27.00'N 124°28.60'W</u> <u>(follow TD 41880 to way-</u> <u>point # 11 N. Destruction</u> <u>Island)</u>
(xi)	<u>N. Destruction</u> <u>Island</u>	<u>47°42.40'N 124°31.50'W</u>
(xii)	<u>Lapush</u>	<u>47°55.00'N 124°46.00'W</u>
(xiii)	<u>Carol Island</u>	<u>48°00.00'N 124°49.50'W</u>
(xiv)	<u>N. Lake Ozette</u>	<u>48°07.60'N 124°51.40'W</u>
(xv)	<u>Makah Bay</u>	<u>48°20.00'N 124°50.00'W</u>
(xvi)	<u>Cape Flattery</u>	<u>Point on land</u>

**WSR 98-21-091**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed October 21, 1998, 11:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-086.

Title of Rule: Commercial fishing rules, re: Ocean spot shrimp—Declaration of emerging commercial fishery—Provide rules and criteria for participation.

Purpose: To declare the ocean spot shrimp fishery as an emerging commercial fishery as provided under the Emerging Commercial Fishery Act. The existing fishery is growing rapidly in both landings and number of vessels participating. In addition gear conflicts on the shrimping grounds are occurring. The fishery needs to have limited participation to prevent overcapitalization, gear conflict, and overfishing on a resource whose sustainability is unknown.

Statutory Authority for Adoption: RCW 75.08.080 and 75.30.220.

Statute Being Implemented: RCW 75.08.080 and 75.30.220.

Summary: Ocean spot shrimp fishery rules will limit participation with rules for gear, allowable species, initial participant qualification, and requirements for continuing participation.

Reasons Supporting Proposal: The fishery is rapidly expanding, both in pounds landed and number of vessels participating creating a risk for the sustainability for the resource which is unknown, creating gear conflicts on the fishing

grounds and increasing the risk of further overcapitalization in the fishing industry.

Name of Agency Personnel Responsible for Drafting: Morris Barker, 1111 Washington Street, Olympia, WA, (360) 902-2826; Implementation: Bruce Crawford, 1111 Washington Street, Olympia, WA, (360) 902-2325; and Enforcement: Bruce Bjork, 1111 Washington Street, Olympia, WA, (360) 902-2373.

Name of Proponent: Washington 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: WAC 220-88B-010 Emerging commercial fishery—Purpose, describes the purpose and scope of chapter 220-88B WAC with regard to establishing the coastal spot shrimp pot and trawl fisheries as emerging commercial fisheries (ECF). Initiation of the ECF process became necessary when the level of participation and interest in the fishery began to rapidly accelerate. The purpose of emerging commercial fishery legislation enacted in 1993 was to enable the Washington Department of Fish and Wildlife to place restrictions on participation in developing fisheries in order to conserve the resource, prevent overharvest, and habitat damage. Little is known about the coastal spot shrimp resource with regard to its distribution, abundance, and sustainability. After a fishery evaluation period of up to five years, the department must submit a report to the legislature with our recommendations for the future structure and management of this fishery. Anticipated effects will be to limit vessel participation, reduce harvest levels commensurate with stock production capability, provide interim harvest equity between gear types, reduce fishing conflicts on the grounds, and prevent overcapitalization by fishers making investments in boats, equipment, and gear beyond the level of harvest that the resource can support.

WAC 220-88B-020 Designation of the coastal spot shrimp pot fishery and coastal shrimp trawl fisheries as emerging commercial fisheries, designates these two fisheries as emerging commercial fisheries in accordance with governing RCWs and makes it unlawful to participate in these fisheries unless fishers have been issued appropriate licenses and permits. Describes the licenses that may no longer be used to participate in these two fisheries. Anticipated effect is to limit participation in the fishery to those that qualify according to the criteria in WAC 220-88B-030.

WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal fishery permits—Terms and conditions, specifies qualification criteria for permit eligibility in terms of the qualifying time period and amount of spot shrimp landed during the qualifying period for pot gear and trawl gear. Describes procedures for permit administration. The effect is to limit participation to four trawl and nine pot vessels which will qualify for permits under the proposed criteria that were developed in concert with an Industry Advisory Board.

WAC 220-88B-040 Coastal spot shrimp experimental fishery—Season and gear, designates seasons and gear restrictions for shrimp pot gear; sets maximum gear allowed per permit; pot construction and identification requirements;

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and allowable by-catch of other species. The purpose of this rule is to describe a fishing season; provide for mesh size that reduces harvest of undersize spot shrimp; limit pot sizes and amount of pots fished to create a level playing field among the participants; provide for the ready identification of gear to reduce gear conflicts on the fishing grounds; and, limit the by-catch to protect other resources which are fully subscribed in other fisheries. The anticipated effect is to reduce the level of effort in the fishery; provide equity of opportunity within the gear type; promote benign gear and fishing practices; reduce gear conflict on the fishing grounds; and reduce the trend toward overcapitalization of fishing power in this segment of the industry.

WAC 220-88B-050 Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction—Species restriction, designates fishing season and trawl gear restrictions: Includes fish excluder devices, net construction, mesh size requirements and specifications regarding foot-rope protectors and tickler chains. Specifies allowable by-catch. The purpose of this rule is to describe a fishing season; provide for mesh size that reduces harvest of undersize spot shrimp and other shrimp species; requires a device that reduces by-catch of fish; limits gear construction in a manner that removes incentives to trawl for spot shrimp in rougher bottom habitat; and limits the by-catch to protect other resources which are fully subscribed in other fisheries. The anticipated effect is to reduce the level of effort in the fishery; provide equity of opportunity within the gear type; promote benign gear and fishing practices; reduce gear conflict on the fishing grounds; and reduce the trend toward overcapitalization of fishing power in this segment of the industry.

WAC 220-52-050 Shrimp fisheries—Coastal waters, designates new by-catch limitations for spot shrimp as taken in the ocean pink shrimp fishery and allows the incidental take of shrimp species other than ocean spot shrimp and ocean pink shrimp only in directed shrimp fisheries for ocean pink and ocean spot shrimp. The purpose of this regulation is to prevent other shrimp fisheries from targeting on spot shrimp as "incidental take" in legitimate ocean pink shrimp fisheries or preventing the pursuit of spot shrimp under the guise of fishing for a lesser known shrimp species. The effect of the regulation will be to channel the bulk of the ocean spot shrimp harvest to the emerging commercial fishery gears designated in this rule-making process.

Proposal Changes the Following Existing Rules: See Small Business Economic Impact Statement below.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**1. Description of the Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule:** The regulation package implements new requirements that: (1) Limits the number of vessels participating in the ocean spot shrimp fishery in accordance with emerging commercial fishery legislation (RCW 75.30.220, [75.30].230, and [75.30].240, and (2) places restrictions on fishing gear that is needed to conserve the resource, and (3) places an incidental catch restriction for shrimp species other than ocean pink shrimp on ocean pink shrimp trawl fishers. Fishers have been

required to keep and report fishing logbook information to the Washington Department of Fish and Wildlife for many years. No additional reporting or recordkeeping is required.

**2. Kinds of Professional Services that a Small Business is Likely to Need in Order to Comply with such Requirements:** None.

**3. Costs of Compliance for Businesses, Including Costs of Equipment, Supplies, Labor, and Increased Administrative Costs:** In accordance with RCW 75.28.130, each fisher qualifying for a permit must obtain an emerging commercial fishery license. The fee for this license is \$185 for Washington residents. There is no fee charged for the permit issued in accordance with RCW 75.30.220.

The minimum mesh size rule for pot gear is proposed to take effect in 2001. This provides a two-year phase-in period. It is anticipated that most pots will be rewbedded to meet this requirement before 2001 as a part of routine gear replacement and maintenance. It is difficult to predict the number of pots that will need to be rewbedded by 2001. The approximate cost of rewbedding one pot is \$20. Fishers employ about 300 pots each. In the worst case, it would cost a fisher about \$6,000 for rewbedding if no gear maintenance were needed prior to 2001, a very unlikely scenario.

The proposed new requirements on trawl gear were developed with the cooperation and support of the affected fishers. Trawl nets normally require frequent repair and/or replacement. The rule that requires a two-inch minimum cod-end mesh size takes effect in 2001. Only one fisher could substantially be affected by this rule, the others are already modifying their gear to facilitate this change. The impact to this fisher will be approximately \$4,000 to comply with the rule if the net does not require significant repair or replacement before 2001.

**4. Will Compliance with the Rule Cause Businesses to Lose Sales or Revenue?** Several fishers that participated in the fishery for the first time after March 30, 1998, did so with full knowledge that it was very likely that emerging commercial fisheries legislation would be implemented and that they would be ineligible to participate in the fishery after January, 1999. Accordingly, these fishers will lose the opportunity to earn fishing revenue. This revenue will not result in an overall loss to general industry because the revenue source will be transferred to qualifying fishers.

**5. Cost of Compliance for the Ten Percent of Businesses that are the Largest Businesses Required to Comply with the Proposed Rules Using One or More of the Following as a Basis for Comparing Costs:** a. Cost per employee; b. cost per hour of labor; or c. cost per one hundred dollars of sales. Not applicable.

**6. Steps Taken by the Agency to Reduce the Costs of the Rule on Small Businesses or Reasonable Justification for not Doing so:** These rules have been developed with extensive participation of the commercial fishers affected. As noted in #3 above, the minimum mesh size rule for pot gear and trawl gear allows for a phase-in period of two years and it is anticipated that most gear will be rewbedded to meet the new requirement as part of routine maintenance during the two-year phase-in period. Minor modifications to trawl gear will be needed to meet the new requirements, but most

trawlers have already made the modifications. Fishers support these requirements.

**7. A Description of How the Agency will Involve Small Businesses in the Development of the Rule:** Implementation of emerging commercial fisheries legislation required formation of an Industry Advisory Board. Seven Advisory Board meetings were held. Notice of these meetings were mailed to everyone who had expressed interest in the fishery; each person was provided with copies of the draft and final draft of regulations for review and comment. The Washington Department of Fish and Wildlife intends to continue to involve industry representatives in the fishery management process as the fishery continues to develop.

**8. A List of Industries that will be Required to Comply with the Rule:** These rules will apply only to coastal commercial spot shrimp and ocean pink shrimp fishers that fall under the jurisdiction of the state of Washington.

A copy of the statement may be obtained by writing to Morris Barker, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2826, fax (360) 902-2944.

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

Hearing Location: DoubleTree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA, on December 4-5, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by November 16, 1998, TDD (360) 902-2295, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, Rules Coordinator, 600 Capitol Way North, Olympia, WA, fax (360) 902-2940, by December 3, 1998.

Date of Intended Adoption: December 5, 1998.

October 21, 1998

Evan Jacoby

Rules Coordinator

**AMENDATORY SECTION** (Amending Order 94-23, filed 5/19/94, effective 6/19/94)

**WAC 220-52-050 Shrimp fishery—Coastal waters.** It is unlawful to fish for ~~((or)),~~ possess or deliver shrimp taken for commercial purposes from ~~((east))~~ Washington territorial waters west of the Bonilla-Tatoosh line or waters of the Exclusive Economic Zone except as provided for in this section:

~~((1))~~ **Trawl gear:**

~~(a) Season—~~ Open to trawl fishing April 1 through October 31 of each year.

~~(b) Gear restrictions—~~ The following gear is prohibited:

~~(i) Shrimp trawl gear having a mesh size greater than two inches in the intermediate or codend. It is lawful to have mesh larger than two inches in the wings or body of the trawl.~~

~~(ii) It is unlawful for any fisherman to be in possession of any gear having mesh size greater than two inches in the intermediate or codend while any shrimp are aboard the vessel.~~

~~(c) Species restriction—~~ It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

~~(d) Licensing:~~

~~(i) A shrimp trawl—~~ non-Puget Sound fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp other than ocean pink shrimp.

~~(ii) An ocean pink shrimp delivery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.~~

~~(2) Shellfish pot gear:~~

~~(a) Season—~~ Open to shellfish pot gear fishing the entire year.

~~(b) Gear restrictions—~~ No mesh restriction.

~~(c) Species restriction—~~ It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

~~(d) Licensing:~~

~~(i) A shellfish pot fishery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp other than ocean pink shrimp.~~

~~(ii) An ocean pink shrimp delivery license is a license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.~~

~~(3) Minimum number of shrimp per pound:~~

~~The count must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This subsection applies only to loads of 3,000 pounds of shrimp or more.~~

~~(4) Incidental catch:~~

~~(a) It is unlawful to take salmon incidental to any shrimp fishery.~~

~~(b) 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. If a species or species complex trip limit established under WAC 220-44-050 is less than 1,500 pounds or 1,000 pounds respectively, it is unlawful to land in excess of that trip limit.~~

~~(c) It is unlawful to retain any species of shellfish taken incidental to any lawful shrimp fishery, except that it is lawful to retain octopus and squid.)~~ (1) Ocean pink shrimp fishery:

~~(a) The open season for trawl gear is April 1 through October 31 of each year.~~

~~(b) The following gear is prohibited: Trawl gear having a net mesh size greater than two inches in the intermediate or codend, except for net mesh used in fish excluder devices. It is lawful to have net mesh larger than two inches in the wings or body of the trawl.~~

~~(c) Minimum number of shrimp per pound: The count per pound must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one~~

sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consist of at least one pound of each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This shall apply only to loads of 3,000 pounds of shrimp or more.

(d) Incidental catch-finish: It is unlawful to take salmon incidental to any shrimp fishery. It is unlawful to retain any bottomfish species taken incidental to shrimp trawl fishery except as provided for in WAC 220-44-050.

(e) Incidental catch-shellfish:

(i) It is unlawful to retain any species of shellfish except that it is lawful to retain up to 50 pounds round weight of other shrimp species taken incidentally in the ocean pink shrimp fishery, or octopus or squid.

(ii) It is unlawful to retain ocean pink shrimp taken within the territorial boundaries of the state.

(f) An ocean pink shrimp delivery license is the license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in offshore waters.

(2) Ocean spot shrimp fishery: The spot shrimp fishery shall be governed by chapter 220-88B WAC.

(3) Fisheries for shrimp species other than ocean pink shrimp or ocean spot shrimp: Species other than ocean pink shrimp and ocean spot shrimp may only be taken incidentally to the ocean pink shrimp and ocean spot shrimp fisheries.

#### NEW SECTION

**WAC 220-88B-010 Emerging commercial fishery—Coastal—Purpose.** The purpose of this chapter is to establish the coastal spot shrimp pot and coastal shrimp pot trawl as emerging commercial fisheries, specify the qualification for obtaining experimental fishery permits to participate in these fisheries, limit the transferability of fishery permits, and to set time, place, and manner for participation in these fisheries.

#### NEW SECTION

**WAC 220-88B-020 Designation of the coastal spot shrimp pot fishery and coastal shrimp trawl as emerging commercial fisheries.** (1) The director designates the coastal spot shrimp pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from Washington territorial waters west of the Bonilla-Tatoosh line or from waters of the Exclusive Economic Zone unless the owner of the vessel has a valid emerging commercial fishery license and a valid coastal spot shrimp pot experimental fishery permit.

(2) The director designates the coastal spot shrimp trawl fishery as an emerging commercial fishery for which a vessel is required. It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from Washington territorial waters west of the Bonilla-Tatoosh line or from waters of the Exclusive Economic Zone unless the owner of the vessel has a valid emerging commercial fishery license and a valid coastal spot shrimp trawl experimental fishery permit.

(3) After January 1, 1999, the following licenses may not be used to fish for, possess, or deliver spot shrimp taken in Washington territorial waters west of the Bonilla-Tatoosh line or waters of the Exclusive Economic Zone: Shellfish pot fishery license, nonlimited entry delivery license, salmon troll delivery license, salmon delivery license, crab pot fishery license, Dungeness crab—coastal fishery license.

#### NEW SECTION

**WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal.** (1) A 1999 coastal spot shrimp pot experimental fishery permit will be issued to a natural person who is the owner of a vessel that can prove by means of valid Washington fish receiving tickets that at least 1,000 round pounds of spot shrimp were taken from waters of the Pacific Ocean between 46.15.00' and 48.28.00" N. latitude with shellfish pot gear and delivered from that vessel during the period January 1, 1992, through March 30, 1998. In order for a fish receiving ticket to be valid it must have been received by the department no later than April 15, 1998.

(2) A 1999 coastal spot shrimp trawl experimental fishery permit will be issued to a natural person who is the owner of a vessel that can prove by means of valid Washington fish receiving tickets that at least 10,000 round pounds of spot shrimp were taken from waters of the Pacific Ocean between 46.15.00' and 48.28.00" N. latitude with trawl gear and delivered from that vessel during the period from January 1, 1992, through March 30, 1998. In order for a fish receiving ticket to be valid it must have been received by the department no later than April 15, 1998.

(3) For purposes of this section, landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) In the event the owner has replaced a vessel that was used during the qualifying period, the landings from the original and replacement vessels may be combined for purposes of achieving the minimum landing requirement during the qualifying period.

(5) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(6) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated in the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(7) After 1999, a coastal spot shrimp pot experimental fishery permit or a coastal spot shrimp trawl experimental fishery permit will be issued only to the person who:

(a) Held such a permit the previous year; and

(b) Beginning January 1, 2001, can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's vessel during the previous two calendar years.

(8) The director may convert coastal spot shrimp experimental trawl fishery permits to coastal spot shrimp experimental pot fishery permits.

(9) Coastal spot shrimp experimental fishery permits may be revoked by the director for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit shall be revoked if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(10) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed the number of permits issued in 1999. Selection of persons to receive replacement permits shall be by gear type, and the replacement permit will be offered first to the person who made the largest total coastal spot shrimp landing in each gear type during the qualifying period and then in descending order to persons who made landings in that gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(11) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

#### NEW SECTION

**WAC 220-88B-040 Coastal spot shrimp pot experimental fishery—Season and gear—Species restriction.** It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using shellfish pot gear except as provided in this section:

(1) Season - Open to shellfish pot gear the entire year.

(2) Gear restrictions:

(a) Maximum of 500 shellfish pots per permit.

(b) Effective January 1, 2001, pot size is limited to a maximum 153 inch bottom perimeter and a maximum 24 inch height.

(c) Effective January 1, 2001, shrimp pot gear must be constructed with net webbing or rigid mesh, and at least 50 percent of the net webbing or mesh covering the sides of the pot must easily allow passage of a seven-eighths inch diameter dowel.

(d) Pot gear is required to have an escape mechanism as provided for in WAC 220-52-035.

(e) Groundline end marker buoys must be floating and visible on the surface of the water, equipped with a pole, flag, radar reflector and operating light, and marked with the clear identification of the permittee.

(3) Incidental catch: It is unlawful to retain any species of finfish or shellfish, except that it is lawful to retain octopus, squid, and up to 50 pounds round weight of other shrimp species taken with shrimp pot gear.

#### NEW SECTION

**WAC 220-88B-050 Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction-pot gear restriction—Species restriction.** It is unlawful to fish for spot shrimp for commercial purposes in coastal and offshore waters using trawl gear except as provided for in this section:

(1) Season - Open to trawl gear May 1 through November 30.

(2) Gear:

(a) Fish excluder devices required.

(b) Single-layered codends only, minimum mesh one and one-half inches measured between adjacent knots. Effective January 1, 2001, minimum mesh size is two inches measured between adjacent knots.

(c) Chafing gear may encircle no more than 50 percent of the circumference of the net codend and the terminal end of chafing gear may not be attached to the codend except at the corners.

(d) Trawl gear may not be rigged such that tickler chains, or any other gear drags across the bottom in front of the mouth of the net; each roller, bobbin, disc, or similar device added to the footrope of the trawl net that is intended to make contact with the sea bottom may not be less than eight inches nor more than twenty-eight inches in diameter and must roll independently and freely.

(3) Spot shrimp pot gear may not be aboard any vessel designated in the coastal spot shrimp trawl experimental fishery.

(4) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is lawful to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species except as provided for in WAC 220-44-050.

#### **WSR 98-21-092**

#### **PROPOSED RULES**

#### **DEPARTMENT OF FISH AND WILDLIFE**

[Filed October 21, 1998, 11:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 98-17-089 and 98-15-149.

Purpose: To amend WAC 232-28-274, 232-28-272, 232-28-264, 232-28-260, and 232-28-271; and adopt WAC 232-28-275.

Statutory Authority for Adoption: RCW 77.12.040; section 41, chapter 191, Laws of 1998.

Statute Being Implemented: RCW 77.12.040; section 41, chapter 191, Laws of 1998.

Reasons Supporting Proposal: WAC 232-28-274 Big game auction permits and raffles, this regulation establishes the rules for sheep and elk auction permit hunts and elk, deer, sheep, moose, and turkey raffle permit hunts. The Washing-



ton state legislature and governor authorized the Department of Fish and Wildlife to provide auction and raffle hunts to provide dedicated funding for management of those species. The agency proposal is to continue offering elk and sheep auction tags and elk, deer, sheep, and moose raffle tags and to add new raffle turkey tags. The funds generated by each species tag sale are dedicated for management of that species. The addition of turkey raffle tags allows for dedicated funds to continue the work of expanding turkey populations in the state. Does not affect small business.

WAC 232-28-272 1999-2000 Black bear and cougar hunting seasons and regulations, the amendments provide license and tag language changes that provide consistency with the license reform bill. The amendments also provide for an increase in the cougar bag limit to two per year per hunter, and shorten the fall black bear season in the Blue Mountains. The fall season is being returned to an opening date following Labor Day. This shortened fall season is being offset by the creation of a new spring season, when hunter success should be high. The amendments are proposed to assist in achieving black bear and cougar harvest management objectives. Increasing the bag limit to two cougar will likely result in minimal additional cougar harvest, but any potential increase in the number of cougar taken during the general season may assist in reducing cougar complaints being reported by the general public. A spring, permit-controlled hunt in conjunction with a fall bear season will allow the greatest opportunity to meet black bear management objectives. Does not affect small business.

WAC 232-28-264 Official hunting hours and small game seasons, the proposed amendments provide clarification on the turkey tag requirements and consistency with license changes that have resulted from the passing of the license reform bill. Clarification and consistency between license reform statutes and agency WACs. The rule will clarify the tag requirements for wild turkey hunters and will provide language that is consistent with the new small game license. Does not affect small business.

WAC 232-28-260 Special hunting seasons, the special hunting seasons WAC is being amended so that youth and senior citizen hunters have a standard eligibility for permit hunts and general season hunting activity. The special hunting seasons WAC is also amended to allow the opportunity for applications and permit hunts for either black bear or cougar. The proposed amendments provide consistency between license reform statutes and agency WACs. Amendments to this rule will provide a consistent definition of youth and senior citizen hunters between statute and WAC. Youth hunters are all persons under sixteen years of age. A hunter will be considered eligible to apply or participate in all youth hunts throughout the license year as long as they have lawfully acquired a youth hunting license (purchase eligibility is based on the age you are at the time of license purchase). Senior citizen hunters are now referred to as "age 65 and over hunters," and are defined as persons 65 years of age or older on March 31 of the license year. Does not affect small business.

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions, pro-

posed changes for 1999 seasons on private lands wildlife management areas.

Wilson Creek: -Archery fee access buck permits are dropped.

Champion: -Antlerless deer special permits are reduced by fifty percent.

-Three new hunts are proposed for antlerless deer for annual access permit holders on a quota basis.

-Antlerless only elk hunts are dropped.

Merrill and Ring: -Change from antlerless only to a 3 Pt. Minimum or antlerless requirement for their raffle archery deer hunt.

Private lands wildlife management areas enhance fish and wildlife resources and provide recreational opportunity that might otherwise not be available. Establishes 1999 seasons for deer and elk on private lands wildlife management areas. Does not affect small business.

New WAC 232-28-275 1999 Black bear special permit season/quotas, adoption of this WAC establishes a permit season and permit quotas for black bear in the Blue Mountains. A spring, permit-controlled hunt in conjunction with a fall season will allow the greatest opportunity to meet black bear harvest management objectives for this area, while providing a unique quality recreational bear hunting opportunity. The rule will allow hunters to apply for permit hunts in seven different game management units in the Blue Mountains. Does not affect small business.

Name of Agency Personnel Responsible for Drafting and Implementation: Mike Kuttel, Assistant Director, Wildlife Management, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Acting Assistant Director, Enforcement, Olympia, (360) 902-2932.

Name of Proponent: Washington 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 Purpose above.

Proposal Changes the Following Existing Rules: . See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules do not affect small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are not related to the hydraulics code.

Hearing Location: DoubleTree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA, on December 4-5, 1998, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by November 20, 1998, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Washington Department of Fish and Wildlife, Mike Kuttel, 600 Capitol Way North, Olympia, WA 98501-1091, fax (360) 902-2162, by November 20, 1998.



Date of Intended Adoption: December 4, 1998.  
 October 21, 1998  
 Evan Jacoby  
 Rules Coordinator

**AMENDATORY SECTION** (Amending Order 97-249, filed 12/23/97, effective 1/23/98)

**WAC 232-28-260 Special hunting seasons.** (1) The commission may establish special hunting seasons limited to species and/or weapon type.

(2) The commission establishes the following types of special hunting seasons, called permit hunts, for purposes of taking specified wildlife:

- (a) General permit hunts;
- (b) Persons of disability permit hunts;
- (c) Youth permit hunts;
- (d) ~~((Senior citizen))~~ Age 65 and older permit hunts;
- (e) Advanced hunter education permit hunts~~((;))~~;
- (f) Raffle and auction permit hunts.

(3) In addition to the requirements for general permit hunts, the following are hunt requirements for:

(a) Persons of Disability Permit Hunts: Only applicants with a Washington disabled hunter permit are eligible to apply for any persons of disability permit hunts.

(b) Youth Permit and General Season Hunts: Only ~~((applicants))~~ persons under sixteen years ~~((old or younger on opening day of the permit hunt))~~ of age on April 1 of the license year will be eligible to ~~((apply))~~ purchase youth hunting licenses for the youth permit hunts, or participate in youth general season hunts.

(c) ~~((Senior Citizen))~~ Age 65 and older Permit and General Season Hunts: Only applicants sixty-five years of age or older on ~~((opening day of the permit hunt))~~ March 31 of the licensing year will be eligible to apply for ~~((senior citizen))~~ age 65 and older permit hunts or participate in age 65 and older general season hunts.

(d) Advanced Hunter Education Permit Hunts: Only ~~((applicants))~~ persons who have successfully completed the Washington department of fish and wildlife advanced hunter education (AHE) course will be eligible to apply for AHE permit hunts.

(4) Deer ~~((and))~~, elk, cougar or black bear special hunting seasons permit hunt application:

(a) To apply for permit hunts for deer, elk, cougar or black bear applicants must have a valid Washington big game hunting license and a valid ~~((deer))~~ transport tag for the appropriate species. Each applicant must have the proper transport tag as identified in the current deer, elk, cougar or black bear hunting permit tables.

(b) ~~((To apply for permit hunts for elk, applicants must have a valid Washington hunting license and a valid elk transport tag. Each applicant must have the proper transport tag as identified in the current elk hunting permit tables.~~

~~((e)))~~ No ~~((refunds or))~~ exchanges for deer ~~((or))~~, elk, cougar or black bear transport tags will be made for persons applying for permit hunts.

~~((d)))~~ (c) Holders of deer ~~((or))~~, elk, cougar or black bear special permit hunts may hunt only with a weapon in

compliance with ~~((their transport tag during))~~ the permit hunts.

(5) Mountain goat, moose~~((;))~~ and mountain sheep~~((; and cougar))~~ permit hunts applications:

(a) ~~((To apply for permit hunts for mountain goat, moose, mountain sheep, or cougar, applicants must have a valid Washington hunting license. Those))~~ Persons who have previously drawn a Washington mountain goat, mountain sheep or moose permit are ineligible to apply for that species. This restriction on eligibility does not apply to permits awarded pursuant to a raffle ~~((for auction))~~ or auction hunt.

(b) No refunds or exchanges for mountain goat, moose~~((;))~~ or mountain sheep~~((; or cougar transport tags))~~ permits will be made for persons drawing for permit hunts.

(c) Successful applicants under this section must purchase the permit within fifteen days of the department notification mailing. Failure to purchase forfeits the permit to an alternate.

(d) Permit hunting report: A hunter report will be sent to each mountain goat, moose~~((;))~~ or mountain sheep~~((; and cougar))~~ permit holder and must be returned to the department ~~((of fish and wildlife))~~ within ten days after the close of the permit hunt.

(6) General permit hunts application:

(a) Partnership applications will be accepted for any species. A partnership consists of two hunters. If a partnership application is drawn, both hunters will receive a permit and both hunters can take an animal.

(b) Application deadline: To qualify for ~~((the))~~ a deer, elk, mountain goat, mountain sheep or moose drawing, all applications must be postmarked no later than the second Friday of June or received at a department ~~((of fish and wildlife))~~ office no later than 5:00 p.m. on the second Friday of June of the year of the drawing. To qualify for a cougar or black bear drawing, all applications must be postmarked no later than the second Friday of February or received at a department office no later than 5:00 p.m. on the first business day after the second Friday of February of the year of the drawing.

(c) An applicant's name may appear on only one single special permit hunt application or one partnership application for each species. If an applicant's name appears on more than one application for a species, the application will be made ineligible for the drawing and no points will be accrued for that year for that species.

(d) For partnership applications that are ineligible because one of the partners has his/her name on more than one application for that species, both applicants will be made ineligible for the drawing and no points will be accrued for that year for that species.

(e) Permits will be drawn by computer selection using a weighted point selection system.

(f) Incomplete applications:

(i) To be eligible for the deer ~~((or))~~, elk, cougar or black bear permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, a valid Washington hunting license number, and a valid ~~((deer or elk))~~ species transport tag number for each applicant.

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(ii) To be eligible for the special mountain goat, moose ~~(or)~~ or mountain sheep ~~(or cougar)~~ permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, and a marked species check box ~~(, and a valid Washington hunting license number for each applicant)~~.

(iii) To be eligible to accrue points, each application must include either a valid social security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of social security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(g) Inaccurate applications:

(i) If an applicant makes a mistake, applies for the wrong hunt, and is drawn, the permit can be returned to the department of fish and wildlife Olympia headquarters before the opening day of the hunt or the opening day of the general season, whichever comes first. The applicant's points will be restored to the condition they were in prior to the drawing.

(ii) If an applicant inaccurately submits his/her identification number on an application, no points will be accrued for that year for that species under the correct identification number.

(7) The commission establishes auction and raffle Private Lands Wildlife Management Areas (PLWMA) hunts:

(a) The commission may authorize, by agreement with PLWMA, the sale, auction, or raffle of hunts on PLWMAs.

(b) PLWMA auction/raffle hunts are awarded to hunt big game or wild turkey. The PLWMA manager will conduct the raffle drawing. Raffle tickets will be sold for not more than \$25.00 each.

(c) Any person may purchase PLWMA raffle tickets in addition to WDFW raffle tickets and participate in general permit hunt application drawing.

(d) An additional ~~((big game))~~ deer or elk transport tag ~~((may be purchased))~~ will be issued upon payment for a deer or elk PLWMA raffle permit hunt.

(e) The PLWMA manager conducting an authorized big game auction or raffle will provide an annual report to the department of fish and wildlife prior to December 31. The report will include information on how the event was administered, where and when it occurred, who the winners are, the cost of tickets and numbers sold.

(8) The commission establishes auction and raffle hunts:

(a) The commission may establish big game and wild turkey auction and raffle permit hunts. The director may conduct the auction or raffle or may contract to a non-profit wildlife conservation organization (registered 5013c) for marketing. The organization may retain the vendor fee for each raffle ticket sold to cover expenses incurred or a percentage of the auction permit receipt.

(b) There is no limit on the number of raffle tickets a person may purchase. Raffle tickets cost no more than \$25.00 each with a 50 cent vendor fee included in the price.

(c) The organization interested in conducting an auction or raffle for an authorized permit hunt shall submit a proposal outlining its experience and plans to conduct ~~((a))~~ an auction or raffle. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules. The proposal shall include:

(i) Name of the organization, articles of incorporation, and contact person.

(ii) The date, time and place of the proposed auction and raffle drawing.

(iii) The approximate number of people expected to attend the function.

(iv) Past experience in conducting auctions or raffles and special functions.

(v) Other marketing strategies to be used.

(vi) Portion of funds to be retained by the organization.

(d) The director will select an organization to conduct an auction or raffle.

(i) Revenue potential to the department will be a key criterion in applicant selection.

(ii) The department shall enter into a contract with the auctioning or raffling organization identifying specific terms of the contract.

(iii) The director may authorize a nonprofit wildlife conservation organization to sell raffle tickets for the department and retain a vending fee of 50 cents for each ticket sold.

(e) The department or organization conducting a raffle shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.

(i) The department or organization shall inform the public of date, time and place of the raffle and hold the drawing as specified.

(ii) Raffle tickets sales conducted through agency license vendors or the director authorized nonprofit wildlife conservation organization vendor must be received at the department's Olympia office headquarters on or before the last business day prior to the public drawing. Contracting organizations conducting hunting raffles must account for raffle tickets and funds received. A representative of the department will monitor the drawing.

(iii) Additional tickets may be purchased at the raffle site prior to the drawing.

(iv) One winner and two alternates shall be drawn at the drawing.

(v) The raffling organization shall notify the department of the name, address and phone number of the raffle permit winner and two alternates immediately (but no later than ~~((ten))~~ two business days) after the drawing. The department will notify the winner and two alternates by mail. The winner must claim the raffle permit during the regular business hours within ~~((30))~~ 15 days of ~~((the drawing))~~ being notified or he/she shall be disqualified and the department will offer the raffle permit to the first alternate. The first alternate must claim the raffle permit within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate must claim the permit within 10 business days of notification or he/she shall be disqualified and the department will not offer the raffle permit.

(vi) The department's share of the auction or raffle revenue shall be returned to the department within 30 days of the drawing.

(f) Residents and nonresidents shall be eligible to purchase WDFW raffle tickets in addition to PLWMA raffle tickets and participate in the general permit hunt application drawing.

(g) There shall be no refunds for any raffle ticket purchases.

(h) The raffle winners must purchase a valid hunting license ~~((and species transport tag))~~ or permit prior to issuance of the raffle permit. An additional ~~((big game))~~ transport tag ~~((may be purchased))~~ will be issued upon payment for a deer or elk auction or raffle permit hunt. Only one ~~((big game transport tag))~~ permit may be purchased for sheep or moose annually.

(i) The department will issue the permit to the person whose name appears on the winning raffle ticket. Raffle permits may not be resold or reassigned.

(j) All revenue to the department from a species permit auction or raffle shall be used for the management and benefit of that species.

(9) Citizen reward for reporting violations - bonus points:

A person who provides information which contributes substantially to the arrest of another person for illegally killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the department drawing for deer and elk special permits.

(a) Ten bonus points may only be awarded to only one person providing information for each person charged regardless of the number of violations involved.

(b) Selection of bonus points is in lieu of application for a cash award which may be authorized by RCW 77.21.080.

AMENDATORY SECTION (Amending Order 98-154, filed 8/13/98, effective 9/13/98)

**WAC 232-28-264 ((1997-98, 1998-99, and)) 1999-2000 Official hunting hours and small game seasons.**

~~((1997-98 OFFICIAL HUNTING HOURS FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*))~~

~~September 1, 1997 to January 31, 1998~~

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
<del>Daylight Savings Time</del>						
<del>Mon. Sept. 1</del>	<del>-</del>	<del>Sun. Sept. 7</del>	<del>6:00</del>	<del>7:45</del>	<del>5:50</del>	<del>7:30</del>
<del>Mon. Sept. 8</del>	<del>-</del>	<del>Sun. Sept. 14</del>	<del>6:10</del>	<del>7:30</del>	<del>6:00</del>	<del>7:20</del>
<del>Mon. Sept. 15</del>	<del>-</del>	<del>Sun. Sept. 21</del>	<del>6:20</del>	<del>7:15</del>	<del>6:10</del>	<del>7:05</del>
<del>Mon. Sept. 22</del>	<del>-</del>	<del>Sun. Sept. 28</del>	<del>6:30</del>	<del>7:00</del>	<del>6:15</del>	<del>6:50</del>
<del>Mon. Sept. 29</del>	<del>-</del>	<del>Sun. Oct. 5</del>	<del>6:40</del>	<del>6:45</del>	<del>6:30</del>	<del>6:35</del>
<del>Mon. Oct. 6</del>	<del>-</del>	<del>Fri. Oct. 10</del>	<del>6:45</del>	<del>6:30</del>	<del>6:35</del>	<del>6:25</del>
<del>Oct. 11</del>	<del>-</del>	<del>Sat. Oct. 11</del>	<del>6:50</del>	<del>6:30</del>	<del>6:40</del>	<del>6:15</del>
<del>Oct. 12</del>	<del>-</del>	<del>Sun. Oct. 12</del>	<del>6:50</del>	<del>6:30</del>	<del>6:40</del>	<del>6:15</del>
<del>Mon. Oct. 13</del>	<del>-</del>	<del>Sun. Oct. 19</del>	<del>7:00</del>	<del>6:20</del>	<del>6:50</del>	<del>6:10</del>
<del>Mon. Oct. 20</del>	<del>-</del>	<del>Sat. Oct. 25</del>	<del>7:10</del>	<del>6:10</del>	<del>7:00</del>	<del>5:55</del>
<del>Pacific Standard Time</del>						
<del>Mon. Oct. 27</del>	<del>-</del>	<del>Sun. Oct. 26</del>	<del>6:15</del>	<del>5:00</del>	<del>6:00</del>	<del>4:50</del>
<del>Mon. Nov. 2</del>	<del>-</del>	<del>Sun. Nov. 2</del>	<del>6:20</del>	<del>4:55</del>	<del>6:15</del>	<del>4:45</del>
<del>Mon. Nov. 3</del>	<del>-</del>	<del>Sun. Nov. 9</del>	<del>6:30</del>	<del>4:45</del>	<del>6:20</del>	<del>4:30</del>
<del>Mon. Nov. 10</del>	<del>-</del>	<del>Sun. Nov. 16</del>	<del>6:40</del>	<del>4:35</del>	<del>6:30</del>	<del>4:25</del>
<del>Mon. Nov. 17</del>	<del>-</del>	<del>Sun. Nov. 23</del>	<del>6:50</del>	<del>4:30</del>	<del>6:40</del>	<del>4:15</del>
<del>Mon. Nov. 24</del>	<del>-</del>	<del>Sun. Nov. 30</del>	<del>7:00</del>	<del>4:20</del>	<del>6:50</del>	<del>4:10</del>
<del>Mon. Dec. 1</del>	<del>-</del>	<del>Sun. Dec. 7</del>	<del>7:10</del>	<del>4:20</del>	<del>7:00</del>	<del>4:10</del>
<del>Mon. Dec. 8</del>	<del>-</del>	<del>Sun. Dec. 14</del>	<del>7:15</del>	<del>4:20</del>	<del>7:05</del>	<del>4:05</del>
<del>Mon. Dec. 15</del>	<del>-</del>	<del>Sun. Dec. 21</del>	<del>7:20</del>	<del>4:20</del>	<del>7:10</del>	<del>4:10</del>

PROPOSED

~~((1997-98 OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*~~

~~September 1, 1997 to January 31, 1998~~

PROPOSED

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.	A.M.	to	P.M.	
Mon. Dec. 22 - Sun. Dec. 28	7:25		4:25	7:15		4:10				
Mon. Dec. 29 - Sun. Jan. 4	7:25		4:30	7:15		4:15				
Mon. Jan. 5 - Sun. Jan. 11	7:25		4:35	7:15		4:25				
Mon. Jan. 12 - Sun. Jan. 18	7:25		4:45	7:10		4:35				
Mon. Jan. 19 - Sun. Jan. 25	7:20		4:55	7:05		4:45				
Mon. Jan. 26 - Sat. Jan. 31	7:10		5:00	7:00		4:50				

\*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

**Exceptions:**

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

~~1998-99 OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*~~

~~September 1, 1998 to January 31, 1999~~

Dates (Inclusive)					Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.	A.M.	to	P.M.	
Daylight Savings Time										
Tues. Sept. 1 - Sun. Sept. 6	6:00		7:45	5:50		7:35				
Mon. Sept. 7 - Sun. Sept. 13	6:10		7:35	6:00		7:20				
Mon. Sept. 14 - Sun. Sept. 20	6:20		7:20	6:05		7:05				
Mon. Sept. 21 - Sun. Sept. 27	6:30		7:05	6:15		6:50				
Mon. Sept. 28 - Sun. Oct. 4	6:40		6:50	6:25		6:35				
Mon. Oct. 5 - Sun. Oct. 11	6:45		6:35	6:25		6:25				
Mon. Oct. 12 - Sun. Oct. 18	6:55		6:20	6:45		6:10				
Mon. Oct. 19 - Sat. Oct. 24	7:05		6:10	6:55		6:00				
Pacific Standard Time										
Mon. Oct. 26 - Sun. Oct. 25	6:10		5:00	6:00		4:50				
Mon. Nov. 1 - Sun. Nov. 7	6:20		4:55	6:05		4:45				
Mon. Nov. 8 - Sun. Nov. 14	6:30		4:45	6:15		4:35				
Mon. Nov. 15 - Sun. Nov. 21	6:40		4:35	6:30		4:25				
Mon. Nov. 22 - Sun. Nov. 28	6:50		4:30	6:40		4:15				
Mon. Nov. 29 - Sun. Nov. 29	7:00		4:25	6:50		4:10				

~~1998-99 OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*~~  
September 1, 1998 to January 31, 1999

Dates (Inclusive)					Western Washington from			Eastern Washington from			
	A.M.	to	P.M.		A.M.	to	P.M.		A.M.	to	P.M.
Mon: Nov. 30	-	Sun:	Dec. 6	7:10	4:20	6:55	4:10				
Mon: Dec. 7	-	Sun:	Dec. 13	7:15	4:20	7:05	4:05				
Mon: Dec. 14	-	Sun:	Dec. 20	7:20	4:20	7:10	4:10				
Mon: Dec. 21	-	Sun:	Dec. 27	7:25	4:20	7:15	4:10				
Mon: Dec. 28	-	Sun:	Jan. 3	7:25	4:30	7:15	4:15				
Mon: Jan. 4	-	Sun:	Jan. 10	7:25	4:35	7:15	4:25				
Mon: Jan. 11	-	Sun:	Jan. 17	7:25	4:45	7:10	4:30				
Mon: Jan. 18	-	Sun:	Jan. 24	7:20	4:55	7:05	4:40				
Mon: Jan. 25	-	Sat:	Jan. 31	7:10	5:00	7:00	4:50				

\*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) ~~Western Washington—Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- 2) ~~Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties—Goose hunting hours are 8:00 a.m. to 4:00 p.m., except 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- 3) ~~Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.~~
- 4) ~~Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)~~

1999-2000 OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
September 1, 1999 to January 31, 2000

Dates (Inclusive)					Western Washington from			Eastern Washington from			
	A.M.	to	P.M.		A.M.	to	P.M.		A.M.	to	P.M.
Daylight Savings Time											
Wed. Sept. 1	-	Sun:	Sept. 5	6:00	7:45	5:45	7:35				
Mon. Sept. 6	-	Sun:	Sept. 12	6:05	7:35	5:50	7:20				
Mon. Sept. 13	-	Sun:	Sept. 19	6:15	7:20	6:05	7:10				
Mon. Sept. 20	-	Sun:	Sept. 26	6:25	7:10	6:15	6:50				
Mon. Sept. 27	-	Sun:	Oct. 3	6:35	6:50	6:25	6:40				
Mon. Oct. 4	-	Sun:	Oct. 10	6:45	6:40	6:35	6:25				
Mon. Oct. 11	-	Sun:	Oct. 17	6:50	6:25	6:45	6:15				
Mon. Oct. 18	-	Sun:	Oct. 24	7:05	6:15	6:55	6:00				
Mon. Oct. 25	-	Sat:	Oct. 30	7:15	6:00	7:05	5:45				
Pacific Standard Time											
Sun. Oct. 31	-	Sun:	Nov. 7	6:25	4:45	6:15	4:35				
Mon. Nov. 8	-	Sun:	Nov. 14	6:35	4:40	6:25	4:25				

PROPOSED

1999-2000 OFFICIAL HUNTING HOURS  
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS\*  
September 1, 1999 to January 31, 2000

PROPOSED

Dates (Inclusive)				Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.			
Mon. Nov. 15 - Sun. Nov. 21	6:50		4:30	6:35		4:20			
Mon. Nov. 22 - Sun. Nov. 28	7:00		4:25	6:45		4:10			
Mon. Nov. 29 - Sun. Dec. 5	7:05		4:20	6:50		4:10			
Mon. Dec. 6 - Sun. Dec. 12	7:10		4:20	7:00		4:05			
Mon. Dec. 13 - Sun. Dec. 19	7:20		4:20	7:05		4:05			
Mon. Dec. 20 - Sun. Dec. 26	7:25		4:25	7:10		4:10			
Mon. Dec. 27 - Sun. Jan. 2	7:30		4:25	7:15		4:15			
Mon. Jan. 3 - Sun. Jan. 9	7:30		4:35	7:15		4:20			
Mon. Jan. 10 - Sun. Jan. 16	7:25		4:40	7:10		4:30			
Mon. Jan. 17 - Sun. Jan. 23	7:20		4:50	7:05		4:45			
Mon. Jan. 24 - Mon. Jan. 31	7:15		5:00	7:00		4:50))			

\*These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September Canada goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) ~~((Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.~~
- 4)) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

((1997-1998 OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)\*  
September 1, 1997 to January 31, 1998

Dates (Inclusive)				Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	P.M.			
Daylight Savings Time									
Mon. Sept. 1 - Sun. Sept. 7	6:00		8:15	5:50		8:00			
Mon. Sept. 8 - Sun. Sept. 14	6:10		8:00	6:00		7:50			
Mon. Sept. 15 - Sun. Sept. 21	6:20		7:45	6:10		7:35			
Mon. Sept. 22 - Sun. Sept. 28	6:30		7:30	6:15		7:20			
Mon. Sept. 29 - Sun. Oct. 5	6:40		7:15	6:30		7:05			
Mon. Oct. 6 - Fri. Oct. 10	6:45		7:00	6:35		6:55			
Oct. 11 - Sat. Oct. 12	6:50		7:00	6:40		6:45			
Oct. 12 - Sun. Oct. 13	6:50		7:00	6:40		6:45			
Mon. Oct. 13 - Sun. Oct. 19	7:00		6:50	6:50		6:40			
Mon. Oct. 20 - Sat. Oct. 25	7:10		6:40	7:00		6:25			
Pacific Standard Time									

**((1997-1998 OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)\*  
September 1, 1997 to January 31, 1998**

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
	Sun.	Oct. 26	6:15	5:30	6:00	5:20
Mon. Oct. 27	- Sun.	Nov. 2	6:20	5:25	6:15	5:15
Mon. Nov. 3	- Sun.	Nov. 9	6:30	5:15	6:20	5:00
Mon. Nov. 10	- Sun.	Nov. 16	6:40	5:05	6:30	4:55
Mon. Nov. 17	- Sun.	Nov. 23	6:50	5:00	6:40	4:45
Mon. Nov. 24	- Sun.	Nov. 30	7:00	4:50	6:50	4:40
Mon. Dec. 1	- Sun.	Dec. 7	7:10	4:50	7:00	4:40
Mon. Dec. 8	- Sun.	Dec. 14	7:15	4:50	7:05	4:35
Mon. Dec. 15	- Sun.	Dec. 21	7:20	4:50	7:10	4:40
Mon. Dec. 22	- Sun.	Dec. 28	7:25	4:55	7:15	4:40
Mon. Dec. 29	- Sun.	Jan. 4	7:25	5:00	7:15	4:45
Mon. Jan. 5	- Sun.	Jan. 11	7:25	5:05	7:15	4:55
Mon. Jan. 12	- Sun.	Jan. 18	7:25	5:15	7:10	5:05
Mon. Jan. 19	- Sun.	Jan. 25	7:20	5:25	7:05	5:15
Mon. Jan. 26	- Sat.	Jan. 31	7:10	5:30	7:00	5:20

\*These are lawful hunting hours (one half hour before sunrise to one half hour after sunset) for all game animals and migratory game birds (except duck, goose, coot, snipe, mourning dove, and band-tailed pigeon pheasant, quail, partridge, and turkey) during established seasons.

**Exceptions:**

- 1) Western Washington—Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties—Goose hunting hours are 8:00 a.m. to 4:00 p.m. November-January; and 7:00 a.m. to 4:00 p.m. February-March.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk; hunting hours shall be one half hour before sunrise to one half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

**1998-1999 OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)\*  
September 1, 1998 to January 31, 1999**

Dates (Inclusive)	Western Washington			Eastern Washington		
	A.M.	to	P.M.	A.M.	to	P.M.
	Daylight Savings Time					
Tues. Sept. 1	- Sun.	Sept. 6	6:00	8:15	5:50	8:05
Mon. Sept. 7	- Sun.	Sept. 13	6:10	8:05	6:00	7:50
Mon. Sept. 14	- Sun.	Sept. 20	6:20	7:50	6:05	7:35
Mon. Sept. 21	- Sun.	Sept. 27	6:30	7:35	6:15	7:20
Mon. Sept. 28	- Sun.	Oct. 4	6:40	7:20	6:25	7:05
Mon. Oct. 5	- Sun.	Oct. 11	6:45	7:05	6:25	6:55

**1998-1999 OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)\*  
September 1, 1998 to January 31, 1999**

**PROPOSED**

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
Mon. Oct. 12	-	Sun. Oct. 18	6:55	6:50	6:45	6:40				
Mon. Oct. 19	-	Sat. Oct. 24	7:05	6:40	6:55	6:30				
		Pacific Standard Time								
		Sun. Oct. 25	6:10	5:30	6:00	5:20				
Mon. Oct. 26	-	Sun. Nov. 1	6:20	5:25	6:05	5:15				
Mon. Nov. 2	-	Sun. Nov. 8	6:30	5:15	6:15	5:05				
Mon. Nov. 9	-	Sun. Nov. 15	6:40	5:05	6:30	4:55				
Mon. Nov. 16	-	Sun. Nov. 22	6:50	5:00	6:40	4:45				
Mon. Nov. 23	-	Sun. Nov. 29	7:00	4:55	6:50	4:40				
Mon. Nov. 30	-	Sun. Dec. 6	7:10	4:50	6:55	4:40				
Mon. Dec. 7	-	Sun. Dec. 13	7:15	4:50	7:05	4:35				
Mon. Dec. 14	-	Sun. Dec. 20	7:20	4:50	7:10	4:40				
Mon. Dec. 21	-	Sun. Dec. 27	7:25	4:50	7:15	4:40				
Mon. Dec. 28	-	Sun. Jan. 3	7:25	5:00	7:15	4:45				
Mon. Jan. 4	-	Sun. Jan. 10	7:25	5:05	7:15	4:55				
Mon. Jan. 11	-	Sun. Jan. 17	7:25	5:15	7:10	5:00				
Mon. Jan. 18	-	Sun. Jan. 24	7:20	5:25	7:05	5:10				
Mon. Jan. 25	-	Sat. Jan. 31	7:10	5:30	7:00	5:20				

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

**Exceptions:**

- 1) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.
- 2) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except 7:00 a.m. to 4:00 p.m. during the late goose season.
- 3) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- 4) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.)

**1999-2000 OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)\*  
September 1, 1999 to January 31, 2000**

Dates (Inclusive)					Western Washington			Eastern Washington		
					A.M.	to	P.M.	A.M.	to	P.M.
		Daylight Savings Time								
Wed. Sept. 1	-	Sun. Sept. 5	6:00	8:15	5:45	8:05				
Mon. Sept. 6	-	Sun. Sept. 12	6:05	8:05	5:50	7:50				



1999-2000 OFFICIAL HUNTING HOURS  
FOR GAME ANIMALS & GAME BIRDS (EXCEPT MIGRATORY AND UPLAND GAME BIRDS)\*  
September 1, 1999 to January 31, 2000

Dates (Inclusive)					Western Washington from		Eastern Washington from	
					A.M.	to P.M.	A.M.	to P.M.
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:50	6:05	7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:40	6:15	7:20
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	7:20	6:25	7:10
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	7:10	6:35	6:55
Mon.	Oct. 11	-	Sun.	Oct. 17	6:50	6:55	6:45	6:45
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:45	6:55	6:30
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15	6:30	7:05	6:15
Pacific Standard Time								
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25	5:15	6:15	5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:35	5:10	6:25	4:55
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	5:00	6:35	4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:55	6:45	4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:50	6:50	4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:10	4:50	7:00	4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:50	7:05	4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:55	7:10	4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:30	4:55	7:15	4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:30	5:05	7:15	4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	5:10	7:10	5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	5:20	7:05	5:15
Mon.	Jan. 24	-	Mon.	Jan. 31	7:15	5:30	7:00	5:20

\* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for all game animals and game birds (except duck, goose, coot, snipe, mourning dove, band-tailed pigeon, pheasant, quail, partridge and turkey) during established seasons.

Exceptions:

- 1) ~~((Western Washington Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.~~
- 2) ~~Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, (except areas north of U.S. Highway 12 and west of U.S. Highway 101), Pacific, and Wahkiakum counties—Goose hunting hours are 8:00 a.m. to 4:00 p.m., except 7:00 a.m. to 4:00 p.m. during the late goose season.~~
- 3))) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.
- ((4))) 2) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

**Hound Hunting During Deer and Elk Hunting Seasons**

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar, and bobcat is prohibited year around.

**BOBCAT**

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, except CLOSED in GMU 522.

((Sept. 2, 1997-Mar. 15, 1998;)) Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

**RACCOON**

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, except CLOSED on Long Island within Willapa National Wildlife Refuge and in GMU 522.

((Sept. 2, 1997-Mar. 15, 1998;)) Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

**FOX**

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan,

PROPOSED

Wenatchee, and Gifford Pinchot National Forests and GMUs 407, 410, and 522.

~~((Sept. 2, 1997-Mar. 15, 1998;))~~ Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000.

#### COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: State-wide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 304, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: ~~((Sept. 2, 1997-Mar. 15, 1998;))~~ Sept. 8, 1998-Mar. 15, 1999; Sept. 7, 1999-Mar. 15, 2000; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties. GMU 522 is closed to coyote hunting.

#### FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

State-wide: Sept. 1-Dec. 31 ~~((during 1997, 1998, and))~~ 1999; except CLOSED in GMU 522.

#### PTARMIGAN

Season closed state-wide.

#### Upland Birds

Eastern Washington

#### Ring-necked Pheasant

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: ~~((Sept. 27 & 28, 1997; September 26 & 27, 1998;))~~ Open only to youth hunters ~~((age 15 and under. Youth hunters must be))~~ accompanied by an adult ~~((of))~~ at least 18 years old ~~((who is not hunting))~~.

Regular Season: ~~((Oct. 11-Dec. 31, 1997; Oct. 10-Dec. 31, 1998;))~~ Oct. 9-Dec. 31, 1999.

#### Chukar Partridge

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Regular Season: ~~((Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999;))~~ Oct. 1, 1999-Jan. 9, 2000.

#### Gray (Hungarian) Partridge

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Regular Season: ~~((Oct. 1, 1997-Jan. 11, 1998; Oct. 1, 1998-Jan. 10, 1999;))~~ Oct. 1, 1999-Jan. 9, 2000.

#### Mountain Quail

#### Season closed throughout eastern Washington

#### Valley and Bobwhite Quail

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: ~~((Sept. 27 & 28, 1997; September 26 & 27, 1998;))~~ Open only to youth hunters ~~((age 15 and under. Youth hunters must be))~~ accompanied by an adult ~~((of))~~ at least 18 years old ~~((who is not hunting))~~.

Regular Season: ~~((Oct. 11, 1997-Jan. 11, 1998; Oct. 10, 1998-Jan. 10, 1999;))~~ Oct. 9, 1999-Jan. 9, 2000.

Yakima Indian Reservation: The 1997-98, 1998-99, 1999-2000 Upland Bird Seasons within the Yakima Indian Reservation shall be the same as the season established by the Yakima Indian Nation.

#### Western Washington

#### Ring-necked Pheasant

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Early season: ~~((Sept. 20-26, 1997; Sept. 26-Oct. 2, 1998; and))~~ Sept. 25-Oct. 1, 1999 for ~~((juvenile))~~ youth hunters ~~((14 and under))~~ and ~~((senior))~~ hunters 65 years of age or older. Juvenile hunters must be accompanied by an adult at least 18 years old.

~~((Sept. 27-Nov. 30, 1997; Oct. 3-Nov. 30, 1998; and))~~ Regular season: Oct. 2-Nov. 30, 1999; 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting ~~((Oct. 11, 1997; Oct. 17, 1998;))~~ Oct. 16, 1999; except CLOSED in GMU 522.

A Western Washington ~~((Upland Bird))~~ Pheasant Permit is required to hunt pheasant ~~((, quail, and partridge))~~ in western Washington, in addition to a current small game hunting license. Pheasant kills ~~((only))~~ must be recorded. Upon taking a pheasant, the holder of a Western Washington ~~((Upland Bird))~~ Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available for the ~~((1997, 1998;))~~ 1999 hunting season:

- (1) Full Season Option: Allows the harvest of ten (10) pheasants.
- (2) ~~((Juvenile (under 15)))~~ Youth option: Allows the harvest of six (6) pheasants by youth hunters.
- (3) ~~((2))~~ 3-Day Option: Allows the harvest of four (4) pheasants during ~~((two))~~ three consecutive days.

Every person possessing a Western Washington ~~((Upland Bird))~~ Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington (~~(Upland Bird)~~) Pheasant Permit.

**Special Restriction:** Non-toxic shot must be used in a shotgun to hunt pheasant on the Skagit Wildlife Area. Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, and must indicate their choice on the western Washington (~~(upland bird)~~) pheasant permit by choosing "odd" or "even." It is unlawful to purchase an additional permit until the ten pheasant allowed on the current permit are taken. Hunters that select the (~~(two)~~) three day option, (~~(senior)~~) hunters 65 years of age or older, and (~~(juvenile)~~) youth hunters (~~(14 years of age or younger)~~) may hunt during either weekend day morning. (~~(Juvenile)~~) Youth hunters must be accompanied by an adult (~~(with an)~~) at least 18 years old. Adults must have an appropriately marked (~~(upland bird)~~) pheasant permit.

#### Mountain Quail

**Bag and Possession Limits:** Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

(~~(Oct. 11-Nov. 30, 1997; Oct. 10-Nov. 30, 1998;)~~) Oct. 9-Nov. 30, 1999; except CLOSED in GMU 522.

#### Valley and Bobwhite Quail

**Bag and Possession Limits:** Ten (10) valley or bobwhite quail per day, with a total of thirty (30) valley or bobwhite quail in possession at any time; straight or mixed bag.

(~~(Oct. 11-Nov. 30, 1997; Oct. 10-Nov. 30, 1998;)~~) Oct. 9-Nov. 30, 1999; except CLOSED in GMU 522.

#### TURKEY

##### Spring Season

Gobblers and Turkeys with Visible Beards Only.

State-wide: (~~(April 15-May 15, 1997; April 15-May 15, 1998; and)~~) April 15-May 15, 1999.

##### Fall Season

##### Either Sex

Klickitat and Skamania counties: (~~(Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998;)~~) Nov. 25-29, 1999.

Asotin, Columbia, Garfield, and Walla Walla counties: (~~(Nov. 27-Dec. 1, 1997; Nov. 26-30, 1998;)~~) Nov. 25-29, 1999. Only hunters that successfully complete the Department of Fish and Wildlife's Advanced Hunter Education (AHE) program will be eligible to hunt turkeys during this season. A certification card will be issued to all AHE graduates and must be in possession in addition to a valid small game hunting license and turkey tag while hunting in this area.

#### OFFICIAL HUNTING HOURS/BAG LIMITS:

**Bag and Possession Limit:** One turkey per day, with a total of three (3) per year; only one turkey from each subspecies may be killed per year in (~~(1997, 1998 and)~~) 1999 (~~(; Subspecies are defined by county of kill.~~

~~Eastern Wild Turkey: All of western Washington excluding Skamania and Klickitat counties.~~

~~Rio Grande Wild Turkey: All of eastern Washington excluding Klickitat, Ferry, Pend Oreille, and Stevens counties.~~

~~Merriam's Wild Turkey: Skamania, Klickitat, Pend Oreille, Ferry and Stevens counties.~~

~~Tag Sale Cutoff: All multiple tags must be purchased by April 14 each year; a single statewide tag may be purchased at any time).~~

If a hunter intends to hunt for turkey, one turkey tag option must be selected when a small game license is purchased. If the state-wide tag option is selected, the person is precluded from purchasing any other turkey tag. The Eastern, Rio Grande and Merriam tags must be purchased before April 14 each year. The state-wide tag may be purchased at any time.

#### TAG OPTIONS:

- (1) State-wide: Allows the harvest of one turkey of any subspecies during a calendar year.
- (2) Eastern: Allows the harvest of one turkey during a calendar year in any western Washington county except Skamania and Klickitat.
- (3) Rio Grande: Allows the harvest of one turkey during a calendar year in any eastern Washington county except Ferry, Klickitat, Pend Oreille or Stevens.
- (4) Merriams: Allows the harvest of one turkey during a calendar year in Ferry, Klickitat, Pend Oreille, Skamania, or Stevens Counties.

**Hunting Hours:** One-half hour before sunrise to sunset during spring and fall seasons.

#### SPECIAL REGULATIONS:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. Each successful hunter must complete and return a game harvest report card to the Department of Fish and Wildlife within ten days after taking a turkey.
4. It is unlawful to use dogs to hunt turkeys.

#### SAGE AND SHARP-TAILED GROUSE

Season Closed State-wide.

#### BIRD DOG TRAINING SEASON

(~~(Aug. 1, 1997-Mar. 15, 1998;)~~) Aug. 1, 1998-Mar. 15, 1999; and Aug. 1, 1999-Mar. 15, 2000, except from (~~(Sept. 27-Nov. 30, 1997, Oct. 3-Nov. 30, 1998, and)~~) Oct. 2-Nov. 30, 1999, dog training is prohibited except from 8:00 a.m. to 4:00 p.m. on designated western Washington pheasant release sites. Dog training is prohibited from Jan. 15 - Mar. 15 on the Shillapoo Wildlife Area (Region (~~(50-EXCEPT ON)~~) 5), except on posted portions open for year around dog training.

PROPOSED

Dog training may be conducted year around on posted portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Two - Wahluke Wildlife Area north of Highway 24; Region Three - South L.T. Murray Wildlife Area; Region Four - Fort Lewis Military Base, Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area.

HIP REQUIREMENTS:

All ~~((adult))~~ hunters ~~((of))~~ age 16 and over ~~((of))~~ migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey form at a license dealer, and possess a Washington Migratory Bird Stamp as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters ~~((age 15 and under))~~ are required to complete a HIP survey form ~~((available through WDFW offices))~~, and possess a free Washington Youth Migratory Bird ~~((Stamp))~~ Authorization as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Three (3) Canada geese per day with a total of six (6) in possession at any time.

State-wide: ~~((September 8-14, 1998, except closed in that area of Quileene Bay lying north and east of Quileene Boat Haven;))~~ September 7-13, 1999.

BAND-TAILED PIGEON

Closed Season State-wide.

MOURNING DOVE

Bag and possession limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

State-wide: ~~((Sept. 1-15, 1997; Sept. 1-15, 1998; and))~~ Sept. 1-15, 1999; except CLOSED in GMU 522.

RABBIT AND HARE

Cottontail, Snowshoe Hare (or Washington Hare), and Jack-rabbit.

Bag and Possession Limits: Five (5) rabbits or hares per day, with a total of fifteen (15) in possession at any time; straight or mixed bag.

State-wide: ~~((Sept. 1, 1997-Mar. 15, 1998;))~~ Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000; except CLOSED in GMU 522 and CLOSED Jan. 15-Mar. 15 on Shillapoo Wildlife Area (Region 5).

CROWS

Bag and possession limits: No limits

State-wide: ~~((Oct. 1, 1997-Jan. 31, 1998; Oct. 1, 1998-Jan. 31, 1999;))~~ Oct. 1, 1999-Jan. 31, 2000.

FALCONRY SEASONS

Upland Game Bird - Falconry

Daily bag: Two (2) pheasants (either sex), six (6) partridge, five (5) quail, and three (3) forest grouse (blue, ruffed, spruce) per day.

State-wide: ~~((Sept. 1, 1997-Mar. 15, 1998;))~~ Sept. 1, 1998-Mar. 15, 1999; Sept. 1, 1999-Mar. 15, 2000.

Mourning Dove - Falconry

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

State-wide: ~~((Sept. 1-15 and Oct. 1-Dec. 31, 1997; Sept. 1-15 and Oct. 1-Dec. 31, 1998; and))~~ Sept. 1-15 and Oct. 1-Dec. 31, 1999.

Cottontail and Hare - Falconry

Daily bag: Five (5) rabbits or hares per day; straight or mixed bag.

State-wide: ~~((Aug. 1, 1997-Mar. 15, 1998;))~~ Aug. 1, 1998-Mar. 15, 1999; Aug. 1, 1999-Mar. 15, 2000, for cottontail, snowshoe hare (or Washington hare), white-tailed and black-tailed jackrabbits.

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

AMENDATORY SECTION (Amending Order 98-56, filed 4/22/98, effective 5/23/98)

**WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.**

**DEER GENERAL SEASONS ON PRIVATE LANDS  
WILDLIFE MANAGEMENT AREAS**

<b>Champion (PLWMA 401) Kapowsin Tree Farm</b>			
<b>Hunting Method</b>	<b><del>((1998 Dates</del></b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Archery	<del>August 28 - Sept. 10</del>	August <del>((27))</del> 28-Sept. <del>((9))</del> 10	Any Deer
	<del>October 1-9</del>	October 1-9	Any Deer
Modern Firearm	<del>October 10-25</del>	October <del>((9))</del> 10-24	2 Pt. Min.

PROPOSED

<b>Champion (PLWMA 401) Kapowsin Tree Farm</b>			
<b>Hunting Method</b>	<b>((1998 Dates</b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Muzzleloader	<del>November 23-Dec. 7))</del>	November ((23)) 24-Dec. ((7)) 5	Antlerless Only

<b>Merrill and Ring (PLWMA 600) Pysht Tree Farm</b>			
<b>Hunting Method</b>	<b>((1998 Dates</b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Archery	<del>September 15-30 Nov. 25-Dec. 31</del>	September 15-30 Nov. 24-Dec. 31	Either Sex South Unit Antlerless Only North Unit; Either Sex South Unit
Modern Firearm	<del>Oct. 17-31 Nov. 19-22</del>	Oct. 16-31 Nov. 18-21	Buck Only South Unit Buck Only South Unit
Muzzleloader	<del>Oct. 1-9))</del>	Oct. 1-9	Antlerless Only North Unit; Buck Only South Unit

**ELK GENERAL SEASONS ON PRIVATE LANDS  
WILDLIFE MANAGEMENT AREAS**

<b>Champion (PLWMA 401) Kapowsin Tree Farm</b>				
<b>Hunting Method</b>	<b>Elk Tag</b>	<b>((1998 Dates</b>	<b>1999 Dates</b>	<b>Special Restrictions</b>
Archery	WA	<del>Aug. 28-Sept. 10</del>	Aug. 27-Sept. 9	Antlerless Only - Harvest Quota of 3
Modern Firearm	WG, WP	<del>Closed</del>	Closed	
Muzzleloader	WM	<del>Nov. 23-Dec. 7))</del>	Nov. 23-Dec. 7	Antlerless Only - Harvest Quota of 3

**((1998)) 1999 DEER PERMIT SEASONS ON  
PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

<b>((1998)) 1999 - Mule Deer</b>				
<b>Wilson Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Wilson draw hunts. <u>Hunters are limited to one day of hunting during the permit season.</u></b>				
<b>Hunt Name</b>	<b>Permit Number</b>	<b>Permit Season</b>	<b>Special Restrictions</b>	<b>Boundary Description</b>
Wilson A	1	Oct. 1-Dec. 31	Buck Only, Youth Hunters Only*	PLWMA 201
Wilson B	29	Oct. 1-Dec 31	Antlerless Only, Youth Hunters Only*	PLWMA 201
Wilson C	29	Oct. 1-Dec 31	Antlerless Only, Persons of Disability Only	PLWMA 201
Wilson D	29	Oct. 1-Dec 31	Antlerless Only, AHE Hunters Only	PLWMA 201
Wilson E	1	Oct. 1-Dec 31	Buck Only, Persons of Disability Only	PLWMA 201
Wilson F	1	Oct. 1-Dec 31	Buck Only, AHE Only	PLWMA 201

**PROPOSED**

~~((1998))~~ **1999 - Mule Deer**

**Wilson Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Wilson draw hunts. Hunters are limited to one day of hunting during the permit season.**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
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\*~~((Applicants))~~ Youth hunters must be ~~((15 years old or younger by opening date of the permit season))~~ under 16 years of age and must be accompanied by an adult during the hunt.

Access for these hunts are for one day, scheduled by the manager. There are no access fees for these hunts. All hunters shall have a valid hunting license, deer tag, and written authorization from the manager to participate in these hunts. All other hunting regulations apply.

~~((1998 - Blacktail Deer~~

~~Champion's Kapowsin Tree Farm -~~

~~Champion Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.~~

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin North	50	Dec. 11-15	Antlerless Only, Senior Hunters (Age 65+)	PLWMA 401 A North
Kapowsin Central	100	Dec. 11-15	Antlerless Only	PLWMA 401 B Central
Kapowsin South	100	Dec. 12, 13 19, 20	Antlerless Only, Youth or Persons of Disability Only))	PLWMA 401 C South

**1999 - Blacktail Deer**

**Champion's Kapowsin Tree Farm -**

**Champion Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin North	25	Dec. 10-12	Antlerless Only, Age 65 and older Hunters	PLWMA 401 A North
	5	Dec. 17-19	Antlerless Only	PLWMA 401 A North
Kapowsin Central	50	Dec. 10-12	Antlerless Only	PLWMA 401 B Central
	5	Dec. 17-19	Antlerless Only	PLWMA 401 B Central
Kapowsin South	25	Dec. 10-12	Antlerless Only	PLWMA 401 C South
	25	Dec. 10-12	Antlerless Only Youth Hunters	PLWMA 401 C South
	10	Dec. 17-19	Antlerless Only Person of Disability	PLMWA 401 C South

PROPOSED

ACCESS QUOTAS AND RAFFLE SEASONS  
ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

~~((1998))~~ **1999 - Mule Deer**  
**Wilson Creek Area - Access Quotas and Seasons**  
 Only hunters possessing ~~((appropriate))~~ a modern firearm deer tags ~~((modern firearm or archery))~~ are eligible for access authorizations on PLWMA 201. You may contact the PLWMA manager ~~((, Dave Stevens,))~~ at (509) 345-~~((0121))~~ 2577 for information on these hunts.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Wilson	50	Oct. 1-Dec. 31	Any Deer (Access Fee) Modern Firearm Deer Tag	PLWMA 201
<del>((Wilson</del>	2	Sept. 1-30	<del>Buck Only (Access-Fee) Archery Deer-Tag))</del>	PLWMA 201

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~~((1998))~~ **1999 - Blacktail Deer**  
**Champion's Kapowsin Tree Farm -- Raffle Quotas and Seasons**  
 Hunter must contact Champion for auction/raffle permit opportunity.  
 Only hunters possessing a valid deer tag (any ~~((1998))~~ 1999 deer tag) are eligible for Champion buck permits. Persons interested in these deer permits should contact Champion Pacific Timberlands, Inc., 31716 Camp 1 Road, Orting, WA 98360. For more information, please call Champion at (360) 782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	8	Nov. <del>((7-22))</del> <u>6-21</u>	Buck Only (Auction/Raffle)	PLWMA 401 A North
Kapowsin Central/Buck	29	Nov. <del>((7-22))</del> <u>6-21</u>	Buck Only (Auction/Raffle)	PLWMA 401 B Central
Kapowsin South/Buck	14	Nov. <del>((7-22))</del> <u>6-21</u>	Buck Only (Auction/Raffle)	PLWMA 401 C South

~~((1998))~~ **1999 - Blacktail Deer**  
**Merrill and Ring's Pysht Tree Farm - Raffle Quotas and Seasons**  
 An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. Pysht North A is archery only, all other hunts are open to any legal weapon hunters. The following hunts are raffle hunts offered by Merrill and Ring. Only hunters possessing a valid deer tag (any ~~((1998))~~ 1999 deer tag) are eligible for Merrill and Ring hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at (360) 963-2378.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht North A	15	Sept. 15-30	Raffle, Archery, <u>3 pt. minimum or Antlerless</u> <del>((Only))</del>	PLWMA 600 A North
Pysht North B	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 A North
Pysht North C	30	Nov. 10-24	Raffle, 3 Pt. Min. or Antlerless	PLWMA 600 A North
Pysht South A	40	Oct. 19-31	Raffle, Antlerless Only	PLWMA 600 B South

ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

**((1998)) 1999 - Elk**  
**Champion (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons**  
 Only hunters possessing a valid ~~((elk tag (any 1998)))~~ 1999 elk tag(()) and meeting the special restrictions noted for each hunt are eligible for Champion access permits on PLWMA 401. Hunter must contact Champion for auction/raffle permit opportunity. Champion Pacific Timberland Inc., 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call Champion at (360) 782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 A North
Kapowsin Bull Central	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 B Central
Kapowsin Bull South	2	Sept. 15-30	Auction/Raffle Any Bull, Any Tag	PLWMA 401 C South

**((1998)) 1999 - Elk**  
**Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season**  
 Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at (360) 963-2378 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht	2	Sept. 1-14	Raffle Any Bull, Any Tag	PLWMA 600

**AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS**

**PLWMA 201 - Wilson Creek (Grant County):** This area surrounds Billy Clapp Lake directly north of the town of Stratford and northwest of the town of Wilson Creek. The legal description is T22N, R29E; north 1/2 of Section 3, Section 4 except southeast 1/4 of southeast 1/4 and north 1/2 of northwest 1/4; Section 5; Section 6 north of State Highway 28; Sections 8 and 9. T23N, R29E, Sections 5, 6, 7, and 8; Sections 13, 14, 17, and 18; Section 19 except for northwest 1/4 of the southwest 1/4; Sections 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29; southeast 1/4 of Section 30; Section 31; Section 32 south 1/2 of northwest 1/4 and north 1/2 of southwest 1/4; Sections 33, 34, and 35. T23N, R28E, Sections 1 and 2, Section 3 except west 1/4; Section 4 except southwest 1/4 and east 1/2 of southeast 1/4; Section 5; Section 6 except west 1/4; Sections 7 and 8; Section 9 except south 1/2; north 1/2 of Section 10 except west 1/4; Section 11 except south 1/4; north 1/2 of Section 12; Section 15 except that part within Stratford Game Reserve; Section 16 except northeast 1/4; Sections 17, 18, 19, 20, 21, 22, and 23; Sections 26, 27, 28, 29, 30, and 33; north 1/2 and north 1/2 of south 1/2 of Section 34; Section 35 except that part in game reserve. T23N, R27E, Section 11, south 1/2 of southwest 1/4 and west 1/4 of southeast 1/4 of Section 12; Sections 13 and 14; Section 22 except west 1/2 of southwest 1/4; Sections 23, 24, 25, 26, and 27. T24N, R28E, Section 35. T24N, R29E, Section 31; west 1/2 of Section 32. Public lands with the external boundaries are not part of the PLWMA.

**PLWMA 401 - Champion (Pierce County):** Beginning at the intersection of Champion haul road (Champion 1 Rd.) and the Camp One Road near the town of Kapowsin; then southwest along Champion 1 Rd. to east side of Lake Kapowsin; then along east side of Lake Kapowsin to Ohop Creek; then up Ohop Creek to Champion ownership line; then along ownership line to N.W. corner Section 31, T17N, R5E; then south along section line to 1/4 corner Section 6, T16N, R5E; then easterly along Weyerhaeuser/Champion ownership line to intersection with Busy Wild Creek; then up Busy Wild Creek to intersection with Champion ownership on the section line between Sections 10 & 15, T15N, R6E; then west and south along DNR/Champion ownership line and Plum Creek Timber Co./Champion ownership line to most southerly point of Champion ownership (northwest of Ashford, WA); then easterly along Champion ownership line to DNR/Champion ownership line; then north and east to USFS/Champion ownership line; then north along USFS/Champion ownership line to S.W. corner Section 31, T16N, R7E; then east along USFS/Champion ownership line to S.E. corner Section 31, T16N, R7E; then north along USFS/Champion ownership line to N.W. corner Section 32, T16N, R7E; then east along Plum Creek Timber Co./USFS ownership line to N.E. corner Section 32, T16N, R7E; then south along USFS/Champion ownership line to S.E. corner Section 32, T16N, R7E; then east along USFS/Champion ownership line to Mount Rainier National Park Boundary; then north along Mount Rainier National Park Boundary to N.E. corner Section 33 T17N, R7E; then following north and

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west along USFS/Champion ownership line to intersection with SR 165 near the N.E. corner Section 24, T17N, R7E; then northwest along SR 165 to intersection with Carbon River; then down Carbon River to the BPA Transmission Line; then south and west along the powerline to the Fisk Road; then south along the Fisk Road to the King Creek Gate; then north and west along the Brooks Road BPA Transmission line; then southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownership); then up Puyallup River to intersection with Champion haul road bridge; then south along Champion haul road to point of beginning. Another portion of PLWMA 401 Champion is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; then up South Prairie Creek to East Fork South Prairie Creek; then up East Fork South Prairie Creek to Plum Creek Timber Co./Champion ownership line (on south line of Section 33, T19N, R7E); then along Champion ownership line to center line of Section 34, T19N, R7E; then north and east along DNR/Champion ownership line to S.W. corner Section 27, T19N, R7E; then north along Weyerhaeuser/Champion ownership line to White River; then down White River to where it crosses west line Section 6, T19N, R7E; then south and west along Champion ownership line to intersection with South Prairie Creek; then up South Prairie Creek to point of beginning.

**PLWMA 401A - Kapowsin North (Buckley):** That portion of PLWMA 401 description which includes the Buckley block.

**PLWMA 401B - Kapowsin Central (King Creek):** That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

**PLWMA 401C - Kapowsin South (Kapowsin):** That portion of PLWMA 401 description which lies to the south of the Puyallup River.

**PLWMA 600 - Merrill and Ring (Clallam County):** Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, then south along Deep Creek to the township line between Townships 30 and 31, then west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4, NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4, SW 1/4 NE 1/4 Section 19, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4, SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4,

S 1/2 Section 34, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/2, SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 24, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

**PLWMA 600A North - Merrill and Ring North:** That portion of PLWMA 600 north of Highway 112.

**PLWMA 600B South - Merrill and Ring South:** That portion of PLWMA 600 south of Highway 112.

**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 98-59, filed 4/22/98, effective 5/23/98)

**WAC 232-28-274 ((1999)) 2000 Big game auction permits and raffles.**

#### BIG GAME AUCTION PERMITS

The Director will select a conservation organization(s) to conduct the ((1999)) 2000 auction(s). Selection of the conservation organizations will be based on criteria adopted 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 - ONE ELK PERMIT

Hunting Season Dates: September 15-30, ((1999)) 2000  
 Hunt Area: State-wide in any ((open)) area open to general or permit season muzzleloader, archery, or modern firearm elk hunting during the 2000 season EXCEPT all Private Lands Wildlife Management Areas and GMUs 157 and 485 are closed.

Bag Limit: One bull elk

#### 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 legal weapon or harvest an animal.
- (3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.
- (4) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting Season Dates: September 1 - October 31, ((1999)) 2000

Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

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 direct 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.

SPECIES - ONE MOOSE PERMIT

Hunting Season Dates: October 1-November 30, ((1999)) 2000

Hunt Area: Any ((open)) moose unit open during the 2000 season

Bag Limit: One moose of either sex

AUCTION HUNT PERMITTEE RULES

- (1) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.
- (2) If requested by the Department, the permittee is required to direct Department officials to the site of the kill.

((BIG GAME)) RAFFLE PERMITS

The following raffle permits will be issued to individuals selected through a drawing:

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer.

Open area: State-wide in any ((open)) area open to general or permit season muzzleloader, archery, or modern firearm deer hunting during the 2000 season, except all Private Lands Wildlife Management Areas (PLWMAs), and GMUs 157 and 485 are closed.

Open season: The deer raffle permit holder may hunt in any ((1999)) 2000 general or permit archery, muzzleloader, or modern firearm season.

Weapon: The raffle hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

Number of permits: 1

Raffle ticket cost: \$5.00 including a 50 cent vendor fee.

ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk.

Open area: State-wide in any ((open)) area open to general or permit season muzzleloader, archery, or modern firearm elk hunting during the 2000 season, except all Private Lands Wildlife Management Areas (PLWMAs) and GMUs 157 and 485 are closed.

Open season: The elk raffle permit holder may hunt in any ((1999)) 2000 general or permit archery, muzzleloader, or modern firearm season.

Weapon: The raffle permit hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

Number of permits: 1

Raffle tickets cost: \$5.00 including a 50 cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), or Sheep Unit 13 (Quilomene).

Open season: September 1-October 31, ((1999)) 2000.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle tickets cost: \$10.00 including a 50 cent vendor fee.

- (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.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Hunter may hunt in any ((open)) moose unit open during the 2000 season.

Open season: October 1-November 30, ((1999)) 2000.

Weapon: Hunter may use any legal weapon.

Number of permits: 1

Raffle ticket: cost \$5.00 including a 50 cent vendor fee.

- (1) Permittee shall contact the appropriate regional office of the department ((of fish and wildlife)) when entering the designated hunt area.
- (2) If requested by the department, the permittee is required to accompany department officials to the site of the kill.

TURKEY RAFFLE PERMIT HUNT

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one of each subspecies: Eastern, Rio Grande, and Merriams.

Open Area: State-wide.

Open Season: April 1 to May 31, 2000.

Weapon: Archery or shotgun only.

Number of permits: 2.

Raffle ticket cost: \$5.00 including a 50 cent vendor fee.

- (1) Permittees shall contact the appropriate regional office of the department when entering the region to hunt outside the general season for wild turkeys.
- (2) The permittee may be accompanied by others. Only the permittee is allowed to carry a weapon and harvest a turkey outside the general season.

**NEW SECTION**

**WAC 232-28-275 1999 Black bear special permit season and quotas.**

**BLACK BEAR SPECIAL PERMIT HUNTS**

Who May Apply: Any one with a valid 1999 Washington big game license which includes black bear.

Bag Limit: One (1) black bear per black bear special permit season.

Hunt Name	Permit Season	Permit Hunt Boundary	Special Restrictions	1999 Permits
Blue Creek	April 15 - May 31	GMU 154	Any Legal Weapon	10
Dayton	April 15 - May 31	GMU 162	Any Legal Weapon	10
Tucannon	April 15 - May 31	GMU 166	Any Legal Weapon	10
Wenaha	April 15 - May 31	GMU 169	Any Legal Weapon	15
Mt. View	April 15 - May 31	GMU 172	Any Legal Weapon	10
Lick Creek	April 15 - May 31	GMU 175	Any Legal Weapon	10
Grande Ronde	April 15 - May 31	GMU 186	Any Legal Weapon	5

**AMENDATORY SECTION** (Amending Order 98-57, filed 4/22/98, effective 5/23/98)

**WAC 232-28-272 1998-99 and 1999-2000 Black bear and cougar hunting seasons and regulations.**

**Black Bear Seasons:**

- (1) **General Season in Eastern Washington:** (~~August 1-November 8, 1998 and~~) August 1-November 7, 1999, except (~~September 8-November 8, 1998 and~~) September 7-November 7, 1999 in that part of GMU 113 north of the line beginning at the mouth of Mill Creek on the Pend Oreille River; E along Mill Creek to Le Clerc Creek Rd.; N on Le Clerc Creek Rd. to USFS Rd. 1200; E on USFS Rd. 1200 to Pyramid Pass (Colville NFID Panhandle NF boundary); E on USFS Rd. 312 to USFS Rd. 658; N on USFS Rd. 658 to USFS Rd. 219; E on USFS Rd. 219 to the state line and in GMUs 145-186.
- (2) **General Season in Western Washington:** August 1-November 15, 1998 and August 1-November 14, 1999,

except July 15-November 15, 1998 and July 15-November 14, 1999 on PLWMA's 401 and 600 and on Long Island where the seasons are September 1-November 15, 1998 and September 1-November 14, 1999.

**License (~~and Tag(s)~~) Required:** A valid big game hunting license (~~and valid species tag(s) are~~) which includes black bear as a species option is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

**Bag Limit:** Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington outside of GMUs 304, 306, 308 or 316.

~~((Tag Information: To take one (1) bear a hunter must purchase either a damage bear tag or a general bear tag. To take two (2) bears a hunter must purchase both a damage bear tag and a general bear tag. A damage bear tag is valid only in western Washington, and in GMUs 304, 306, 308, and 316 in eastern Washington. A general bear tag is valid statewide.))~~

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

**GMUs Closed to Bear Hunting:** 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loo-wit).

**Harvest Report Cards:** All hunters that purchase (~~black bear transport tag(s)~~) a big game hunting license which includes black bear as an option are required to fill out and return their black bear harvest report card(s). Successful hunters must complete the report card(s) and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card(s) within 10 days after the close of the bear season.

**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

**Cougar Season:**

**General Statewide Season:** August 1, 1998-March 15, 1999 and August 1, 1999-March 15, 2000.

**License (~~and Tag(s)~~) Required:** A valid big game hunting license (~~and valid species tag are~~) which includes cougar as a species option is required to hunt cougar.

**Bag Limit:** (~~One (1))~~ Two (2) cougar (~~may be taken during the~~) per annual hunting season. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

**Tag Information:** One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

PROPOSED

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. Cougar may also be hunted with a .22 caliber centerfire rifle with a mushrooming or expanding type bullet weighing greater than 50 grains. The use of hounds to hunt cougar is prohibited statewide.

**GMUs Closed to Cougar Hunting:** 157 (Mill Creek Watershed), 485 (Green River), and 522 (Loo-wit).

**Harvest Report Cards:** All hunters that purchase a ~~((cougar transport tag))~~ big game license which includes cougar as a species option are required to fill out and return their cougar harvest report card. Successful hunters must complete the report card and return within 10 days after taking an animal. Unsuccessful hunters are required to complete and return their report card within 10 days after the close of the cougar season.

**Cougar Pelt Sealing:** Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

PROPOSED

**WSR 98-21-093**

**PROPOSED RULES**

**DEPARTMENT OF**

**NATURAL RESOURCES**

[Order 98-640—Filed October 21, 1998, 11:56 a.m.]

Continuance of WSR 98-19-108.

Title of Rule: Aquatic tideland and shoreland exchange.

Purpose: To change date of public hearing.

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street S.E., Olympia, WA 98504, on December 1, 1998, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Linda Heckel, Board Secretary, by December 1, 1998, TDD (360) 902-1125.

Submit Written Comments to: Lee Stilson, P.O. Box 47027, Olympia, WA 98504-7027, fax (360) 902-1796, by November 20, 1998.

Date of Intended Adoption: December 1, 1998.

October 21, 1998

Paul A. Silver

Deputy Supervisor

**NO EXPEDITED ADOPTIONS FILED IN THIS ISSUE**

**EXPEDITED ADOPTION**



## WSR 98-19-034

## PERMANENT RULES

## PERSONNEL RESOURCES BOARD

[Filed September 10, 1998, 3:44 p.m., effective October 12, 1998]

Date of Adoption: September 10, 1998.

Purpose: These rules are housekeeping in nature and were needed to be in alignment with state statutes as a result of the merger of the higher education personnel system under the jurisdiction of the Washington Personnel Resources Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 356-06-060 Personnel board—Composition—Appointment, 356-06-070 Personnel board—Procedure—Quorum, 356-06-090 Director—Appointment—Removal, 356-14-015 Salary and fringe benefit surveys—Requirements, 356-14-021 Salary and fringe benefit survey plans—Intentions—Content, and 356-14-035 Compensation plan submittal—Intentions—Content; and new WAC 356-05-178 Higher education system or higher education rules, 356-05-198 Institutions of higher education, and 356-05-358 Related boards; and amending 356-05-055 Board, 356-05-210 Law enforcement personnel, 356-05-375 Scheduling plan, 356-05-390 Seniority, 356-05-477 Washington general service, 356-06-003 Scope, 356-06-020 Exemptions, 356-06-040 Classified service, 356-06-050 Exempt service, 356-06-080 Powers—Duties of the board, 356-06-100 Director—Powers—Duties, 356-06-110 Federal preemption—Fair Labor Standards Act, 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption, 356-07-030 Description and location of departmental organization, 356-07-040 General method of operation, 356-09-040 Affirmative action program—Responsibilities—Department of personnel, 356-10-020 Classification plan—Revision, 356-10-045 Employee appointment status—Lateral reallocation, 356-10-050 Employee appointment status—Upward reallocation, 356-10-060 Allocation—Request for review, 356-14-010 Compensation plan—General provisions, 356-14-026 Salary surveys—Application—Indexing, 356-14-031 Compensation plan—Adoption, 356-14-045 Salaries—Comparable worth, 356-14-070 Salary—Limits, 356-15-020 Work period designations, 356-15-130 Special pay ranges, 356-15-125 Assignment pay provisions, 356-18-050 Sick leave credit—Purpose—Accrual—Conversion, 356-22-180 Examination—Oral examining panel, 356-22-220 Veterans preference in examinations, 356-22-230 Examinations—Noncompetitive, 356-26-030 Register designation, 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements, 356-30-143 Intergovernmental mobility, 356-30-260 Probationary period—Provisions—Status of employee, 356-30-320 Trial service—Reversion—Status, 356-34-090 Protests—Requirements for applicants, examinees, and eligibles, 356-34-100 Agency hearings—General provisions, 356-34-260 Appeals—Correction of rating, 356-37-010. Board hearings—Procedure—Record, 356-37-020 Prehearing procedures—Exhibits, 356-37-030 Filing of prehearing statements, 356-37-040 Scheduling of hearings, 356-37-070 Ethical conduct before the board, 356-37-080 Service of process, 356-37-130 Quashing, 356-37-140 Orders for discovery, 356-37-150 Proof of charges, 356-37-160 Prehearing

conference, 356-39-020 Human resource development—State-wide philosophy/definition, 356-39-060 Human resource development planning, 356-39-080 Review of agencies' human resource development reports, 356-42-010 Membership in employee organization, 356-42-020 Determination of bargaining unit, 356-42-055 Arbitration—Grievance—Procedure, 356-42-080 Unfair labor practice, 356-42-082 Filing unfair labor practice charge, 356-42-083 Investigation of and disposition of unfair labor practice charges, 356-42-084 Answer to complaint—Unfair labor practice, 356-42-085 Amendment of complaint or answer—Unfair labor practice, 356-42-086 Hearing—Unfair labor practice, 356-42-088 Hearings and investigation—Unfair labor practice, 356-42-089 Enforcement—Unfair labor practice, 356-42-100 Impasse arbitration, 356-42-105 Requests for arbitration, 356-46-030 Disclosure of political, religious affiliations—Prohibited, 356-46-060 Agencies—Personnel and payroll records, 356-46-125 Drug testing—Limitations—uses, 356-49-010 Inter-system employment—Purpose, 356-49-020 Application of rules, 356-49-030 Eligibility—Definition, and 356-49-040 Inter-system movement.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-15-035 on July 8, 1998.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 3, Amended 75, Repealed 6.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 3, Amended 75, Repealed 6.

Effective Date of Rule: October 12, 1998.

September 10, 1998

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 84-17-042 (Order 209), filed 8/10/84)

**WAC 356-05-055 Board.** The ((state)) Washington personnel resources board.

NEW SECTION

**WAC 356-05-178 Higher education system or higher education rules.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 251 WAC that are adopted by the board.

NEW SECTION

**WAC 356-05-198 Institutions of higher education.** The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

AMENDATORY SECTION (Amending WSR 90-03-044 (Order 337), filed 1/16/90, effective 3/1/90)

**WAC 356-05-210 Law enforcement personnel.** Employees who meet the Fair Labor Standards Act requirements for the section 7(K) special exemption as described and limited by chapter 29, Code of Federal Regulations, sections 553.211 and 553.212, and who are designated as law enforcement work period designation by the ((~~personnel~~)) board.

NEW SECTION

**WAC 356-05-358 Related boards.** The state board for community and technical colleges; and such other boards, councils, and commissions related to institutions of higher education as may be established.

AMENDATORY SECTION (Amending WSR 84-17-042 (Order 209), filed 8/10/84)

**WAC 356-05-375 Scheduling plan.** A series of schedules, approved for specific positions by the director of personnel or the ((~~personnel~~)) board, through which schedules the incumbents move in an established pattern.

AMENDATORY SECTION (Amending WSR 98-06-012, filed 2/20/98, effective 4/1/98)

**WAC 356-05-390 Seniority.** A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the ((~~personnel resources~~)) board or the director. Service in positions brought under the jurisdiction of the ((~~personnel resources~~)) board or the director by statute is counted as though it had previously been under the jurisdiction of the ((~~personnel resources~~)) board. Leaves of absence granted by agencies and separations due to reduction in force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is approved for the reasons cited in WAC 356-18-220(2), or statutes require it be credited. Time spent off the state payroll due to reduction in force will be credited for that period of time the employee is eligible to be placed on the reduction in force register, for a maximum of three years for each reduction in force occurrence. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(26), WAC 356-06-055 and 356-30-330. Time spent under the jurisdic-

tion of the higher education personnel rules will be added when the employee comes under the jurisdiction of the ((~~personnel resources~~)) board through the provisions of WAC 356-49-040. The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or the deceased veteran's spouse as defined in WAC 356-05-470.

AMENDATORY SECTION (Amending WSR 94-04-011, filed 1/21/94, effective 3/1/94)

**WAC 356-05-477 Washington general service.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 356 WAC that are adopted by the ((~~Washington personnel resources~~)) board.

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

**WAC 356-06-003 Scope.** The provisions of these rules shall apply to all personnel under the jurisdiction of chapter 41.06 RCW except those exempted under the provisions of WAC 356-06-020. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with those adopted under the former higher education civil service law (chapter 28B.16 RCW). Further, these rules and compensation and classification plans shall continue to apply as before until such time as the ((~~Washington personnel resources~~)) board has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending WSR 95-19-054, filed 9/15/95, effective 10/16/95)

**WAC 356-06-020 Exemptions—((~~Exceptions~~)).** ((~~With the exceptions noted in subsection (19) of this section the provisions of these rules do not apply to:~~

(1) ~~Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.~~

(2) ~~Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.~~

(3) ~~Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.~~

(4) ~~Employees of the state printing office.~~

(5) ~~The officers of the Washington state patrol.~~

(6) ~~Elective officers of the state.~~

(7) ~~The chief executive officer of each agency.~~

(8) ~~In the departments of employment security and fisheries, the director and the director's confidential secretary.~~

(9) ~~In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to~~



~~exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: *Provided*, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.~~

~~(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors:~~

~~(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen:~~

~~(a) All members of such boards, commissions or committees:~~

~~(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:~~

~~(i) The secretary of the board, commission or committee.~~

~~(ii) The chief executive officer of the board, commission or committee.~~

~~(iii) The confidential secretary of the chief executive officer of the board, commission or committee.~~

~~(c) If the members of the board, commission or committee serve on a full-time basis:~~

~~(i) The chief executive officer or administrative officer as designated by the board, commission or committee.~~

~~(ii) The confidential secretary to the chairman of the board, commission or committee.~~

~~(d) If all members of the board, commission or committee serve ex officio:~~

~~(i) The chief executive officer.~~

~~(ii) The confidential secretary of such chief executive officer.~~

~~(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state:~~

~~(13) Assistant attorneys general.~~

~~(14) Commissioned and enlisted personnel in the military service of the state.~~

~~(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:~~

~~(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.~~

~~(b) Part-time local health officers.~~

~~(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.~~

~~(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.~~

~~(e) Patient and resident help in the covered institutions.~~

~~(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.~~

~~(g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.~~

~~(16) All officers and employees in those commissions made exempt by legislative action, namely:~~

~~(a) Washington state fruit commission.~~

~~(b) Washington state apple commission.~~

~~(c) Washington state dairy products commission.~~

~~(d) Washington state wheat commission.~~

~~(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.~~

~~(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.~~

~~(17) Up to a total of five senior staff positions of the Western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit.~~

~~(18) In the department of information services, up to twelve positions in the planning component involved in policy development and/or senior professionals.~~

~~(19) Up to five employees of the Washington basic health plan.~~

~~(20) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.~~

~~(21) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency head.~~

~~(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted under this subsection and sub-~~

sections (20) and (21) of this section, together with the reasons for such exemptions:

~~(23) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (16) of this section:)~~

(1) The provisions of this chapter do not apply to positions specifically exempted in statute and to the following:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, employees of technical colleges, and state institutions of higher education, and the state board for community and technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen;

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the board;

(i) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(ii) Part-time local health officers.

(iii) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(iv) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(v) Patient and resident help in the covered institutions.

(vi) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(vii) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of the state wheat commission formed under chapter 15.63 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a

major administrative unit. This subsection (1)(z) shall expire on June 30, 1997:

(aa) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045 (2)(m):

(2) In addition to the exemptions specifically provided by this chapter, the board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the board stating the reasons for requesting such exemptions. The board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the board shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v), (y), and (z) of this section, shall be determined by the board. However, beginning with changes proposed for the 1997-99 fiscal biennium, changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

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

AMENDATORY SECTION (Amending WSR 80-04-025 (Order 142), filed 3/14/80)

**WAC 356-06-040 Classified service.** Positions subject to these rules are in the classified service and will be designated by the ((~~personnel~~)) board as competitive or noncompetitive.

(1) The competitive service includes positions in classes for which a competitive examination is required prior to appointment.

(2) The noncompetitive service includes those unskilled, seasonal and temporary classes or positions for which the ((~~personnel~~)) board has determined ranked registers to be impracticable.

(3) The director of personnel may at any time review the duties and requirements of any class or position to determine the practicality of competitive examinations and after such studies, present to the ((~~personnel~~)) board for determination, the proper inclusion or exclusion from the noncompetitive service.

(4) No positions in agencies designated as grant-in-aid, will be included in the noncompetitive service except those positions that need not meet the federal merit system standards or positions which can be placed in the noncompetitive service according to the federal merit system standards.

AMENDATORY SECTION (Amending WSR 84-11-091 (Order 204), filed 5/23/84, effective 9/1/84)

**WAC 356-06-050 Exempt service.** The exempt service includes only the positions and agencies, officers and employees listed in WAC 356-06-020 who do not have appeal rights to ((~~the~~))- the personnel appeals board when demoted or separated by dismissal or reduction in force. Appointments to any exempt position in branches, departments, or agencies not exempted by statute shall be reported by the director of personnel to the ((~~personnel~~)) board and shall include such information as may be required to ascertain that the position is properly included in the exempt service. The director of personnel may at any time study the duties of a position in this service to determine the propriety of its continued inclusion in this service.

**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.

#### REPEALER

WAC 356-06-060

Personnel board—Composition—Appointment.

#### REPEALER

WAC 356-06-070

Personnel board—Procedure—Quorum.

PERMANENT

AMENDATORY SECTION (Amending WSR 96-11-062, filed 5/10/96, effective 6/6/96)

**WAC 356-06-080** (~~(Personnel board)~~) **Powers—Duties of the board.** It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six to twelve months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position. In adopting these revisions the board shall comply with (~~Senate Bill S6767 of 1996~~) RCW 41.06.152, RCW 41.06.150(15), and chapter 43.88 RCW.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status within the classified service.

(p) Compliance with existing veterans preference statutes.

## REPEALER

WAC 356-06-090

Director—Appointment—Removal.

AMENDATORY SECTION (Amending WSR 95-19-098, filed 9/20/95, effective 11/1/95)

**WAC 356-06-100 Director—Powers—Duties.** (1) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall prepare proposed rules and regulations for consideration by the board.

(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.

(3) The director shall serve as secretary to the board.

(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of authority shall be in writing (~~and the board shall be notified of them~~).

(5) The director of personnel may delegate to any agency the director's authority to perform administrative and technical personnel activities if such authority is requested. When an agency requests a delegation of the director's authority, the requesting agency shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an agency is not appropriately performing delegated activities, the director may withdraw from the agency the authority to perform such activities.

AMENDATORY SECTION (Amending WSR 95-03-090, filed 1/18/95, effective 3/1/95)

**WAC 356-06-110 Federal preemption—Fair Labor Standards Act.** Agencies shall comply with the (~~personnel resources~~) board rules (Title 356 WAC) unless doing so causes them to violate the Fair Labor Standards Act.

AMENDATORY SECTION (Amending WSR 98-08-024, filed 3/20/98, effective 5/1/98)

**WAC 356-06-120 Americans with Disabilities Act of 1990—Federal and state preemption.** Agencies shall comply with the (~~personnel resources~~) board rules (Title 356 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

AMENDATORY SECTION (Amending WSR 90-07-056 (Order 341), filed 3/20/90, effective 5/1/90)

**WAC 356-07-030 Description and location of departmental organization.** (1) The central office of the Department of Personnel is located at 521 Capitol Way S., Olympia, Washington. The staff at this location provides personnel services regarding affirmative action, recruitment, examination, examination development, certification, classification, hearings, compensation, salary surveys, compensation plan administration, research services, special projects, departmental fiscal management, facilities, word processing support.

~~((2) The staff is organized in six general areas:~~

~~(a) Operations division which provides for recruitment, examination, examination development, classification, hearings, certification, and agency services.~~

~~(b) Standards and surveys division which provides for salary surveys, compensation plan administration, research services, and special projects.~~

~~(c) Employee development and training division (located at 600 South Franklin Street, Olympia, Washington) which provides consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.~~

~~(d) The employee advisory service offices are at the following locations: 3400 Capitol Boulevard, Olympia, Washington; 613 19th Avenue E., Suite 101, Seattle, Washington; and at Suite 604, Northtown Office Building, Spokane, Washington.~~

~~(e) Administrative division which provides departmental fiscal management, facilities, word processing support, agency personnel services, affirmative action, and labor relations services.~~

~~(f) Information systems division (located at Building #1, Rowesix, Lacey, Washington) which administers the central personnel/payroll and insurance eligibility computer systems.)~~

(2) The staff located at 600 South Franklin Street, Olympia, Washington, provides labor relations services and appeal hearings, consultation on human resource development activities to agencies, training which is interagency in scope, and guidelines for agency planning and evaluation of human resource development.

(3) The staff at the following locations provides employee advisory services: 3400 Capitol Boulevard, Olympia, Washington; 2825 Eastlake Avenue E., Suite 310, Seattle, Washington; and at 4407 Division, Suite 210, Spokane, Washington.

(4) The staff located at Building #1, Rowesix, Lacey, Washington, administers the central personnel/payroll and insurance eligibility computer systems.

AMENDATORY SECTION (Amending WSR 87-02-038 (Order 267), filed 1/2/87)

**WAC 356-07-040 General method of operation.** (1) The general conduct of agency business is pursuant to the

charter established in chapters 41.06 and 41.05 RCW, and Title 356 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal (~~state personnel~~) board action on any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff of the department of personnel as necessary to ensure representation from interested parties before proposals are made to the board.

(5) All business of the department of personnel will be conducted in facilities which are accessible and/or in a manner which reasonably accommodates the needs of persons of disability.

AMENDATORY SECTION (Amending WSR 87-02-038 (Order 267), filed 1/2/87)

**WAC 356-09-040 Affirmative action program—Responsibilities—Department of personnel.** The department of personnel is responsible for administering the state's affirmative action program and providing technical assistance to state agencies in the development and implementation of their affirmative action programs. In keeping with these responsibilities, the department of personnel will accomplish the following:

(1) Publish guidelines that will assist agencies in developing and implementing their affirmative action plan.

(2) Provide agencies with the data required to develop and implement affirmative action goals and timetables.

(3) Review agency affirmative action plans and equal employment opportunity policy statements for compliance with applicable merit system rules and established affirmative action guidelines, and recommend changes as appropriate.

(4) When plans and policy statements are in compliance, recommend them for approval to the governor's affirmative action policy committee.

(5) Monitor for adverse impact on protected group members in the areas of recruitment, testing, appointment, promotion, transfer, termination, formal disciplinary actions, and career development. Records in these areas will be maintained by protected group status.

(6) With the assistance of state agencies, initiate the recruitment of protected group members, including target recruitment when the representation of protected group members on the register is less than their availability.

(7) Monitor items submitted to the (~~personnel~~) board for possible negative effect on affirmative action.

(8) Monitor protected group participation in agencies' human resource development activities.

(9) Conduct an annual audit to assess agencies' progress in meeting goals and addressing problems identified in their affirmative action program. The audit will be conducted in accordance with the established department of personnel affirmative action program guidelines.

AMENDATORY SECTION (Amending WSR 96-11-062, filed 5/10/96, effective 6/6/96)

**WAC 356-10-020 Classification plan—Revision.** The director shall submit proposed revisions to the classification plan to the board for review and approval.

(1) The board shall hold open hearings on the proposals after 20 days' notice to employee organizations and agencies. The board may modify the proposals.

(2) In adopting these revisions the board shall comply with ~~((Senate Bill S6767 of 1996))~~ RCW 41.06.152, RCW 41.06.150(15), and chapter 43.88 RCW.

AMENDATORY SECTION (Amending WSR 84-17-042 (Order 209), filed 8/10/84)

**WAC 356-10-045 Employee appointment status—Lateral reallocation.** Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of ~~((personnel))~~ board action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged.

AMENDATORY SECTION (Amending WSR 91-03-070 (Order 368), filed 1/16/91, effective 3/1/91)

**WAC 356-10-050 Employee appointment status—Upward reallocation.** Employees in positions that have been reallocated upward are affected as follows:

(1) Employee must compete at the time of certification from the appropriate eligible register, unless otherwise determined by the director of personnel or designee, when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The effective date of an incumbent's appointment status as provided in this subsection will be the date when he/she is appointed from a certification. If the employee is appointed from a certification, his/her salary is then determined in accordance with the rule governing promotion. The employee will serve a probationary or trial service.

(2) Employees in positions that have been reallocated upwards based on duties of a higher level classification performed for over one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee; and

(b) The department of personnel verifies that the incumbent has the knowledge, skills and abilities needed for the new class.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ninety days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a temporary appointment under these rules up to thirty days after the register is established. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of ~~((personnel))~~ board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not

be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) In reallocations determined by the department of personnel's director or designee the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

For positions reallocated by agencies under their delegated allocation authority, the effective date of an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire is received by the agency's personnel office or by the department of personnel.

(7) The department of personnel, the director of personnel, and the ((state personnel)) board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

**AMENDATORY SECTION** (Amending WSR 93-19-154 (Order 429), filed 9/22/93, effective 11/1/93)

**WAC 356-10-060 Allocation—Request for review.** A review by the director of personnel or designee of the allocation, reallocation of a position, or incumbent status may be requested by the incumbent in the position at the time the reallocation was requested, or on the date the allocation decision was issued, or at the conclusion of a class study, or by the agency director as follows:

(1) The written request for a review must be filed with the director of personnel within 30 calendar days following notification of the effective date of the action and must contain the reasons and basis for the review.

(2) The director of personnel or designee shall acknowledge receipt of the request and send a copy of the request to the agency.

(3) The agency shall make every effort to resolve the disagreement through agency procedures.

(4) During the review, the director of personnel or designee shall conduct a hearing and may investigate and obtain such information as may be deemed necessary.

(5) Within 30 days of the receipt of the request for review, the director of personnel or designee shall set a date for a hearing and shall notify the incumbent employee, employing agency, employee organization, and designated department of personnel analyst: *Provided*, That the notice shall not be less than 20 calendar days. The hearing shall be informal and any of the above designated parties may present their views. The director of personnel or designee will enter a written determination and provide each of the participating parties with a copy.

(6) An employee or agency may appeal the determination of the director of personnel or designee to the ((state)) personnel appeals board as provided in Title 358 WAC.

(7) Allocation or reallocation reviews which result from a class-wide or broader position survey need not be heard until the director of personnel or designee has had a reasonable period of time to reexamine the position in question and all pertinent facts.

(8) Wherever possible, agencies shall continue employee's duties unchanged, pending an allocation decision.

**AMENDATORY SECTION** (Amending WSR 86-14-071 (Order 253), filed 7/1/86, effective 8/1/86)

**WAC 356-14-010 Compensation plan—General provisions.** The director of personnel shall prepare a compensation plan for all classifications. The plan shall provide for:

(1) Full compensation to each employee for all work assigned and performed and consideration of all compensation to the employee in setting the employee's salary.

(2) Salary range schedules including the first, intervening, and maximum steps of each range.

(3) Assignment of each classification to a salary range giving full consideration to the prevailing rates in Washington state private industries, and other governmental units, for positions of a similar nature to provide like pay for like work.

(4) Work period designation of each classification, or individual positions within a classification.

(5) Rates of premium pay, shift premium, and standby pay schedules determined by the ((personnel)) board in the same manner as are basic salaries.

(6) Appropriate statistical standards and reporting requirements as outlined in chapter 356-14 WAC for comprehensive and trend salary/fringe benefit surveys.

**REPEALER**

WAC 356-14-015

Salary and fringe benefit surveys—Requirements.

**REPEALER**

WAC 356-14-021

Salary and fringe benefit survey plans—Intentions—Content.

**AMENDATORY SECTION** (Amending WSR 86-14-071 (Order 253), filed 7/1/86, effective 8/1/86)

**WAC 356-14-026 Salary surveys—Application—Indexing.** (1) ~~((Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out-of-state sources when necessary to obtain statistically valid salary surveys.))~~ Comprehensive and trend salary surveys will be conducted in accordance with applicable portions of chapter 41.06 RCW.

~~((2) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparisons of survey data to individual state job classes.))~~



~~((3))~~ (2) All classes shall be identified and indexed (affixed) to a particular salary survey benchmark class (or group average of selected benchmark classes). Such indexing shall display the number of salary schedule ranges that each class is aligned above, the same, or below the respective benchmark class or group. Such class-by-class indexing shall be published on twenty-day notice and approved by the board.

~~((4))~~ (3) The salary relationships so established by indexing will remain the same upon application of the salary survey data to respective benchmark classes and groups: *Provided*, That the ~~((personnel))~~ board may approve exceptions to correct for inequities, substantial changes in duties and responsibilities, or recruiting and retention problems, consistent with other provisions of this chapter.

AMENDATORY SECTION (Amending WSR 86-14-071 (Order 253), filed 7/1/86, effective 8/1/86)

**WAC 356-14-031 Compensation plan—Adoption.**

(1) The compensation plan as developed under this chapter shall be presented to the board for review and adoption after consultation with and consideration of proposals from employee representatives and agencies affected.

(2) Twenty calendar days prior to the open hearing on the plan, the director of personnel shall circulate notice of the hearing to enable employee representatives and agencies affected to present their views either orally or in writing. The notice shall state the date, time, and place of the hearing, and either the terms or a description of the proposed plan. The ~~((personnel))~~ board may amend and adopt the plan at the hearing.

REPEALER

WAC 356-14-035 Compensation plan submit-  
tal—Intentions—Content.

AMENDATORY SECTION (Amending WSR 87-09-037 (Order 273), filed 4/14/87, effective 6/1/87)

**WAC 356-14-045 Salaries—Comparable worth.** (1) Salary changes necessary to achieve comparable worth shall be implemented during the 1983-85 biennium under a schedule developed by the department of personnel ~~((in cooperation with the higher education personnel board))~~. Increases in salaries and compensation solely for the purpose of achieving comparable worth shall be made at least annually. Comparable worth for the jobs of all employees under chapter 41.06 RCW shall be fully achieved not later than June 30, 1993.

(2) Comparable worth entitlements shall comply with the December 31, 1985 settlement agreement between the state of Washington and the American Federation of State, County and Municipal Employees (AFSCME), et al., as approved by federal district court and ratified by the Washington legislature.

(3) Upon the establishment of new classes, or redefinition of existing classes, the following policy shall apply:

(a) When an existing class or class series that is covered by the settlement agreement is substantially revised, the com-

parable worth salary range involvement shall be determined by reevaluating the classes using the Willis methodology.

(b) The comparable worth salary range involvement for classes that were not covered by the settlement agreement and newly created classes or class series shall be determined based on internal indexing, or Willis evaluation, whichever is determined most appropriate by the director.

(c) Salary ranges for new or revised classes which are substantially common with higher education personnel board classes shall be equal, as applicable.

(4) Comparable worth evaluation committee:

(a) Comparable worth evaluations using the Willis methodology shall be conducted by an evaluation committee composed of at least eight member representatives from operating agencies, employee organizations, and department of personnel staff.

(b) Members shall be experienced in agency programs or personnel administration. Members must also attend meetings on a regular basis a majority of the time.

(c) The director shall process committee appointments, appoint officers, establish meeting agendas, call meetings, and schedule (or reschedule) evaluations as he/she deems appropriate. Affected agency or employee representatives must submit any requests for evaluations or reevaluations in writing to the director for disposition and written response.

(5) Other administrative requirements regarding comparable worth adjustments include, but are not limited to, the following:

(a) The process for determining comparable worth class salary range involvement, if any, will be made a part of the regular monthly ~~((state personnel))~~ board meeting agenda.

(b) Requesting agencies and organizations should submit new and revised class proposals in sufficient time to accommodate a possible two-month review and evaluation period requirement.

(c) Agency requests should include proposed salary survey indexing and proposed comparable worth involvement, if any, at time of item submission. Indexing and comparable worth information will be included in board meeting agenda publications.

(d) For purposes of legal, fiscal, and legislative disclosure, comparable worth involvement salary ranges will be tracked and recorded by class.

AMENDATORY SECTION (Amending Order 96, filed 12/10/76, effective 1/12/77)

**WAC 356-14-070 Salary—Limits.** No employee shall be compensated at a basic salary rate greater than the maximum or less than the minimum step of the salary range to which the class had been allotted, unless the director authorizes a different rate in cases of reallocation downward or in other cases involving unusual circumstances where equity requires a different rate of pay. On appeals from reallocation downward the decision of the ~~((board))~~ director or designee, and/or the personnel appeals board, may be made effective retrospectively to the effective date of the appealed reallocation. In all other cases the decision shall only be made effective prospectively. All such requests and justifications must be submitted to the board in writing within 15 calendar days



from the effective date of the action from which the request originates.

**AMENDATORY SECTION** (Amending WSR 88-05-028 (Order 294), filed 2/12/88, effective 4/1/88)

**WAC 356-15-020 Work period designations.** (1) The ((~~personnel~~)) board shall assign a specific work period designation to each job class. In deciding which work period designation is appropriate, the ((~~personnel~~)) board shall consider the following factors:

(a) Whether the positions are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

(b) Whether the positions have been historically paid overtime by the state.

(c) Whether the private sector or other governmental jurisdictions have a historical or prevailing overtime pay practice for direct counterpart positions.

(d) Other factors it may deem to be appropriate.

(2) The ((~~personnel~~)) board may authorize a work period designation for an individual position which differs from the class-wide designation when the position has atypical working conditions. When two or more designations are indicated for a job class, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation. The work period designation for persons on "in-training" and "underfill" appointments shall be the same as that of the position to which they are appointed, except that if the position is designated "exceptions," the employee's work period designation will be "nonscheduled."

(a) **Scheduled (S):**

(i) **Standard:** Full-time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours.

(ii) **Alternate:** Full-time positions with conditions of employment which may be completed within:

(A) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(B) Four work days lasting not more than ten working hours each within the same workweek; or

(C) Four nine-hour work days and one four-hour work day; or

(D) Ten consecutive work days with four consecutive days off; or

(E) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(F) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than

eight hours work in any one 24-hour period within a schedule, nor more than fifty-two 40-hour workweeks per year. Positions are limited to communications officers and scheduled commercial vehicle enforcement officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(iii) **Unlisted:** Full-time positions for which the director of personnel has approved a schedule or scheduling plan not allowed above. Such unlisted schedules may be approved by the director of personnel when both the agency and the affected employees are in agreement. Approval by the exclusive representative shall constitute approval of employees within a certified bargaining unit.

(b) **Nonscheduled (NS):** Full-time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions may have preset schedules or task assignments which require their attendance at certain hours, but are generally responsible to adjust their hours to best accomplish their workload.

(c) **Law enforcement (1):** Full-time positions which meet the law enforcement criteria of section 7(k) of the Fair Labor Standards Act. (Defined as law enforcement personnel in WAC 356-05-210.)

(d) **Exceptions (e):** Full-time positions which are exempt from the overtime provisions of the Fair Labor Standards Act as executive, administrative, professional, agricultural, outside sales, or recreational establishment personnel as summarized in chapter 356-05 WAC.

**AMENDATORY SECTION** (Amending WSR 97-24-038, filed 11/26/97, effective 1/1/98)

**WAC 356-15-130 Special pay ranges.** The ((~~personnel resources~~)) board may allow for special pay ranges to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

Details of the affected classes with a special pay range will appear in the salary schedule section of the compensation plan.

**AMENDATORY SECTION** (Amending WSR 92-20-024 (Order 409), filed 9/28/92, effective 11/1/92)

**WAC 356-15-125 Assignment pay provisions.** The ((~~personnel~~)) board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for ((~~personnel~~)) board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

**AMENDATORY SECTION** (Amending WSR 96-21-037, filed 10/10/96, effective 11/10/96)

**WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.** (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Full-time employees shall be credited monthly with eight hours of sick leave under the following conditions:

(a) The employee must be employed for fifteen calendar days or more during the month.

(b) Any leave without pay taken during the month will not be counted toward the fifteen calendar day eligibility requirement.

(c) Holidays for which the employee is otherwise eligible that fall within the qualifying fifteen days count toward the minimum requirement.

Sick leave credit for other than full-time employees shall be computed and accrued in an amount proportionate to the time the employee is in pay status during the month to that required for full-time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds four hundred eighty hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below four hundred eighty hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of twenty-five percent and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(iv) Hours which are accrued, donated, and returned from the shared leave program in the same calendar year, may be included in the converted hours for monetary compensation.

(b) Employees who separate from state service on or after September 1, 1979, due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the department of retirement systems (DRS).

(c) No contributions are to be made to the department of retirement systems (DRS) for such payments in (a) or (b) of this subsection, nor shall such payments be reported to DRS as compensation.

(4) Employees who separate for any reason other than retirement or death shall not be paid for their accrued sick leave.

(5) Former employees who are again employed within five years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3)(b).

(6) ~~((Employees coming under the jurisdiction of the state personnel board from the jurisdiction of the higher education personnel board by the provisions of)) Higher education system employees moving to an agency in accordance with WAC 356-49-040 shall be credited with their sick leave accumulated with the higher education system.~~

**AMENDATORY SECTION** (Amending WSR 87-02-038 (Order 267), filed 1/2/87)

**WAC 356-22-180 Examination—Oral examining ~~((board)) panel.~~** (1) The members of oral examining ~~((boards)) panels~~ shall be chosen primarily for their ability to judge the qualifications of applicants objectively. At least one member by past experience and training shall be generally familiar with the nature of the work for which the examination is being given. Emphasis will be placed on including at least one protected group member on each oral examining ~~((board)) panel.~~

(2) No examining ~~((board)) panel~~ shall have fewer than two members. No person holding political office or any officer or committee member of any political organization shall serve as a member of such ~~((board)) panel.~~

(3) If conditions require establishing multiple ~~((boards)) panels~~, tests and instructions shall be structured to ensure uniformity of examining conditions and rating standards.

(4) Members of oral examining ~~((boards)) panels~~ shall disclose each instance in which they know an applicant to the extent that they have formed a prior personal bias for or against an applicant and shall disqualify themselves without rating the applicant or biasing the remaining members.

**AMENDATORY SECTION** (Amending WSR 96-11-060, filed 5/10/96, effective 6/6/96)

**WAC 356-22-220 Veterans preference in examinations.** (1) The term veteran as used in this rule shall include any person who has served in any branch of the armed forces of the United States during:

(a) World War II;

(b) The Korean Conflict;

(c) The Viet Nam Era, beginning August 5, 1964 ~~((and ending))~~ and ending May 7, 1975;

(d) The Persian Gulf War, beginning August 2, 1990 and ending on the date prescribed by presidential proclamation or law;

(e) The following armed conflicts, if the participant was awarded the respective campaign badge or medal: the crisis

in Lebanon; the invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation Joint Endeavor; or

(f) Who has received the armed forces expeditionary medal, Marine Corps expeditionary medal, or Navy expeditionary medal, for opposed action on foreign soil.

(2) Further, only persons who received an honorable discharge or who received a discharge for physical reasons with an honorable record or who were released from active duty under honorable circumstances shall be eligible for this veterans preference.

(3) In all competitive examinations, veterans shall be given a preference by adding to the passing grade, based upon a possible rating of 100 points as perfect, a percentage of such passing grade under the following conditions:

(a) Ten percent to a veteran who is not receiving any veterans retirement payments. This preference shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.

(b) Five percent to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized until one of the examinations results in a veteran's first appointment and not in any promotional examination.

(c) Five percent to a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be utilized on the first promotional examination only.

(4) The above preference provisions must be claimed within eight years of the date of release from active service.

**AMENDATORY SECTION** (Amending WSR 79-11-046 (Order 136), filed 10/15/79, effective 1/1/80)

**WAC 356-22-230 Examinations—Noncompetitive.**

(1) The noncompetitive service comprises those unskilled, seasonal and temporary classes or positions for which the ((personnel)) board has determined ranked registers to be impracticable. Although exactly the same selection procedures may be used as in the competitive service, they need not be applied beyond the point of determining that a given applicant achieves a passing score.

(2) The director of personnel may designate agency personnel officers to act in the director's behalf, as agents of the department of personnel, for purposes of establishing and maintaining unranked registers within the noncompetitive service for those positions approved by the ((personnel)) board. The director of personnel shall be responsible for developing necessary procedures which include yearly audit provisions. Applicants shall have appeal rights to the director of personnel in accordance with other provisions of these rules.

**AMENDATORY SECTION** (Amending WSR 94-10-008, filed 4/21/94, effective 5/31/94)

**WAC 356-26-030 Register designation. (1) Agency reduction in force.**

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the ((state personnel)) board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) An employee's name shall not appear for classes at or below the range level of a class in which the employee is serving on a permanent full-time basis, except:

(A) When the employee has accepted an option beyond a reasonable commuting distance in lieu of separation due to reduction in force. The employee's name may appear for classes at the same or lower range levels when the availability would return the employee back to his/her previous work location.

(B) When the employee has accepted a position in lieu of separation due to a reduction in force, in a different class series.

(C) Any other exceptions shall be approved by the director or designee.

(2) **Service-wide reduction in force.**

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) **Dual-agency reversion.**

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or ((in a position under the jurisdiction of the)) a higher education ((personnel board)) institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) **Agency promotional.**

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) **Higher education reduction in force.**

(a) Composition.

(i) This register shall contain the names of permanent employees ranked in order of seniority from higher education

institutions or related boards laid off or scheduled for layoff and who have requested placement on this register. The employee's name shall appear for all classifications or equivalent classifications for which the employee held permanent status.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of the register.

(i) An eligible's name will normally remain on this register for two years from the date of placement on the register.

(d) Special provisions.

(i) The employee must request placement on this register within thirty calendar days of the effective date of layoff or previously have requested placement on the inter-system employment register due to layoff. The employee may request placement on lower classes in the same class series or equivalent classes and must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination for classes in which the employee has held permanent status, or lower classes in the same class series, or equivalent classes. Employees appointed from this register shall be required to complete a trial service period of six months.

(6) **Service-wide reversion.**

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or ((in a position under the jurisdiction of the)) higher education ((personnel board)) institution were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(7) **Transfer.**

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(8) **Voluntary demotion.**

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

**(9) Service-wide promotional.**

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

**(10) Reemployment.**

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within five years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

**(11) Inter-system employment.**

(a) Composition. This register shall contain the names of permanent classified employees (~~under the jurisdiction of the~~) at higher education (~~personnel board~~) institutions who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

**(12) Open competitive.**

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

**AMENDATORY SECTION** (Amending WSR 93-02-040 (Order 414), filed 1/5/93, effective 2/1/93)

**WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements.** (1) The director of personnel or designee may remove the name of an eligible from a register and/or certification for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or future interest in positions in that class.

(d) If a candidate from a reduction in force register or a dual agency reversion register has waived three offers of employment for a position in the class for which the register was established.

(e) If a candidate from a promotional or open competitive register has waived consideration three times for a position in the class for which the register was established.

(f) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(g) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(h) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times. The director of personnel or designee will monitor all name removals for adverse effect and/or disparate treatment of protected group members.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(j) If the appointing authority reports that the eligible was offered employment but could not comply with the personal identification and work authorization requirements of the federal Immigration Reform and Control Act (I.R.C.A.).

(2) The director of personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in subsection (1)(b) or (c) of this section. The director of personnel or designee will advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the director of personnel or in accordance with the decision of the ((personnel)) board upon appeal.

**AMENDATORY SECTION** (Amending WSR 78-10-070 (Order 123), filed 9/26/78)

**WAC 356-30-143 Intergovernmental mobility.** In accordance with the intent of the Intergovernmental Personnel Act (P.L. 91-648) regarding mobility assignments and/or notwithstanding any other provisions of these rules, the ((state personnel)) board or designee may authorize appointments into the classified service from other governmental units when such appointments are for purposes of cross-training or sharing of expertise across governmental boundaries. Such appointments shall be time limited.

**AMENDATORY SECTION** (Amending WSR 91-20-029 (Order 383), filed 9/23/91, effective 11/1/91)

**WAC 356-30-260 Probationary period—Provisions—Status of employee.** (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of six to twelve months as determined by the ((personnel)) board. The ((personnel)) board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to twelve months) to provide adequate training and/or evaluation. The ((personnel)) board shall apply the following criteria for approving probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties

cannot be properly evaluated within six months after an appointment.

or

(b) Work of the class is cyclical in nature and the workload cycle cannot be completed within six months after an appointment.

or

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to the position, and to terminate any employee whose work performance fails to meet the required standards.

(4) Employees who, during their probationary period, go on leave without pay shall have their probationary period extended by the number of calendar days they are on leave without pay including any intervening nonworking days.

(5) Employees shall have their probationary period extended by the number of calendar days in excess of 30 in which the employee is not at work including any intervening nonwork days if:

(a) Work is missed due to sick leave, vacation leave, military training leave, shared leave or miscellaneous leave; or

(b) Work is missed by employees of the departments of social and health services, corrections or veterans affairs due to an assault that occurred on the job and who are receiving compensation in an amount equal to full pay, as provided in chapters 72.01 and 72.09 RCW; or

(c) Work is missed due to any combination of leave identified in (5)(a) and (b) of this section which when added together exceeds 30 calendar days.

(6) Work missed during the probationary period due to holidays shall be counted as part of the required probationary period.

(7) When an employee accepts a temporary appointment to a higher class in the same series in the same work unit while serving in a probationary period, the probationary period shall continue for the lower class.

(8) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(9) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

PERMANENT

**AMENDATORY SECTION** (Amending WSR 91-13-042 and 91-21-080 (Orders 376 and 376A), filed 6/14/91 and 10/18/91, effective 8/1/91 and 11/18/91)

**WAC 356-30-320 Trial service—Reversion—Status.**

(1) Employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register within the same agency and fail to satisfactorily complete the trial service period shall automatically revert to a position in the former classification.

(2) Employees who were appointed from a voluntary demotion register to a class not previously held or from a promotional register into another agency and who fail to satisfactorily complete the trial service period shall be given fifteen calendar days' written notice and placed on the dual-agency reversion register and the service-wide reversion register for their former class. If an employee waives consideration three times for a position in the class for which the register was established, the employee's name will be removed from the reversion register. The employee may then request his/her name be placed on the reemployment register.

(3) Employees who are reverted do not have the right of appeal.

(4) Former permanent employees who have promoted, demoted, or transferred to a position ((under the jurisdiction of the)) at a higher education ((personnel board)) institution in accordance with provisions of ((their rules)) Title 251 WAC and fail to complete ((their)) the trial service period may request their names be placed on the dual-agency reversion register and service-wide reversion register for ((their)) the former class.

(5) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Employees reverted during this period may request their names be placed on the register from which they came.

(6) Employees who voluntarily revert to their former class may request the director of personnel to reactivate their promotional score for the class from which reverted. Employees involuntarily reverted to a former class shall have all examination grades nullified for the class from which they are reverted.

**AMENDATORY SECTION** (Amending WSR 93-02-040 (Order 414), filed 1/5/93, effective 2/1/93)

**WAC 356-34-090 Protests—Requirements for applicants, examinees, and eligibles.** (1) An applicant whose application has been rejected; an examinee who feels that the examination is unfair, or not applied uniformly, or that the score is in error or not uniformly derived; an eligible whose name has been removed from the register and/or certification; or an applicant who is not appointed following a background inquiry and review conducted pursuant to WAC 356-26-140 may request a review by the director of personnel or designee. The request must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the application rejection, examination score, removal from a register and/or certification, or the appointing authority's decision.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the ((personnel)) board to review the determination of the director of personnel or designee. The request for a ((personnel)) board hearing must be in writing and received at the director of personnel's office within twenty calendar days following the postmarked date of the notification of the director's or designee's determination. A hearing before the ((personnel)) board shall be scheduled and each party shall be afforded not less than ten calendar days' notice. The ((personnel)) board will issue a written decision which will be final.

**AMENDATORY SECTION** (Amending Order 36, filed 7/1/71, effective 8/1/71)

**WAC 356-34-100 Agency hearings—General provisions.** (1) Agencies and appointing authorities may conduct and take testimony concerning any actions for cause prior to demotion, suspension, reduction, dismissal, and abandonment; or during suspension or advance notice of such actions.

(2) No hearing shall be used to delay a person from appealing.

(3) Any employee with the right to appeal may request an agency to conduct a hearing concerning actions for cause prior to the effective date, or up to 30 calendar days after the effective date, provided the appeal has not been heard by the personnel appeals board. The appointing authority shall notify the director in writing of agency hearing dates if the agency grants the request for a hearing.

**AMENDATORY SECTION** (Amending WSR 86-08-035 (Order 244), filed 3/26/86, effective 5/1/86)

**WAC 356-34-260 Appeals—Correction of rating.** A correction of a rating shall not affect a certification or appointment which has already been made from the register. The decision of the ((personnel)) board in these matters shall be final.

**AMENDATORY SECTION** (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

**WAC 356-37-010 ((Personnel)) ((b)) Board hearings—Procedure—Record.** (1) Hearings before the ((personnel)) board shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the appellant so requests. Hearings shall be informal with technical rules of evidence not applying to the proceedings, except for the rules of privilege recognized by law.



(2) Hearings may be conducted by only two members of the board, provided that if the two members cannot agree on a decision, a second hearing may be held in the presence of all three members of the board or the third member may review the record and participate in the decision.

(3) All parties may present and cross-examine witnesses, and give evidence before the board.

(4) The board may, and shall at the request of either party, issue subpoenas duces tecum. All testimony shall be on oath administered by a member of the board.

(5) The board shall keep an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits.

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

**AMENDATORY SECTION** (Amending WSR 96-07-093, filed 3/20/96, effective 5/1/96)

**WAC 356-37-020 Prehearing procedures—Exhibits.**

(1) At any hearing before the ((~~personnel resources~~)) board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies: One each for the opposing parties, for the board members, for the court reporter, if any, and for the board's official file.

(2) The parties shall arrive at the hearing location at least thirty minutes before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. The parties shall pre-mark their exhibits for identification and present copies to other parties and the board's staff prior to commencement of the hearing.

**AMENDATORY SECTION** (Amending WSR 96-07-093, filed 3/20/96, effective 5/1/96)

**WAC 356-37-030 Filing of prehearing statements.** (1)

Parties are encouraged to file prehearing statements of position with the ((~~personnel resources~~)) board. The board may request all parties to submit a prehearing statement. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition. Such documents shall be provided to the board and to the opposing party no later than fourteen calendar days prior to the scheduled hearing date. Any response by the opposing party shall be served no later than seven calendar days prior to the scheduled hearing date or at such time as set at the prehearing conference.

(2) A party submitting prehearing statement(s) shall provide the original and three copies to the board, and one copy to the opposing party.

(3) The board will determine whether to consider documents that are filed at the time of the hearing.

**AMENDATORY SECTION** (Amending WSR 96-07-093, filed 3/20/96, effective 5/1/96)

**WAC 356-37-040 Scheduling of hearings.** Prior to scheduling the hearing, the hearings coordinator will give the parties an opportunity to indicate preferred dates and amount of time allotted for the hearing. The hearings coordinator shall schedule all hearings before the ((~~personnel resources~~)) board with written notice, specifying the time, place, and length of the hearing. Notice of hearing shall be mailed not less than thirty calendar days prior to the date of the hearing, unless all parties agree to a shorter notice period. Primary and/or secondary hearings may be scheduled.

**AMENDATORY SECTION** (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

**WAC 356-37-070 Ethical conduct before the ((~~personnel~~)) board.** All persons appearing in proceedings before the ((~~personnel~~)) board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to these standards, the board may decline to permit such person to appear in a representative capacity.

**AMENDATORY SECTION** (Amending WSR 94-08-024, filed 3/29/94, effective 5/1/94)

**WAC 356-37-080 Service of process.** (1) The ((~~personnel resources~~)) board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the ((~~personnel resources~~)) board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be made either personally or by first class, certified mail, or by electronic telefacsimile transmission and same-day mailing of copies. Correspondence between the ((~~personnel resources~~)) board and state agencies or institutions may be sent via the state mail service.

(3) Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail upon deposit, properly stamped and addressed. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission.

(4) When actual receipt is specified by rule, service upon the ((~~personnel resources~~)) board shall be regarded as complete when the papers are actually received in the office of the director of personnel. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission. Filing at the department of personnel is only available between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding designated holidays. When actual receipt is not specified by rule, service by mail is complete when post-marked.



**AMENDATORY SECTION** (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

**WAC 356-37-130 Quashing.** Upon motion promptly made by a party or by the person to whom the subpoena is directed and upon notice to the party who issued the subpoena, the ((~~personnel~~)) board may:

- (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
- (2) Condition denial of the motion upon just and reasonable conditions.

**AMENDATORY SECTION** (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

**WAC 356-37-140 Orders for discovery.** The ((~~personnel~~)) board may issue orders for discovery by analogy to the superior court rules or the requirements of justice.

**AMENDATORY SECTION** (Amending WSR 90-07-057 (Order 342), filed 3/20/90, effective 5/1/90)

**WAC 356-37-150 Proof of charges.** At any hearing before the ((~~personnel~~)) board, the party seeking relief or filing charges shall have the burden of proof.

**AMENDATORY SECTION** (Amending WSR 96-07-093, filed 3/20/96, effective 5/1/96)

**WAC 356-37-160 Prehearing conference.** (1) The ((~~personnel resources~~)) board or its designee may direct the parties or their representatives to engage in an informal prehearing conference(s) to address the following:

- (a) Statement of issue;
- (b) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- (c) Discovery, discovery methods and discovery deadlines;
- (d) The number of witnesses expected to be called and their names when possible;
- (e) The approximate time necessary for presentation of the evidence of the respective parties;
- (f) Whether or when motions may be brought;
- (g) Exhibits;
- (h) Affidavits;
- (i) Scheduling the hearing before the board; and
- (j) Such other matters as may aid in the prompt disposition of the petition.

(2) Prehearing conferences may be held by telephone conference call or at a time and place mutually agreed upon by the parties.

(3) The parties are encouraged where possible to resolve their disputes. To facilitate such resolution, the board or its designee may recess the conference at any time to give the parties time to discuss settlement. In the event settlement is reached, the grievant/petitioner or representative shall sign a request to withdraw the petition.

**AMENDATORY SECTION** (Amending WSR 78-02-049 (Order 116), filed 1/19/78)

**WAC 356-39-020 Human resource development—State-wide philosophy/definition.** Optimum utilization of its human resources aids state government in providing effective and economic services. Therefore, it is the ((~~personnel~~)) board's philosophy that a highly productive, motivated workforce be achieved and maintained through a state-wide program of human resource development.

**AMENDATORY SECTION** (Amending WSR 80-13-047 (Order 147), filed 9/16/80)

**WAC 356-39-060 ((~~Department of personnel~~)) ((~~H~~))Human resource development planning.** Each agency shall submit a summary of its biennial human resource development plan to the department of personnel for review.

(1) The department shall provide each agency with an evaluation of its plan. The evaluation shall include recommendations for sharing resources to meet common objectives among the agencies.

(2) Upon agency request, the department shall assist in the preparation of the agency's plan.

(3) The department shall prepare a human resource development plan with objectives and identification of resources to accomplish interagency human resource development activities which have been proposed through agency plans. The department shall distribute its plan to the agencies.

(4) The department shall consider each agency's human resource development activities in preparation of the state's classification plan and in the department's testing process.

**AMENDATORY SECTION** (Amending WSR 78-02-049 (Order 116), filed 1/19/78)

**WAC 356-39-080 ((~~Department of personnel~~)) ((~~R~~))Review of agencies' human resource development reports.** The department of personnel shall review each agency's annual evaluation as it relates to the agency's human resource development plan.

(1) The department shall summarize the agencies' reports, highlighting innovative techniques that have interagency application, and shall submit the summary to the agencies, the ((~~personnel~~)) board, the governor and the legislature.

(2) The department shall develop an evaluation process to determine the effectiveness of its human resource development activities. In its annual evaluation summary, the department shall include data from this evaluation process.

**AMENDATORY SECTION** (Amending WSR 89-02-011 (Order 312), filed 12/28/88, effective 2/1/89)

**WAC 356-42-010 Membership in employee organization.** (1) State employees shall have the right to affiliate with, be represented by and participate in, the management of employee organizations. State employees shall have the right to be represented by such organizations in collective negotiations with appointing authorities. No persons or parties shall

directly or indirectly interfere with, restrain, coerce or discriminate against any state employee or group of state employees in the free exercise of these rights. However, the right not to affiliate with employee organizations shall be modified by the certification of a union shop representative according to WAC 356-42-043.

(2) Any employee organization or person desiring to represent state employees before the ((state personnel)) board or in collective negotiations with an appointing authority must first file a notice of intent to represent state employees with the director of personnel. Such notice of intent to represent state employees must set forth the name of the person or employee organization, and if the latter, the name of an agent authorized to speak on its behalf; a mailing address and telephone number; a general description of the types of employment falling within the intended area of representation; and a copy of a constitution, by-laws, or any other documents defining powers and authorizing representation of the parties filing the notice of intent.

(3) An employee organization which is, or desires to be, an exclusive bargaining representative for a bargaining unit which has chosen to be a union shop must have a written procedure concerning representation fees which complies with applicable statutory and constitutional requirements. Such employee organization must provide to the director a written opinion of the employee organization's attorney that its representation fee procedure is in compliance with applicable statutory and constitutional requirements.

**AMENDATORY SECTION** (Amending WSR 96-13-074, filed 6/18/96, effective 8/1/96)

**WAC 356-42-020 Determination of bargaining unit.**

(1) Determination, alteration, or modification of an appropriate bargaining unit shall be made by the ((personnel)) board upon petition from an employee organization, or upon the board's own motion after 20 days' notice has been given to the appointing authority and to affected employees and their representatives.

(2) Prior to an employee organization petitioning the ((personnel)) board for creation or modification of a bargaining unit, the petitioning employee organization will confer with the appointing authority on the proposed unit creation or unit modification.

(3) If an appointing authority has reason to believe that an existing bargaining unit in the appointing authority's agency or department is no longer appropriate, the appointing authority may request the ((personnel)) board to consider modification of the bargaining unit. However, if there is an employee organization certified as exclusive bargaining representative for that unit, the appointing authority will first confer with the certified employee organization on the proposed modification prior to presenting the request to the ((personnel)) board. The ((personnel)) board may choose to consider such unit modification questions and would act on its own motion as designated in WAC 356-42-020(1).

(4) In determining a bargaining unit, the ((personnel)) board shall consider the following factors:

(a) Duties, skills and working conditions of the employees.

(b) History of collective bargaining by the employees and their representatives.

(c) Extent of organization among the employees.

(d) Desires of the employees.

(5) Any petition filed hereunder should set forth all pertinent facts and supporting reasons, as comprehensively as possible, to aid the ((personnel)) board in its determination.

(6) At the hearing on a petition, the ((personnel)) board shall make an oral determination regarding the proposed action. Thereafter, the board shall enter an appropriate order containing findings of fact and conclusions of law reflecting the oral determination. Unless otherwise provided, the effective date for the creation or modification of a bargaining unit shall be the date of the board's oral determination.

(7) Bargaining units normally shall not include both supervisory and nonsupervisory employees unless such inclusion is justified by application of the criteria identified in subsection (4) of this section. Employees will not be excluded from a bargaining unit based solely on their supervisory status where supervisors have historically been included in the unit.

(8) Where all or part of a state agency is combined with another agency, the board may determine the continued appropriateness of existing bargaining units affected by that action and modify those units accordingly. The determination of successorship of incumbent exclusive representatives shall be addressed.

**AMENDATORY SECTION** (Amending WSR 96-07-093, filed 3/20/96, effective 5/1/96)

**WAC 356-42-055 Arbitration—Grievance—Procedure.** Whenever arbitration of a grievance is requested of the ((personnel resources)) board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the specific issue(s) to be arbitrated.

(f) A statement of the relief sought.

(g) The signature and, if any, the title of the person filing the request for arbitration.

(h) A copy of the original grievance and the agency's last written response to the grievance shall be attached to the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) The board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the hearings coordinator determines the request is incomplete, the person filing the request is notified of the portions which need to be supplemented or changed to comply with subsection (1) of this section. When the hearings coordinator determines that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the board upon motion of the requesting party.

(4) After the request for arbitration is served on the opposing party(ies), the board or the board's designee may direct the parties or their representatives to engage in a pre-hearing conference(s) in accordance with WAC 356-37-160.

(5) The board's hearings coordinator shall schedule the arbitration for hearing pursuant to WAC 356-37-040.

(6) Within thirty calendar days from the date of service of the acknowledgment of the arbitration request, the respondent shall submit a written statement of issue(s) to be arbitrated. If no response is received, the petitioners' statement of issue(s) will be deemed to be the issue(s) at the arbitration hearing unless otherwise determined by the ((~~personnel~~ resources)) board.

(7) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(8) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty calendar days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

(9) The grievant shall have the burden of proof and go forward with the evidence.

(10) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.

(11) The provisions of chapter 356-37 WAC (Hearings—General procedures) shall apply to the conduct of grievance arbitration hearings, except as otherwise provided in this section.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-080 Unfair labor practice.** The ((~~personnel~~)) board, or its designee whose final decision is appealable to the ((~~personnel~~)) board, is empowered and directed to prevent any unfair labor practice and to issue appropriate remedial orders. This power shall not be affected or impaired by any means of adjustment, mediation or conciliation in labor disputes that have been or may hereafter be established by law.

**AMENDATORY SECTION** (Amending WSR 88-18-010 (Order 307), filed 8/26/88)

**WAC 356-42-082 Filing unfair labor practice charge.**

(1) A charge or charges that any employing agency or employee organization has committed an unfair labor practice, as defined in these rules and RCW 41.56.150, may be filed with the ((~~personnel~~)) board by any employee, group of employees, employee organization, employing agency, or their authorized agents.

(2) Unfair labor practice charges shall be filed with the director of personnel within six months of the date on which the charging party reasonably could have known of the alleged unfair labor practice.

(3) Unfair labor practice charges shall be in writing in the form of a complaint of unfair labor practices, or on a form provided by the ((~~personnel~~)) board or its designee. The charge shall contain the following:

(a) The name, address and telephone number of the charging party, and the name, address and telephone number of the party's principal representative, if any.

(b) The name, address and telephone number of the party against whom the charge is being filed, and, if known, the principal representative of the charged party.

(c) Clear and concise statements of the facts constituting the alleged unfair labor practice(s), including times, dates, places and participants in occurrences.

(d) A listing of the specific unfair labor practice(s) alleged to have been committed including reference to the applicable subsection(s) of the statute and regulation defining unfair labor practices. If the charging party is not represented, this subsection may be left blank pending the investigation of the charge.

(e) A statement of the relief sought by the charging party.

(f) The signature and, if any, the title of the person filing the charge.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-083 Investigation of and disposition of unfair labor practice charges.** (1) Upon receipt of a properly completed unfair labor practice charge, the director of

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personnel's designee shall conduct an investigation to determine whether or not the charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the ((personnel)) board.

(2) If a charge does not contain all of the information required by WAC 356-42-082(3), the director of personnel or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The director of personnel or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-084 Answer to complaint—Unfair labor practice.** (1) The charged party shall have the right to file its answer to the unfair labor practice complaint with the ((personnel)) board within five days of service of the complaint, exclusive of Saturdays, Sundays, and holidays. After the expiration of such time period, the charged party shall no longer have the right to file an answer and may do so only if the ((personnel)) board, for good cause shown, permits an answer to be filed. The charged party shall serve its answer on the charging party when it files its answer with the ((personnel)) board.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-085 Amendment of complaint or answer—Unfair labor practice.** The ((personnel)) board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the ((personnel)) board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-086 Hearing—Unfair labor practice.** (1) After receipt of the answer of the charged party, the ((personnel)) board, or its designee, shall set the matter for hearing. The parties shall each be given at least twenty days notice of the hearing, unless they agree to waive such notice.

(2) The charging party shall prosecute the complaint and shall have the burden of proof.

(3) The hearing shall be limited to the issues and questions of fact raised by the complaint and answer of the parties.

(4) The technical rules of evidence prevailing in the courts need not be applied by the ((personnel)) board except for the rules of privilege.

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

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-088 Hearings and investigation—Unfair labor practice.** For the purpose of all hearings and investigations, which, in the opinion of the ((personnel)) board or its designee, are necessary and proper for the exercise of the powers vested in it by chapter 41.56 RCW, the ((personnel)) board or its designee shall, at all reasonable times, have access to, for the purposes of examination, and the right to examine, copy or photograph any evidence, including payrolls or lists of employees, of any person being investigated or proceeded against that relates to any matter under investigation or in question. The ((personnel)) board or its designee shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation or in question before the ((personnel)) board or its designee. The ((personnel)) board or its designee may administer oaths and affirmations, examine witnesses, and receive evidence.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-089 Enforcement—Unfair labor practice.** The ((personnel)) board or any party to the proceedings, at least thirty days after the ((personnel)) board has entered its findings of fact, conclusions of law and order, shall have power to petition the superior court for enforcement of its order and for appropriate temporary relief or restraining order, all as provided in RCW 41.56.190.

**AMENDATORY SECTION** (Amending WSR 82-22-020 (Order 177), filed 10/26/82)

**WAC 356-42-100 Impasse arbitration.** If the director of personnel is unable to bring the parties to agreement through mediation, the appointing authority or designee or the certified exclusive representative may submit the dispute to the ((personnel)) board. As soon as practicable after sub-

mission of the dispute to arbitration each party shall file with the ((personnel)) board a summary of:

- (1) The matters in dispute;
  - (2) The position of the party on the matters in dispute;
- and
- (3) Desired contract language.

The ((personnel)) board shall then schedule and hold a hearing. The decision of the ((personnel)) board shall be final and binding.

**AMENDATORY SECTION** (Amending WSR 88-18-010 (Order 307), filed 8/26/88)

**WAC 356-42-105 Requests for arbitration.** A request for arbitration per WAC 356-42-055 shall not be allowed if the grievant(s) involved has the same charges or issues pending before the ((personnel)) board for processing per WAC 356-42-082 or before the personnel appeals board for processing per Title 358 WAC.

**AMENDATORY SECTION** (Amending WSR 78-10-070 (Order 123), filed 9/26/78)

**WAC 356-46-030 Disclosure of political, religious affiliations—Prohibited.** No recommendation of any applicant, eligible or employee involving a disclosure of political or religious opinions or affiliations shall be considered or filed by the agencies, the ((state personnel)) board or any office or employee concerned in making appointments or promotions.

**AMENDATORY SECTION** (Amending WSR 90-12-028 (Order 354), filed 5/30/90, effective 7/1/90)

**WAC 356-46-060 Agencies—Personnel and payroll records.** (1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, annual performance evaluations, and such other information as may be necessary for the administration of regulations. Personnel and payroll records shall be open to the inspection of the ((personnel)) board, state auditor, and the director of personnel or designee. The original personnel and payroll file shall accompany the employee throughout his/her service career including inter-system movement.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW which are consistent with the following requirements:

- (a) Agencies shall designate the official depository and custodian of personnel records.
- (b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.
- (c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.
- (d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information

in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing.

**AMENDATORY SECTION** (Amending WSR 95-01-074, filed 12/15/94, effective 2/1/95)

**WAC 356-46-125 Drug testing—Limitations—Uses.** Except as required by federal or state laws or as provided in subsection (1) of this section, no agency may perform or cause to be performed a drug test of any employee or prospective employee.

(1) An agency may require a specific employee to submit to drug testing designed to identify the presence in the body of controlled substances referenced under chapter 69.50 RCW, other than drugs prescribed by a physician, if:

(a) The agency has specific, objective grounds stated in writing to believe the employee's work performance is impaired due to the presence of such substances in the body; and

(b) The employee is in a position where such impairment presents a danger to the physical safety of the employee or another; and

(c) The agency has a specific written policy authorizing such test, establishing procedures under which they may be conducted, and protecting the confidentiality of the results, provided the results may be disclosed in an action or proceed-

ing challenging any disciplinary action arising from the incident which led to the test. The agency's proposed policy must be submitted to the affected exclusive bargaining representative or representatives and approved by the director of the department of personnel before implementation.

(2) An employee who is found to be impaired on the job due to the use of controlled substances may be subject to disciplinary action in accordance with existing laws and regulations, but the results of such drug test shall provide no independent basis for disciplinary action. However, the agency may use the results of a drug test to require an employee to successfully complete a rehabilitation plan. The rehabilitation plan terms may require the employee to pass all subsequent drug tests. In this situation, the independent use of a subsequent drug test may be the basis for disciplinary action.

(3) In the event an employee is found to have used controlled substances, the agency shall inform the employee of available assistance through the employee advisory service or other similar program.

(4) Nothing herein shall prevent an agency from conducting medical screening to monitor exposure to toxic or other unhealthy substances in the work place, provided such screenings are limited to the specific substances reasonably believed to be present.

(5) Except as expressly set forth above, nothing herein shall add to or detract from any agency authority under chapter 41.06 RCW or regulations of the ~~((personnel resources))~~ board to establish job performance standards, or conditions of employment, or to base continued employment on satisfactory job performance.

**AMENDATORY SECTION** (Amending WSR 84-11-091 (Order 204), filed 5/23/84, effective 9/1/84)

**WAC 356-49-010 Inter-system employment—Purpose.** The general purpose of this chapter is to permit permanent classified employees of ~~((the))~~ higher education ~~((personnel board))~~ institutions to promote, transfer, or voluntarily demote to permanent classified positions ~~((under the jurisdiction of the state personnel board))~~ in agencies via the inter-system employment register.

**AMENDATORY SECTION** (Amending WSR 84-11-091 (Order 204), filed 5/23/84, effective 9/1/84)

**WAC 356-49-020 Application of rules.** Insofar as they do not conflict with the provisions of chapter 356-49 WAC, upon movement into the classified service under ~~((the jurisdiction of the state personnel board))~~ Title 356 WAC, the remainder of the merit system rules will apply.

**AMENDATORY SECTION** (Amending WSR 84-11-091 (Order 204), filed 5/23/84, effective 9/1/84)

**WAC 356-49-030 Eligibility**~~((—Higher education personnel board permanent classified employee))~~—**Definition.** An employee who is currently employed and who has gained permanent classified status at ~~((an))~~ a higher education institution ~~((governed by the higher education personnel board)).~~

**AMENDATORY SECTION** (Amending WSR 85-21-113 (Order 237), filed 10/23/85, effective 12/1/85)

**WAC 356-49-040 Inter-system movement** ~~((between higher education personnel board/state personnel board jurisdiction)).~~ (1) Permanent classified employees of higher education institutions desiring to promote, transfer, or voluntarily demote to ~~((state personnel board))~~ agency classified positions must:

(a) Submit a Washington state application for employment in accordance with a current examination announcement.

(b) Successfully complete the designated examination.

(c) Have their name placed on the appropriate register as provided in WAC 356-26-070.

(d) Be certified to vacancy(ies) as provided in WAC 356-26-070.

(e) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the appropriate eligible list as provided by the higher education personnel ~~((board))~~ rules (Title 251 WAC).

(2) Permanent classified employees desiring to promote, transfer, or voluntarily demote to ~~((state personnel board))~~ agency classified positions will:

(a) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employees to the new position.

(b) Bring their accumulated vacation leave, sick leave and seniority with them; however, continued accumulation will be governed by the appropriate merit system rules.

(c) Retain their former periodic increment date except upon promotion as provided by WAC 356-14-120.

(3) Classified employees ~~((under the jurisdiction))~~ of ~~((the))~~ higher education ~~((personnel board))~~ institutions who have been or are going to be separated because of reduction in force action shall be certified to any agency vacant classified positions ~~((under the jurisdiction of the state personnel board))~~, provided:

(a) The employees are qualified as determined by the director of personnel, or designee; and

(b) No other agency employees ~~((under the jurisdiction of the state personnel board))~~ are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees ~~((under the jurisdiction of the higher education personnel board))~~ involved in reduction in force action; and

(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.

**WSR 98-19-035****PERMANENT RULES****PERSONNEL RESOURCES BOARD**

[Filed September 10, 1998, 3:45 p.m., effective October 12, 1998]

Date of Adoption: September 10, 1998.

Purpose: These rules are housekeeping in nature and were needed to be in alignment with state statutes as a result of the merger of the higher education personnel system under the jurisdiction of the Washington Personnel Resources Board.

Citation of Existing Rules Affected by this Order: Repealing WAC 251-01-205 Hearing examiner, 251-04-150 State Environmental Policy Act, 251-08-040 Compensation plans—Submission to governor, 251-12-085 Hearing examiners, 251-12-096 Declaratory orders, 251-12-097 Declaratory orders—Form, 251-12-290 Superior court appeals—Preparation of record—Time limitations—Cost, and 251-12-300 Superior court appeals—Consideration of record; and new 251-01-018 Agency and 251-01-201 Higher education system or higher education rules; and amending WAC 251-01-030 Annual performance evaluation, 251-01-045 Board, 251-01-110 Director, 251-01-150 Examinations, 251-01-160 Executive head exemption, 251-01-305 Principal assistant exemption, 251-01-365 Related boards, 251-01-410 System examination, 251-04-030 Scope, 251-04-040 Exemptions, 251-04-050 Powers—Duties of the board, 251-04-060 Director, 251-04-070 Personnel officers, 251-04-160 Federal preemption—Fair Labor Standards Act, 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption, 251-05-010 Purpose, 251-05-030 Description and location of departmental organization, 251-05-040 Method of operation, 251-05-060 Records—Availability—Copies, 251-05-070 Exemptions—Public records, 251-06-020 Classification plan—Adoption, 251-06-070 Allocation appeal, 251-06-090 Probationary period—Duration, 251-07-100 Temporary appointment records, 251-08-021 Compensation plans—Salary survey, 251-08-051 Compensation plans—Implementation, 251-08-090 Salary—Periodic increment, 251-08-100 Periodic increment date, 251-08-160 Payroll certification, 251-10-030 Layoff, 251-10-035 Layoff—Special employment programs, 251-11-030 Demotion, suspension, reduction, dismissal—Cause for, 251-11-050 Dismissal—Grounds for—Notice, 251-11-090 Withdrawal or amendment of charges—Time limitation, 251-11-120 Probationary period—Rejection, 251-11-130 Trial service reversion, 251-12-073 Appeals from exempt status, 251-12-075 Appeals from alleged violations of higher education personnel law or rules, 251-12-076 Appeals from denial of parental leave requests, 251-12-080 Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissed, 251-12-099 Filing of prehearing statements, 251-12-100 Hearings before the board, 251-12-104 Prehearing procedures—Exhibits, 251-12-105 Scheduling of hearings, 251-12-220 Subpoenas—Quashing, 251-12-230 Discovery—Depositions—Interrogatories, 251-12-232 Prehearing conference, 251-12-260 Restoration of rights, 251-12-500 Relief from effect of board's order, 251-12-600 Remedial action, 251-14-052 Union shop representative election, 251-14-060 Contents of written agreements, 251-14-070 Unfair labor practices—

Management—Employee organizations, 251-14-082 Investigation of and disposition of unfair labor practice charges, 251-14-085 Amendment of complaint or answer—Unfair labor practice, 251-14-087 Enforcement—Unfair labor practice, 251-14-130 Arbitration—Grievance—Procedure, 251-17-120 Examinations—Evaluation of, 251-19-060 Trial service period, 251-19-110 Permanent classified employee interinstitutional and intersystem movement, 251-19-120 Appointment—Temporary, 251-19-122 Written notification of temporary appointment, 251-19-140 Apprenticeship programs, 251-19-157 Workers' compensation—Return-to-work—Program, 251-20-010 Employee performance evaluation—Authority, purpose, use, 251-22-040 Holidays, 251-22-060 Vacation leave—Accrual, 251-22-165 Workers' compensation—Leave, 251-23-010 Affirmative action—Authority, 251-23-020 Affirmative action plans—Requirements—Approval, 251-23-030 Affirmative action plans—Monitoring progress—Reporting, 251-24-010 Employee development—Authority, purpose, objective, 251-24-030 Training and development programs—Contents, and 251-25-050 State internship program—Application of rules.

Statutory Authority for Adoption: RCW 41.06.150.

Adopted under notice filed as WSR 98-15-036 on July 8, 1998.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 74, Repealed 8.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 74, Repealed 8.

Effective Date of Rule: October 12, 1998.

September 10, 1998

Dennis Karras

Secretary

**NEW SECTION**

**WAC 251-01-018 Agency.** An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature. Unless the context otherwise requires, use of the term "agency" in WAC 251 means general government agencies and does not include institutions of higher education.



AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-030 Annual performance evaluation.** The official annual performance rating of an employee recorded on a form(s) approved by the ((board)) director.

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-045 Board.** The ((higher education)) Washington personnel resources board ((established under the provisions of the higher education personnel law)).

AMENDATORY SECTION (Amending WSR 87-21-089 (Order 163), filed 10/21/87)

**WAC 251-01-110 Director.** The director of the ((higher education)) department of personnel ((board)). ((The director may delegate in writing his/her authority to a higher education personnel board staff member.))

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-150 Examinations.** Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with chapter 41.06 RCW ((28B-16-100(2))) and WAC 251-18-240. Examinations include examination content, administration, and evaluation.

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-160 Executive head exemption.** Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice-presidents, deans and chairmen. Directors may be executive heads as determined by the ((higher education personnel)) board. An executive head is in charge of a separate budget unit and directs subordinates.

#### NEW SECTION

**WAC 251-01-201 Higher education system or higher education rules.** The system of personnel administration that applies to classified employees or positions under the jurisdiction of chapter 41.06 RCW and exclusively under those chapters of Title 251 WAC that are adopted by the board.

#### REPEALER

WAC 251-01-205                      Hearing examiner.

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-305 Principal assistant exemption.** Individuals qualifying for exemption under this category

function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the ((higher education personnel)) board.

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-365 Related boards.** The state board for community and technical colleges; ((education, the council for postsecondary education, the higher education personnel board;)) and such other boards, councils, and commissions related to institutions of higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

AMENDATORY SECTION (Amending WSR 86-09-078 (Order 147), filed 4/22/86)

**WAC 251-01-410 System examination.** An examination developed to meet the requirements of all institutions in the ((HEPB)) higher education system and approved by the director for use by all such institutions.

AMENDATORY SECTION (Amending WSR 93-19-147 (Order 432), filed 9/22/93, effective 10/23/93)

**WAC 251-04-030 Scope.** The provisions of these rules shall apply to all personnel of the higher education institutions/related boards except those exempted under the provisions of WAC 251-04-040. These rules and the compensation and classification plans adopted hereunder shall continue to apply as before and shall not be used interchangeably with ((those adopted by the former state personnel board)) Title 356 WAC. Further, these rules and compensation and classification plans shall continue to apply as before until such time as the ((Washington personnel resources)) board has had adequate time to review and consider changes to the existing rules and plans.

AMENDATORY SECTION (Amending WSR 94-16-049, filed 7/27/94, effective 9/1/94)

**WAC 251-04-040 Exemptions.** The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice-presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairs; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees



in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2) Officers, academic personnel, and employees of technical colleges.

~~((2))~~ (3) Students employed by the institution at which they are enrolled (or related board) and who either:

(a) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not:

(i) Take the place of a classified employee laid off due to lack of funds or lack of work; or

(ii) Fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(b) Are employed in a position directly related to their major field of study to provide training opportunity; or

(c) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

~~((3))~~ (4) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

~~((4))~~ (5) Students employed through the state or federal work/study programs.

~~((5))~~ (6) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection ~~((2))~~ (3) of this section.

~~((6))~~ (7) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(8) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(9) Printing craft employees in the department of printing at the University of Washington.

~~((7))~~ (10) The director, his/her confidential secretary, assistant directors, and professional education employees of

the state board for community and technical colleges (~~(education)~~).

~~((8) The personnel director of the higher education personnel board and his confidential secretary.)~~

~~((9))~~ (11) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the (~~(higher education)~~) personnel appeals board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, as determined by the (~~(higher education)~~) Washington personnel resources board: *Provided*, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the (~~(higher education)~~) Washington personnel resources board under this provision.

~~((10))~~ (12) (~~Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.)~~ Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following right: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary. Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal to the personnel appeals board created by RCW 41.64.010 not later than thirty days after the effective date of such action.

~~((11))~~ (13) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment. A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

~~((12))~~ (14) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-19-160.

AMENDATORY SECTION (Amending WSR 96-11-063, filed 5/10/96, effective 6/6/96)

WAC 251-04-050 ((Higher education personnel) Powers—Duties of the board. ~~((1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year~~

immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson of the board. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally, in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The dismissal, suspension, or demotion of an employee, and appeals therefrom;

(b) Certification of names for vacancies, including promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists;

(c) Examination for all positions in the competitive and noncompetitive service;

(d) Appointments;

(e) Probationary periods of six to twelve months and rejections therein depending on the job requirements of the class;

(f) Transfers;

(g) Sick leaves and vacations;

(h) Hours of work;

(i) Layoffs when necessary and subsequent reemployment according to seniority;

(j) Determination of appropriate bargaining units within any institution or related board. *Provided*, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees;

(k) Certification and decertification of exclusive bargaining representatives;

(l) Agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization. *Provided*, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his/her official duties;

(m) Adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position: In adopting these revisions the board shall comply with SSB 6767 of 1996, RCW 41.06.150(15), and chapter 43.88 RCW;

(n) Allocation and reallocation of positions within the classification plans;

(o) Adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC;

(p) Training programs including in-service, promotional, and supervisory;

(q) Increment increases within the series of steps for each pay grade; and

(r) Veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives.)

(1) It shall be the responsibility of the personnel board to:

(a) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(b) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(c) Hear personnel appeals.

(d) Promote public understanding of the purposes, policies, and practices of the merit system.

(2) The board shall adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six to twelve months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between institutions/related boards and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position. In adopting these revisions the board shall comply with RCW 41.06.152, RCW 41.06.150(15), and chapter 43.88 RCW.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status within the classified service.

(p) Compliance with existing veterans preference statutes.

AMENDATORY SECTION (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

**WAC 251-04-060 Director.** ~~((1) The personnel director appointed by the governor shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community and technical colleges. When necessary, the director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community and technical colleges, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.))~~

~~((2))~~ (1) The director shall periodically and at such other times as may be necessary, audit and review the personnel administration and management at each institution and related board.

All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.

~~((3))~~ (2) The director shall take any action necessary to ensure and enforce compliance with ~~((the higher education personnel law))~~ chapter 41.06 RCW and these rules.

~~((4))~~ (3) The director of personnel may delegate to the personnel officer of any higher education institution or related board the director's authority to perform administrative and technical activities if such authority is requested. When an institution or related board requests a delegation of the director's authority, the requesting person shall concurrently send a copy of the request to any affected exclusive representative. After an authority has been delegated, if an employee or the employee's exclusive representative files a written complaint with the director regarding a delegated authority, the director shall conduct a timely investigation. If the director of personnel determines that an institution or related board is not appropriately performing delegated activities, the director may withdraw the authority to perform such activities. Delegation of the director's authority is separate from the statutory local administration in RCW 41.06.520.

AMENDATORY SECTION (Amending WSR 82-16-002 (Order 98), filed 7/22/82, effective 9/1/82)

**WAC 251-04-070 Personnel officers.** (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of ~~((the higher education personnel act))~~ chapter 41.06 RCW and the rules and regulations approved and promulgated thereunder. Institu-

tions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community and technical colleges ~~((education))~~ shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the ~~((higher education personnel))~~ board shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees.
- (b) Dismissal, suspension, or demotion of employees.
- (c) Examinations for all positions in the competitive and noncompetitive service.
- (d) Probationary periods of six to twelve months and retention and rejections therein.
- (e) Sick leaves and vacations.
- (f) Hours of work.
- (g) Layoffs when necessary and subsequent reemployment.
- (h) Allocation and reallocation of positions within the classification plans.
- (i) Training programs.
- (j) Maintenance of personnel records.

#### REPEALER

WAC 251-04-150 State Environmental Policy Act.

AMENDATORY SECTION (Amending WSR 91-13-011, filed 6/7/91, effective 6/7/91)

**WAC 251-04-160 Federal preemption—Fair Labor Standards Act.** Institutions shall comply with ~~((higher education personnel))~~ the board rules (Title 251 WAC) unless doing so would cause them to violate the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

AMENDATORY SECTION (Amending WSR 98-08-024, filed 3/20/98, effective 5/1/98)

**WAC 251-04-170 Americans with Disabilities Act of 1990—Federal and state preemption.** Institutions shall comply with ~~((personnel resources))~~ the board rules (Title 251 WAC) unless doing so would cause them to violate state laws, chapter 49.60 RCW, or the federal Americans with Disabilities Act of 1990.

**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 61, filed 8/30/77, effective 10/1/77)

**WAC 251-05-010 Purpose.** The purpose of this chapter shall be to insure compliance by the ~~((higher education))~~

department of personnel ~~((board))~~ with the provisions of chapter 42.17 RCW ~~((42.17.250 through 42.17.340))~~.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-05-030** ~~((HEPB—Location—Organization—Jurisdiction))~~ Description and location of departmental organization. (1) ~~The~~ ~~((higher education personnel board is quartered at 1202 Black Lake Boulevard))~~ central office of the Department of Personnel is located at 521 Capitol Way S., Olympia, Washington ((98504)). The staff at this location provides personnel services regarding affirmative action, recruitment, examination, examination development, certification, classification, hearings, compensation, salary surveys, compensation plan administration, research services, special projects, departmental fiscal management, facilities, word processing support.

~~((2))~~ The staff is organized into six general areas:

- ~~(a)~~ Classification and compensation which provides classification, compensation, and allocation services.
- ~~(b)~~ Personnel services which provides for examination development, employee development, and affirmative action plans.
- ~~(c)~~ Labor relations which provides for mediation and arbitration, creation of collective bargaining units, and certification of exclusive representatives.
- ~~(d)~~ Field services which provides rules interpretation and development and institution audit services.
- ~~(e)~~ Fiscal services which manages the operational cost of the higher education personnel board (Agency No. 383) and the higher education personnel board revolving fund.
- ~~(f)~~ Administrative services which provides appeal services, and overall administration of agency operations.

~~(3)~~ All classified employees of the twenty eight higher education institutions and three related boards are under the jurisdiction of the higher education personnel board.

~~(2)~~ The staff located at 600 South Franklin Street, Olympia, Washington, provides labor relations services and appeal hearings, consultation on human resource development activities, training which is interagency in scope, and guidelines for planning and evaluation of human resource development.

~~(3)~~ The staff at the following locations provides employee advisory services: 3400 Capitol Boulevard, Olympia, Washington; 2825 Eastlake Avenue E., Suite 310, Seattle, Washington; and at 4407 Division, Suite 210, Spokane, Washington. Employees should contact their institutional personnel office for information regarding availability for EAS service.

~~(2)~~ The staff located at 600 South Franklin Street, Olympia, Washington, provides labor relations services and appeal hearings, consultation on human resource development activities, training which is interagency in scope, and guidelines for planning and evaluation of human resource development.

~~(3)~~ The staff at the following locations provides employee advisory services: 3400 Capitol Boulevard, Olympia, Washington; 2825 Eastlake Avenue E., Suite 310, Seattle, Washington; and at 4407 Division, Suite 210, Spokane, Washington. Employees should contact their institutional personnel office for information regarding availability for EAS service.

~~(4)~~ The staff located at Building #1, Rowsix, Lacey, Washington, administers the central personnel/payroll and insurance eligibility computer systems.

**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 61, filed 8/30/77, effective 10/1/77)

**WAC 251-05-040 Method of operation.** (1) The general conduct of ~~((agency))~~ the department of personnel's business is pursuant to the charter established in chapter 41.06 RCW ((28B-16-100)) and Title 251 WAC.

(2) Provisions for all interested parties to participate in formulation of rules governing administration of the law is assured by a twenty-day notice requirement prerequisite to formal ~~((higher education personnel))~~ board adoption of any jurisdictional matter, except appeals.

(3) Special meetings may be called by the board subject to twenty-four hour notice, as required by law.

(4) Informal work sessions with interested parties are conducted by staff as necessary to insure maximum representation from employee organizations and institutions before proposals are made to the board.

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

AMENDATORY SECTION (Amending WSR 87-02-036 (Order 154), filed 1/2/87, effective 2/1/87)

**WAC 251-05-060 Records—Availability—Copies.** (1) Copies of all public records as defined in WAC 251-01-340 and identified in current indexes maintained in the Olympia office of the ~~((director of the higher education))~~ department of personnel ((board)), shall be made available upon written request to the staff member designated by the director or designee. Response to such requests will be made in the order received.

~~((2))~~ Available indexes shall include but not be limited to the following:

- ~~((a))~~ Rules—Title 251 WAC;
- ~~((b))~~ Twenty-day notice and minutes of meetings—regular and special;
- ~~((c))~~ Board orders;
- ~~((d))~~ Findings, conclusions and order of hearing examiners;
- ~~((e))~~ Annual director's report;
- ~~((f))~~ Higher education personnel board budget;
- ~~((g))~~ Higher education personnel board revolving fund data;
- ~~((h))~~ Staff administrative procedures manual;
- ~~((i))~~ Higher education personnel board classification and compensation plan;
- ~~((j))~~ Documents filed with the board as required by Title 251 WAC or board order, i.e., reduction in force procedure, holiday schedule, collective bargaining agreement, etc.)

~~((3))~~ (2) No fee will be charged for inspection of public records. Inspection will be during office hours in a space provided by the agency and must be accomplished without excessive interference with the essential function of the agency.

~~((4))~~ (3) Copies of the records will be made available at actual cost to the agency.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-05-070 Exemptions—Public records.** (1) The ~~((agency))~~ department of personnel, through its designated public records officer, reserves the right to determine that a public record requested in accordance with these rules is exempt under the provisions of RCW 42.17.310.

(2) Pursuant to RCW 42.17.260, the agency reserves the right to delete identifying details when making available or publishing any public record or any case where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 ~~((WAC))~~ RCW. The public records officer will justify any such deletion in writing.

(3) Denials of requests for public records will be accompanied by a written statement specifying the reason for the denial. A statement of the specific exemption authorizing withholding the record and a brief explanation of how the exemption applies to the record withheld will be included.

AMENDATORY SECTION (Amending WSR 96-11-063, filed 5/10/96, effective 6/6/96)

**WAC 251-06-020 Classification plan—Adoption.** (1) The proposed classification plan and any subsequent proposed revisions thereto shall be submitted to the board by the director for adoption, revision or rejection. After twenty calendar days' notice to and consideration of proposals from employee representatives, institutions, and related boards, the board shall hold open hearings on the plan. The plan shall become effective as determined by the board.

(2) In adopting these revisions the board shall comply with ~~((Senate Bill S6767 of 1996))~~ RCW 41.06.152, RCW 41.06.150(15), and chapter 43.88 RCW. Thereafter, class titles so established shall be used in all personnel and financial records of an institution and in all recruitment and examination procedures.

AMENDATORY SECTION (Amending WSR 97-01-065, filed 12/13/96, effective 1/13/97)

**WAC 251-06-070 Allocation appeal.** (1) The employee or employee representative may file a written appeal with the director under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 251-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of a position review conducted by the personnel officer. The written appeal should include information which will assist the ~~((board))~~ director in determining the proper allocation of the position.

(2) The director shall investigate and issue a determination. Within thirty calendar days of the date of service of the director's determination, the employee, employee representa-

tive or institution may file written exceptions with the personnel appeals board as provided in Title 358 WAC.

**AMENDATORY SECTION** (Amending WSR 82-16-002 (Order 98), filed 7/22/82, effective 9/1/82)

**WAC 251-06-090 Probationary period—Duration.**

(1) The probationary period for all classes in the ((HEPB)) classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the ((HEPB)) classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

**AMENDATORY SECTION** (Amending WSR 89-13-074 (Order 179), filed 6/21/89, effective 10/1/89)

**WAC 251-07-100 Temporary appointment records.**

Each institution shall maintain information for temporary employees as specified in WAC 251-19-122. At least quarterly each institution shall produce a record which shows the cumulative hours worked for each temporary employee. This record shall be kept on file in the personnel office and shall be made available to the ((higher education personnel)) board staff upon request.

**AMENDATORY SECTION** (Amending WSR 87-08-056 (Order 155), filed 4/1/87, effective 5/1/87)

**WAC 251-08-021 Compensation plans—Salary survey.** Comprehensive and trend salary surveys will be conducted in accordance with applicable portions of chapter 41.06 RCW. ((1) For purposes of reflecting in salary schedules and in the compensation plans the prevailing rates in other public employment and in private employment in this state or in the locality in which the institution is located, the director shall undertake salary and fringe benefit surveys for the board with the assistance of the various personnel officers and on a joint basis with the department of personnel, with a comprehensive survey to be conducted in the year prior to the convening of every other regular session of the state legislature. A trend survey will be conducted in the year prior to the convening of each regular session of the state legislature for which a comprehensive survey is not conducted.

(2) Salary and fringe benefit surveys shall be conducted according to the following criteria in addition to any other provisions under this chapter:

(a) ~~Adjustments of state salaries to prevailing rates in Washington state private industries and other governmental units shall be determined by comparisons of weighted averages of salaries, including weighted averages of salaries from out of state sources when necessary to obtain statistically valid salary surveys; and~~

~~(b) Determination of state salary changes from prevailing rate data collected in salary surveys shall be based on occupational group averages containing related job classes where appropriate rather than on comparison of survey data to individual state job classes.~~

~~(3) Salary and fringe benefit surveys shall be undertaken in a manner consistent with statistically accurate sampling techniques. For this purpose, a comprehensive salary and fringe benefit survey plan shall be submitted to the director of the office of financial management, employee organizations, and the standing committees for appropriations in the senate and house of representatives, and to the legislative budget committee six months before the beginning of each periodic survey required before regular legislative sessions. This comprehensive plan shall include, but not be limited to, the following:~~

~~(a) A complete explanation of the technical, statistical process to be used in the salary and fringe benefit survey including the percentage of accuracy expected from the planned statistical sample chosen for the survey and a definition of the term "prevailing rates" which is to be used in the planned survey;~~

~~(b) A comprehensive salary and fringe benefit survey model based on scientific statistical principles which:~~

~~(i) Encompasses the interrelationships among the various elements of the survey sample including sources of salary and fringe benefit data by organization type, size, and regional location;~~

~~(ii) Is representative of private and public employment in this state;~~

~~(iii) Ensures that, wherever practical, data from smaller, private firms are included and proportionally weighted in the survey sample; and~~

~~(iv) Indicates the methodology to be used in application of survey data to job classes used by state government;~~

~~(e) A prediction of the increase or decrease in total funding requirements expected to result from the pending salary and fringe benefit survey based on consumer price index information and other available trend data pertaining to Washington state salaries and fringe benefits.~~

~~(4) Every comprehensive survey plan shall fully consider fringe benefits as an element of compensation in addition to basic salary data. The plans shall be developed jointly by the higher education personnel board and the department of personnel. All comprehensive salary and fringe benefit survey plans shall be submitted on a joint signature basis by the higher education personnel board and the department of personnel. The legislative budget committee shall review and evaluate all survey plans before final implementation.~~

~~(5) Any interim or special surveys conducted shall conform when possible to the statistical techniques and principles developed for regular periodic surveys.))~~

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

**REPEALER**

WAC 251-08-040

Compensation plans—Submission to governor.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-08-051 Compensation plans—Implementation.** Implementation of the results of salary and fringe benefit surveys shall be subject to approval as to availability of funds by the director of the office of financial management and after consultation with the chief financial officer of each institution for that institution, or in the case of the various community colleges, by the chief financial officer of the state board for community and technical colleges (~~(education)~~).

**AMENDATORY SECTION** (Amending WSR 95-19-055, filed 9/15/95, effective 10/16/95)

**WAC 251-08-090 Salary—Periodic increment.** (1) Employees whose performance permits them to retain job status in the classified service shall receive periodic increments within the steps of the salary range. The salary of each employee shall be increased two steps on the periodic increment date and annually thereafter on the periodic increment date, not to exceed the maximum step of the range. An exception to the two step movement on the periodic increment date are those employees who occupy classes included in the (~~(higher education personnel board)~~) locality special pay plan per WAC 251-09-090 which applies only to University of Washington (~~(hospitals)~~) medical centers. The salary of each employee under this plan shall be increased as specified in the (~~(higher education personnel board hospital)~~) medical center special pay plan.

(2) When the periodic increment date falls on the same effective date as another salary action, the periodic increment shall be applied prior to, and in addition to, any other action resulting in a salary increase or decrease.

**AMENDATORY SECTION** (Amending WSR 88-15-023 (Order 170), filed 7/12/88)

**WAC 251-08-100 Periodic increment date.** (1) For purposes of payment of periodic increment increases, the effective date shall be determined as follows:

(a) The first of the current month for actions occurring between the first and the fifteenth of the month; or

(b) The first of the following month for actions occurring between the sixteenth and the end of the month.

(2) The periodic increment date of new employees or probationary employees who are reappointed to a new class during the probationary period shall be established:

(a) Upon completion of six months in the class for those appointed at the first step in the salary range; or

(b) Upon completion of twelve months in the class for those appointed at a salary step above the first step in the salary range.

(3) The periodic increment date of all employees shall be changed as follows:

(a) Upon promotion, the existing periodic increment date will be eliminated and a new date established to be effective upon completion of the trial service period;

(b) Upon reappointment of a probationary employee during the probationary period, the former periodic increment

date will be eliminated and a new date established as provided in subsection (2) of this section;

(c) Upon reallocation under WAC 251-06-080 (1)(a) of an employee who is at the top step of the current salary range, the employee will be given a new periodic increment date which will be six months following the reallocation action;

(d) When a leave of absence without pay exceeds ten working days in any calendar month, or exceeds ten consecutive working days, the date will be extended by one month, except as provided by WAC 251-22-165(5), 251-22-180, and 251-19-130;

(e) When employees return from layoff status, the date will be reestablished and extended by an amount of time equal to the period of layoff in order to give credit for time served in a salary step prior to layoff;

(f) When a cyclic year position leave of absence without pay exceeds ninety calendar days, the periodic increment date shall be extended on a month-for-month basis. Provisions of (d) of this subsection shall apply to that period exceeding the ninety calendar days. Cyclic year position employees serving a probationary or trial service period will have their periodic increment dates extended by an amount of time equal to the period in which the employee is on leave of absence without pay;

(g) When employees are reverted from trial service following promotion (or return from alternate appointment), the periodic increment date held prior to promotion or layoff will be reestablished;

(h) When the (~~(board)~~) director or the (~~(director)~~) personnel appeals board orders remedial action per WAC 251-12-600, the periodic increment date may be modified as part of the order.

(4) The periodic increment date of all employees shall remain unchanged for all other actions including, but not limited to, transfer within class, appointment to another class with the same or lower salary range maximum, and reallocations except as provided in subsection (3)(c) of this section.

(5) The periodic increment date for incumbents of exempt positions which are converted to classified status shall be established as provided in WAC 251-19-160.

**AMENDATORY SECTION** (Amending WSR 79-03-030 (Order 72), filed 2/27/79, effective 4/2/79)

**WAC 251-08-160 Payroll certification.** A disbursing officer shall not pay any employee holding a position covered by (~~(the higher education personnel law)~~) chapter 41.06 RCW unless the employment is in accordance with chapter (~~(28B-16)~~) 41.06 RCW and the provisions of these rules. The board and the institutions of higher education, including the state board for community and technical colleges (~~(education)~~) which shall act for the various community colleges, and the director of the office of financial management shall jointly establish procedures for the certification of payrolls.

**AMENDATORY SECTION** (Amending WSR 98-03-051, filed 1/16/98, effective 3/1/98)

**WAC 251-10-030 Layoff.** (1) An appointing authority may layoff or reduce the number of working hours or the



work year of an employee without prejudice because of lack of funds or lack of work and/or for good faith reorganization for efficiency purposes.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee shall receive at least 20 calendar days written notice of layoff, including no less than three working days in which to select placement on layoff list(s) and/or an option in lieu of layoff as provided in subsections (4) and (5) of this section. Such written notice shall be furnished directly to the employee during his/her scheduled working hours or mailed by certified letter to the employee's last known address because the employee is not available for personal service. If the notification is furnished directly to the employee, the day it is furnished shall not be counted as a day of notice. If the notification is mailed, the day of mailing shall not be counted as a day of notice, and the notice shall be considered to be received the day after it is postmarked. If the notification is mailed, the employee shall be given no less than five working days in which to select placement on the layoff list(s) and/or an option in lieu of layoff.

(4) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to position(s):

(a) For which he/she meets any specific position requirements;

(b) Which are comparable, as determined by the personnel officer; and

(c) Which are in:

(i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (4)(c)(i) or (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(5) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (4) of this section shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.

(6) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(7) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(8) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the personnel appeals board per WAC 251-12-080.

(9) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

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

**AMENDATORY SECTION** (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

**WAC 251-10-035 Layoff—Special employment programs.** (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-19-150 shall establish a special employment program layoff unit.



(2) An appointing authority may layoff or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds or lack of work, or when an incumbent must be laid off due to the salary or longevity requirements of Public Law 95-524.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the personnel appeals board per WAC 251-12-080.

(5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff shall be offered the following:

(a) Except as provided in (b) of this subsection, employees who are being laid off shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

(i) Class(es) in which the employee has held permanent status;

(ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to specific position and bona fide occupational requirements shall apply to special employment program layoff actions.

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

**AMENDATORY SECTION** (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

**WAC 251-11-030 Demotion, suspension, reduction, dismissal—Cause for.** (1) Appointing authorities may demote, suspend, reduce in salary, or dismiss an employee under their jurisdiction for just cause. Examples of activities which may result in such action are, but are not limited to:

Neglect of duty, inefficiency, incompetence, insubordination, malfeasance, gross misconduct, willful violation of the published institution/ ~~((or))~~ related board or higher education personnel ~~((board))~~ rules or regulations, mistreatment or abuse of fellow workers or members of the public, conflict of interest, excessive absenteeism, failure to comply with union shop requirements per WAC 251-14-058, etc.

(2) Appointing authorities shall dismiss any employee under their jurisdiction whose performance is so inadequate as to be just cause for dismissal as described in subsection (1) of this section.

**AMENDATORY SECTION** (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

**WAC 251-11-050 Dismissal—Grounds for—Notice.** Appointing authorities may dismiss a permanent employee for just cause as specified in WAC 251-11-030. The employee shall be provided written notice of the specified cause(s), specific charges, and the right to appeal the dismissal action to the personnel appeals board. The notice shall be furnished at least fifteen calendar days prior to the effective date of the action (unless the dismissal action is to be effective as provided in WAC 251-11-070) and shall be furnished directly to the employee during his/her scheduled working hours, or if this is not possible because of the absence of the employee during his/her regularly scheduled working hours, mailed by certified letter to the employee's last known address. If the notification is furnished directly to the employee, the day it is furnished shall be counted as a day of notice. If the notification is mailed, the notice shall be considered received the same day as it is postmarked and the notice period shall be computed as provided in WAC 251-04-100.

**AMENDATORY SECTION** (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

**WAC 251-11-090 Withdrawal or amendment of charges—Time limitation.** Appointing authorities may withdraw or amend demotion, suspension, reduction in salary, or dismissal actions, but not after an appeal of the action has been heard by the personnel appeals board.

**AMENDATORY SECTION** (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

**WAC 251-11-120 Probationary period—Rejection.** An appointing authority may reject an employee who has not completed a probationary period. Written notice of the action must be given to the employee at least one workday (eight hours) prior to the effective date of the action. Written notice should be given directly to the employee. If the employee is unavailable, notification shall be by certified mail. Service of papers shall be as provided in WAC 251-04-105. A probationary employee ~~((may))~~ shall not have the right to appeal the rejection ~~((to the board))~~.

PERMANENT

AMENDATORY SECTION (Amending WSR 88-22-057 (Order 174), filed 11/1/88)

**WAC 251-11-130 Trial service reversion.** An employee, prior to completing a trial service period, may be reverted by an employing official for failure to perform satisfactorily in the class. When such reversion becomes necessary, the written notice and employee rights upon reversion will be as provided in WAC 251-19-060(3). Trial service reversion is not appealable to the personnel appeals board when the conditions of WAC 251-19-060(4) have been satisfied.

AMENDATORY SECTION (Amending WSR 90-14-018, filed 6/27/90, effective 8/1/90)

**WAC 251-12-073 Appeals from exempt status.** ~~((As indicated in WAC 251-04-040(10), any))~~ Any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he/she should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the personnel appeals board ~~((in the same manner as provided in WAC 251-12-080))~~ within thirty calendar days of the effective date of the action appealed.

AMENDATORY SECTION (Amending WSR 97-01-065, filed 12/13/96, effective 1/13/97)

**WAC 251-12-075 Appeals from alleged violations of** ~~((higher education personnel law))~~ chapter 41.06 RCW or ((rules)) Title 251 WAC. Any employee, employee representative or appointing authority desiring to appeal an alleged violation of ~~((the higher education personnel law))~~ chapter 41.06 RCW or Title 251 WAC rules adopted thereunder, may appeal such alleged violation. Appeals must be in writing and must be filed with the personnel appeals board as provided in Title 358 WAC within thirty calendar days ~~((after))~~ of the effective date of the action appealed.

AMENDATORY SECTION (Amending WSR 89-22-020, filed 10/24/89, effective 12/1/89)

**WAC 251-12-076 Appeals from denial of parental leave requests.** Any permanent employee who is denied parental leave per WAC 251-22-195 may appeal such action to the ~~((board))~~ director. The appeal must be in writing and submitted to the ~~((higher education))~~ department of personnel ((board office)) within seven calendar days following receipt by the employee of the personnel officer's written notification and rationale for denial. ~~((Appeals under this section will be heard by a board hearing examiner and a verbal decision will be rendered within forty-eight hours of the hearing, with a written decision to follow within thirty days.))~~ The ~~((hearing examiner's))~~ director's determination shall be final and binding.

AMENDATORY SECTION (Amending WSR 97-01-065, filed 12/13/96, effective 1/13/97)

**WAC 251-12-080 Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissal.** Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed with the personnel appeals board as provided in Title 358 WAC within thirty calendar days ~~((after))~~ of the effective date of the action appealed.

REPEALER

WAC 251-12-085 Hearing examiners.

REPEALER

WAC 251-12-096 Declaratory orders.

REPEALER

WAC 251-12-097 Declaratory orders—Form.

AMENDATORY SECTION (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

**WAC 251-12-099 Filing of prehearing statements.** (1) Parties are encouraged to file prehearing statements of position with the ~~((personnel resources))~~ board. The board may request all parties to submit a prehearing statement. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition. Such documents shall be provided to the board and to the opposing party no later than fourteen calendar days prior to the scheduled hearing date. Any response by the opposing party shall be served no later than seven calendar days prior to the scheduled hearing date or at such time as set at the prehearing conference.

(2) A party submitting prehearing statement(s) shall provide the original and three copies to the board, and one copy to the opposing party.

(3) The ~~((personnel resources))~~ board will determine whether to consider documents that are filed at the time of the hearing.

AMENDATORY SECTION (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

**WAC 251-12-100 Hearings before the board.** (1) Hearings shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests. On motion of the board or a party ~~((or on the hearing examiner's own motion))~~, witnesses may be excluded from any hearing except when testifying. Photographic and recording equipment may be permitted ~~((; however, the hear-~~

~~ing examiner may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing~~). Hearings shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law.

(2) Members of the board or its designee may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board according to the provisions of RCW 5.28.020 through 5.28.060. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court.

(3) The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing institution if the employee prevails.

**AMENDATORY SECTION** (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

**WAC 251-12-104 Prehearing procedures—Exhibits.**

(1) At any hearing before the ~~((personnel resources))~~ board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies: One each for the opposing parties, for the board members, for the court reporter, if any, and for the board's official file.

(2) The parties shall arrive at the hearing location at least thirty minutes before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. The parties shall pre-mark their exhibits for identification and present copies to other parties and the board's staff prior to commencement of the hearing.

**AMENDATORY SECTION** (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

**WAC 251-12-105 Scheduling of hearings.** Prior to scheduling the hearing, the hearings coordinator will give the parties an opportunity to indicate preferred dates and amount of time allotted of the hearing. The hearings coordinator shall schedule all hearings before the ~~((personnel resources))~~ board with written notice, specifying the time, place, and length of the hearing. Notice of hearing shall be mailed not less than thirty calendar days prior to the date of the hearing, unless all parties agree to a shorter notice period. Primary and/or secondary hearings may be scheduled.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-12-220 Subpoenas—Quashing.** Upon motion promptly made by a party or by the person to whom the subpoena is directed (and upon notice to the party who issued the subpoena), the board ~~((or hearing examiner))~~ may:

- (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
- (2) Condition denial of the motion upon just and reasonable conditions.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77, effective 10/1/77)

**WAC 251-12-230 Discovery—Depositions—Interrogatories.** Attorneys of record for a party to a hearing may use discovery procedures in a manner consistent with the civil rules for the superior courts of the state of Washington, or the members of the board ~~((, the director, or a hearing examiner))~~ may issue orders for discovery upon petition of the party desiring discovery. Any motions, challenges or objections concerning discovery shall be ruled upon by the board ~~((or the hearing examiner assigned to the hearing))~~ or its designee.

**AMENDATORY SECTION** (Amending WSR 96-09-055, filed 4/12/96, effective 6/1/96)

**WAC 251-12-232 Prehearing conference.** (1) The ~~((personnel resources))~~ board or its designee may direct the parties or their representatives to engage in an informal prehearing conference(s) to consider the following:

- (a) Statement of issue;
- (b) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- (c) Discovery, discovery methods and discovery deadlines;
- (d) The number of witnesses expected to be called and their names when possible;
- (e) The approximate time necessary for presentation of the evidence of the respective parties;
- (f) Whether or when motions may be brought;
- (g) Exhibits;
- (h) Affidavits;
- (i) Scheduling the hearing before the board; and
- (j) Such other matters as may aid in the prompt disposition of the petition.

(2) Prehearing conferences may be held by telephone conference call or at a time and place mutually agreed upon by the parties.

(3) The parties are encouraged where possible to resolve their disputes. To facilitate such resolution, the board or its designee may recess the conference at any time to give the parties time to discuss settlement. In the event settlement is reached, the grievant/petitioner or representative shall sign a request to withdraw the petition.

**AMENDATORY SECTION** (Amending WSR 89-01-071 (Order 175), filed 12/20/88, effective 2/1/89)

**WAC 251-12-260 Restoration of rights.** (1) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits including back pay, sick leave, vacation leave accrual, retirement and OASDI credits.

(2) In instances of immediate dismissal as provided in WAC 251-11-070 where the institution is unable to justify under appeal the immediacy of the dismissal but the dismissal action itself is upheld, the employee's entitlement to recovery shall not exceed the fifteen calendar day period which would have served as the notice period had the dismissal been processed as provided in WAC 251-11-050. In instances where the personnel appeals board does not uphold the dismissal action but deems a suspension to have been warranted, the employee may be reinstated and a suspension ordered of up to fifteen calendar days.

**REPEALER**

WAC 251-12-290 Superior court appeals—  
Preparation of record—Time  
limitations—Cost.

**REPEALER**

WAC 251-12-300 Superior court appeals—  
Consideration of record.

**AMENDATORY SECTION** (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

**WAC 251-12-500 Relief from effect of board's order.**

(1) Employees who incur loss of position, seniority, salary or otherwise are caused to suffer directly by action of the board pursuant to rules set forth in chapters 251-17, 251-18, and 251-19 WAC may be considered to be aggrieved if the employee did not participate in the conditions as contributing to rules violation. Aggrieved employees may be provided by order of the board, such benefits as:

- (a) Permanent status when qualified by examination;
- (b) Salary maintenance or adjustment;
- (c) Seniority as appropriate;
- (d) Accrual of benefits.

(2) Upon receipt of written request for consideration from an employee, or upon initiation by the director, such action may be instituted as is required to provide appropriate relief under the rules for aggrieved employees when the employee is reduced in position or salary, laid off, or is otherwise caused to suffer as an indirect result of an order of the board and the employee was not a party to willful disregard of the rules. Such written request from the employee must be received within thirty calendar days of the action unless an extension in time is requested by the personnel officer.

(3) The director shall notify interested parties in writing of any recommended action and such order shall be binding unless a request for review is received by the ((higher education personnel)) board as provided in subsection (4) of this section.

(4) Request for board review of the action of the director must be made in writing by the employee, his/her representative, or the institution within fifteen calendar days of the mailing of such notice and must contain the reasons for such review. Within thirty calendar days of receipt of the notice the board will issue its ruling either affirming or modifying the director's action. The board's order shall be final and binding.

**AMENDATORY SECTION** (Amending WSR 97-13-045, filed 6/13/97, effective 8/1/97)

**WAC 251-12-600 Remedial action.** (1) The director may take remedial action when it is determined that the following conditions exist.

(a) The hiring institution has made an appointment that does not comply with higher education personnel ((board)) rules.

(b) The employee has worked in one or more positions for more than one thousand fifty hours in any twelve consecutive month period since the original hire date or October 1, 1989, whichever is later. (These hours do not include overtime or work time as described in WAC 251-04-040(2).)

(c) The position or positions are subject to civil service.

(d) The employee has not taken part in any willful failure to comply with these rules.

(2) Remedial action includes the power to confer permanent status, set salary, establish seniority, and determine benefits accrued from the seniority date. Remedial action also includes other actions the director may require to meet the highest personnel standards.

(3) If the institution has complied with WAC 251-19-122, the employee must:

(a) Submit any request for remedial action in writing; and

(b) File the request within thirty calendar days after the effective date of the alleged violation of the conditions of employment which are to be specified in the written notification of temporary appointment.

(4) The director's order for remedial action shall be final and binding unless exceptions are filed with the personnel appeals board within thirty calendar days of the date of service of the order. Exceptions must state the specific items of the order to which exception is taken. The personnel appeals board will review the exceptions and may hold a hearing prior to modifying or affirming the director's order.

**AMENDATORY SECTION** (Amending WSR 88-18-018 (Order 172), filed 8/29/88, effective 10/1/88)

**WAC 251-14-052 Union shop representative election.** (1) The director shall order a union shop representative election to be held upon petition from an employee organization which has been certified per WAC 251-14-040 as the exclusive representative of the employees of a bargaining unit. If the employee organization does not already have the opinion of counsel required by WAC 251-14-020(2) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(2) The director shall, upon receipt of a petition for a union shop representative election, inform all affected employees of the union shop provisions contained in ~~((the state higher education personnel law, RCW 28B.16.100))~~ chapter 41.06 RCW.

(3) The director or designee, at a preelection conference, shall review with the employee organization and appointing authority or designee the standards and procedures for the conduct of the election and shall inform all affected employees of the conditions set forth therein.

(4) The election shall be held on state property during working hours unless otherwise agreed to by all parties during the preelection conference.

(5) All employees on the active payroll and employed within the bargaining unit on the date of election will be eligible to vote. Eligible employees unable to vote at the time of election may vote by absentee ballot.

(6) Absentee ballots may be requested prior to date of election but will be counted only if received by the director or designee no later than two regular working days following the closing date of election.

(7) Transportation to official places of voting shall be provided to the degree practicable as determined by preelection conference.

(8) Election signs and banners shall not be permitted in the area in which the balloting takes place, nor shall any person in the area discuss the advantages or disadvantages of a union shop.

(9) The director will certify the employee organization as the union shop representative if a majority of employees in the bargaining unit vote in favor of requiring membership in the employee organization to be a condition of employment.

(10) Another union shop representative election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous union shop representative election.

AMENDATORY SECTION (Amending WSR 97-06-012, filed 2/25/97, effective 4/1/97)

**WAC 251-14-060 Contents of written agreements.**

(1) Written agreements may contain provisions covering all personnel matters over which the institution/related board may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and shall provide for mediation by the director or designee and for arbitration by the board. Mediation by the director or designee and arbitration by the board of a grievance dispute shall not apply in those instances where the same complaint has been filed for hearing either through the unfair labor practice or appeal procedures of the ~~((Washington personnel resources))~~ board or the personnel appeals board rules.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues and/or union shop representation fees upon written authorization from the employee. Any employee may cancel his/her payroll deduction of employee organization dues by filing a written notice with the appointing authority or designee and the employee

organization thirty calendar days prior to the effective date of such cancellation.

(4) Written agreements shall be for a minimum of one year in duration and shall not exceed three years. Automatic renewal or extension provisions may extend the term of a contract for only one year at a time. An automatic renewal or extension provision in a contract cannot act as a bar to a request for an exclusive representative decertification election per WAC 251-14-050(1).

(5) Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC 251-14-030, the board shall determine the application of such bargaining agreements or terms thereof when there is an impasse between the exclusive representative and the institution.

(6) Institutions shall file signed written agreements with the director. Provisions of such agreements shall not prevail if in conflict with the higher education ~~((personnel))~~ rules, ~~((the higher education personnel law))~~ chapter 41.06 RCW or other applicable law.

AMENDATORY SECTION (Amending WSR 88-02-027 (Order 166), filed 12/31/87, effective 2/1/88)

**WAC 251-14-070 Unfair labor practices—Management—Employee organizations.** (1) It shall be an unfair labor practice for an institution:

(a) To interfere with, restrain, or coerce employees in the exercise of their collective bargaining rights guaranteed by ~~((the higher education personnel law))~~ chapter 41.06 RCW and the rules adopted thereunder as provided in this chapter ~~((251-14 WAC (Collective bargaining) and RCW 28B.16.230))~~.

(b) To control, dominate, or interfere with a bargaining representative.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

(2) It shall be an unfair labor practice for employee organizations:

(a) To interfere with, restrain, or coerce employees in the exercise of their collective bargaining rights guaranteed by ~~((the higher education personnel law))~~ chapter 41.06 RCW and the rules adopted thereunder as provided in this chapter ~~((251-14 WAC (Collective bargaining) and RCW 28B.16.230))~~.

(b) To induce an institution to commit an unfair labor practice.

(c) To discriminate against an employee who has filed an unfair labor practice charge.

(d) To refuse to engage in collective bargaining.

AMENDATORY SECTION (Amending WSR 86-14-042 (Order 153), filed 6/26/86, effective 8/1/86)

**WAC 251-14-082 Investigation of and disposition of unfair labor practice charges.** (1) Upon receipt of a properly completed unfair labor practice charge, the board or its designee shall conduct an investigation to determine whether or not the charges are frivolous or substantially without merit. If it is found that the charges are not frivolous or are not sub-

stantially without merit, a complaint shall be issued and a hearing scheduled as provided by these rules. If it is found that the charge(s) is frivolous or substantially without merit, the director shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor. Dismissal of the charge is appealable to the ~~((higher education personnel))~~ board.

(2) If a charge does not contain all of the information required by WAC 251-14-080, the director or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The director or designee shall mail, or otherwise cause to be served, the complaint to the charged party.

**AMENDATORY SECTION** (Amending WSR 86-14-042 (Order 153), filed 6/26/86, effective 8/1/86)

**WAC 251-14-085 Amendment of complaint or answer—Unfair labor practice.** The ~~((higher education personnel))~~ board may allow a complaint or answer to be amended at any time before the close of the hearing, upon motion of the party concerned, for good cause shown and upon such terms as the ~~((higher education personnel))~~ board may deem appropriate under the circumstances. Timeliness in making the motion shall be a factor in determining whether it will be granted.

**AMENDATORY SECTION** (Amending WSR 86-14-042 (Order 153), filed 6/26/86, effective 8/1/86)

**WAC 251-14-087 Enforcement—Unfair labor practice.** The board or its designee whose final decision is appealable to the board, or any party to the proceedings, thirty days after the board or its designee has entered its findings of fact, shall have power to petition the superior court of ~~((the state, within the))~~ Thurston ~~((e))~~ County ~~((wherein any person charged with the unfair labor practice resides or transacts business, or if such court be on vacation or in recess, then to the superior court of any county adjoining the county wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business;))~~ for the enforcement of such order and for appropriate temporary relief or restraining order, and shall certify and file in the court a transcript of the entire record in the proceeding, including the pleadings and testimony upon which such order was made and the findings and order of the board or its designee. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the board or its designee.

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

**AMENDATORY SECTION** (Amending WSR 97-01-065, filed 12/13/96, effective 1/13/97)

**WAC 251-14-130 Arbitration—Grievance—Procedure.** Whenever arbitration of a grievance is requested of the ~~((personnel resources))~~ board pursuant to an agreement as authorized by WAC 251-14-060(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the specific issue(s) to be arbitrated.

(f) A statement of the relief sought.

(g) The signature and, if any, the title of the person filing the request for arbitration.

(h) A copy of the original grievance and the institution's last written response to the grievance shall be attached to the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) The board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the hearings coordinator determines the request is incomplete, the person filing the request is notified of the portions which need to be supplemented or changed to comply with subsection (1) of this section. When the hearings coordinator determines that the request substantially complies with subsection (1) of this section, he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the board upon motion of the requesting party.

(4) After the request for arbitration is served on the opposing party(ies), the board or the board's designee may direct the parties or their representatives to engage in a pre-hearing conference(s) in accordance with WAC 251-12-232.

(5) The board's hearings coordinator shall schedule the arbitration for hearing pursuant to WAC 251-12-105.

(6) Within thirty calendar days from the date of service of the acknowledgment of the arbitration request, the respondent shall submit a written statement of issue(s) to be arbitrated. If no response is received, the petitioners' statement of issue(s) will be deemed to be the issue(s) at the arbitration hearing unless otherwise determined by the ((~~personnel resources~~)) board.

(7) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(8) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty calendar days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

(9) The grievant shall have the burden of proof and go forward with the evidence.

(10) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.

(11) The provisions of chapter 251-12 WAC (Appeals) shall apply to the conduct of grievance arbitration hearings, except as otherwise provided in this section.

**AMENDATORY SECTION** (Amending WSR 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88)

**WAC 251-17-120 Examinations—Evaluation of.** (1) The director shall specify the rating and/or scoring systems to be used to evaluate examinations, including the ratings, scores and/or percentiles required to pass an examination.

(2) Personnel officers shall evaluate examinations in accordance with the rating guides and rating/scoring instructions developed for each system and institutional examination.

(3) Rating guides shall be used to evaluate all job elements included in system and institutional examinations.

(4) Personnel officers shall develop rating guides for all examinations for which system rating guides are not available.

(5) Personnel officers shall assure that raters of examinations, including supplemental applications, performance tests and oral ((~~boards~~)) panels, shall have an adequate knowledge of the work required by the specific class or position.

(6) The personnel officer is responsible for the accuracy of the total examination ratings given by the raters of examinations and may disqualify a rater for good and sufficient reason(s). The personnel officer shall disqualify any rater who

was biased, did not follow either the content or the intent of the rating guide, or did not possess the required technical knowledge to evaluate the examination.

(7) Applicants must obtain ratings of "satisfactory ability" or higher on all of the essential job elements in an examination in order to pass that examination.

(8) Applicants must pass the final phase of an examination in order to be placed on an eligible list.

**AMENDATORY SECTION** (Amending WSR 97-01-065, filed 12/13/96, effective 1/13/97)

**WAC 251-19-060 Trial service period.** (1) A trial service period of six months shall be required upon appointment of a permanent employee to a new class at the institution, unless

(a) During the current period of employment at the institution, permanent status has been held in the class to which the employee is moving, or

(b) The class is lower in that same class series, or

(c) The employee is being reallocated per the provisions of WAC 251-06-080 (1)(a), or

(d) The employee is moving to the class as part of a recognized apprenticeship program as provided in WAC 251-19-140(5).

(2) A trial service period of six months shall be required upon employee movement as specified in WAC 251-19-110.

(3) A trial service period shall be required upon appointment from an institution-wide promotional list as provided in WAC 251-18-180 (3)(b).

(4) The trial service period provides the employing official an opportunity to observe and evaluate the new employee's work. Employees who do not perform satisfactorily during the trial service period may be reverted as follows:

(a) With preemptive rights to the former position in which permanent status was last held, or to a vacant position in that class (except when reversion is from a position the appointment to which was a result of disciplinary demotion or employee movement as specified in WAC 251-19-110). The personnel officer shall determine which position to preempt. However, if the employee was in a trial service appointment in another class prior to the current trial service period, the personnel officer may provide the employee the opportunity to complete the first interrupted trial service period.

(b) Reversion must be preceded by written notice at least one work day (eight hours), before the effective date.

(c) If the former position to which the employee has preemptive rights has been abolished and a vacant position in the class is not available, or if there is no class to which the reverted employee has preemptive rights, the affected employee shall be accorded such bumping rights and placement on layoff lists as would be provided in layoff from his/her former class.

(5) Reversion from trial service must be preceded by:

(a) Written notice detailing deficiencies in performance, which shall include the specific changes required; and

(b) A reasonable opportunity to overcome identified deficiencies.

PERMANENT



(6) An employee who is reverted may appeal to the personnel appeals board regarding:

(a) Whether the employer complied with the requirements of subsection (5)(a) and (b) of this section; and

(b) Whether the claimed deficiencies existed at the time of reversion.

~~((7) The board may uphold the reversion action, extend the trial service period, overturn the reversion, grant permanent status or order such other actions as may be determined appropriate pursuant to the best standards of personnel administration.))~~

~~((8))~~ (7) In the event an employee is on leave without pay status and/or shared leave for more than ten work days during the trial service period, the completion date of the trial service period shall be extended by an amount of time equal to the period of leave without pay and/or shared leave.

~~((9))~~ (8) Successful completion of the trial service period shall result in permanent status in the class.

~~((10))~~ (9) Salary and periodic increment date shall be determined as follows:

(a) Upon promotional trial service appointment, the salary shall be established as provided in WAC 251-08-110; and the existing periodic increment date shall be eliminated and a new date established to be effective the date of completion of trial service;

(b) Upon trial service reversion the salary shall be established as provided in WAC 251-08-115(4) and the former periodic increment date shall be reestablished;

(c) Upon trial service appointment to a class at the same salary level, the salary and periodic increment date shall remain unchanged.

AMENDATORY SECTION (Amending WSR 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88)

**WAC 251-19-110 Permanent classified employee interinstitutional and intersystem movement.** Permanent classified employees desiring to promote, transfer, laterally move, or voluntarily demote to positions at other institutions/related boards or state agencies will:

(1) Have the responsibility for communicating their desires in writing to potential receiving institutions/related boards or the department of personnel.

(2) Be required to pass the examination for the class administered by the receiving institution/related board or department of personnel.

(3) Have their names placed on the appropriate eligible list as provided in WAC 251-18-180 or corresponding department of personnel register.

(4) Be certified to employing official(s) as provided in WAC 251-18-240 or corresponding department of personnel rule.

(5) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came or corresponding department of personnel register.

(6) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employee to the new position.

(7) Retain vacation and sick leave balances. Vacation leave accrual rates shall be determined by the appropriate ~~((higher education personnel board or department of personnel))~~ Title 251 WAC or Title 356 WAC rules.

(8) Retain their former periodic increment date except upon promotion in accordance with WAC 251-08-100 (3)(a).

AMENDATORY SECTION (Amending WSR 91-10-002, filed 4/18/91, effective 6/1/91)

**WAC 251-19-120 Appointment—Temporary.** (1) Temporary appointment may be made only to meet employment conditions set forth in the definition of "temporary appointment" in WAC 251-01-415.

(2) Temporary appointment to perform work in the absence of an employee on leave for more than six consecutive months shall be made following certification from appropriate eligible lists of eligibles who have indicated willingness to accept such temporary appointment. Employees appointed to classified positions in accordance with this subsection are covered by chapter ~~((28B-16))~~ 41.06 RCW and Title 251 WAC. Temporary appointment made in accordance with this subsection is not limited to the one thousand fifty hours in any twelve consecutive month period from the original date of hire limitation, or October 1, 1989, whichever is later, identified in WAC 251-01-415(2) and 251-12-600.

(3) The employing official may temporarily assign a classified employee the duties and responsibilities of a higher-level class for a period of less than six consecutive months. The salary shall be determined per WAC 251-08-110.

(4) Temporary appointment to positions identified in the definition of "temporary appointment" in WAC 251-01-415 (2) and (3) may be made without regard to the rules governing appointment.

(5) A permanent classified employee accepting temporary appointment to a position identified in the definition of "temporary appointment" in WAC 251-01-415 (1), (2), and (3), shall retain and continue to receive all rights and benefits provided by these rules for the duration of the temporary appointment.

(6) At the conclusion of a temporary appointment made in accordance with these rules, a permanent employee shall have the right to revert to his/her former position or to an equivalent position.

(7) Each institution shall develop for director approval a procedure which indicates its system for controlling and monitoring exempt positions as identified in chapter 41.06 RCW ~~((28B-16.040(2)))~~.

(8) An institution may petition the director in writing for approval of exceptions to these requirements. The director will annually review the appropriateness of exceptions granted and advise the board.

(9) No temporary appointment shall take the place of employees laid off due to lack of work or lack of funds.



**AMENDATORY SECTION** (Amending WSR 89-13-074 (Order 179), filed 6/21/89, effective 10/1/89)

**WAC 251-19-122 Written notification of temporary appointment.** (1) All temporary employees shall be notified in writing of the conditions of their employment prior to the commencement of each appointment and/or upon any subsequent change to the conditions of their employment.

(2) The written notification shall contain the following information:

- (a) The reason for the temporary appointment (see WAC 251-01-415 (1), (2), and (3));
- (b) The hours of work and the hourly rate of pay;
- (c) The duration of appointment as adjusted by any current or former temporary appointments. The duration shall be expressed as a starting and expected end date;
- (d) The name of the employee's supervisor;
- (e) A statement regarding the receipt or nonreceipt of benefits. If the employee is to receive benefits, the statement shall include which benefits are to be received;
- (f) The expected status of the employee (~~within the higher education personnel board system~~) upon completion of the appointment;
- (g) The signature of the personnel officer and/or authorizing hiring official;
- (h) The signature of the employee verifying receipt of the written notification;
- (i) An identification of any current and/or previously held temporary positions at the institution;
- (j) A statement of appeal rights for those positions in which a violation of WAC 251-01-415 may result in permanent status.

**AMENDATORY SECTION** (Amending WSR 88-02-018 (Order 165), filed 12/30/87, effective 2/1/88)

**WAC 251-19-140 Apprenticeship programs.** (1) Apprentices shall be employed and compensated under conditions appropriate for the particular apprenticeable class which have been recommended by the joint apprenticeship committee as approved by the state apprenticeship council and the (~~higher education personnel~~) board. Each apprentice shall enter into a training contract with the joint apprenticeship committee and shall abide by its term and conditions.

(2) When an apprenticeship agreement is cancelled, the employee shall have the same reversionary employment rights he/she had available at the time of entering the apprenticeship program.

(3) When an employee moves into an apprenticeship program and he/she has a higher salary than is provided by the apprenticeship program, his/her salary shall be continued at the existing level until the employee has been in the apprenticeship program long enough to move onto the apprenticeship salary schedule without a reduction in salary.

(4) Incremental salary step increases shall be in accordance with the appropriate salary schedule but are not solely dependent upon time in grade. Objective evaluation of performance in on-the-job and related training may be justification to delay an incremental salary increase until training requirements for that step have been fulfilled. Conversely,

objective evaluation of performance may be justification to advance incremental salary steps to the level equal to ability and training.

(5) Graduates from the apprenticeship program will be assigned to the mid-step of the journey scale and will remain until twelve months elapse before moving to the top step. Movement from the apprenticeship program into the journey class does not require competition and a trial service appointment is not required.

**AMENDATORY SECTION** (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

**WAC 251-19-157 Workers' compensation—Return-to-work—Program.** Each institution of higher education shall establish a state employee return-to-work policy. It will be the responsibility of each institution to:

(1) Adopt a written return-to-work policy and submit a copy to the (~~higher education~~) department of personnel (~~board~~) to be kept on file. Prior to adoption, the institution shall publish a copy of the proposed policy utilizing reasonable means of communication available to the institution and allow reasonable time for comment by interested parties.

(2) Take into consideration the special nature of employment in the institution.

(3) Name an institution representative responsible for coordinating the return-to-work program of the institution. At a minimum, the return-to-work coordinator will determine employee interests and availability regarding employment locations and types of employment, contact return-to-work coordinators at employment locations the employee has identified to facilitate identification of potential return-to-work opportunities, and submit completed forms to appropriate return-to-work coordinators.

(4) Provide all classified employees with information regarding the institution return-to-work policy.

(5) Train supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee.

(6) Coordinate participation of applicable employee assistance programs, as appropriate.

(7) Provide alternative work opportunities of limited duration to permanent employees who are eligible for the return-to-work program if possible. Such alternative employment opportunities may include work described under WAC 251-04-040.

**AMENDATORY SECTION** (Amending WSR 85-20-049 (Order 136), filed 9/25/85)

**WAC 251-20-010 Employee performance evaluation—Authority, purpose, use.** (1) The rules contained in this chapter follow from the authority of (~~the higher education personnel law~~) chapter (~~28B-16~~) 41.06 RCW, which requires that standardized employee performance evaluation procedures and forms be used by institutions of higher education for the appraisal of employee job performance at least annually.

(2) Supervisors will conduct annual performance evaluations to record and inform employees regarding how well

they have contributed to the fulfillment of institution and job objectives.

(3) Performance evaluation shall not be used to initiate personnel actions such as transfers, promotion, or discipline.

**AMENDATORY SECTION** (Amending WSR 95-19-099, filed 9/20/95, effective 11/1/95)

**WAC 251-22-040 Holidays.** (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

- (a) The first day of January (New Year's Day);
- (b) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (c) The third Monday of February (Presidents' Day);
- (d) The last Monday of May (Memorial Day);
- (e) The fourth day of July (Independence Day);
- (f) The first Monday in September (Labor Day);
- (g) The eleventh day of November (Veterans Day);
- (h) The fourth Thursday of November (Thanksgiving Day);
- (i) The day immediately following Thanksgiving Day; and
- (j) The twenty-fifth day of December (Christmas Day).

Each higher education institution will provide qualifying employees in pay status with a paid holiday on the above days. However, the governing board of each institution, and in the case of the community college system through the state board for community and technical colleges (~~(education)~~), may designate other days to be observed in lieu of the above holidays. Implementation of modified holiday schedules must be approved by the director. Schedules may be determined on a calendar or fiscal year basis. When an institution establishes a modified schedule, paid holidays shall be granted based on the modified schedule.

(2) Classified employees working twelve-month schedules or cyclic year position employees who work full monthly schedules throughout their work year shall receive the number of holidays for which they qualify during their scheduled work year as set forth in this section. Qualification is determined by being in pay status on the work day preceding the holiday(s).

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day preceding the holiday(s) in that month.

(4) Part-time classified employees shall be entitled to the number of paid hours on a holiday that their monthly schedule bears to a full time schedule.

(5) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(6) When a holiday falls on an employee's regularly scheduled day off, he/she shall receive a day of compensatory time off.

(7) Holiday time worked shall be compensated as provided in WAC 251-09-035.

(8) Whenever a holiday falls on Sunday, the following Monday shall be considered a nonworking or legal holiday. When a holiday falls on Saturday, the preceding Friday shall be considered a nonworking or legal holiday.

(9) Employees terminating immediately prior to a holiday do not qualify for holidays occurring after termination.

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045.

**AMENDATORY SECTION** (Amending WSR 88-02-017 (Order 164), filed 12/30/87, effective 2/1/88)

**WAC 251-22-060 Vacation leave—Accrual.** (1) Full-time employees eligible for vacation leave shall accrue vacation leave, to be credited monthly, at the following rates:

- (a) During the first year of continuous state employment - 12 days (8.0 hours per month);
- (b) During the 2nd year of continuous state employment - 13 days (8 hours, 40 minutes per month);
- (c) During the 3rd and 4th years of continuous state employment - 14 days (9 hours, 20 minutes per month);
- (d) During the 5th through the 9th years of total state employment - 15 days (10 hours per month);
- (e) During the 10th year of total state employment - 16 days (10 hours, 40 minutes per month);
- (f) During the 11th year of total state employment - 17 days (11 hours, 20 minutes per month);
- (g) During the 12th year of total state employment - 18 days (12 hours per month);
- (h) During the 13th year of total state employment - 19 days (12 hours, 40 minutes per month);
- (i) During the 14th year of total state employment - 20 days (13 hours, 20 minutes per month);
- (j) During the 15th year of total state employment - 21 days (14 hours per month);
- (k) During the 16th and succeeding years of total state employment - 22 days (14 hours, 40 minutes per month).

(2) Employees working less than full-time schedules shall accrue vacation leave credit on the same prorata basis that their appointment bears to a full-time appointment.

(3) Per the provisions of WAC 251-19-130(2), the scheduled period of cyclic year position leave of absence without pay shall not be deducted for purposes of computing the rate of vacation leave accrual for cyclic year position employees.

(4) The following shall apply for purposes of computing years of qualifying state employment:

(a) Employment in the legislative and/or the judicial branch shall not be credited;

(b) Employment exempt by the provisions of WAC 251-04-040(4) or employment (~~(under the state personnel board jurisdiction)~~) in a state agency which is analogous to the conditions specified in WAC 251-04-040(4) shall not be credited;

(c) Each contract year of full-time faculty and/or administrative exempt employment within the higher education institutions shall be credited as a year of qualifying service;

(d) Employment in part-time classified positions shall be credited as full-time service.

(5) Vacation leave credits shall not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, nor shall credit be given toward the rate of vacation leave accrual.

**AMENDATORY SECTION** (Amending WSR 90-14-018, filed 6/27/90, effective 8/1/90)

**WAC 251-22-165 Workers' compensation—Leave.**

(1) Employees who suffer a work related injury or illness that is compensable under the state workers' compensation law may select time loss compensation exclusively, leave payment exclusively or a combination of time loss compensation and accrued paid leave.

(2) Employees taking sick leave during a period in which they receive workers' compensation under the industrial insurance provisions for a work related illness or injury shall receive full sick leave pay, less any industrial insurance payments for time loss during the sick leave period.

(a) Until eligibility for workers' compensation is determined by the department of labor and industries, the institution may pay full sick leave, provided that the employee shall return any overpayment to the institution when the salary adjustment is determined.

(b) Sick leave hours charged to an employee who receives workers' compensation, as a result of the time loss shall be proportionate to that portion of the employee's salary paid by the institution during the claim period.

(3) During a period when an employee receives pay for vacation leave, compensatory time off or holidays and also receives workers' compensation for time loss, he/she is entitled to both payments without any deduction for the industrial insurance payment.

(4) When an employee receives workers' compensation payment for time loss and is on leave without pay, no deductions will be made for the industrial insurance payment.

(5) An employee who sustains an industrial injury, accident or illness, arising from employment by an institution under the jurisdiction of the ~~((higher education personnel))~~ board shall, upon written request and proof of continuing disability, be granted leave of absence without pay for up to six months without loss of layoff seniority or change in annual increment date. Leave without pay exceeding six months without loss of layoff seniority or change in annual increment date may be granted at the option of the employing institution.

**AMENDATORY SECTION** (Amending WSR 86-06-034 (Order 145), filed 2/28/86, effective 4/1/86)

**WAC 251-23-010 Affirmative action—Authority.**

The rules contained in this chapter follow from the authority of ~~((the higher education personnel law, RCW 28B.16.100))~~ RCW 41.06.150, which provides in part, "... The ~~((higher education personnel))~~ board shall adopt rules, consistent with the purposes and provisions of this chapter ... regarding the basis and procedures to be followed for ..."; RCW ~~((28B.16.100(22)))~~ 41.06.150, which provides in part, "...

Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables ..."

**AMENDATORY SECTION** (Amending WSR 90-02-054, filed 12/29/89, effective 2/1/90)

**WAC 251-23-020 Affirmative action plans—Requirements—Approval.** (1) Each higher education institution/related board shall be required to develop and implement both an equal employment opportunity/affirmative action policy statement and an affirmative action plan.

(2) Equal employment opportunity/affirmative action policy statements and affirmative action plans shall comply with applicable state and federal laws, regulations, and guidelines, and shall require the approval of the director ~~((of the higher education personnel board))~~ or designee.

**AMENDATORY SECTION** (Amending WSR 86-06-034 (Order 145), filed 2/28/86, effective 4/1/86)

**WAC 251-23-030 Affirmative action plans—Monitoring progress—Reporting.** Each higher education institution/related board shall monitor progress under its affirmative action plan/program and shall submit a report to the director ~~((of the higher education personnel board))~~, at least annually, reflecting progress against goals and timetables and containing such other information as required by the director.

**AMENDATORY SECTION** (Amending Order 61, filed [8/30/77, effective] 10/1/77)

**WAC 251-24-010 Employee development—Authority, purpose, objective.** (1) The rules contained in this chapter follow from the authority of ~~((the higher education personnel law,))~~ RCW ~~((28B.16.100(1)))~~ 41.06.150, which provides in part, "... the ~~((higher education personnel))~~ board shall adopt and promulgate rules and regulations consistent with the purposes and provisions of this chapter ... regarding the basis for, and the procedures to be followed for ... training ~~((programs including in-service, promotional and supervisory))~~ and career development ..."

(2) It is the board's intent that institutions will establish, conduct and report employee training and development programs. The rules in this chapter provide the guidelines for such programs.

(3) The objective of these rules is to provide opportunity for the development of the potential occupational or professional ability of each employee to make the most effective and economic use of employee resources in accomplishing institution's goals.

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

AMENDATORY SECTION (Amending WSR 91-10-001, filed 4/8/91 [4/18/91], effective 6/1/91)

**WAC 251-24-030 Training and development programs—Contents.** Each institution ~~((with)) shall develop ((and maintain on file with the board (subject to approval by the director)))~~ an employee training and development plan, which is subject to approval by the director, that provides as a minimum:

- (1) The policy and objectives of the institution concerning training and development programs;
- (2) The institution's policy regarding training program expenses;
- (3) Identification of the person(s) responsible for employee training and development programs;
- (4) Provision for the identification and appraisal of training and development needs;
- (5) The identification of proposed training activities in the following areas:
  - (a) New employee orientation;
  - (b) Functional training, such as in accounting, data processing, office administration and job skills;
  - (c) System training, such as affirmative action, labor relations and safety;
  - (d) Professional/technical training;
  - (e) Management and organizational development;
  - (f) The institution's off-hour training or continuing education program;
  - (g) Specific training in the prevention, transmission, and treatment of HIV and AIDS for those employees who have a substantial likelihood of on-the-job exposure to the human immunodeficiency virus or acquired immunodeficiency syndrome virus;
  - (h) Training of supervisors on implementation of the institution return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee;
- (6) Provision specifying the manner of selecting employees for training or development programs;
- (7) Provision for training records of employee participation;
- (8) Provision for training and upgrading of skills of women and members of racial or ethnic minority groups as part of the institution's affirmative action program, including special training programs to achieve corrective action for underutilization of minority or female employees;
- (9) Involvement of a representative group of employees in the development of the institution's training policy and plans;
- (10) Provision for evaluation of training and development programs;
- (11) The criteria by which the institution may provide employees the opportunity to attend class instruction in academic session during regular working hours;
- (12) The institution's policy regarding release time during work hours for training course attendance;
- (13) Provision for access to in-house training and development programs for former permanent employees returning from separation as set forth in WAC 251-10-070.

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

AMENDATORY SECTION (Amending WSR 86-14-041 (Order 152), filed 6/26/86, effective 8/1/86)

**WAC 251-25-050 State internship program—Application of rules.** Except for chapter 251-25 WAC and WAC 251-10-025(7), the ~~((higher education personnel board rules))~~ remainder of Title 251 WAC does not apply to positions or to the interns in the state internship program.

#### WSR 98-20-023

#### PERMANENT RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Aging and Adult Services Administration)

[Filed September 25, 1998, 2:42 p.m., effective October 1, 1998]

Date of Adoption: September 25, 1998.

Purpose: In 1998, the legislature passed E2SHB 2935 that amended chapter 74.46 RCW. The bill changed the title of chapter 74.46 RCW and the method for determining Medicaid rates for nursing facilities. Formerly known as "The Nursing Home Auditing and Cost Reimbursement Act of 1980," the new title of chapter 74.46 RCW is "The Nursing Facility Medicaid Payment System." In response to E2SHB 2935, the Office of Rates Management (ORM) proposed changes to chapter 388-96 WAC to implement the new system for setting nursing facility Medicaid rates. In addition, to comply with the principles of regulatory reform, ORM repealed sixty-one sections of chapter 388-96 WAC for being redundant or unnecessary.

Citation of Existing Rules Affected by this Order:

TITLE OF RULE	STATUTORY AUTHORITY FOR ADOPTION	STATUTE BEING IMPLEMENTED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-96-010 Definitions.	RCW 74.46.800	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	In WAC 388-96-010, ORM made two changes in the definition of "change of ownership." The Office of Rates Management (ORM) made the changes to subsection (1)(f) and (2). In subsection (1) (f), ORM proposed to delete the following text: "which results in a substitution of [or] substitution of control of the individual operator or the operating entity contracting with the department to deliver care services." We have reinstated this wording and changed "which" to "that." In subsection (2) ORM proposed that the following text be deleted: "without more." The Office of Rates Management reinstated this wording.
WAC 388-96-020 Prospective cost-related payment.	RCW 74.46.800	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-026 New contractors.	Chapter 74.46 RCW as amended by section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-108 Failure to submit final reports.	Sections 3 and 4 of E2SHB 2935 (chapter 322, Laws of 1998) amending RCW 74.46.040 and 74.46.050	Sections 3 and 4 of E2SHB 2935 (chapter 322, Laws of 1998) amending RCW 74.46.040 and 74.46.050	
WAC 388-96-119 Reports—False information.	Chapter 74.46 RCW as amended by section 19(11) and section 31 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 19(11) and section 31 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	
WAC 388-96-122 Amendments to reports.	Section 19(11) and chapter 74.46 RCW as amended by section 31 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 31 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-202 Scope of audit or department audit.	Chapter 74.46 RCW as amended by section 8 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 8 of E2SHB 2935 (chapter 322, Laws of 1998)	

PERMANENT

TITLE OF RULE	STATUTORY AUTHORITY FOR ADOPTION	STATUTE BEING IMPLEMENTED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-96-218 Proposed, preliminary, and final settlements.	Chapter 74.46 RCW as amended by sections 9 and 10 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by sections 9 and 10 of E2SHB 2935 (chapter 322, Laws of 1998)	<p>In WAC 388-96-218:</p> <p>(a) In subsection (3) (c), inserted "in proportion to a contractor's Medicaid recipients";</p> <p>(b) In subsection (4), deleted the second sentence of the proposed text; and</p> <p>(c) Deleted the text of subsection (6)(b) making the text of subsection (c) the text of (b) and the text of subsection (d) that of (c). Also, in the new (6) (c) inserted "regardless of the length of the settlement period" at the end of the second sentence and in the third sentence inserted "have" before "provide"; changed "provide" to "provided" and inserted "at any-time" between "care" and "during."</p>
WAC 388-96-502 Indirect and overhead costs.	RCW 74.46.800	Chapter 74.46 RCW	
WAC 388-96-505 Offset of miscellaneous revenues.	RCW 74.46.800	RCW 74.46.200 and chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-525 Education and training.	RCW 74.46.800	RCW 74.46.240	
WAC 388-96-530 What will be allowable compensation for owners, relatives, licensed administrator, assistant administrator and/or administrator in training?	RCW 74.46.800	RCW 74.46.250	
WAC 388-96-532 Does the contractor have to maintain time records?	RCW 74.46.800	RCW 74.46.250	In WAC 388-96-532(2), inserted the word "undocumented" before cost of "compensation."
WAC 388-96-535 Management agreements, management fees, and central office services.	RCW 74.46.800	RCW 74.46.280	
WAC 388-96-536 Does the department limit the allowable compensation for an owner or relative of an owner?	RCW 74.46.800	RCW 74.46.250	
WAC 388-96-540 Will the department allow the cost of an administrator-in-training?	RCW 74.46.800	Chapter 74.46 RCW	

PERMANENT

TITLE OF RULE	STATUTORY AUTHORITY FOR ADOPTION	STATUTE BEING IMPLEMENTED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-96-542 Home office or central office.	Chapter 74.46 RCW as amended by section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998); RCW 74.46.270 and 74.46.800	Chapter 74.46 RCW as amended by section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.270	
WAC 388-96-580 Operating leases of office equipment.	RCW 74.46.800	RCW 74.46.300	
WAC 388-96-585 Unallowable costs.	RCW 74.46.800	RCW 74.46.410	In WAC 388-96-585 (2)(d), reinstated the last sentence that originally proposed deleting.
WAC 388-96-704 Prospective payment rates.	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-708 Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate.	Section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998)	Section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-709 Prospective rate revisions—Reduction in licensed beds.	Chapter 74.46 RCW as amended by section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-710 Prospective payment rate for new contractors.	Chapter 74.46 RCW as amended by section 19(11) of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-713 Rate determination.	RCW 74.46.800	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-723 How often will the department compare the state-wide weighted average payment rate for all nursing facilities with the state-wide weighted average payment rate identified in the Biennial Appropriations Act?	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421; and RCW 74.46.800	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421	
WAC 388-96-724 How much advance notice will a nursing facility receive of a rate reduction?	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421; and RCW 74.46.800	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421	

PERMANENT

TITLE OF RULE	STATUTORY AUTHORITY FOR ADOPTION	STATUTE BEING IMPLEMENTED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-96-725 After the rate reductions, when will a nursing facility's rates return to their previous level?	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421; and RCW 74.46.800	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421	
WAC 388-96-726 If a nursing facility's component rates are below the state-wide weighted average payment rate identified in the Biennial Appropriations Act, will the department reduce the facility's component rates when it makes a rate reduction under RCW 74.46.421?	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421; and RCW 74.46.800	Section 18 of E2SHB 2935 (chapter 322, Laws of 1998) to be codified as RCW 74.46.421	
WAC 388-96-728 How will the nursing facility's "hold harmless" direct care rate be determined?	Chapter 74.46 RCW as amended by section 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 25 of E2SHB 2935 (chapter 322, Laws of 1998)	In WAC 388-96-728(2) deleted "used to set the June 30, 1998, rate"; inserted "1997" before "cost report year."
WAC 388-96-729 When will the department use the "hold harmless rate" to pay for direct care services?	Chapter 74.46 RCW as amended by section 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 25 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-738 What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998)	In WAC 388-96-738, deleted proposed subsection (3).
WAC 388-96-739 How will the department determine which resident assessments are Medicaid resident assessments?	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-740 What will the department use as the Medicaid case mix index when a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in chapter 74.46 RCW as amended by section 24 of E2SHB 2935 (chapter 322, Laws of 1998)?	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998)	



TITLE OF RULE	STATUTORY AUTHORITY FOR ADOPTION	STATUTE BEING IMPLEMENTED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-96-741 When the nursing facility does not have facility average case mix indexes for the four quarters specified in chapter 74.46 RCW as amended by section 24(7) of E2SHB 2935 (chapter 322, Laws of 1998) for determining the cost per case mix unit, what will the department use to determine the nursing facility's cost per case mix unit?	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-742 When will the department use licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census?	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by sections 22, 24, and 25 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-744 How will the department set the therapy care rate and determine the median cost limit per unit of therapy?	Chapter 74.46 RCW as amended by section 26 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 26 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-746 How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense?	Chapter 74.46 RCW as amended by section 26 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 26 of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-747 Constructed, remodeled or expanded facilities.	Chapter 74.46 RCW as amended by section 19(12) of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 19(12) of E2SHB 2935 (chapter 322, Laws of 1998)	
WAC 388-96-757 Payment for veterans homes.	RCW 74.09.120 and 74.46.800	RCW 74.09.120	
WAC 388-96-760 Upper limits to reimbursement rate.	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998); RCW 74.46.800 and 74.09.120	Chapter 74.46 RCW as amended by E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.09.120	
WAC 388-96-776 Add-ons to the payment rate—Capital improvements.	Chapter 74.46 RCW as amended by section 19(12) of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	Chapter 74.46 RCW as amended by section 19(12) of E2SHB 2935 (chapter 322, Laws of 1998)	

PERMANENT

TITLE OF RULE	STATUTORY AUTHORITY FOR ADOPTION	STATUTE BEING IMPLEMENTED	CHANGES FROM PROPOSED TO ADOPTED VERSION
WAC 388-96-901 Disputes.	RCW 74.46.780 as amended by section 41 of E2SHB 2935 (chapter 322, Laws of 1998)	RCW 74.46.780 as amended by section 41 of E2SHB 2935 (chapter 322, Laws of 1998)	In WAC 388-96-901, deleted all of subsection (1).
WAC 388-96-904 Administrative review—Adjudicative proceeding.	RCW 74.46.780 as amended by section 41 of E2SHB 2935 (chapter 322, Laws of 1998)	RCW 74.46.780 as amended by section 41 of E2SHB 2935 (chapter 322, Laws of 1998)	In WAC 388-96-904(8), the Office of Rates Management proposed the following changes to the second sentence: In the event of a conflict between the provisions of this chapter and chapter 388-08 WAC, the provisions of this chapter and chapter 74.46 RCW shall prevail.  The following changes were made to the proposed changes to WAC 388-96-904(8):  In the event of a conflict between <del>((the provisions of this chapter))</del> <u>hearings requirements in chapter 74.46 RCW and chapter 388-96 WAC specific to the nursing facility Medicaid payment system on the one hand and general hearing requirements in chapter 34.05 RCW and chapter 388-08 WAC on the other hand, ((the provisions of this chapter)) chapter 74.46 RCW and chapter 388-96 WAC shall prevail.</u>
WAC 388-96-905 Case mix accuracy review of MDS nursing facility resident assessments.	RCW 74.46.780 as amended by section 41 of E2SHB 2935 (chapter 322, Laws of 1998); and RCW 74.46.800	RCW 74.46.780 as amended by section 41 of E2SHB 2935 (chapter 322, Laws of 1998)	

**REPEALED SECTIONS**

- WAC 388-96-023 Conditions of participation.
- WAC 388-96-029 Change of ownership.
- WAC 388-96-032 Termination of contract.
- WAC 388-96-101 Reports.
- WAC 388-96-104 Due dates for reports.
- WAC 388-96-110 Improperly completed or late reports.
- WAC 388-96-113 Completing reports and maintaining records.
- WAC 388-96-128 Requirements for retention of records by the contractor.
- WAC 388-96-131 Requirement for retention of reports by the department.
- WAC 388-96-134 Disclosure of nursing home reports.
- WAC 388-96-204 Field audits.
- WAC 388-96-207 Preparation for audit by the contractor.
- WAC 388-96-210 Scope of field audits.
- WAC 388-96-213 Inadequate documentation.
- WAC 388-96-220 Principles of settlement.

**REASON FOR REPEAL**

- Redundant
- Redundant
- Redundant
- Redundant
- Redundant
- Redundant
- Redundant
- Redundant
- Redundant
- Redundant
- Statute repealed
- Statute repealed
- Statute repealed
- Redundant
- Statute repealed

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REPEALED SECTIONS

- WAC 388-96-813 Suspension of payment.
- WAC 388-96-816 Termination of payments.

Statutory Authority for Adoption: See Citation of Existing Rules above.

Adopted under notice filed as WSR 98-15-141 on July 22, 1998.

Changes Other than Editing from Proposed to Adopted Version: See Citation of Existing Rules above.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 22, Amended 22, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 62.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 22, Amended 22, Repealed 62.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Under RCW 34.05.380(3)(a) an earlier effective date than thirty-one days from filing is permissible if such action is required by the state or federal Constitution, a statute, or court order. E2SHB 2935 amending chapter 74.46 RCW passed and signed in April of 1998 requires a new Medicaid nursing facility payment system be in effect October 1, 1998. The changes to chapter 388-96 WAC implement the new Medicaid nursing facility payment system.

Effective Date of Rule: October 1, 1998.

September 25, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

Chapter 388-96 WAC

**NURSING ((~~HOME ACCOUNTING AND REIMBURSEMENT~~)) FACILITY MEDICAID PAYMENT SYSTEM**

AMENDATORY SECTION (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

**WAC 388-96-010 ((~~Terms~~)) Definitions.** Unless the context indicates otherwise, the following definitions apply in this chapter.

"Accounting" means activities providing information, usually quantitative and often expressed in monetary units, for:

- (1) Decision-making;
- (2) Planning;
- (3) Evaluating performance;

REASON FOR REPEAL

- Redundant
- Redundant

- (4) Controlling resources and operations; and
- (5) External financial reporting to investors, creditors, regulatory authorities, and the public.

~~("Accrual method of accounting" means a method of accounting in which revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period in which incurred, regardless of when paid.)~~

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

~~"Allowable costs" - ((See WAC 388-96-501)) means documented costs that are necessary, ordinary, and related to the care of Medicaid recipients, and are not expressly declared nonallowable by this chapter or chapter 74.46 RCW. Costs are ordinary if they are of the nature and magnitude that prudent and cost conscious management would pay.~~

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

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

~~(1) The sale or exchange of nursing home facilities between two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transaction; and~~

~~(2) Sale of a nursing home facility that is subsequently leased back to the seller within five years of the date of sale.~~

~~"Assets" means economic resources and certain deferred charges of the contractor, recognized and measured according to generally accepted accounting principles.~~

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

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

~~"Beneficial owner" means any person who:~~

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

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

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

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

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

- (a) Through the exercise of any option, warrant, or right;
- (b) Through the conversion of an ownership interest;
- (c) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or
- (d) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in (a), (b), or (c) of subsection (3) of "**beneficial owner**" with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power; or

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

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

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

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

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

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

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

"**Capitalization**" means the recording of an expenditure as an asset.) "**Allowable depreciation costs**" means depreciation costs of tangible assets, whether owned or leased by the contractor, meeting the criteria specified in RCW 74.46.330.

"**Anticipated patient days**" are calculated by multiplying the number of licensed beds at the nursing facility by the number of days in the cost report period used to set the property rate and multiplying the product by the nursing facility's expected occupancy, which must be at eighty-five percent or above.

"**Assignment of contract**" means:

(1) A new nursing facility licensee has elected to care for Medicaid residents;

(2) The department finds no good cause to object to continuing the Medicaid contract at the facility; and

(3) The new licensee accepts assignment of the immediately preceding contractor's contract at the facility.

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

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

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

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

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

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

(c) (~~If the contractor is~~) Dissolving of a partnership(~~; any event that dissolves the partnership~~);

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

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

(i) New or former stockholders; or

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

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

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

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

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

"**Charity allowance**" means a reduction in charges made by the contractor because of the indigence or medical indigence of a patient.

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

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

"Cost report" means all schedules of a nursing facility's cost report submitted according to the department's instructions.

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

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

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

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

"Donated asset" means an asset the contractor acquired without making any payment for the asset either in cash, property, or services. An asset is not a donated asset if the contractor:

(1) Made even a nominal payment in acquiring the asset; or

(2) Used donated funds to purchase the asset.

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

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

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

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

~~"Fair market value" means:~~

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

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

~~"Financial statements" means statements prepared and presented according to generally accepted accounting principles and the provisions of chapter 74.46 RCW and this chapter including, but not limited to:~~

~~(1) Balance sheet;~~

~~(2) Statement of operations;~~

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

~~(4) Related notes.~~)

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

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

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

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

~~"Goodwill" means the excess of the price paid for:~~

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

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

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

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

"Intangible asset" is an asset that lacks physical substance but possesses economic value.

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

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

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

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

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

"Multiservice facility" means a facility at which two or more types of health or related care are delivered, e.g., a hos-

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pital and nursing facility, or a boarding home and nursing facility.

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

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

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

**"Nonallowable costs"** means the same as **"unallowable costs."**

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

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

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

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

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

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

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

**"Professionally designated real estate appraiser"** means an individual:

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

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

(a) Writing of real estate valuation reports;

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

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

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

**"Qualified therapist"**:

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

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

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

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

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

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

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

(8) An occupational therapist licensed under chapter 18.59 RCW and chapter 246-847 WAC; or

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

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

**"Recipient"** means a ((medical care)) Medicaid recipient.

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

(1) All general and subsidiary ledgers;

(2) Books of original entry;

(3) Invoices;

(4) Schedules;

(5) Summaries; and

(6) Transaction documentation, however maintained.

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

**"Related care"** includes:

(1) The director of nursing services;

(2) Activities and social services programs;

(3) Medical and medical records specialists; and

(4) Consultation provided by:

(a) Medical directors; and

(b) Pharmacists(;

(c) Occupational therapists;

(d) Physical therapists;  
 (e) Speech therapists;  
 (f) Other therapists; and  
 (g) Mental health professionals as defined in law and regulation.

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

**"Relative"** includes:

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

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

- (1) Funds restricted by the donor to specific operating purposes;
- (2) Funds restricted by the donor for additions to property, plant, and equipment; and
- (3) Endowment funds.

**"Secretary"** means the secretary of the department of social and health services (DSHS);)

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

- (1) Administrative and nursing salaries;
- (2) Utility costs;
- (3) Taxes;
- (4) Insurance;
- (5) Repairs and maintenance; and
- (6) Training costs.

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

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

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

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

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

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

ordinary, and related to patient care from the most recent cost report.

**AMENDATORY SECTION** (Amending Order 2245, filed 6/18/85)

**WAC 388-96-020 Prospective cost-related ((reimbursement)) payment.** The ((prospective cost-related reimbursement)) **nursing facility Medicaid payment** system is the system used by the department to pay for ((skilled)) nursing facility services ((and intermediate care facility services)) provided to medical care recipients. ((Reimbursement rates for such services will)) Payment for nursing facility care shall be determined in accordance with ((the principles, methods, and standards contained in)) this chapter and ((it)) chapter 74.46 RCW ((as set forth in this chapter)). The provisions of chapter 74.46 RCW are incorporated by reference in this chapter as if fully set forth.

**AMENDATORY SECTION** (Amending Order 3555, filed 5/26/93, effective 6/26/93)

**WAC 388-96-026 ((Projected budget for)) New contractors.** (1) For purposes of administering ((chapter 388-96 WAC)) the payment system, the department shall consider a "new contractor" as one who receives a new vendor number and:

(a) Builds from the ground-up a new facility; and operates the new facility with completely new staff, administration and residents. If the "new contractor" operated a nursing facility immediately before the opening of the new facility, then the "new contractor" must operate the new facility with:

(i) ((With)) Staff and administration that are substantially different than the previous operation of the "new contractor"; and

(ii) ((Have)) A resident population that is substantially different than the residents residing in the previous nursing facility; or

(b) Currently operates, acquires, or assumes responsibility for operating an existing nursing facility that was not operated under a Medicaid contract immediately prior to the effective date of the new Medicaid contract; or

(c) Purchases or leases a nursing facility that, at the time of the purchase or lease, was operated under a Medicaid contract.

(2) ((A new contractor as defined under WAC 388-96-026 (1)(a) or (b)) shall submit a projected budget to the department at least sixty days before its contract becomes effective. The projected budget shall:

(a) Cover the twelve months immediately following the date the contractor enters the program;

(b) Be certified by the new contractor;

(c) Be prepared on forms and in accordance with instructions provided by the department; and

(d) Include all earnest money, purchase, and lease agreements involved in the transactions, if applicable.

(3)) A new contractor shall submit((:));

(a) At least sixty days before the effective date of the contract or assignment, a statement disclosing the identity of individuals or organizations who:



~~((a)) (i) Have a beneficial ownership interest in the current operating entity or the land, building, or equipment of the facility; or~~

~~((b)) (ii) Have a beneficial ownership interest in the purchasing or leasing entity.~~

~~(b) By March 31st of the following year, a cost report for the period from the effective date of the contract or assignment through December 31st of year the contract or assignment was effective.~~

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

**WAC 388-96-108 Failure to submit final reports.** (1) If a nursing facility's contract is terminated or assigned, ~~((the old contractor shall submit a final report as required by WAC 388-96-032(1) and 388-96-104(2). Such final reports must be received by the department within one hundred twenty days after the contract is terminated or prior to the expiration of any department approved extension granted pursuant to WAC 388-96-107. If)) and the nursing facility does not submit a final cost report ((is not submitted)) as required by RCW 74.46.040, the nursing facility shall return to the department all payments made to the terminating or assigning contractor relating to the period for which a report has not been received ((shall be returned to the department)) within sixty days after ((receiving)) the terminating or assigning contractor receives a written demand from the department.~~

(2) Effective sixty days after the terminating or assigning contractor receives a written demand for payment ((is received by the contractor)), interest will begin to accrue payable to the department on any unpaid balance at the rate of one percent per month.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

**WAC 388-96-119 Reports—False information.** (1) If a contractor knowingly or with reason to know files a report containing false information, such action constitutes good cause for termination of its contract with the department.

(2) In accordance with RCW 74.46.531, the department will make adjustments to ((reimbursement)) payment rates ((required)) because a false report was filed ((will be made in accordance with WAC 388-96-769)).

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

AMENDATORY SECTION (Amending Order 2372, filed 5/7/86, effective 7/1/86)

**WAC 388-96-122 Amendments to reports.** (1) For the purpose of determining ~~((audited))~~ allowable costs ~~((in computing a final settlement)), the department shall consider an amendment to an annual report ((shall be considered)) only if filed by the provider ((prior to)) before the receipt by the provider of the notification scheduling the department's ((field)) audit ~~((except that)). The contractor may file an amendment ((may be filed))~~ subsequent to such notification and pursuant to the provisions of ~~((WAC 388-96-769 solely for the pur-~~~~

~~pose of adjusting reimbursement rates. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested)) RCW 74.46.531 to adjust a payment rate allocation because of an error or omission. ((Amendments may be filed by)) When the provider ((and considered by the department)) files an amendment, the department shall consider it only if significant errors or omissions are discovered ((which are significant)). The department shall deem errors or omissions ((shall be deemed)) "significant" ((if)) when the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any ((cost area)) component rate allocation. To file an amendment, only those cost report pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.~~

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department shall refuse to consider an amendment resulting in a more favorable settlement or payment rate allocation to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

#### NEW SECTION

**WAC 388-96-202 Scope of audit or department audit.** (1) The department shall review the contractor's recordkeeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The department's audit shall result in a schedule of summarizing adjustments to the contractor's cost report. The schedule shall show whether such adjustments eliminate costs reported or include costs not reported. Each adjustment listed shall include an explanation for the adjustment, the cost report account, and the dollar amount. In accordance with chapter 74.46 RCW, the department shall comply with the purpose of department audits by verifying that:

(a) Supporting records are in agreement with reported data;

(b) Only those assets, liabilities, and revenue and expense items the department has specified as allowable have been included by the contractor in computing the costs of services provided under its contract;

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to resident care;

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed;

(e) Home office or central office costs have been reported and allocated in accordance with the provisions of this chapter and chapter 74.46 RCW;

(f) Recipient trust funds have been properly maintained;

(g) Facility receivables do not include benefits or payments to which the provider is not entitled; and

(h) The contractor is otherwise in compliance with the provisions of this chapter and chapter 74.46 RCW.

(3) In complying with the purpose of department audits in chapter 74.46 RCW, the department may select any or all schedules of a facility's cost report. The department shall audit cost reports, resident trust fund accounts, and facility receivables of each nursing facility participating in the Medicaid payment system as determined necessary by the department.

(4) When determining the contractor's final settlement, the department shall apply to reported costs adjustments written under subsection (2), whether used for the purpose of establishing component rate allocations as described in chapter 74.46 RCW or to ascertain contractor compliance with subsection (2).

#### NEW SECTION

**WAC 388-96-218 Proposed, preliminary, and final settlements.** (1) For each component rate, the department shall calculate a settlement at the lower of prospective payment rate or audited allowable costs, except as otherwise provided in this chapter.

(2) In the proposed settlement report, a contractor shall compare the contractor's payment rates during a report period, weighted by the number of resident days reported for the period when each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, retained savings, and upper limits to rates on a cost center basis.

(a) Within one hundred twenty days after a proposed settlement report is received, the department shall:

(i) Review the proposed settlement report for accuracy; and

(ii) Either accept or reject the proposal of the contractor. If accepted, the proposed settlement report shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

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

(3) The department shall issue a final settlement report to the contractor after the completion of the department audit process, including exhaustion or termination of any administrative review and appeal of audit findings or determinations requested by the contractor, but not including judicial review as may be available to and commenced by the contractor.

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

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

(i) The payment rate the contractor was paid for the facility in question during the report period, weighted by the number of allowable resident days reported for the period each rate was in effect to the contractor's;

(ii) Audited allowable costs for the reporting period; or

(iii) Reported costs for the nonaudited reporting period.

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

(c) The department shall reopen a final settlement if it is necessary to make adjustments based upon findings resulting from a department audit performed pursuant to RCW 74.46.100. The department may also reopen a final settlement to recover an industrial insurance dividend or premium discount under RCW 51.16.035 in proportion to a contractor's Medicaid recipients.

(4) In computing a preliminary or final settlement, a contractor may shift savings and/or overpayment in the support services cost center to cover a deficit and/or underpayment in the direct care or therapy cost centers up to the amount of the savings as provided in RCW 74.46.165(4). The provider's payment rate is subject to the provisions of RCW 74.46.421.

(5) If an administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payment on judgments from the date the review was requested pursuant to WAC 388-96-901 and WAC 388-96-904 to the date the repayment is made.

(6) In determining whether a facility has forfeited unused rate funds in its direct care, therapy care and support services component rates under authority of RCW 74.46.165(3), the following rules shall apply:

(a) Federal or state survey officials shall determine when a facility is not in substantial compliance or is providing substandard care, according to federal and state nursing facility survey regulations;

(b) Correspondence from state or federal survey officials notifying a facility of its compliance status shall be used to determine the beginning and ending dates of any period(s) of noncompliance; and

(c) Forfeiture shall occur if the facility was out of substantial compliance more than ninety days during the settlement period. The ninety-day period need not be continuous if the number of days of noncompliance exceed ninety days during the settlement period regardless of the length of the settlement period. Also, forfeiture shall occur if the nursing facility was determined to have provided substandard quality of care at any time during the settlement period.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

**WAC 388-96-502 Indirect and overhead costs.** ((f)) Subject to the provisions of this chapter and chapter 74.46 RCW, when a contractor provides goods or services that are not reimbursable ((under this chapter)), any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs. ((Such goods and services include, but are not limited to, compensation to administrative personnel and management fees in excess of limits established in this chapter.))

AMENDATORY SECTION (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

**WAC 388-96-505 Offset of miscellaneous revenues.**

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

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

(3) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts, refunds of allowable costs or rebates are received, the amount of the reduction shall be the amount of the discount or rebate. Financial benefits such as purchase discounts, refunds of allowable costs and rebates, including industrial insurance rebates, shall be offset against allowable costs in the year the contractor actually receives the benefits.

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

included in nursing facility services((f)), are nonallowable costs.

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

**WAC 388-96-525 Education and training.** (1) Necessary and ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs. Cost of training for which the nursing facility is reimbursed outside the payment rate is an unallowable cost.

(2) ((Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.52A RCW will be allowable costs.

((3)) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs.

((4)) (3) Expenses for travel, lodging, and meals associated with education and training in the states of Idaho, Oregon, and Washington and the province of British Columbia are allowable if the expenses meet the requirements of this chapter.

((5)) (4) Except travel, lodging, and meal expenses, education and training expenses at sites outside of the states of Idaho, Oregon, and Washington and the province of British Columbia are allowable costs if the expenses meet the requirements of this chapter.

((6)) (5) Costs designated by this section as allowable shall be subject to any applicable cost center limit established by this chapter.

NEW SECTION

**WAC 388-96-530 What will be allowable compensation for owners, relatives, licensed administrator, assistant administrator, and/or administrator in training?** Subject to any applicable cost center limit established by chapter 74.46 RCW, total allowable compensation shall be:

(1) As provided in the employment contract, including benefits, whether such contract is written, verbal, or inferred from the acts of the parties; or

(2) In the absence of a contract, gross salary or wages excluding payroll taxes and benefits made available to all employees, e.g., health insurance.

NEW SECTION

**WAC 388-96-532 Does the contractor have to maintain time records?** (1) The contractor shall maintain time records that are adequate for audit for owners, relatives, the licensed administrator, assistant administrator, and/or administrator-in-training. The contractor shall include in such records verification of the actual hours of service performed for the nursing home and shall document compensated time was spent in provision of necessary services actually performed.

(2) If the contractor has no or inadequate time records, the undocumented cost of compensation shall be unallowable.

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

**WAC 388-96-535 Management agreements, management fees, and central office services.** (1) ~~((If a contractor intends to enter into a management agreement with an individual or firm managing the nursing home as an agent of the contractor, the contractor shall send a copy of the agreement to the department at least sixty days before the agreement is to become effective. A contractor shall send a copy of any amendment to a management agreement to the department at least thirty days in advance of the date the amendment is to become effective. The department shall not allow management fees for periods prior to the time the department receives a copy of the applicable agreement. When necessary for the health and safety of medical care recipients, the department may waive the sixty-day notice requirement in writing:~~

~~(2) The department shall allow management fees only if:~~

~~(a) A written management agreement both:~~

~~(i) Creates a principal and/or agent relationship between the contractor and the manager; and~~

~~(ii) Sets forth the items, services, and activities to be provided by the manager.~~

~~(b) Documentation demonstrates the services contracted for were actually delivered, were nonduplicative of other services rendered to the facility directly or indirectly, and the services were necessary to care for the residents of the facility. Fees are allowable only for such necessary, nonduplicative services to the extent they are of the nature and magnitude that prudent and cost-conscious management would pay.~~

~~(3)) The contractor shall disclose to the department the nature and purpose of the management agreement, including an organizational chart showing the relationship between the contractor, management company and all related organizations. The department may request additional information or clarification.~~

~~(2) Acceptance of a management agreement may not be construed as a determination that all management fees or costs are allowable in whole or in part. Management fees or costs not disclosed or approved in conformity with chapter 74.46 RCW and this section are unallowable. When necessary for the health and safety of medical care recipients, the department may waive the sixty-day or thirty-day advance notice requirement of RCW 74.46.280 in writing.~~

~~(3) Management fees are allowable only for necessary, nonduplicative services that are of the nature and magnitude that prudent and cost-conscious management would pay. Costs of services, facilities, supplies and employees furnished by the management company are subject to RCW 74.46.220.~~

~~(4) Allowable fees for all general management services of any kind referenced in this section, including corporate or business entity management and ~~((board of director's fees and including))~~ management fees not allocated to specific ser-~~

vices, are subject to any applicable cost center limit established ~~((by this chapter))~~ in chapter 74.46 RCW.

~~(((4) A management fee paid to or for the benefit of a related organization shall be allowable at the lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the department shall comply with WAC 388-96-534 in measuring such costs:))~~

~~(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, including ~~((the))~~ management expense not allocated to specific services, shall be subject to any cost center limit established ~~((by this chapter))~~ by chapter 74.46 RCW.~~

~~(6) Necessary travel and housing expenses of nonresident staff working at a contractor's nursing facility shall be considered allowable costs if the visit does not exceed three weeks.~~

~~(7) Bonuses paid to employees at a contractor's nursing facility or management company shall be considered compensation.~~

~~(((8) As similarly provided in WAC 388-96-210 regarding field audits, the department shall commence to apply a facility's peer group median cost plus percentage limit in the administrative cost area, in place of management fee limits previously contained in this section, beginning with report year 1992:))~~

#### NEW SECTION

**WAC 388-96-536 Does the department limit the allowable compensation for an owner or relative of an owner?** (1) The department shall limit total compensation of an owner or relative of an owner to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed any applicable limit set out in chapter 74.46 RCW.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) If the service provided would require licensed staff, e.g., RN, then the same license standard must be met when performed by an owner, relative or other administrative personnel.

#### NEW SECTION

**WAC 388-96-540 Will the department allow the cost of an administrator-in-training?** (1) The department shall not allow costs of an administrator-in-training for the purpose of setting the operations component prospective payment rate allocation.

(2) The department shall pay the costs of an approved administrator-in-training program by an add-on to the current prospective payment rate, unless the operations cost center is

at or above the median cost limit for the facility's peer group reduced or increased under chapter 74.46 RCW.

(3) To obtain a rate add-on, the contractor shall submit a request for an add-on to its current prospective rate together with necessary documentation which shall include:

(a) A copy of the department of licensing approval of the administrator-in-training program, and

(b) A schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the department shall reduce the current prospective rate by an amount corresponding to the rate add-on.

(4) If the contractor does not use the administrator-in-training funds for the purpose for which they were granted, the department shall immediately recoup the misspent or unused funds.

#### NEW SECTION

**WAC 388-96-542 Home office or central office.** (1) The department shall audit the home office or central office whenever a nursing facility receiving such services is audited.

(2)(a) Assets used in the provision of services by or to a nursing facility, but not located on the premises of the nursing facility, shall not be included in net invested funds or in the calculation of property payment for the nursing facility.

(b) The nursing facility may allocate depreciation, interest expense, and operating lease expense for the home office, central office, and other off-premises assets to the cost of the services provided to or by the nursing facility on a reasonable statistical basis approved by the department.

(c) The allocated costs of (b) of this subsection may be included in the cost of services in such cost centers where such services and related costs are appropriately reported.

(3) Home office or central office costs must be allocated and reported in conformity with the department-approved JCAD methodology as required by WAC 388-96-534.

(4) Home office or central office costs are subject to the limitation specified in RCW 74.46.410.

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

**WAC 388-96-580 Operating leases of office equipment.** (1) Rental costs of office equipment under arm's-length operating leases shall be allowable to the extent such costs are necessary, ordinary, and related to patient care. ~~((Beginning January 1, 1985, office))~~

(2) The department shall pay office equipment rental costs ~~((shall be reimbursed))~~ in the ~~((administration and))~~ operations ~~((cost center))~~ component rate allocation. Office equipment may include items typically used in administrative or clerical functions such as telephones, copy machines, desks and chairs, calculators and adding machines, file cabinets, typewriters, and computers. ~~((However, expenses of leasing computers may not be reimbursed in excess of ten cents per patient day. Effective with July 1, 1993 rate setting,~~

~~office equipment rental costs shall be reimbursed in the administrative cost center))~~

(3) The department shall not pay for depreciation of leased office equipment.

AMENDATORY SECTION (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

**WAC 388-96-585 Unallowable costs.** (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients. Unallowable costs listed in subsection (2) of this section represent a partial summary of such costs, in addition to those unallowable under chapter 74.46 RCW and this chapter.

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

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

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

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

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

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

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

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

~~((h))~~ (b) Costs resulting from transactions or the application of accounting methods circumventing ~~((the))~~ principles ~~((of the prospective cost-related reimbursement system))~~ set forth in this chapter;

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

(j) (c) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

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

(iii) The provider can establish reasonable collection efforts were made;

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

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

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

~~((k))~~ Charity and courtesy allowances;

~~((l))~~ Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations; recipients;

(d) Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable;

~~((m))~~ Vending machine expenses;

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

~~((o))~~ Funeral and burial expenses;

~~((p))~~ Costs of gift shop operations and inventory;

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

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

~~((s))~~ Penalties and fines;

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

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

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

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

~~((x))~~ Expenses of profit-sharing plans;

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

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

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

~~((bb))~~ Costs related to agreements not to compete;

~~((cc))~~ Goodwill and amortization of goodwill;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~((oo))~~ Any costs associated with the use of temporary health care personnel from any nursing pool not registered

with the director of the department of health at the time of such pool personnel use;

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

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

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

(ss) Effective for July 1, 1991, and all following rates, compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensations which would have been paid for such hours of nursing care services had they been paid at the combined regular and overtime average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification of registered nurse, licensed practical nurse, or nursing assistant at the same nursing facility, as reported on the facility's filed cost report for the most recent cost report period;

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

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

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

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

(f) All interest costs not specifically allowed in this chapter or chapter 74.46 RCW;

(g) Increased costs resulting from a series of transactions between the same parties and involving the same assets, e.g., sale and lease back, successive sales or leases of a single facility or piece of equipment.

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

**WAC 388-96-704 Prospective ((reimbursement) payment rates.** ((+)) The department, as provided in chapter 74.46 RCW and this chapter, shall determine ((or)), adjust, or update prospective Medicaid payment rates for nursing facility services provided to medical care recipients. Each rate, subject to the principles of this chapter and chapter 74.46 RCW, represents a nursing facility's maximum compensation for one resident day of care provided a medical care recipient determined by the department to both require and be eligible to receive nursing facility care.

~~((2) A contractor may also be assigned an individual prospective rate for a specific medical care recipient determined by the department to require exceptional care.))~~

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

**WAC 388-96-708 Reinstatement of beds previously removed from service under chapter 70.38 RCW—Effect on prospective payment rate.** (1) After removing beds from service (banked) under the provisions of chapter 70.38 RCW the contractor may bring back into service beds that were previously banked.

(2) When the contractor returns to service beds banked under the provisions of chapter 70.38 RCW, the department will recalculate the contractor's prospective payment rate allocations based on the ~~((increased))~~ facility's anticipated resident occupancy level following the increase in licensed bed capacity.

(3) The effective date of the recalculated prospective rate for beds returned to service:

(a) Between the first and the fifteenth of a month, shall be the first of the month in which the banked beds returned to service; or

(b) Between the sixteenth and the end of a month, shall be the first of the month following the month in which the banked beds returned to service.

(4) The recalculated prospective payment rate shall comply with all the provisions of rate setting contained in chapter 74.46 RCW or in this chapter, including all lids and maximums unless otherwise specified in this section. ((AH))

(5) The recalculated prospective Medicaid payment ((rates from July 1, 1995 through June 30, 1998 shall remain in effect until an adjustment can be made for economic trends and conditions as authorized by chapter 74.46 RCW and this chapter)) rate shall be subject to adjustment if required by RCW 74.46.421.

**AMENDATORY SECTION** (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

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

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

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

(c) Requests a rate revision.

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



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

(a) ((~~H~~)) When the contractor ((~~complied~~)) complies with subsection (1)((~~a~~);) (b)((~~;~~)) and (c) of this section and the effective date of the licensed bed reduction falls:

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

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

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

(4) For all prospective Medicaid payment rates from July 1, 1995 through June 30, 1998,) The department shall revise a nursing facility's prospective rate to reflect a reduction in licensed beds as follows:

((~~a~~)) (i) The department shall use the reduced total number of licensed beds to determine occupancy used to calculate the ((~~nursing services, food, administrative and operational~~)) direct care, therapy care, support services and operations rate component((~~s per WAC 388-96-719~~)) allocations. If actual occupancy from the ((~~1994~~)) rate base cost report ((~~was~~)) is:

((~~+~~)) (A) At or over ((~~ninety~~)) eighty-five percent before the reduction and remains at or above ((~~ninety~~)) eighty-five percent, there will be no change to the component((~~s~~)) allocations;

((~~+~~)) (B) Less than ((~~ninety~~)) eighty-five percent before the reduction and changes to at or above ((~~ninety~~)) eighty-five percent, then recompute the components using actual ((~~1994~~)) rate based resident days; or

((~~+~~)) (C) Less than ((~~ninety~~)) eighty-five percent before the reduction and remains below ((~~ninety~~)) eighty-five percent, then recompute the components using the change in resident days from the ((~~1994~~)) rate base cost report resulting from the reduced number of licensed beds used to calculate the ((~~ninety~~)) eighty-five percent.

((~~b~~)) (ii) To determine occupancy used to calculate the property and return on investment (ROI) ((~~components per WAC 388-96-719~~)) rate component allocations, the department shall use the facility's anticipated resident occupancy level subsequent to the decrease in licensed bed capacity as long as the occupancy for the reduced number of beds is at or above ((~~ninety~~)) eighty-five percent((~~Subject to the provisions of chapter 388-96 WAC and chapter 74.46 RCW;~~)) and in no case shall the department use less than ((~~ninety~~)) eighty-five percent occupancy of the facility's reduced licensed bed capacity.

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

**WAC 388-96-710 Prospective ((~~reimbursement~~)) payment rate for new contractors.** (1) The department shall establish an initial prospective Medicaid payment rate for a new contractor as defined under WAC 388-96-026 ((~~(1)(a) or (b)~~)) within sixty days following ((~~receipt by the department of a properly completed projected budget (see WAC 388-96-026)~~)) the new contractor's application and approval for a license to operate the facility under chapter 18.51 RCW. The rate shall take effect as of the effective date of the contract, except as provided in this section, and shall comply with all the provisions of rate setting contained in chapter 74.46 RCW and in this chapter, including all lids and maximums set forth.

(2) Except for quarterly updates per RCW 74.46.501 (7)(c), the rate established for a new contractor as defined in WAC 388-96-026 (1)(a) or (b) shall remain in effect for the nursing facility until the rate can be reset effective July 1 using the first cost report for that facility under the new contractor's operation containing at least six months' data from the prior calendar year, regardless of whether reported costs for facilities operated by other contractors for the prior calendar year in question will be used to cost rebase their July 1 rates. The new contractor's rate thereafter shall be cost rebased only as provided in this ((~~subsection only once during the period July 1, 1995 through June 30, 1998~~)) chapter and chapter 74.46 RCW.

((~~2~~)) (3) To set the initial prospective Medicaid payment rate for a new contractor as defined in WAC 388-96-026 (1)(a) and (b), the department shall:

(a) Determine whether the new contractor nursing facility belongs to the metropolitan statistical area (MSA) peer group or the non-MSA peer group using the latest information received from the office of management and budget or the appropriate federal agency;

(b) Select all nursing facilities from the department's records of all the current Medicaid nursing facilities in the new contractor's peer group with the same bed capacity plus or minus ten beds. If the selection does not result in at least seven facilities, then the department will increase the bed capacity by plus or minus five bed increments until a sample of at least seven nursing facilities is obtained;

(c) Based on the information for the nursing facilities selected under subsection ((~~2~~)) (3)(b) of this section and available to the department on the day the new contractor began participating in the Medicaid payment rate system at the facility, rank from the highest to the lowest the component ((~~rates in nursing services, food, administrative~~)) rate allocation in direct care, therapy care, support services, and ((~~operational~~) operations cost centers and based on this ranking:

(i) Determine the middle of the ranking and then identify the rate immediately above the median for each cost center identified in subsection ((~~2~~)) (3)(c) of this section. The rate immediately above the median will be known as the "selected rate" for each cost center; ((~~and~~))

(ii) Set the new contractor's nursing facility component ((~~rates~~)) rate allocation for ((~~each cost center identified in subsection (2)(e)~~)) therapy care, support services, and opera-

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tions at the ~~((lower of))~~ the "selected rate" ~~((or the budget rate))~~; ~~((and))~~

(iii) Set the direct care rate using data from the direct care "selected" rate facility identified in (c) of this subsection as follows:

(A) The cost per case mix unit shall be the rate base allowable case mixed direct care cost per patient day for the direct care "selected" rate facility, whether or not that facility is held harmless under WAC 388-96-728 and 388-96-729, divided by the facility average case mix index per WAC 388-96-741;

(B) The cost per case mix unit determined under (c)(iii)(A) of this subsection shall be multiplied by the Medicaid average case mix index per WAC 388-96-740. The product shall be the new contractors direct care rate under case mix; and

(C) The department shall not apply RCW 74.46.506 (5)(k) to any direct care rate established under subsection (5)(e) or (f) of this section. A new contractor whose direct care rate was established under subsection (5)(e) or (f) of this section is not eligible to be paid by a "hold harmless" rate as determined under RCW 74.46.506 (5)(k);

(iv) Set the property rate in accordance with the provisions of this chapter and chapter 74.46 RCW; and

~~((iv))~~ (v) Set the return on investment rate in accordance with the provisions of this chapter and chapter 74.46 RCW. In computing the financing allowance, the department shall use for ~~((the nursing services, food, administrative,))~~ direct care, therapy care, support services and ~~((operational))~~ operations cost centers the rates set pursuant to subsection ~~((2))~~ (3)(c)(i) ~~((and))~~, (ii) and (iii) of this section.

(d) Any subsequent revisions to the rate component ~~((s))~~ allocations of the sample members will not impact a "selected rate" component allocation of the initial prospective rate established for the new contractor under this subsection ~~((; unless, a "selected rate" identified in subsection (2)(e) is at the median cost limit established for July 1, then the median cost limit established after October 31 for that "selected rate" component becomes the component rate for the new contractor))~~.

~~((3))~~ (4) For the WAC 388-96-026 (1)(a) or (b) new contractor, the department shall establish ~~((rates))~~ rate component allocations for:

(a) ~~((Nursing services, food, administrative))~~ Direct care, therapy care, support services and ~~((operational))~~ operations cost centers based on the "selected rates" as determined under subsection ~~((2))~~ (3)(c) of this section that are in effect on the date the new contractor began participating in the program; and

(b) Property in accordance with the provisions of this chapter and chapter 74.46 RCW using for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested,

then the property rate will be zero. The property rate will remain zero until the information is received.

(c) Return on investment rate in accordance with the provisions of this chapter and chapter 74.46 RCW using the "selected rates" established under subsection ~~((2))~~ (3)(c) of this section that are in effect on the date the new contractor began participating in the program, to compute the working capital provision and variable return for the new contractor as defined under:

(i) WAC 388-96-026 (1)(a), information from the certificate of need; or

(ii) WAC 388-96-026 (1)(b), information provided by the new contractor within ten days of the date the department requests the information in writing. If the contractor as defined under WAC 388-96-026 (1)(b), has not provided the requested information within ten days of the date requested, then the net book value of allowable assets will be zero. The financing allowance rate component will remain zero until the information is received.

~~((4))~~ (5) The initial prospective payment rate for a new contractor as defined under WAC 388-96-026 (1)(a) or (b) shall be established under subsections (3) and (4) of this section. If the WAC 388-96-026 (1)(a) or (b) contractor's initial rate:

(a) Was set before January 1, 1997, and the contractor does not have six months or greater of cost report data for 1996, the October 1, 1998, rate will be set using the contractor's 1997 cost report. Its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(b) Was set between January 1, 1997, and June 30, 1997, the October 1, 1998, rate will be set using the contractor's 1997 cost report. Its July 1, 1999, and July 1, 2000, rates will not be cost rebased;

(c) Was set between July 1, 1997, and June 30, 1998, the October 1, 1998, rate will be the revised initial sample based rate using October 1, 1998, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The contractor's July 1, 1999, rate will be rebased using 1998 cost report data. Its July 1, 2000, rate will not be cost rebased;

(d) Was set between July 1, 1998, and September 30, 1998, the October 1, 1998, rate will be the revised initial sample based rate using October 1, 1998, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The July 1, 1999, rate will be revised in the same manner using July 1, 1999, rate data. The July 1, 2000, rate will be rebased using 1999 cost report data;

(e) Is set between October 1, 1998, and June 30, 1999, the initial rate is set in accordance with subsections (3) and (4) of this section. The July 1, 1999, rate will be the revised initial sample based rate using July 1, 1999, rate data for direct care, therapy care, support services, and operations,

and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised. The July 1, 2000, rate will be rebased using 1999 cost report data; or

(f) Is set between July 1, 1999, and June 30, 2000, the initial rate is set in accordance with subsections (3) and (4) of this section. The July 1, 2000, rate will be the revised initial sample based rate using July 1, 2000, rate data for direct care, therapy care, support services, and operations, and following the steps identified in subsection (3)(c)(i) and (ii) of this section. There will be no change to the facilities identified in the initial rate under subsection (3)(b) of this section. There will be no change to the property rate. The financing allowance will be revised.

(6) For the WAC 388-96-026 (1)(c) new contractor, the initial prospective ((reimbursement)) payment rate ((for a new contractor as defined under WAC 388-96-026 (1)(e))) shall be the last prospective ((reimbursement)) payment rate ((paid by)) the department paid to the Medicaid contractor operating the nursing facility immediately prior to the effective date of the new Medicaid contract or assignment. If the WAC 388-96-026 (1)(c) contractor's initial rate:

(a) Was set before January 1, ((1995)) 1997, and the new contractor does not have a cost report containing at least six months' data from 1996, its ((July 1, 1995)) October 1, 1998, rate will be set by using twelve months of cost report data derived from the old contractor's data and the new contractor's data for the ((1994)) 1996 cost report year and its July 1, ((1996)) 1999, and July 1, ((1997)) 2000, rates will not be cost rebased;

(b) Was set between January 1, ((1995)) 1997, and ((June 30, 1995, its July 1, 1995)) September 30, 1998, its October 1, 1998, rate will be set by using the old contractor's ((1994)) 1996 twelve months' cost report data and its July 1, ((1996)) 1999, and July 1, ((1997)) 2000, rates will not be cost rebased; or

(c) Is set on or after ((July 1, 1995)) October 1, 1998, its July 1, ((1996)) 1999, and July 1, ((1997)) 2000, rates will not be cost rebased.

((5)) (7) A prospective payment rate set for ((a)) all new contractors shall be subject to adjustments for economic ((tends)) trends and conditions as authorized and provided in this chapter and in chapter 74.46 RCW. For the WAC 388-96-026 (1)(a) or (b) new contractor, to adjust the October 1, 1998, payment rate for economic trends and conditions, the department shall apply a 2.96 percent inflation factor to direct care, therapy care, support services, and operations rate components.

((6) A new contractor whose Medicaid contract was effective in calendar year 1994 and whose nursing facility occupancy during calendar year 1994 increased by at least five percent over that of the prior operator, shall have its July 1, 1995 component rates for the nursing services, food, administrative, operational and property cost centers, and its the return on investment (ROI) component rate, based upon a minimum occupancy of eighty-five percent.

(7) Notwithstanding any other provision in this chapter, for rates effective July 1, 1995 and following, for nursing

facilities receiving original certificate of need approval prior to June 30, 1988, and commencing operations on or after January 1, 1995, the department shall base initial nursing services, food, administrative, and operational rate components on such component rates immediately above the median for facilities in the same county. Property and return on investment rate components shall be established as provided in chapter 74.46 RCW and this chapter.)) (8) For a WAC 388-96-026 (1)(a), (b) or (c), the Medicaid case mix index and facility average case mix index shall be determined in accordance with this chapter and chapter 74.46 RCW.

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

**WAC 388-96-713 Rate determination.** (1) Each nursing facility's Medicaid payment rate for services provided to medical care recipients will be determined, adjusted and updated prospectively as provided in this chapter and in chapter 74.46 RCW ((to be effective July 1 of 1995, 1996, and 1997 and may be adjusted more frequently to take into account program changes)).

(2) If the contractor participated in the program for less than six months of the prior calendar year, its rates will be determined by procedures set forth in WAC 388-96-710.

(3) ((Beginning with rates effective July 1, 1984,)) Contractors submitting correct and complete cost reports by March 31st, shall be notified of their rates by July 1st, unless circumstances beyond the control of the department interfere.

#### **NEW SECTION**

**WAC 388-96-723 How often will the department compare the state-wide weighted average payment rate for all nursing facilities with the state-wide weighted average payment rate identified in the Biennial Appropriations Act?** (1) On a monthly basis, the department will compare the state-wide weighted average payment rate for all nursing facilities with the state-wide weighted average payment rate identified in the Biennial Appropriations Act. To determine the state-wide weighted average payment rate, the department shall use total billed Medicaid days and total billed Medicaid dollars.

(2) Under RCW 74.46.421, the department must implement a reduction in all nursing facilities' component rates any time its comparison indicates that the state-wide weighted average payment rate for all nursing facilities:

(a) Exceeds the state-wide weighted average payment rate identified in the Biennial Appropriations Act; or

(b) Is likely to exceed the state-wide weighted average payment rate identified in the Biennial Appropriations Act.

#### **NEW SECTION**

**WAC 388-96-724 How much advance notice will a nursing facility receive of a rate reduction?** (1) The department will notify the nursing facility at least twenty-eight calendar days in advance of the effective date of a reduction taken under RCW 74.46.421.

(2) The rate reduction taken under RCW 74.46.421 will be effective the first day of the month following the twenty-eight calendar day advance notice.

#### NEW SECTION

**WAC 388-96-725 After the rate reductions when will a nursing facility's rates return to their previous level?** (1) The rate reductions to all nursing facilities' component rates taken in accordance with RCW 74.46.421 will not be reversed.

(2) If after a reduction a nursing facility is eligible to receive an increase in a component rate for some unrelated change, e.g., a change in the Medicaid case mix index causes the direct care rate to increase, the department must apply the increase to the rate reduced by application of RCW 74.46.421.

(3) Reductions made under RCW 74.46.421 are cumulative. When a monthly comparison indicates that the state-wide weighted average payment rate for all nursing facilities will exceed or exceeds the state-wide weighted average payment rate identified in the Biennial Appropriations Act, under RCW 74.46.421, the department must reduce the component rates for all nursing facilities without reversing any previous reductions or forgoing any future reductions.

#### NEW SECTION

**WAC 388-96-726 If a nursing facility's component rates are below the state-wide weighted average payment rate identified in the Biennial Appropriations Act, will the department reduce the facility's component rates when it makes a rate reduction under RCW 74.46.421?**

(1) Even if an individual nursing facility's component rates are below the state-wide weighted average payment rate identified in the Biennial Appropriations Act, the department must reduce the nursing facility's component rates as required under RCW 74.46.421.

(2) The department shall not exempt any nursing facility from a component rates reduction required by RCW 74.46.421 for any circumstance, e.g., billed Medicaid days, under-spending of the biennial appropriation for nursing facility rates, etc.

#### NEW SECTION

**WAC 388-96-728 How will the nursing facility's "hold harmless" direct care rate be determined?** For October 1, 1998, through June 30, 2000, under RCW 74.46.506 (5)(k), the "hold harmless" direct care rate is the nursing facility's nursing service component rate in effect on June 30, 1998, adjusted as follows:

(1) Subtract allowable therapy costs from the cost report year used to set the facility's June 30, 1998, nursing services rate; and

(2) Add all exceptional care offsets made to reported costs from the cost report year 1997.

The department shall adjust the therapy costs and exceptional care offsets for economic trends and conditions used to set the facility's June 30, 1998, rate.

#### NEW SECTION

**WAC 388-96-729 When will the department use the "hold harmless rate" to pay for direct care services?** For October 1, 1998, through June 30, 2000, under RCW 74.46.506 (5)(k), the department will use the higher of the "hold harmless" direct care rate determined under WAC 388-96-728 or the direct care rate determined in accordance with RCW 74.46.506 (1) through (5)(g), to pay for direct care services.

#### NEW SECTION

**WAC 388-96-738 What default case mix group and weight must the department use for case mix grouping when there is no minimum data set resident assessment for a nursing facility resident?** (1) When a resident:

(a) Dies before the facility completes the resident's initial assessment, the department must assign the assessment to the special care case mix group - SSB. The department must use the case mix weight assigned to the special care case mix group - SSB;

(b) Is discharged to an acute care facility before the nursing facility completes the resident's initial assessment, the department must assign the assessment to the special care case mix group - SSB. The department must use the case mix weight assigned to the special care case mix group - SSB; or

(c) Is discharged for a reason other than those noted above before the facility completes the resident's initial assessment, the department must assign the assessment to the case mix group BC1 with a case mix weight of 1.000.

(2) If the resident assessment is untimely as defined in RCW 74.46.501 and as defined by federal regulations, then the department must assign the case to the default case mix group of BC1 which has a case mix weight of 1.000.

#### NEW SECTION

**WAC 388-96-739 How will the department determine which resident assessments are Medicaid resident assessments?** The department must identify a Medicaid resident assessment through the review of the minimum data set (MDS) payer source code. If the nursing facility codes the payer source as "Medicaid per diem," regardless of whether any other payer source codes are checked, then the department will count the case as a Medicaid resident assessment.

#### NEW SECTION

**WAC 388-96-740 What will the department use as the Medicaid case mix index when a facility does not meet the ninety percent minimum data set (MDS) threshold as identified in RCW 74.46.501?** (1) If the nursing facility is newly Medicaid certified after the quarter which will serve as the basis for the Medicaid case mix index, then the department must use the industry average Medicaid case mix index for the quarter specified in RCW 74.46.501 (7)(c) as the facility's Medicaid average case mix index.

(2) If the nursing facility does not meet the ninety percent MDS threshold for any other reason, then the department

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must use the facility's prior quarterly Medicaid case mix index less five percent as the Medicaid case mix index.

(3) For October 1, 1998, through December 31, 1998, when the nursing facility's MDS data for April 1, 1998, through June 30, 1998, used to determine the nursing facility's direct care rate does not meet the ninety percent MDS threshold for any other reason, the department shall use the nursing facility's prior quarterly Medicaid case mix index as the Medicaid case mix index.

#### NEW SECTION

**WAC 388-96-741** When the nursing facility does not have facility average case mix indexes for the four quarters specified in RCW 74.46.501 (7)(b) for determining the cost per case mix unit, what will the department use to determine the nursing facility's cost per case mix unit? If the nursing facility:

(1) Is newly Medicaid certified after the four quarters specified in RCW 74.46.501 (7)(b), then the department must use the industry average case mix index for those four quarters as the facility's average case mix index.

(2) Existed during at least one of the four quarters and met the ninety percent threshold for at least one of the four quarters specified in RCW 74.46.501 (7)(b), then the department must use the facility's average case mix index for the quarter(s) that the facility met the ninety percent threshold.

(3) Existed during at least one of the four quarters and did not meet the ninety percent threshold for any of the four quarters, then the department must use the industry average case mix index as the facility's average case mix index.

#### NEW SECTION

**WAC 388-96-742** When will the department use licensed beds to compute the ninety percent minimum data set (MDS) threshold rather than a nursing facility's quarterly average census? The department will use the number of licensed beds to compute the ninety percent threshold of MDS data when:

(1) The reported census as a result of data entry errors exceeds the number of current licensed beds; or

(2) There is a significant discrepancy between the reported census and the number of current licensed beds. If the census is fifty percent of the number of licensed beds, a significant discrepancy exists.

#### NEW SECTION

**WAC 388-96-744** How will the department set the therapy care rate and determine the median cost limit per unit of therapy? (1) For a nursing facility that does not report units of therapy for the applicable cost report year, the department will set its nursing facility therapy care rate at \$0.00 until units of therapy are submitted.

(2) After the nursing facility reports its units of therapy, the department will pay the nursing facility a rate beginning the effective date of the rate year, e.g., July 1.

(3) In a rebase year the nursing facility's units of therapy must be reported in the cost report used to rebase the rate. If

reported later than the cost report due date, the department shall exclude the nursing facility's therapy costs from the array of costs use to set the median cost limit per unit of therapy.

#### NEW SECTION

**WAC 388-96-746** How much therapy consultant expense for each therapy type will the department allow to be added to the total allowable one-on-one therapy expense? (1) The department will multiply the actual patient days when greater than eighty-five percent or patient days at eighty-five percent occupancy by both:

(a) A nursing facility's adjusted therapy consulting costs per patient day; and

(b) The median adjusted therapy consulting cost plus ten percent.

The lesser of (a) or (b) of this subsection will be reasonable therapy consulting costs that the department shall add to the total allowable one-on-one therapy expense used to calculate the therapy care rate.

(2) To determine the median adjusted therapy consulting cost per type of therapy, the department shall:

(a) Divide Medicaid nursing facilities in the state into two peer groups:

(i) Those facilities located within a metropolitan statistical area; and

(ii) Those not located in a metropolitan statistical area. Metropolitan statistical areas and nonmetropolitan statistical areas shall be as determined by the United States Office of Management and Budget or other applicable federal office.

(b) Array the facilities in each peer group from highest to lowest based on their therapy consulting cost per patient day for each type of therapy.

(c) Determine the median total cost for therapy consulting per patient day costs by MSA and non-MSA peer group and add ten percent to that median cost.

#### NEW SECTION

**WAC 388-96-747** Constructed, remodeled or expanded facilities. (1) When a facility is constructed, remodeled, or expanded after obtaining a certificate of need or exemption from the requirements for certificate of need for the replacement of existing nursing home beds pursuant to RCW 70.38.115 (13)(a), the department shall determine actual and allocated allowable land cost and building construction cost. Payment for such allowable costs, determined pursuant to the provisions of this chapter, shall not exceed the maximums set forth in this subsection and in subsections (2) and (7) of this section. The department shall determine construction class and types through examination of building plans submitted to the department and/or on-site inspections. The department shall use definitions and criteria contained in the Marshall and Swift Valuation Service published by the Marshall and Swift Publication Company. Buildings of excellent quality construction shall be considered to be of good quality, without adjustment, for the purpose of applying these maximums.

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

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

(3) The department shall allow such construction costs, at the lower of actual costs or the maximums derived from the sum of the basic construction cost limit plus the common use area limit which corresponds to the type, class and number of total nursing home beds for the new construction, remodel or expansion. The maximum limits shall be calculated using the most current cost criteria contained in the *Marshall and Swift Valuation Service* and shall be adjusted forward to the mid-point date between award of the construction contract and completion of construction.

(4) When some or all of a nursing facility's common-use areas are situated in a basement, the department shall exclude some or all of the per-bed allowance for common-use areas to derive the construction cost lid for the facility. The amount excluded will be equal to the ratio of basement common-use areas to all common-use areas in the facility times the common-use area limits determined in accordance with subsection (3) of this section. In lieu of the excluded amount, the department shall add an amount calculated using the calculator method guidelines for basements in nursing homes published in the *Marshall and Swift Valuation Service*.

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

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

(c) Land value for new or replacement building construction or substantial building additions requiring the acquisition of land that commenced to operate on or after July 1, 1997, determined in accordance with RCW 74.46.360 (2) and (3).

(6) If allowable costs for construction or land are determined to be less than actual costs pursuant to subsections (1) and (7) of this section, the department may increase the amount if the owner or contractor is able to show unusual or

unique circumstances having substantially impacted the costs of construction or land. Actual costs shall be allowed to the extent they resulted from such circumstances up to a maximum of ten percent above levels determined under subsections (3), (4), and (5) of this section for construction or land. An adjustment under this subsection shall be granted only if requested by the contractor. The contractor shall submit documentation of the unusual circumstances and an analysis of its financial impact with the request.

(7) If a capitalized addition or retirement of an asset will result in an increased licensed bed capacity during the calendar year following the capitalized addition or replacement, the department shall use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity as long as the occupancy for the increased number of beds is at or above eighty-five percent. Subject to the provisions of this chapter and chapter 74.46 RCW, in no case shall the department use less than eighty-five percent occupancy of the facility's increased licensed bed capacity. If a capitalized addition, replacement, or retirement results in a decreased licensed bed capacity, WAC 388-96-709 will apply.

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

**WAC 388-96-757 ((Reimbursement)) Payment for veterans' homes.** ~~((1) Notwithstanding any other provision of this chapter, reimbursement rates for any nursing facility operated by the state of Washington, department of veterans affairs (DVA) shall, for the 1993/1995 biennium (July 1, 1993 through June 30, 1994 rate setting), be established according to the following procedures:~~

~~(a) DVA shall submit separately for each facility an opening year budget utilizing the 1992 cost report form and instructions designed for all Medicaid nursing facilities reimbursed for services under this chapter;~~

~~(b) Each facility budget shall be reviewed and adjusted by staff of the department's office of rates management, aging and adult services administration, utilizing rules of allowability for Medicaid costs contained in this chapter;~~

~~(c) The total prospective Medicaid rate for each DVA-operated facility to be effective July 1, 1993 (or effective upon the subsequent opening date of each facility), through June 30, 1995, shall be established at the lower of:~~

~~(i) Each facility's budgeted costs submitted by DVA, as reviewed and adjusted by department staff; or~~

~~(ii) One hundred fifty dollars per patient day in all cost centers combined.~~

~~(d) In the event the limit of one hundred fifty dollars at any DVA facility is exceeded by the total budgeted costs remaining after department review of the facility budget, the department will divide the one hundred fifty dollars limited amount among the cost centers in the following priority: nursing services, food, operational, administrative, property and return on investment (ROI).~~

~~(e) Once the rates are established and in effect, DVA may seek rate increases at any time during the 1993/1995 biennium to current fund additional costs exceeding the rates, but only as authorized under the procedures and sub-~~

stantive criteria in WAC 388-96-774 as employed for all Medicaid facilities reimbursed under this chapter.

(f) Any adjustments for economic trends and conditions in any cost center, effective July 1, 1994 for Medicaid contractors under the provisions of this chapter, shall be extended to the DVA facilities as well.

(g) The DVA facilities shall submit annual facility cost reports on department forms, and according to department instructions applicable to all facilities, for 1993 and for 1994, and settlements for each of these years shall be completed for each DVA facility, with final payment being made at the lower of cost or rate, after all allowable cost center shifting, as for all Medicaid facilities reimbursed under this chapter.

(2) For July 1, 1995 rate setting and following, all rate-setting principles applicable to the DVA facilities shall be developed by the department. Payment rates to nursing facilities operated by the state of Washington, department of veterans' affairs shall be determined in accordance with chapter 74.46 RCW and this chapter as for all other facilities.

AMENDATORY SECTION (Amending Order 3185, filed 5/31/91, effective 7/1/91)

**WAC 388-96-760 Upper limits to ((reimbursement)) the payment rate.** The average ((reimbursement)) payment rate for the cost report year shall not exceed the contractor's average customary charges to the general public for the services covered by the payment rate for the same time period((; except that)). The department will pay public facilities rendering such services free of charge or at a nominal charge ((will be reimbursed)) according to the methods and standards set out in this chapter. The contractor shall provide as part of the annual cost report a statement of the average charges for the cost report year for services covered by the payment rate and supporting computations and documentation. The contractor shall immediately inform the department if its ((reimbursement)) payment rate does exceed customary charges for comparable services. If necessary, the department will adjust the payment rate ((will be adjusted)) in accordance with ((WAC 388-96-769)) RCW 74.46.531.

AMENDATORY SECTION (Amending WSR 97-17-040, filed 8/14/97, effective 9/14/97)

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

(2) The department shall grant an add-on to a prospective rate for capitalized improvements done under ((RCW 74.46.465)) RCW 74.46.431(12); *provided*, the legislature specifically appropriates funds for capital improvements for the biennium in which the request is made and the net rate effect is ten cents per patient day or greater. Physical plant capital improvements include, but are not limited to, capitalized additions, replacements or renovations made as a result of an approved certificate of need or exemption from the requirements for certificate of need for the replacement of

existing nursing ((home)) facility beds pursuant to RCW 70.38.115 (13)(a) or capitalized additions or renovations for the removal of physical plant waivers.

(3) Rate add-ons granted pursuant to subsection (1)((;)) or (2) ((or (16))) of this section shall be limited in total amount each fiscal year to the total current legislative appropriation, if any, specifically made to fund the Medicaid share of such rate add-ons for the fiscal year. Rate add-ons are subject to the provisions of RCW 74.46.421.

(4) When physical plant improvements made under subsection (1) or (2) of this section are completed in phases, the department shall not grant a rate add-on for any addition, replacement or improvement until each phase is completed and fully utilized for the purpose for which it was intended. The department shall limit rate add-on to only the actual cost of the depreciable tangible assets meeting the criteria of ((WAC 388-96-557)) RCW 74.46.330 and as applicable to that specific completed and fully utilized phase.

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

(6) The department shall not add on construction fees as defined in WAC ((388-96-745(6))) 388-96-747 and other capitalized allowable fees and costs as related to the completion of all phases of the project to the rate until all phases of the entire project are completed and fully utilized for the purpose it was made. At that time, the department shall add on these fees and costs to the rate, effective no earlier than the earliest date a rate add-on was established specifically for any phase of this project. If the fees and costs are incurred in a later phase of the project, the add-on to the rate will be effective on the same date as the rate add-on for the actual cost of the tangible assets for that phase.

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

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

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

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

(d) Certification showing the completion date of the capitalized additions or replacements and the date the assets

were placed in service per ~~((WAC 388-96-559(2)))~~ RCW 74.46.360;

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

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

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

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

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

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

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

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

(e) Prior survey results; and

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

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

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

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

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

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

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

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

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

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

(14) When any physical plant improvements made under subsection (1) or (2) of this section results in a change in licensed beds, any rate add-on granted will be subject to the provisions regarding the number of licensed beds, patient days, occupancy, etc., included in this chapter and chapter 74.46 RCW.

(15) All rate components to fund the Medicaid share of nursing facility new construction or refurbishing projects costing in excess of one million two hundred thousand dollars, or projects requiring state or federal certificate of need approval, shall be based upon a minimum facility occupancy of eighty-five percent for the ~~((nursing services, food, administrative, operational))~~ direct care, therapy care, support services, operations and property cost centers, and the return on investment (ROI) rate component, during the initial rate period in which the adjustment is granted. These same component rates shall be based upon a minimum facility occupancy of ~~((ninety))~~ eighty-five percent for all rate periods after the initial rate period.

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

(a) The department shall for:

(i) Property, use the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and

(ii) The financing allowance, multiply the net invested funds by ten percent and divide by the facility's anticipated resident occupancy level subsequent to the increase in licensed bed capacity; and

(b) The anticipated resident occupancy for the increased number of beds must be at or above eighty-five percent. In all cases the department shall use at least eighty-five percent occupancy of the facility's increased licensed bed capacity.

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

WAC 388-96-901 Disputes. (1) ~~((If a reimbursement rate issued to a contractor is believed to be incorrect because it is based on errors or omissions by the contractor or department, the contractor may request an adjustment pursuant to WAC 388-96-769. Pursuant to WAC 388-96-904(1) a contractor may within twenty-eight days request an administra-~~



tive review after notification of an adjustment or refusal to adjust.

(2) For all nursing facility prospective Medicaid payment rates effective on or after July 1, 1995, and for all settlements and audits issued on or after July 1, 1995, regardless of what periods the settlements or audits may cover;)) If a contractor wishes to contest the way in which a statute or department rule relating to the nursing facility Medicaid payment ((rate)) system was applied to the contractor by the department, ((e.g., in setting a payment rate or determining a disallowance at audit, it)) the contractor shall pursue the administrative review process ((set out)) prescribed in WAC 388-96-904.

~~((3) If a contractor wishes to challenge the legal validity of a statute, rule or contract provision or wishes to bring a challenge based in whole or in part on federal law, including but not limited to issues of procedural or substantive compliance with the federal Medicaid minimum payment standard known as the Boren Amendment, found at 42 USC 1396a (a)(13)(A) and in federal regulation, as it applies to long term care facility services, the administrative review procedure authorized in WAC 388-96-904 may not be used for these purposes. This prohibition shall apply regardless of whether the contractor wishes to obtain a decision or ruling on an issue of validity or federal compliance or wishes only to make a record for the purpose of subsequent judicial review.~~

~~(4)) (a) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW subject to administrative review under WAC 388-96-904 include but are not limited to:~~

- ~~(i) Determining a nursing facility payment rate;~~
- ~~(ii) Calculating a nursing facility settlement;~~
- ~~(iii) Imposing a civil fine on the nursing facility;~~
- ~~(iv) Suspending payment to a nursing facility;~~
- ~~(v) Refusing to contract with a nursing facility.~~

~~(b) Adverse actions taken under the authority of this chapter or chapter 74.46 RCW not subject to administrative review under WAC 388-96-904 include but are not limited to those taken under the authority of RCW 74.46.421 and sections of this chapter implementing RCW 74.46.421.~~

~~(2) The administrative review process prescribed in WAC 388-96-904 shall not be used to contest or review unrelated or ancillary department actions, whether review is sought to obtain a ruling on the merits of a claim or to make a record for subsequent judicial review or other purpose. If an issue is raised that is not subject to review under WAC 388-96-904, the presiding office shall dismiss such issue with prejudice to further review under the provisions of WAC 388-96-904, but without prejudice to other administrative or judicial review as may be provided by law. Unrelated or ancillary actions not eligible for administrative review under WAC 388-96-904 include but are not limited to:~~

~~(a) Challenges to the adequacy or validity of the public process followed by department in proposing or making a change to the nursing facility Medicaid payment rate methodology, as required by 42 U.S.C. 1396a(a)(13)(A) and WAC 388-96-718;~~

~~(b) Challenges to the nursing facility Medicaid payment system that are based in whole or in part on federal laws, regulations, or policies;~~

~~(c) Challenges to a contractor's rate that are based in whole or in part of federal laws, regulations, or policies;~~

~~(d) Challenges to the legal validity of a statute or regulation;~~

~~(e) Issues relating to case mix accuracy review of minimum data set (MDS) nursing facility resident assessments, which shall be limited to separate administrative review under the provisions of WAC 388-96-905;~~

~~(f) Quarterly rate updates to reflect changes in a facility's resident case mix; and~~

~~(g) Issues relating to any action of the department affecting a Medicaid beneficiary or provider that were not commenced by the office of rates management, aging and adult services administration, for example, entitlement to or payment for durable medical equipment or other services.~~

~~(3) If a contractor wishes to challenge the legal validity of a statute((, rule)) or ((contract provision)) regulation relating to the nursing facility Medicaid payment ((rate)) system, or wishes to bring a challenge based in whole or in part on federal law, it must bring such action de novo in a court of proper jurisdiction as may be provided by law.~~

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

WAC 388-96-904 Administrative review—Adjudicative proceeding. (1) ~~((The provisions of this section shall apply to administrative review of all nursing facility payment rates effective on and after July 1, 1995, and to administrative review of all audits and settlements issued on or after this date, regardless of what payment period the audit or settlement may cover.))~~ Contractors seeking to appeal or take exception to an action or determination of the department, under authority of this chapter or chapter 74.46 RCW, relating to the contractor's payment rate, audit or settlement, or otherwise affecting the level of payment to the contractor, or seeking to appeal or take exception to any other adverse action taken under authority of this chapter or chapter 74.46 RCW eligible for administrative review under this section, shall request an administrative review conference in writing within twenty-eight calendar days after receiving notice of the department's action or determination. The department shall deem the contractor ((shall be deemed)) to have received the department's notice five calendar days after the date of the notification letter, unless proof of the date of receipt of the department's notification letter exists, ((then)) in which case the actual date of receipt shall be used to determine timeliness of the contractor's request for an administrative review conference. The contractor's request for administrative review shall:

(a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor((, shall));

(b) State the particular issues raised; and

(c) Include all necessary supporting documentation or other information.

(2) After receiving a request for administrative review conference that meets the criteria in subsection (1) of this section, the department shall schedule an administrative review conference ~~((to be held within ninety calendar days after receiving the contractor's request. By agreement this time~~



may be extended up to sixty additional days, but a conference shall not be scheduled or held beyond one hundred fifty calendar days after the department receives the contractor's request for administrative review)). The conference may be conducted by telephone.

(3) At least fourteen calendar days prior to the scheduled date of the administrative review conference, the contractor must supply ~~((the))~~ any additional or supporting documentation or information upon which the contractor intends to rely in presenting its case. In addition, the department may request at any time prior to issuing a ~~((decision))~~ determination any documentation or information needed to decide the issues raised, and the contractor must comply with such a request within fourteen calendar days after it is received. The department may extend this period ~~((may be extended))~~ up to fourteen additional calendar days for good cause shown if the contractor requests an extension in writing received by the department before expiration of the initial fourteen-day period. The department shall dismiss issues ~~((which))~~ that cannot be decided or resolved due to a contractor's failure to provide requested documentation or information within the required period ~~((shall be dismissed))~~.

(4) The department shall, within sixty calendar days after ~~((the))~~ conclusion of the conference, render a ~~((decision))~~ determination in writing addressing the issues raised ~~((; unless))~~. If the department is waiting for additional documentation or information promised by or requested from the contractor pursuant to subsection (3) of this section, ~~((in which case))~~ the sixty-day period shall not commence until the department's receipt of such documentation or information or until expiration of the time allowed to provide it. The ~~((decision))~~ determination letter shall include a notice of dismissal of all issues which cannot be decided due to ~~((missing))~~ a contractor's failure to provide documentation or information promised or requested.

(5) A contractor seeking further review of a ~~((decision))~~ determination issued pursuant to subsection (4) of this section ~~((;~~

~~((a)))~~ shall ~~((request))~~ apply for an adjudicative proceeding, in writing, signed by one of the individuals authorized by subsection (1) of this section, within twenty-eight calendar days after receiving the department's administrative review conference determination letter ~~((; an))~~. A review judge or other presiding officer employed by the department's board of appeals shall conduct the adjudicative proceeding ~~((to be conducted by a presiding officer employed by the department's office of appeals; or~~

~~((b))~~ Shall file, in the event the parties are able to stipulate to a record that can serve as the record for judicial review, a petition for judicial review pursuant to RCW 34.05.570(4)).

The ~~((contractor))~~ department shall ~~((be deemed))~~ deem the contractor to have received ~~((notice of))~~ the department's ~~((administrative review conference))~~ determination five calendar days after the date of the administrative review determination letter, unless proof of the date of receipt of the ~~((department's administrative review determination))~~ letter exists, ~~((then))~~ in which case the actual date of receipt shall be used to determine timeliness of the contractor's ~~((request))~~ application for an adjudicative proceeding. The contractor shall attach to its ~~((request))~~ application for an adjudicative

proceeding the department's administrative review conference determination letter. A contractor's application for an adjudicative proceeding shall be addressed to the department's board of appeals.

(6) Except as authorized by subsection (7) of this section, the scope of an adjudicative proceeding shall be limited to the issues specifically raised by the contractor at the administrative review conference ~~((;))~~ and addressed on the merits in the department's administrative review conference determination letter ~~((and stated in the contractor's request for adjudicative proceeding))~~. The contractor shall be deemed to have waived all issues ~~((which))~~ or claims that could have been raised by the contractor relating to the challenged determination or action, but which were not pursued at the conference ~~((;))~~ and not addressed in the department's administrative review conference determination letter ~~((; and stated in the contractor's request for adjudicative proceeding))~~. In its request for an adjudicative proceeding or as soon as practicable, the contractor must specify its issues.

(7) If the contractor wishes to have further review of any issue not addressed on its merits, but instead dismissed ~~((by))~~ in the department's administrative review conference determination letter, for failure to supply needed, promised, or requested additional information or documentation, or because the department has concluded the request was untimely or otherwise procedurally defective, the issue shall be considered by the presiding officer for the purpose of upholding the department's dismissal, reinstating the issue and remanding for further agency staff action, or reinstating the issue and rendering a decision on the merits.

(8) An adjudicative proceeding shall be conducted in accordance with this chapter, chapter 388-08 WAC and chapter 34.05 RCW. In the event of a conflict between ~~((the provisions of this chapter))~~ hearing requirements in chapter 74.46 RCW and chapter 388-96 WAC specific to the nursing facility Medicaid payment system on the one hand and general hearing requirements in chapter 34.05 RCW and chapter 388-08 WAC on the other hand, the ~~((provisions of this chapter))~~ specific requirements of chapter 74.46 RCW and chapter 388-96 WAC shall prevail. The presiding officer assigned by the department's ~~((office))~~ board of appeals to conduct an adjudicative proceeding and who conducts the proceeding shall render the final agency decision.

(9) At the time an adjudicative proceeding is being scheduled for a future time and date certain, or at any appropriate stage of the prehearing process, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to compel either party to identify specific issues remaining to be litigated.

(10) If the presiding officer determines there is no material issue(s) of fact to be resolved in a case, the presiding officer shall have authority, upon the motion of either party or the presiding officer's own motion, to decide the issue(s) presented without convening or conducting an in-person evidentiary hearing. In such a case, the decision may be reached on documentation admitted to the record, party admissions, written or oral stipulation(s) of facts, and written or oral argument.

(11) The ~~((office))~~ board of appeals shall issue an order dismissing an adjudicative proceeding requested under sub-

section (5)~~((a))~~ of this section, unless within two hundred seventy calendar days after the ~~((office))~~ board of appeals receives the application ~~((or request))~~ for an adjudicative proceeding:

(a) All issues have been resolved by a written settlement agreement between the contractor and the department signed by both and filed with the ~~((office))~~ board of appeals; or

(b) An adjudicative proceeding has been held for all issues not resolved and the evidentiary record, including all rebuttal evidence and post-hearing or other briefing, is closed.

This time limit may be extended one time thirty additional calendar days for good cause shown upon the motion of either party made prior to the expiration of the initial two hundred seventy day period. It shall be the responsibility of the contractor to request that hearings be scheduled and ensure that settlement agreements are signed and filed with the ~~((office))~~ board of appeals in order to comply with the time limit set forth in this subsection.

~~((H))~~ (12) Any party dissatisfied with a decision or an order of dismissal of the ~~((office))~~ board of appeals may file a petition for reconsideration within ten calendar days after the decision or order of dismissal is served on such party. The petition shall state the specific grounds upon which relief is sought. The time for seeking reconsideration may be extended by the presiding officer for good cause upon motion of either party. The presiding officer shall rule on a petition for reconsideration and may seek additional argument, briefing, testimony, or other evidence if deemed necessary. Filing a petition for reconsideration shall not be a requisite for seeking judicial review; however, if a petition is filed by either party, the agency decision shall not be deemed final until a ruling is made by the presiding officer.

~~((H))~~ (13) A contractor dissatisfied with a decision or an order of dismissal of the ~~((office))~~ board of appeals may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

## NEW SECTION

**WAC 388-96-905 Case mix accuracy review of MDS nursing facility resident assessments.** (1) The department shall perform periodic nursing facility on-site accuracy reviews of minimum data set (MDS) assessments of nursing facility residents, for the purpose of verifying the accuracy of facility case mix data used to establish and update Medicaid payment rates, and for other purposes the department may deem appropriate.

(2) Contractors, their representatives, and authorized nursing facility personnel may ask questions and raise concerns with the quality assurance nurse (QAN) or other designated department representative at the time a case mix accuracy review is conducted. Contractors, their representatives and authorized nursing facility personnel should attempt to resolve any differences and provide additional documentation, information or clarification prior to the case mix accuracy review exit conference.

(3) Upon completing a case mix accuracy review, the QAN shall hold an exit conference to inform the facility of the QAN's observations and preliminary findings. MDS

inaccuracies, if any, will be identified and the findings that substantiate these inaccuracies shall be described.

(4) Within five working days after the case mix accuracy review exit conference is held, the nursing facility district manager (DM) for the facility's district shall send the case mix accuracy review decision letter to the nursing facility administrator at the facility address. The case mix accuracy review decision letter shall be sent certified mail, return receipt requested, shall describe in detail the QAN's findings, and shall identify the:

(a) Resident assessments that were reviewed;

(b) RUG-III or other applicable case mix grouping that was determined for the resident assessments reviewed;

(c) Changes in assigned classification, if any, that were made for residents whose assessments were reviewed;

(d) Right of the contractor to appeal any disagreement with the case mix accuracy review decision to the department's case mix accuracy review administrator or his or her delegate:

(i) Where to send an appeal request; and

(ii) The time limit for requesting an appeal.

(5) If the contractor intends to appeal the DM's case mix accuracy review decision letter, the appeal request must be in writing and mailed to the department's case mix accuracy administrator within ten calendar days after receipt of the case mix accuracy review decision letter. The appeal request letter shall:

(a) Be signed by the contractor or by a partner, officer, or authorized employee of the contractor;

(b) State the particular issue(s) raised, including any explanation or basis for disagreeing with the department's findings or actions.

(6) Prior to the informal administrative hearing, the case mix accuracy review administrator shall have no involvement in the case mix accuracy review decision.

(7) Upon receiving a timely appeal request, the administrator shall review any documentation and information submitted with the request, and contact the contractor by telephone to schedule an informal administrative hearing. The purpose of this informal hearing is to give the contractor one opportunity to present information which might warrant modification or deletion of resident-specific accuracy findings resulting from the case mix accuracy review. The scope of the informal administrative hearing shall be limited to clinical issues of resident need and assessment. Nonclinical issues beyond the scope of appeal include, but are not limited to:

(a) Any remedies or negative actions imposed by the department to rectify practices or inaccuracies;

(b) Alleged inconsistencies in the accuracy review process;

(c) Challenges to the authority or adequacy of the case mix accuracy review process; and

(d) Payment rate issues or other adverse actions subject to review under WAC 388-96-904.

(8) On or before the informal hearing date, the contractor must submit all necessary supporting documentation or other information to the case mix accuracy review administrator. The administrator may request additional information or documentation from the contractor at any time before issuing the

final, informal hearing decision. The contractor shall provide all information or documentation within the time limits established by this section, or by the administrator. In the event that the contractor fails to submit the required documentation for a claim or issue within the specified time limits, the accuracy review administrator shall dismiss the claim or issue with prejudice.

(9) The informal case mix accuracy review administrative hearing shall be conducted in person, unless both the contractor and the department agree that it can be conducted by telephone.

(10) Within ten days after the informal administrative hearing or within ten days after receipt of any additional information or documentation requested, whichever is later, the case mix accuracy review administrator shall send the appeal decision in writing to the nursing facility administrator at the facility address. The appeal decision letter shall be sent regular mail and shall:

(a) Be the final agency decision of the department;

(b) Be based on the independent judgment of the case mix accuracy review administrator who conducted the informal administrative hearing and reviewed all information and documentation; and

(c) Recite the right of the contractor to seek judicial review under the state's Administrative Procedure Act (chapter 34.05 RCW).

(11) A contractor dissatisfied with the final agency decision issued by the case mix accuracy review administrator may file a petition for judicial review pursuant to RCW 34.05.570(3) or other applicable authority.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 388-96-023 Conditions of participation.
- WAC 388-96-029 Change of ownership.
- WAC 388-96-032 Termination of contract.
- WAC 388-96-101 Reports.
- WAC 388-96-104 Due dates for reports.
- WAC 388-96-110 Improperly completed or late reports.
- WAC 388-96-113 Completing reports and maintaining records.
- WAC 388-96-128 Requirements for retention of records by the contractor.
- WAC 388-96-131 Requirement for retention of reports by the department.
- WAC 388-96-134 Disclosure of nursing home reports.
- WAC 388-96-204 Field audits.
- WAC 388-96-207 Preparation for audit by the contractor.

- WAC 388-96-210 Scope of field audits.
- WAC 388-96-213 Inadequate documentation.
- WAC 388-96-220 Principles of settlement.
- WAC 388-96-221 Preliminary settlement.
- WAC 388-96-224 Final settlement.
- WAC 388-96-226 Shifting provisions.
- WAC 388-96-228 Cost savings.
- WAC 388-96-229 Procedures for overpayments and underpayments.
- WAC 388-96-501 Allowable costs.
- WAC 388-96-503 Substance prevails over form.
- WAC 388-96-507 Costs of meeting standards.
- WAC 388-96-508 Travel expenses for members of trade association boards of directors.
- WAC 388-96-509 Boards of directors fees.
- WAC 388-96-513 Limit on costs to related organizations.
- WAC 388-96-521 Start-up costs.
- WAC 388-96-523 Organization costs.
- WAC 388-96-529 Total compensation—Owners, relatives, and certain administrative personnel.
- WAC 388-96-531 Owner or relative—Compensation.
- WAC 388-96-533 Maximum allowable compensation of certain administrative personnel.
- WAC 388-96-543 Expense for construction interest.
- WAC 388-96-555 Depreciation expense.
- WAC 388-96-557 Depreciable assets.
- WAC 388-96-567 Methods of depreciation.
- WAC 388-96-569 Retirement of depreciable assets.
- WAC 388-96-571 Handling of gains and losses upon retirement of depreciable assets settlement periods prior to 1/1/81 and rate periods prior to 7/1/82.
- WAC 388-96-573 Recovery of excess over straight-line depreciation.
- WAC 388-96-716 Cost areas or cost centers.
- WAC 388-96-717 Desk review adjustments.

PERMANENT

WAC 388-96-719	Method of rate determination.
WAC 388-96-722	Nursing services cost area rate.
WAC 388-96-727	Food cost area rate.
WAC 388-96-735	Administrative cost area rate.
WAC 388-96-737	Operational cost area rate.
WAC 388-96-745	Property cost area reimbursement rate.
WAC 388-96-752	Documentation of leased assets.
WAC 388-96-754	A contractor's return on investment.
WAC 388-96-761	Home office, central office, and other off-premises assets.
WAC 388-96-763	Rates for recipients requiring exceptionally heavy care.
WAC 388-96-764	Activities assistants.
WAC 388-96-765	Ancillary care.
WAC 388-96-768	Minimum wage.
WAC 388-96-769	Adjustments required due to errors or omissions.
WAC 388-96-774	Add-ons to the prospective rate—Staffing.
WAC 388-96-778	Public disclosure of rate-setting methodology.
WAC 388-96-801	Billing period.
WAC 388-96-804	Billing procedures.
WAC 388-96-807	Charges to patients.
WAC 388-96-810	Payment.
WAC 388-96-813	Suspension of payment.
WAC 388-96-816	Termination of payments.

ownership, 308-93-215 Validity of certificate of registration and 308-93-290 Transfer of ownership—How perfected; and amending WAC 308-93-200 Assigned certificate of title to be filed by department—Transfer of interest in vessel, 308-93-220 Director may refuse or cancel certification, 308-93-230 Procedure for perfecting security interest, and 308-93-295 Temporary permits to operate vessels.

Statutory Authority for Adoption: RCW 88.02.070 and 88.02.100.

Adopted under notice filed as WSR 98-16-075 on August 4, 1998.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 7.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 4, Repealed 7; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 5, 1998

Evelyn P. Yenson

Director

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

~~WAC 308-93-200 ((Assigned)) Certificate of ((title to be filed by department))—Involuntary transfer of interest in vessel. ((Certificates of title when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vessel designated therein:~~

~~(1) If the interest of an owner in a vessel passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of title if available, and an application for a new certificate in the form the department prescribes.~~

~~(2) If the interest of the owner is terminated or the vessel is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, an application for a new certificate in the form the department prescribes, and an affidavit made by or on behalf of the secured party that the vessel was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.~~

**WSR 98-21-001**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

[Filed October 8, 1998, 1:54 p.m.]

Date of Adoption: October 3, 1998.

Purpose: Meet criteria supporting Governor Locke's Executive Order 97-02.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-93-110 Vessels previously registered or titled in another state, 308-93-120 Transfer of certificate of title or registration, 308-93-180 Time of renewal of registration—Duration, 308-93-190 Prerequisite to issuance of vessel, 308-93-210 Procedure when department unsatisfied as to

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(3) If the secured party succeeds to the interest of the owner and holds the vessel for resale, the secured party need not secure a new certificate of title, but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee.) **Who is required to make application for certificate of ownership if ownership is transferred involuntarily?**

The transferee is required to apply for a certificate of ownership within fifteen days of possession. The entity that commences the involuntary transfer of ownership is not required to apply for certificate of ownership prior to disposing of the vessel.

**AMENDATORY SECTION** (Amending Order 736-DOL, filed 11/18/83)

**WAC 308-93-220 ((Director)) Department may refuse or cancel certificate. ((If the director determines at any time that an applicant for certificate of title or for a registration for a vessel is not entitled thereto, the director may refuse to issue such certificate or to register the vessel and the director may, for like reason, after notice, and in the exercise of discretion, cancel the registration already acquired or any outstanding certificate of title. The notice shall be served personally or sent by certified mail, return receipt requested.))**  
**When can the department refuse or cancel certificate of ownership or certificate of registration?**

If the department determines at any time that an applicant for certificate of ownership or for a certificate of registration for a vessel is not entitled to certificate of ownership, the department may refuse to issue such certificate or to register the vessel and may, for like reason, after notice, and in the exercise of discretion, cancel the certificate of registration already acquired or any outstanding certificate of ownership. Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the legal vessel owner or owners, and recording the transmittal on an affidavit of first class mail. It shall then be unlawful for any person to remove or operate the vessel until a proper certificate of ownership or certificate of registration has been issued, and any person removing or operating such vessel after the refusal of the department to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

**AMENDATORY SECTION** (Amending WSR 92-24-035, filed 11/25/92, effective 12/26/92)

**WAC 308-93-230 Procedure for perfecting security interest. ((A security interest in a vessel other than one held as inventory by a vessel manufacturer or dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of RCW 46.12.095 as provided for vehicles. The registered owner or secured party shall present an application to the department, to which shall be attached the certificate of ownership last issued covering the vessel, or such other documentation as may be required**

by the department upon a form provided by the department which shall be accompanied by a fee of one dollar. The department, if satisfied with the application and documentation shall note such change upon the vessel records and issue to the secured party a certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership to the owner.)) (1) **How is the security interest in a vessel perfected?**

A security interest in a vessel for which a certificate of ownership is required is perfected only by compliance with the requirements of RCW 46.12.095 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

**(2) What is the application fee for adding, deleting or changing a secured party?**

The application fee is one dollar and the appropriate filing fee.

**(3) What is the secured party's obligation when the lien has been satisfied?**

The secured party shall comply with RCW 46.12.170 as provided for vehicles, except the application fee is one dollar, and WAC 308-93-069 and 308-93-070 as provided for vessels.

**(4) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?**

The secured party shall comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

**AMENDATORY SECTION** (Amending WSR 92-06-009, filed 2/24/92, effective 3/26/92)

**WAC 308-93-295 Dealer temporary permits to operate vessels. ((A vessel dealer who holds a proper and valid vessel dealer license issued pursuant to chapter 88.02 RCW may issue, under the following circumstances and procedures, temporary permits to operate vessels:**

**(1) The vessel has been sold and does not bear a currently valid Washington decal.**

**(2) The dealer shall fill out the title portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale. All registered owners must sign the application.**

**(3) The dealer shall detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. The balance of the copies shall be presented to a license agent by the vessel dealer within thirty calendar days as an application for registration and title.**

**(4) The cardboard copy of the permit and a purchase order identifying the sale must be carried in the vessel and be readily available upon request.**

**(5) The dealer must collect title and registration fees required for a June expiration.**

~~(6) The temporary license permit issued by a dealer is valid for thirty calendar days from the date of delivery of the vessel. No more than one thirty-day permit may be issued for a vessel after sale.~~

~~(7) A dealer may not use a temporary license permit for a dealer or dealer-employee operated vessel, or as a demonstration permit.~~

~~(8) Fees paid by a dealer for temporary license permit applications are not refundable unless the dealer ceases doing business as a vessel dealer. The fee paid for a single application may be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.~~

~~(9) Temporary permits are not transferable from one vessel dealer to another.)~~ **(1) If I acquire a new or used vessel from a Washington vessel dealer licensed under chapter 88.02 RCW, what documents do I need to place or use the vessel on the water?**

**(a) If the vessel has current Washington registration displayed, the vessel may be placed or used on the waters immediately, provided the sale documents are carried on the vessel.**

**(b) If the vessel does not have current Washington registration displayed, the dealer may issue a thirty-day temporary permit, allowing the vessel to be placed or used on the water. In addition to the permit the sale documents shall be carried on the vessel and made available upon request.**

**(2) How long does the dealer have to provide me with a new vessel registration?**

**The dealer must provide you with your new registration within thirty days from the date of purchase. Only one vessel dealer temporary permit may be used.**

**(3) How does a vessel dealer licensed under chapter 88.02 RCW complete a vessel temporary permit?**

**A vessel dealer completes a temporary permit as follows:**

**(a) Fill out the certificate of ownership portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale. All registered owners must sign the application.**

**(b) Detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. Present the balance of the copies to a license agent within thirty calendar days as an application for registration and certificate of ownership. The dealer will receive a five-dollar credit for a properly issued permit.**

**(c) Advise customer to:**

**(i) Display the cardboard copy of the permit on the vessel;**

**(ii) Carry the purchase order identifying the sale on the vessel; and**

**(iii) Make the permit and purchase order readily available upon request.**

**(d) Collect certificate of ownership and registration fees required for a June expiration.**

**(4) Can a vessel dealer licensed under chapter 88.02 RCW, use a dealer temporary permit to operate a vessel?**

**No. The permit may only be used by the purchaser of the vessel. A dealer may not use the permit to operate or demonstrate a vessel.**

**(5) Under what conditions may a dealer turn in the permits and be eligible for a refund?**

**Refunds are only allowed when the dealer ceases doing business as a vessel dealer.**

**(6) May a dealer transfer unused temporary vessel permits to another vessel dealer licensed under chapter 88.02 RCW?**

**Temporary permits are not transferable from one vessel dealer to another, unless the department specifically authorizes the transfer.**

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 308-93-110	Vessels previously registered or titled in another state.
WAC 308-93-120	Transfer of certificate of title or registration.
WAC 308-93-180	Time of renewal of registration—Duration.
WAC 308-93-190	Prerequisite to issuance of vessel registration and decals.
WAC 308-93-210	Procedure when department unsatisfied as to ownership.
WAC 308-93-215	Validity of certificate of registration.
WAC 308-93-290	Transfer of ownership, how perfected.

**WSR 98-21-005  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed October 9, 1998, 9:28 a.m.]

Date of Adoption: October 9, 1998.

Purpose: These amendments to chapter 388-290 WAC will expand eligibility under the working connections child care (WCCC) program as well as improve access to quality child care. These changes are essential to assist clients who are involved in approved WorkFirst activities or employed. This amendment will support low-income families in seeking, obtaining and maintaining employment as well as increasing their chances for wage progression. In addition it allows low-income families who are working twenty hours or more per week the opportunity to receive child care subsidies for job skills training.

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Citation of Existing Rules Affected by this Order:  
Amending WAC 388-290-010 and 388-290-055.

Statutory Authority for Adoption: RCW 74.04.050.

Adopted under notice filed as WSR 98-17-080 on  
August 18, 1998.

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

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Ini-  
tiative: New 0, Amended 2, Repealed 0.

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

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

Effective Date of Rule: Thirty-one days after filing.

October 9, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending WSR 97-20-130,  
filed 10/1/97, effective 11/1/97)

**WAC 388-290-055 Payment for subsidized child  
care.** (1) The department pays for child care for:

(a) A consumer's hours of participation in an approved  
WorkFirst activity and/or hours of employment;

(b) Transportation time between the place of employ-  
ment or approved WorkFirst activity and the location of child  
care, if needed;

(c) Self-employment under WAC 388-290-070;

(d) A consumer's hours of participation in education and  
training programs for up to thirty-six months total, including  
up to twelve months while on TANF if:

(i) The education and training programs are adult basic  
education (ABE), English as a second language (ESL), high-  
school/GED, or vocational education and job skills training  
as defined under chapter 388-310 WAC; and

(ii) The consumer is working twenty hours or more per  
week and does not have a prior approved JOBS plan.

(e) Education and training programs for TANF consum-  
ers who:

(i) Have prior approved JOBS plans; and

(ii) Are working at least twenty hours per week.

(f) A consumer's hours of participation in an employ-  
ment retention activity if:

(i) The consumer is a TANF recipient working twenty  
hours or more per week. Child care may be authorized as  
needed;

(ii) The consumer is a former TANF recipient working  
twenty hours or more each week and earning below one hun-  
dred seventy-five percent of the FPL. Child care may be

authorized for up to one year following the consumer's exit  
from TANF.

(g) A consumer's hours of participation in a labor  
exchange activity if:

(i) The consumer is a TANF recipient working twenty  
hours or more each week. Child care may be authorized as  
needed;

(ii) The consumer is a former TANF recipient working  
twenty hours or more each week and earning below one hun-  
dred seventy-five percent of the FPL. Child care may be  
authorized for up to two years following the consumer's exit  
from TANF.

(2) Consumers under subsection (1)(d) and (e) of this  
section, must be making satisfactory progress in their educa-  
tion or training programs.

(3) The department may authorize child care payments  
for up to two weeks for a TANF consumer waiting to enter an  
approved WorkFirst activity.

~~((3))~~ (4) The department may authorize child care pay-  
ments for up to four weeks for a consumer who experiences a  
gap in employment, or approved WorkFirst activity, if all the  
following conditions are met:

(a) The gap is for reasons out of the consumer's control;

(b) Employment, or the approved WorkFirst activity,  
will resume within that period or the consumer is looking for  
alternate employment; and

(c) The consumer received subsidized child care imme-  
diately before the gap in employment, or approved WorkFirst  
activity; ~~and~~

~~(d) Child care arrangements would otherwise be lost).~~

~~((4))~~ (5) The department pays initial and ongoing  
annual registration/equipment fees only if the fees are:

(a) Required of all parents whose ~~((f))~~child(ren) are in  
care with that provider; and

(b) Needed to maintain a child care arrangement.

~~((5))~~ (6) The department may pay ongoing activity fees  
to the child care provider if the conditions in subsection  
~~((4))~~ (5)(a) and (b) of this section are met.

~~((6))~~ (7) The department may pay child care providers  
a one-time bonus for each infant they newly enroll into care  
if the following conditions are met:

(a) The child who is being cared for is an infant less than  
twelve months of age; and

(b) The child care provider is licensed by the department  
as required by chapters 388-73, 388-150 or 388-155 WAC;  
and

(c) Care is provided for a minimum of five days.

(8) The department may establish a protective payee due  
to mismanagement of funds for consumers who fail to pay the  
in-home/relative child care provider, when:

(a) The department issued a child care warrant to the cor-  
rect address and twelve or more working days have passed  
since the issuance date; and

(b) The consumer has not reported the warrant lost, sto-  
len, or destroyed.

AMENDATORY SECTION (Amending WSR 98-08-021, filed 3/19/98, effective 4/19/98)

**WAC 388-290-010 Subsidized child care—Purpose and income limit.** The purpose of this program is to provide child care services necessary to assist families with dependent children to become or remain employed. The department may provide subsidized child care services to families with ((gross)) incomes at or below one hundred seventy-five percent of the Federal Poverty Level (FPL) adjusted for family size.

**WSR 98-21-009**

**PERMANENT RULES**

**GAMBLING COMMISSION**

[Order 365—Filed October 9, 1998, 12:51 p.m., effective January 1, 1999]

Date of Adoption: October 9, 1998.

**Purpose:** Distributors have traditionally sold bingo paper and related supplies on credit to nonprofit organizations. In 1997, this rule changed to prohibit the sale on credit of all gambling equipment, including bingo paper. Some nonprofit organizations do not have full-time employees available to pay for bingo paper on a COD basis. This amendment would allow distributors to grant up to thirty-day credit terms for the sale of bingo paper and related supplies, and thereby, help ease the impact of the increased regulation in this area, yet still meet the intent of the original rule.

**Citation of Existing Rules Affected by this Order:** Amending WAC 230-12-340.

**Statutory Authority for Adoption:** RCW 9.46.070.

**Adopted under notice filed as WSR 98-18-010 on August 21, 1998, with a publication date of September 16, 1998.**

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

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, Amended 1, Repealed 0.

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

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

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

**Effective Date of Rule:** January 1, 1999.

October 9, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending WSR 97-20-026, filed 9/22/97, effective 1/1/98)

**WAC 230-12-340 Sale of gambling equipment, devices, supplies, paraphernalia, and related services—Credit prohibited—Exceptions.** The use of credit in the sale of gambling equipment, devices, related supplies or paraphernalia, and services is prohibited. Except as authorized by this section, all sales of such shall be transacted on a cash basis. The following definitions, restrictions, and procedures apply to this section:

~~((What definitions apply to this section?))~~

(1) For purposes of this section, the following definitions apply:

(a) A "cash basis" means full payment is received by the seller on or before actual delivery of the product or service to the purchaser;

(b) A "trade account" is a payment system that allows distributors to place orders for inventory or services from manufacturers or distributors and to make payment for such within a specific period of time after shipment of the product or completion of the service;

(c) "Prescribed time period" is the maximum period of time a distributor has to pay for purchases of goods or services made under trade account terms prior to being restricted to cash basis terms. The time period begins when a product is shipped or service completed and ends on the date payment is actually delivered to the manufacturer or distributor, or if delivered by the U.S. mail, the postmark date of the envelope containing the payment. For purposes of this section, prescribed time period means no later than sixty days after shipment of the products or completion of the services for all sales made on or after January 1, 1998.

~~((What transactions are exempt from the requirements of this section?))~~

(2) For purposes of this WAC title, the following transactions are authorized and shall not be deemed as credit or loans of money when applicable requirements are met:

(a) Purchases of goods and services from manufacturers or distributors when paid for by checks that meet the requirements of WAC 230-12-350;

(b) Purchases of goods or services by distributors from manufacturers or other distributors when utilizing trade account terms and the requirements of subsection (3) of this section are followed;

(c) Promissory notes between manufacturers and distributors for payment of debts incurred prior to the effective date of this section when such notes are issued under the conditions set forth in this section;

(d) Purchases made under capital lease agreements when the requirements of this section are followed;

(e) All transactions between manufacturers or distributors and tribal governments or companies certified to manage class III gambling activities operated under a tribal/state compact are exempt from all provisions of this section; ~~((and))~~

(f) Charitable or nonprofit organizations licensed to conduct bingo may purchase bingo cards and bingo supplies



from distributors and/or manufacturers and receive such without making immediate payment if payment is made, by check or cash, no later than thirty days after delivery of the product. If the distributor or manufacturer does not receive payment within thirty days, they must immediately restrict the licensee to sales on a cash on delivery basis until payment is received. Licensees paying for bingo supplies on terms other than a cash basis must document on the purchase invoice the date paid and the check number; and

(g) The sales of nongambling equipment, fixtures, supplies, or commodities to licensees are exempt from all provisions of this section when the requirements of WAC 230-12-330 are met.

~~((Can distributors purchase gambling-related inventory or services on other than a cash basis?))~~

(3) Manufacturers and distributors may allow distributors to establish "trade accounts" to purchase gambling-related inventory or services without making immediate payment under the following conditions:

~~((What restrictions apply to trade accounts?))~~

(a) Trade account terms, if offered to any distributor, shall be made available to all distributors without discrimination: *Provided*, That trade accounts may be restricted to distributors that:

(i) Meet objective credit criterion established by a manufacturer or distributor. Such criterion must be in writing, available to the commission for review, and provided to any distributor upon request. A manufacturer or distributor may include a distributor's payment history as a part of the trade account approval criterion;

(ii) Meet minimum purchase requirements established by the manufacturer: *Provided*, That the minimum purchase requirement shall not be greater than five hundred dollars per transaction;

(b) Trade account terms shall not allow a manufacturer or distributor to gain any ownership or financial interest in a licensee. This section is not intended to prohibit or restrict a manufacturer or distributor from gaining a security interest in inventory sold for credit, as authorized by the Uniform Commercial Code: *Provided*, That this section shall not allow a manufacturer to obtain an interest in inventory sold by any other manufacturer under trade account terms;

(c) A distributor shall make full payment for all goods or services purchased under trade account terms within the prescribed time period. Failure to pay within the prescribed time period may be deemed solicitation of credit by the distributor.

~~((What must a manufacturer or distributor do when a distributor fails to make payments for trade account purchases within the prescribed time period?))~~

(4) When a distributor fails to pay for goods or services purchased under trade account terms within the prescribed time period, the creditor manufacturer or distributor shall comply with the procedures set forth below. Failure to comply with these procedures may result in the manufacturer or distributor being deemed to have extended credit to the dis-

tributor. The following procedures must be followed when a distributor fails to make required payments:

(a) Notify the delinquent distributor and the commission of failure to pay by telephone no later than the end of the next business day;

(b) Restrict sales of all goods and services to the delinquent distributor no later than the end of the third business day after the default: *Provided*, That sales may be made to a delinquent distributor on a cash basis only;

(c) Notify the commission in writing no later than the end of the fifth business day after default. Written notification shall include at least the following:

(i) The distributor's name;

(ii) The invoice or shipping order numbers involved in the transaction;

(iii) The dollar amount of the delinquent account;

(iv) The date the item was shipped or service was provided;

(v) A statement of whether the distributor has filed a complaint regarding billings and whether the amount owed is in dispute;

(vi) Any agreements between the parties to clear the debt, including terms, payment schedule, and any third party guarantors of the debt;

(vii) The interest rate or service charge, if such is charged;

(viii) Whether a security interest in the inventory or any other assets of the licensed distributor or individual owners of the distributor has been obtained or is in effect; and

(ix) Any other information requested by the commission.

~~((What action will the commission take after being notified in writing that a distributor has failed to make timely payment on a trade account?))~~

(5) If the director does not receive notice that the debtor distributor has corrected the conditions which caused the default prior to the end of the seventh business day after initial notice was received, all licensed manufacturers and distributors will be notified that such distributor has been restricted to cash basis terms. Initial notification shall be by telephone or facsimile on the next business day, followed by written notification within ten days. The manufacturer or distributor shall immediately notify the commission by telephone or facsimile upon receipt of payment. If notified prior to the end of the seventh business day after initially notifying the commission, the director will stop all proceedings and allow the reporting manufacturer or distributor to continue trade account terms without taking further action.

~~((What action shall manufacturers and distributors take after notification by the director that a distributor has been restricted?))~~

(6) Upon receipt of notification from the commission that a distributor has been restricted, manufacturers and distributors shall immediately cease sales, shipments of products, and providing of services to the delinquent distributor on other than a cash basis.

~~((How long will the restrictions last?))~~

(7) Any distributor that has been restricted by the director under this section shall remain restricted until all delinquent accounts with any reporting manufacturer or distributor are current and the director has been notified of such. The director shall utilize the following guidelines and procedures for removing trade account sales restrictions:

(a) First delinquent payment within a calendar year - The director shall notify all manufacturers by telephone or facsimile no later than the next business day after receiving notification that a delinquent distributor is current and that trade account sales may continue. Written notification shall be made within ten days; or

(b) Second and subsequent violations within a calendar year - The director may restrict a distributor to a cash basis for a period not to exceed sixty days beginning on the date of notification that a delinquent distributor is current. In this event, the director shall notify the delinquent distributor and all manufacturers and distributors in writing of the date when trade account terms may be continued.

~~((What are the procedures and restrictions for gambling-related purchases occurring prior to January 1, 1998?))~~

(8) Gambling-related products or services purchased by distributors prior to January 1, 1998, shall be paid in full no later than March 31, 1998. Any distributor failing to comply with this requirement shall be restricted to making purchases on a cash basis until all such accounts are paid in full. The director shall utilize the procedures set forth in subsections (5), (6), and (7) of this section to impose or remove restrictions imposed under this subsection: *Provided*, That creditor manufacturers and distributors may convert amounts owed by distributors at January 1, 1998, into a promissory note utilizing the procedures and restrictions set forth in this section.

~~((What are the procedures and restrictions for conversion of trade debt outstanding at the effective date of this section to a promissory note?))~~

(9) Manufacturers and distributors who elect to convert amounts owed from distributors at the effective date of this section to a promissory note shall utilize the following procedures and restrictions:

(a) Written notification of conversion to a promissory note, including a copy of such note, must be received by the commission no later than March 31, 1998;

(b) The promissory note shall not grant the manufacturer the ability to influence the management of the distributor's business: *Provided*, That in the case of legal bankruptcy, the terms and conditions of a bankruptcy order shall govern;

(c) The promissory note shall amortize the balance owed over a certain period that does not exceed sixty months;

(d) Manufacturers or distributors electing to grant promissory notes authorized by this section shall make such provisions available to all distributors with outstanding balances at the effective date of this section under the same conditions and terms;

(e) Terms of the promissory note shall require the following:

- (i) Minimum monthly payment of the principal;
- (ii) Interest rate, if any is imposed;
- (iii) Full description of all collateral; and

(iv) Adequate details of the procedures to be followed for late payments and/or default;

(f) A creditor manufacturer or distributor shall immediately notify the commission if a distributor fails to abide by the terms of the note and the process being pursued to correct the situation. The director may, depending upon circumstances, impose restrictions set forth in subsections (5), (6), and (7) of this section on purchases under trade account terms for the delinquent distributor.

~~((What are the restrictions and procedures governing the use of capital lease agreements?))~~

(10) Licensed manufacturers and distributors may sell gambling equipment such as dispensers, bingo blowers, roulette wheels, etc., and gambling-related support equipment through capital lease agreements or other financing arrangements to operators subject to the following conditions and requirements:

(a) The cost of a single item, or group of similar and related items included in the sale, exceeds one thousand dollars;

(b) The term of the contract does not exceed forty-eight months;

(c) All terms of the contract are in writing and copies of such agreements are provided to the commission within thirty days of execution;

(d) The manufacturer or distributor retains only a security interest in the item sold and cannot obtain any ownership interest in the licensee, or exercise any control over the use of the item in the licensed activity;

(e) The amount of payments is not based on the size or level of gambling activity and is determined by use of a standard amortization schedule for the term and stated interest rate;

(f) The interest rate charged by the contract is set at the time of sale and does not vary during the term of the contract; and

(g) The contract does not require the purchaser to directly or indirectly purchase any other products or services from the seller.

## WSR 98-21-010

### PERMANENT RULES

### GAMBLING COMMISSION

[Order 366—Filed October 9, 1998, 12:52 p.m.]

Date of Adoption: October 9, 1998.

Purpose: These rules would reduce all license fees to the levels established prior to the increase passed in November 1997, and which became effective June 30, 1998. The change would also allow the agency to refund those licensees that have paid the higher fees since June 30, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 230-04-202, 230-04-203, and 230-04-204.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-18-009 on August 21, 1998, with a publication date of September 16, 1998.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 3, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 1, Amended 3, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 9, 1998

Susan Arland

Public Information Officer

**NEW SECTION**

**WAC 230-04-198 Reduction of license fees.** (1) On November 14, 1997, the commission passed WAC 230-04-202, 230-04-203, 230-04-204, under WSR 97-23-053. These rule changes increased the licensing fees for bona fide charitable/nonprofit organizations, commercial stimulant and other business organizations, and for individuals, respectively. The increased fees set forth in these rules became effective June 30, 1998. The above license fee increases will not be implemented and shall remain at the level established prior to the increase.

(2) Any licensee or applicant that has submitted a licensing fee based on the increased license fees set forth in WAC 230-04-202, 230-04-203, and 230-04-204, filed under WSR 97-23-053, shall be reimbursed by the commission for all overpayments of licensing fees.

**AMENDATORY SECTION** (Amending WSR 97-23-053, filed 11/17/97, effective 6/30/98)

**WAC 230-04-202 Fees—Bona fide charitable/non-profit organizations.** Bona fide charitable and nonprofit organizations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES (Fee based on annual gross gambling receipts)		
* Class A	Premises only	\$ ((54)) <u>52</u>
Class B	Up to \$ 10,000	\$ ((54)) <u>52</u>
Class C	Up to \$ 25,000	\$ ((287)) <u>276</u>

Class D	Up to \$ 50,000	\$ ((460)) <u>443</u>
Class E	Over \$ 50,000	\$ ((803)) <u>772</u>

\* Allows a charitable or nonprofit organization to enter into a contract with Class "B" or above commercial amusement game licensee to locate and operate amusement games on their premises.

**2. BINGO**

GROUP	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 15,000	\$ ((54)) <u>52</u>
Class B	Up to \$ 50,000	\$ ((467)) <u>161</u>
Class C	Up to \$ 100,000	\$ ((342)) <u>329</u>
Class D	Up to \$ 250,000	\$ ((924)) <u>886</u>
Class E	Up to \$ 500,000	\$ ((1,552)) <u>1,492</u>
Class F	Up to \$ 1,000,000	\$ ((3,117)) <u>2,996</u>
Class G	Up to \$ 1,500,000	\$ ((4,499)) <u>4,324</u>
Class H	Up to \$ 2,000,000	\$ ((6,009)) <u>5,776</u>
Class I	Up to \$ 2,500,000	\$ ((7,508)) <u>7,216</u>
Class J	Up to \$ 3,000,000	\$ ((9,008)) <u>8,658</u>
Class K	Up to \$ 3,500,000	\$ ((10,405)) <u>9,712</u>
Class L	Up to \$ 4,000,000	\$ ((11,554)) <u>11,102</u>
Class M and above	Over \$ 4,000,000	\$ ((12,997)) <u>12,492</u>

**3. CARD GAMES**

Class A	General (Fee to play charged)	\$ ((575)) <u>553</u>
Class B	Limited card games - hearts, rummy, mahjongg, pitch, pinochle, and cribbage (Fee to play charged)	\$ ((467)) <u>161</u>
Class C	Tournament only - no more than ten consecutive days per tournament	\$ ((54)) <u>52</u>
Class D	General (No fee to play charged)	\$ ((54)) <u>52</u>

**4. FUND-RAISING EVENT**

Class A	One event - not more than 24 consecutive hours	\$ ((342)) <u>329</u>
Class B	One event - not more than 72 consecutive hours	\$ ((575)) <u>553</u>
Class C	Additional participant in joint event (not lead organization)	\$ ((467)) <u>161</u>

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4. FUND-RAISING EVENT

Class D	Fund-Raising Event Equipment Distributor - rents or leases, equipment for fund-raising event or recreational gaming activity for no more than ten times per year*	\$	<del>((227))</del> <u>219</u>
Class E	Fund-Raising Event Equipment Distributor - rents or leases equipment for fund-raising event or recreational gaming activity more than ten times per year.	\$	<del>((575))</del> <u>553</u>

\* Charitable and nonprofit organizations licensed to conduct fund-raising events may rent their equipment up to four occasions during the term of the license without getting licensed as a distributor.

5. PUNCH BOARDS/PULL-TABS

	(Fee based on annual gross gambling receipts)		VARIANCE*
Class A	Up to \$ 50,000	\$ 5,000	\$ <del>((548))</del> <u>527</u>
Class B	Up to \$ 100,000	\$ 5,000	\$ <del>((978))</del> <u>940</u>
Class C	Up to \$ 200,000	\$ 10,000	\$ <del>((1,845))</del> <u>1,774</u>
Class D	Up to \$ 300,000	\$ 10,000	\$ <del>((2,682))</del> <u>2,578</u>
Class E	Up to \$ 400,000	\$ 10,000	\$ <del>((3,464))</del> <u>3,330</u>
Class F	Up to \$ 500,000	\$ 10,000	\$ <del>((4,182))</del> <u>4,020</u>
Class G	Up to \$ 600,000	\$ 10,000	\$ <del>((4,846))</del> <u>4,658</u>
Class H	Up to \$ 700,000	\$ 10,000	\$ <del>((5,454))</del> <u>5,242</u>
Class I	Up to \$ 800,000	\$ 10,000	\$ <del>((6,009))</del> <u>5,776</u>
Class J	Up to \$ 1,000,000	\$ 20,000	\$ <del>((6,813))</del> <u>6,548</u>
Class K	Up to \$ 1,250,000	\$ 25,000	\$ <del>((7,562))</del> <u>7,268</u>
Class L	Up to \$ 1,500,000	\$ 25,000	\$ <del>((8,259))</del> <u>7,938</u>
Class M	Up to \$ 1,750,000	\$ 25,000	\$ <del>((8,833))</del> <u>8,490</u>
Class N	Up to \$ 2,000,000	\$ 25,000	\$ <del>((9,356))</del> <u>8,992</u>
Class O	Over \$ 2,000,000	Non-applicable	\$ <del>((10,280))</del> <u>9,880</u>

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

6. RAFFLES

(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000 \$ <del>((54))</del> <u>52</u>

6. RAFFLES

(Fee based on annual gross gambling receipts)	
Class B	Up to \$ 10,000 \$ <del>((167))</del> <u>161</u>
Class C	Up to \$ 25,000 \$ <del>((342))</del> <u>329</u>
Class D	Up to \$ 50,000 \$ <del>((575))</del> <u>553</u>
Class E	Up to \$ 75,000 \$ <del>((924))</del> <u>886</u>
Class F	Over \$ 75,000 \$ <del>((1,379))</del> <u>1,326</u>

7. COMBINATION LICENSE

CLASS A	Allows gross gambling receipts of up to \$25,000 from bingo, \$7,500 from raffles, and \$7,500 from amusement games, not to exceed \$30,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$	<del>((104))</del> <u>100</u>
CLASS B	Allows gross gambling receipts of up to \$60,000 from bingo, \$15,000 from raffles, and \$15,000 from amusement games, not to exceed \$75,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$	<del>((270))</del> <u>260</u>
CLASS C	Allows gross gambling receipts of up to \$125,000 from bingo, \$30,000 from raffles, and \$30,000 from amusement games, not to exceed \$150,000 combined gross gambling receipts from all such activities. Allows general card games where no fee to play is charged.	\$	<del>((624))</del> <u>600</u>

8. SEPARATE PREMISES

BINGO	Per occasion (see WAC 230-04-300)	\$	<del>((27))</del> <u>26</u>
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9. PERMITS

AGRICULTURAL FAIR-BINGO	(See WAC 230-04-191)	\$	<del>((27))</del> <u>26</u>
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-25-330 and 230-02-505)	\$	<del>((54))</del> <u>52</u>

10. CHANGES

NAME	(See WAC 230-04-310)	\$	<del>((27))</del> <u>26</u>
LOCATION	(See WAC 230-04-320)	\$	<del>((27))</del> <u>26</u>

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10. CHANGES

FRE	(Date or time) (See WAC 230-04-325)	\$	<del>((27))</del> <u>26</u>
LICENSE CLASS	(See WAC 230-04-260)	\$	<del>((27))</del> <u>26</u>
DUPLICATE LICENSE	(See WAC 230-04-290)	\$	<del>((27))</del> <u>26</u>

11. SPECIAL FEES

INVESTIGATION	(See WAC 230-04-240)	As required	
REPLACEMENT	(See WAC 230-08-017)	\$	<del>((27))</del> <u>26</u>
IDENTIFICATION STAMPS			
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required	
REVIEW, INSPECTION AND/OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required	

12. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	\$	<del>((27))</del> <u>26</u>
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**AMENDATORY SECTION** (Amending WSR 97-23-053, filed 11/17/97, effective 6/30/98)

**WAC 230-04-203 Fees—Commercial stimulant and other business organizations.** All persons seeking to operate gambling activities at business locations shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, inspection services, or when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
<b>1. CARD GAMES</b>		
Class B	Limited card games - hearts, rummy, pitch, pinochle, mahjongg, and/or cribbage (Fee to play charged)	<del>((-\$167))</del> <u>\$ 161</u>
Class C	Tournament only, no more than ten consecutive days per tournament.	<del>((-\$167))</del> <u>\$ 161</u>
Class D	General (No fee to play charged)	<del>((-\$54))</del> <u>\$ 52</u>
Class E	General (Fee to play charged)	
E-1	One table only	<del>((-\$404))</del> <u>\$ 386</u>
E-2	Up to two tables	<del>((-\$689))</del> <u>\$ 663</u>
E-3	Up to three tables	<del>((-\$1,150))</del> <u>\$ 1,106</u>
E-4	Up to four tables	<del>((-\$2,303))</del> <u>\$ 2,214</u>

LICENSE TYPE	DEFINITION	FEE
E-5	Up to five tables	<del>((-\$3,464))</del> <u>\$ 3,330</u>

2. COMMERCIAL AMUSEMENT GAMES

(Fee based on annual gross gambling receipts)		
* Class A	Premises only	** <del>((-\$287/\$131))</del> <u>\$ 276/\$ 126</u>
Class B	Up to \$ 50,000	<del>((-\$404))</del> <u>\$ 386</u>
Class C	Up to \$ 100,000	<del>((-\$1,032))</del> <u>\$ 992</u>
Class D	Up to \$ 250,000	<del>((-\$2,303))</del> <u>\$ 2,214</u>
Class E	Up to \$ 500,000	<del>((-\$4,041))</del> <u>\$ 3,884</u>
Class F	Up to \$1,000,000	<del>((-\$6,931))</del> <u>\$ 6,662</u>
Class G	Over \$1,000,000	<del>((-\$8,671))</del> <u>\$ 8,334</u>

\* Allows a business that is qualified under WAC 230-04-138 (1)(f), (g), (h), (i), or (j) to enter into a contract with a class "B" or above commercial amusement game licensee to locate and operate amusement games upon their premises.

\*\* Provides for a fee reduction of \$150 when: Renewing an annual license; applying for an additional license(s) at the same premises; and/or applying for multiple licenses at the same premises.

3. PUNCH BOARDS/ PULL-TABS

(Fee based on annual gross gambling receipts)		
		VARIANCE*
Class A	Up to \$ 50,000	\$5,000 <del>((-\$548))</del> <u>\$ 527</u>
Class B	Up to \$ 100,000	\$5,000 <del>((-\$978))</del> <u>\$ 940</u>
Class C	Up to \$ 200,000	\$10,000 <del>((-\$1,845))</del> <u>\$ 1,774</u>
Class D	Up to \$ 300,000	\$10,000 <del>((-\$2,682))</del> <u>\$ 2,578</u>
Class E	Up to \$ 400,000	\$10,000 <del>((-\$3,464))</del> <u>\$ 3,330</u>
Class F	Up to \$ 500,000	\$10,000 <del>((-\$4,182))</del> <u>\$ 4,020</u>
Class G	Up to \$ 600,000	\$10,000 <del>((-\$4,846))</del> <u>\$ 4,658</u>
Class H	Up to \$ 700,000	\$10,000 <del>((-\$5,454))</del> <u>\$ 5,242</u>
Class I	Up to \$ 800,000	\$10,000 <del>((-\$6,009))</del> <u>\$ 5,776</u>
Class J	Up to \$ 1,000,000	\$20,000 <del>((-\$6,813))</del> <u>\$ 6,548</u>
Class K	Up to \$ 1,250,000	\$25,000 <del>((-\$7,562))</del> <u>\$ 7,268</u>
Class L	Up to \$ 1,500,000	\$25,000 <del>((-\$8,259))</del> <u>\$ 7,938</u>
Class M	Up to \$ 1,750,000	\$25,000 <del>((-\$8,823))</del> <u>\$ 8,490</u>
Class N	Up to \$ 2,000,000	\$25,000 <del>((-\$9,356))</del> <u>\$ 8,992</u>

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LICENSE TYPE	DEFINITION	FEE
Class O	Over \$ 2,000,000 Nonapplicable	<del>((10,280))</del> <u>\$ 9,880</u>

\* A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260: *Provided*, That a licensee utilizing the variance shall be required to upgrade to the higher license class upon renewal.

LICENSE TYPE	DEFINITION	FEE
4. DISTRIBUTOR	(Fee based on annual gross sales of gambling related supplies and equipment)	
(a) Class A	Nonpunch board/pull-tab only	<del>((575))</del> <u>\$ 553</u>
Class B	Up to \$ 250,000	<del>((1,150))</del> <u>\$ 1,106</u>
Class C	Up to \$ 500,000	<del>((1,727))</del> <u>\$ 1,660</u>
Class D	Up to \$1,000,000	<del>((2,303))</del> <u>\$ 2,214</u>
Class E	Up to \$2,500,000	<del>((2,998))</del> <u>\$ 2,882</u>
Class F	Over \$2,500,000	<del>((3,693))</del> <u>\$ 3,550</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification.

LICENSE TYPE	DEFINITION	FEE
(b) FUND-RAISING EVENT EQUIPMENT DISTRIBUTOR		
Class A	Rents or leases equipment for fund-raising event or recreational gaming activity up to 10 times per year.	<del>((227))</del> <u>\$ 219</u>
Class B	Rents or leases equipment for fund-raising event or recreational gaming activity more than 10 times per year.	<del>((575))</del> <u>\$ 553</u>

LICENSE TYPE	DEFINITION	FEE
5. MANUFACTURER	(Fee based on annual gross sales of gambling related supplies and equipment)	
Class A	Machines only	<del>((575))</del> <u>\$ 553</u>
Class B	Up to \$ 250,000	<del>((1,150))</del> <u>\$ 1,106</u>
Class C	Up to \$ 500,000	<del>((1,727))</del> <u>\$ 1,660</u>
Class D	Up to \$1,000,000	<del>((2,303))</del> <u>\$ 2,214</u>
Class E	Up to \$2,500,000	<del>((2,998))</del> <u>\$ 2,882</u>
Class F	Over \$2,500,000	<del>((3,693))</del> <u>\$ 3,550</u>

In addition to the annual fee, the commission will assess all applicants the actual costs incurred in conducting the investigation and inspection necessary for initial certification, quality control inspection for additional activities or product lines, and renewal of licenses when travel cost is incurred to complete the investigation.

LICENSE TYPE	DEFINITION	FEE
6. PERMITS		
AGRICULTURAL FAIR/ SPECIAL PROPERTY BINGO		

LICENSE TYPE	DEFINITION	FEE
Class A	One location and event only (See WAC 230-04-191)	<del>((27))</del> <u>\$ 26</u>
Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	<del>((167))</del> <u>\$ 161</u>
RECREATIONAL GAMING ACTIVITY (RGA)	(See WAC 230-02-505 and 230-25-330)	<del>((54))</del> <u>\$ 52</u>

LICENSE TYPE	DEFINITION	FEE
7. CHANGES		
NAME	(See WAC 230-04-310)	<del>((27))</del> <u>\$ 26</u>
LOCATION	(See WAC 230-04-320)	<del>((27))</del> <u>\$ 26</u>
BUSINESS	(Same owners)	<del>((54))</del> <u>\$ 52</u>
CLASSIFICATION	(See WAC 230-04-340)	
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	<del>((27))</del> <u>\$ 26</u>
DUPLICATE LICENSE	(See WAC 230-04-290)	<del>((27))</del> <u>\$ 26</u>
OWNERSHIP OF STOCK	(See WAC 230-04-340)	<del>((54))</del> <u>\$ 52</u>
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340, and 230-04-350)	<del>((54))</del> <u>\$ 52</u>

LICENSE TYPE	DEFINITION	FEE
8. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION SERVICES STAMPS	(See WAC 230-08-017)	As required
QUALITY CONTROL INSPECTION FEES	(See WAC 230-30-030)	As required
REPLACEMENT OF IDENTIFICATION STAMPS	(See WAC 230-30-017)	<del>((27))</del> <u>\$ 26</u>
EXCEEDING LICENSE CLASS	(See WAC 230-04-260)	As required
REVIEW, INSPECTION AND/ OR EVALUATION OF EQUIPMENT, PARAPHERNALIA, SERVICES, OR SCHEMES	(See WAC 230-12-315)	As required
SPECIAL SALES PERMITS	(See WAC 230-04-115)	As required

LICENSE TYPE	DEFINITION	FEE
9. SIX-MONTH PAYMENT PLAN	(See WAC 230-04-190)	<del>((27))</del> <u>\$ 26</u>

**AMENDATORY SECTION** (Amending WSR 97-23-053, filed 11/17/97, effective 6/30/98)

**WAC 230-04-204 Fees—Individuals.** Individuals shall submit the following fees to the commission when applying for gambling licenses, permits, miscellaneous changes, or

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when assessed the cost of special investigation procedures by the commission:

LICENSE TYPE	DEFINITION	FEE
1. CHARITABLE OR NON-PROFIT GAMBLING MANAGER	Original	<del>(\$167)</del> \$161
	Renewal	<del>(\$81)</del> \$78
	Change of Employer	<del>(\$81)</del> \$78
2. COMMERCIAL GAMBLING MANAGER	Original	<del>(\$167)</del> \$161
	Renewal	<del>(\$81)</del> \$78
	Change of Employer	<del>(\$81)</del> \$78
3. DISTRIBUTOR'S OR GAMBLING SERVICES SUPPLIER REPRESENTATIVE	Original	<del>(\$227)</del> \$219
	Renewal	<del>(\$140)</del> \$135
4. MANUFACTURER'S REPRESENTATIVE	Original	<del>(\$227)</del> \$219
	Renewal	<del>(\$140)</del> \$135
5. PUBLIC CARD ROOM EMPLOYEE	CLASS A - NONKEY EMPLOYEES:	
	Original	<del>(\$167)</del> \$161
	Renewal	<del>(\$81)</del> \$78
	CLASS B - KEY EMPLOYEES* AS DEFINED IN WAC 230-02-425:	
	Original, in-state	\$217
	Original, out-of-state	\$271
	Renewal	\$135
* SUPPORTS CARD ROOMS HAVING SPECIAL APPROVED ACTIVITIES AS SPECIFIED IN WAC 230-04-203(1)		
6. OTHER FEES	CHANGE OF NAME (See WAC 230-04-310)	<del>(\$27)</del> \$26
	DUPLICATE LICENSE (See WAC 230-04-290)	<del>(\$27)</del> \$26
	REPLACEMENT	
	OUT-OF-STATE (See WAC 230-04-240)	As required
	RECORDS INQUIRY	

**WSR 98-21-011  
PERMANENT RULES  
GAMBLING COMMISSION**

[Order 367—Filed October 9, 1998, 12:53 p.m., effective January 1, 1999]

Date of Adoption: October 9, 1998.

Purpose: The change would allow pull-tab operators to offer more valuable prizes, for the same price per tab, to players, thereby offering players better prizes for the same money and stimulating business for the pull-tab operator.

Citation of Existing Rules Affected by this Order: Amending WAC 230-30-080.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 98-18-081 on September 1, 1998, with a publication date of September 16, 1998.

Changes Other than Editing from Proposed to Adopted Version: Language was removed from this rule so that ticket manufacturers will not be required to include secondary verification codes on tickets.

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

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

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

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

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

Effective Date of Rule: January 1, 1999.

October 9, 1998

Susan Arland

Public Information Officer

AMENDATORY SECTION (Amending Order 359, filed 7/15/98, effective 1/1/99)

**WAC 230-30-080 Punch board and pull-tab series restrictions—Prizes, size of game, and location of winners.** No operator, distributor, or manufacturer, or representative thereof shall possess, display, put out for play, sell, or otherwise transfer to any person in this state, or for use in this state, any punch board or pull-tab series which:

(1) Does not offer prizes that are equal to or greater than sixty percent of the total gross receipts available from the punch board or pull-tab series. The following applies to the sixty percent calculation:

(a) For the purposes of determining the percentage of prizes offered on any punch board, or in any pull-tab series, total merchandise prizes shall be computed at the amount actually paid by the licensed operator plus fifty percent of that actual cost. For any merchandise prize with an actual cost over five hundred dollars, the total cost plus markup in

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this subsection shall not exceed seven hundred fifty dollars; and

(b) Prize and percentage requirements for progressive pull-tab series shall be calculated as set forth in WAC 230-30-025;

(2) Offers a single prize that exceeds:

(a) Five hundred dollars in cash: *Provided*, That progressive jackpot pull-tab prizes, as authorized in WAC 230-30-025, and pull-tab series with carry-over jackpots, as authorized in WAC 230-30-045 shall be exempt from this requirement and shall be subject to the limits defined in those rules: *Provided further*, That the case limit may be increased from five hundred dollars to seven hundred fifty dollars only on pull-tab series with a cost per tab of one dollar after approval by the director; or

(b) A merchandise prize(~~(, or combination cash merchandise prize,))~~ for which the operator has expended more than five hundred dollars: *Provided*, That operators may expend more than five hundred dollars, not to exceed seven hundred fifty dollars, subject to the limitations set forth in subsection (1)(a) of this section;

(3) Has multiple winners on an individual pull-tab or punch that combined values exceed the single cash or merchandise prize limit in subsection (2) of this section;

(4) Offers prizes for purchasing the last ticket or last punch that exceeds:

(a) One hundred dollars cash; or

(b) Merchandise for which the licensee has expended more than one hundred dollars; or

(c) The highest prize offered, whichever is less;

(5) Contains more than ten thousand individual pull-tabs: *Provided*, That progressive jackpot pull-tab series, as authorized by WAC 230-30-025, may contain up to fifty thousand individual pull-tabs;

(6) Utilizes a flare which does not meet the requirements of WAC 230-30-106;

(7) The winning punches or tabs have not been randomly distributed and mixed among all other punches or tabs in the board or series;

(8) The location, or approximate location, of any winning punches or tabs can be determined in advance of punching the punch, board or opening the tabs in any manner or by any device, by markings on the board, tabs, or container, or by use of a light;

(9) There exists a key to any winning numbers or symbols; or

(10) Does not conform in any other respect to the requirements of WAC rules as to the manufacture, assembly, or packaging of punch boards or pull-tabs.

### WSR 98-21-019

#### PERMANENT RULES

#### DEPARTMENT OF TRANSPORTATION

[Order 183—Filed October 13, 1998, 8:32 a.m.]

Date of Adoption: October 12, 1998.

Purpose: To bring two WACs into agreement with current practice, and thereby enhance clarity and public safety.

This amendment was originally applied on May 11, 1998, incorrectly to WAC 468-38-070. This filing will correct the error and place the criteria in WAC 468-38-071.

Citation of Existing Rules Affected by this Order: Amending WAC 468-38-070 and 468-38-071.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 98-18-026 on August 25, 1998.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

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

Effective Date of Rule: Thirty-one days after filing.

October 12, 1998

Gerald E. Smith

Deputy Secretary, Operations

AMENDATORY SECTION (Amending Order 172, filed 4/10/98, effective 5/11/98)

**WAC 468-38-070 Maximums for special permits—Nonreducible.** (1) Overwidth: 14 feet on any two-lane highway; 20 feet on any multiple-lane highway where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes; 32 feet on any multiple-lane undivided highway.

The regulations on movement of buildings are in WAC 468-38-360.

(2) Overheight: A load over 14 feet high must be moved by permit, but the permittee is to be governed by the clearance of overhead obstructions such as bridges, underpasses, wires, overhead signs and other objects. The issuance of a permit does not insure the route to be free of low overhead structures. It is the responsibility of the permittee to check the proposed route and detour when necessary. County or city road detours for this purpose require authorization from respective jurisdictions. (~~(Vehicles hauling empty apple bins, or ranchers hauling their own hay for their own livestock, may be issued permits to haul these respective loads up to 15 feet high on preapproved routes within a three-county area.))~~)

(3) Overlength: The permit will allow movement on routes on which the permittee can negotiate curves, interchanges, entrance and exit roadways and other obstacles. In all instances the general safety of the public is considered paramount.

(4) Overweight: 22,000 pounds on a single axle; 43,000 pounds on tandem axles. (RCW 46.44.091)



**AMENDATORY SECTION** (Amending WSR 96-23-003, filed 11/7/96, effective 12/8/96)

**WAC 468-38-071 Maximums for special permits—Reducible.** (1) Overlength: Permits for reducible loads shall not exceed 56 feet for a single trailer and 68 feet for double trailers. Measurement for a single trailer will be from the front of the trailer, or load, to the rear of the trailer, or load, whichever provides the greater distance up to 56 feet. Measurement for double trailers will be from the front of the first trailer, or load, to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. A log truck pulling a pole-trailer, trailer combination, carrying two distinct and separate loads will be treated as a tractor-semi-trailer-trailer (doubles). Measurement for the log truck, pole-trailer, trailer combination will be from the front of the first bunk on the truck to the rear of the second trailer, or load, whichever provides the greatest distance up to 68 feet. Measurements shall not include nonload carrying devices designed for the safe and efficient operation of the semitrailer or trailer; for example: External refrigeration unit, resilient bumper, and aerodynamic shells.

(2) Overheight: ~~((Vehicles hauling empty apple bins may be issued permits to haul such bins up to 14 feet 10 inches high.))~~ A vehicle, or vehicle combination, hauling empty apple bins, or owned and operated by a rancher hauling hay from the rancher's own fields for use with the rancher's own livestock, may be issued a permit, for vehicle and load, not to exceed fifteen feet high, measured from a level road bed. This permit may be used in conjunction with the overlength permit described in subsection (1) of this section.

**WSR 98-21-037  
PERMANENT RULES  
PUGET SOUND**

**AIR POLLUTION CONTROL AGENCY**

[Filed October 14, 1998, 10:20 a.m.]

Date of Adoption: October 8, 1998.

Purpose: Technical changes to clarify, update, move definitions closer to where they are used, and remove redundant or otherwise unnecessary definitions.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 1.03 and 1.07.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-18-089 on September 2, 1998.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

October 9, 1998

Gerald S. Pade

Engineer II

**AMENDATORY SECTION**

**REGULATION I SECTION 1.03 NAME OF AGENCY**

The name of the multicounty Air Pollution Control Agency comprised of the activated or inactivated air pollution control authorities of King County, Kitsap County, Pierce County, Snohomish County and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Air Pollution Control Agency" or "PSAPCA".

**AMENDATORY SECTION**

**REGULATION I SECTION 1.07 DEFINITIONS**

When used herein:

~~((a) ACCEPTABLE SOURCE IMPACT LEVEL (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing and are listed in Appendix A of Regulation III.))~~

(a) ~~((b))~~ ACTUAL EMISSIONS means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.

~~((c) ADEQUATE SOURCE OF HEAT means the ability to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a dwelling.))~~

(b) ~~((d))~~ AGENCY means the Puget Sound Air Pollution Control Agency.

(c) ~~((e))~~ AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(d) ~~((f))~~ AIR POLLUTION means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. Air pollution shall not include air contaminants emitted in compliance with chapter

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17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

~~((g)) AIR POLLUTION EPISODE means a period when a forecast, alert, warning, or emergency air pollution stage is declared by the Department of Ecology pursuant to RCW 70.94.715-.)~~

(e) ~~((h))~~ ALLOWABLE EMISSIONS means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:

(1) Any applicable standard under 40 CFR Parts 60, 61, and 63;

(2) Any applicable emission standard under Regulation I, II, or III;

(3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or

(4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.

(f) ~~((i))~~ AMBIENT AIR means the portion of the atmosphere, external to buildings, to which the general public has access.

~~((j)) AMBIENT AIR QUALITY STANDARD means an established concentration, exposure time, and frequency of occurrence of an air contaminant in the ambient air that shall not be exceeded.)~~

(g) ~~((k))~~ BEST AVAILABLE CONTROL TECHNOLOGY means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(h) ~~((l))~~ BOARD means the Board of Directors of the Puget Sound Air Pollution Control Agency.

(i) ~~((m))~~ COMMENCED CONSTRUCTION means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.

(j) ~~((n))~~ COMBUSTIBLE REFUSE means solid or liquid combustible waste material.

(k) ~~((o))~~ CONTROL EQUIPMENT means any device which prevents or controls the emission of any air contaminant.

(l) ~~((p))~~ CONTROL OFFICER means the Air Pollution Control Officer of the Puget Sound Air Pollution Control Agency.

(m) ~~((q))~~ EMISSION means a direct or indirect release of any air contaminant into the ambient air.

(n) ~~((r))~~ EMISSION STANDARD means a requirement established under the Federal Clean Air Act (FCAA) or chapter 70.94 RCW that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(o) ~~((s))~~ EQUIPMENT means any stationary or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere.

(p) ~~((t))~~ FACILITY means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control.

~~((u)) FIRST STAGE OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.)~~

(q) ~~((v))~~ FUEL BURNING EQUIPMENT means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

(r) ~~((w))~~ FUGITIVE DUST means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

(s) ~~((x))~~ FUGITIVE EMISSION means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.

(t) ~~((y))~~ GASOLINE means a volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch (10.3 kPa) at 68°F (20°C), that is a liquid at ~~((standard conditions))~~ a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa), and is used as a fuel for internal combustion engines.

(u) ~~((z))~~ GASOLINE STATION means any site dispensing gasoline into fuel tanks of motor vehicles, marine vessels, or aircraft from stationary storage tanks.

~~((aa)) INCINERATOR means a furnace for the destruction of waste.)~~

(v) ~~((bb))~~ INSTALLATION means the placement, assemblage, or construction of equipment or control equipment at

the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

**(w) ((ee)) LOWEST ACHIEVABLE EMISSION RATE** means that rate of emissions that reflects either the most stringent emission standard that is contained in the implementation plan of any state for such class or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.

**(x) ((dd)) MAJOR MODIFICATION** means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated nonattainment by more than the following:

Air Contaminant	Tons/Year
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM <sub>10</sub>	15.0
Sulfur Dioxide	40.0
Lead	0.6

In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. (Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone.)

**(y) ((ee)) MAJOR SOURCE** means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.

**(z) ((ff)) MODIFICATION** means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.

**(aa) ((gg)) MOTOR VEHICLE** means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the trans-

portation of people or property, and is of the type for which a license is required for operation on a highway.

**(bb) ((hh)) MULTIPLE CHAMBER INCINERATOR** means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

**(cc) ((ii)) NONATTAINMENT AREA** means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.

~~**((j)) OUTDOOR FIRE** means the combustion of material in the open or in a container with no provision for control of such combustion or the control of the emissions of the combustion products.)~~

**(dd) ((kk)) OWNER OR OPERATOR** means the person who owns, leases, supervises, or operates the equipment or control equipment.

**(ee) ((ll)) PARTICULATE MATTER** means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at standard conditions) a temperature of 68°F (20°C) and a barometric pressure of 29.92 inches of mercury (101.325 kPa).

**(ff) ((mm)) PERSON** means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency.

**(gg) ((nn)) PM<sub>10</sub>** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

**(hh) ((oo)) POTENTIAL TO EMIT** means the maximum capacity of a facility to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.

**(ii) ((pp)) REASONABLY AVAILABLE CONTROL TECHNOLOGY** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Reasonably available control technology is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

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~~(jj) ((qq)) REFUSE BURNING EQUIPMENT~~ means equipment employed to burn any solid or liquid combustible refuse.

~~((rr) SEASONED WOOD~~ means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.

~~(ss) SECOND STAGE OF IMPAIRED AIR QUALITY~~ means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24-hour average.

~~(tt) SOLID FUEL BURNING DEVICE~~ means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space heating purposes in a private residence or commercial establishment, which has a heat input less than 1 million Btu per hour.)

~~(kk) ((uu)) SOURCE~~ means a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.

~~(ll) ((vv)) STANDARD CONDITIONS~~ means a temperature of 68°F and a barometric pressure of 29.92 inches of mercury.

~~(mm) ((ww)) TOTAL ALLOWABLE EMISSIONS~~ means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.

~~(nn) ((xx)) TOXIC AIR CONTAMINANT or TAC~~ means an air contaminant listed in Appendix A of Regulation III.

~~((yy) TREATED WOOD~~ means wood of any species that has been chemically impregnated, painted, or similarly modified.)

~~(oo) ((zz)) TRUE VAPOR PRESSURE~~ means the equilibrium partial pressure of an organic liquid (determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from External Floating Roof Tanks", May ((1994)) 1996).

~~(pp) ((aaa)) URBANIZED AREA~~ means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

~~(qq) ((bbb)) VOLATILE ORGANIC COMPOUND or VOC~~ means an organic compound that participates in atmospheric photochemical reactions. This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed in 40 CFR 51.100(s) in effect July 1, 1998.

## NEW SECTION

### REGULATION I SECTION 13.02 DEFINITIONS

When used in this Article:

(a) **ADEQUATE SOURCE OF HEAT** means the ability to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a dwelling.

(b) **FIRST STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of

60 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.

(c) **SEASONED WOOD** means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.

(d) **SECOND STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24-hour average.

(e) **SOLID FUEL BURNING DEVICE** means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, that has a heat input less than 1 million Btu per hour (0.29 MW).

(f) **TREATED WOOD** means wood of any species that has been chemically impregnated, painted, or similarly modified.

WSR 98-21-038

PERMANENT RULES

PUGET SOUND

AIR POLLUTION CONTROL AGENCY

[Filed October 14, 1998, 10:23 a.m.]

Date of Adoption: October 8, 1998.

Purpose: To add the ability to use credible evidence in enforcement; clarify that all orders may be appealed to the Pollution Control Hearings Board; add definitions; include a new burn ban trigger; add amendments made by the legislature to authorize use of petroleum products for fire training; allow fire districts or county councils to add no-burn areas outside urban growth areas; and make the spray-coating rule more flexible and effective.

Citation of Existing Rules Affected by this Order: Amending Regulation I, Sections 3.17, 8.02, 8.03, and 8.04.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-18-087 on September 2, 1998.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.  
 October 9, 1998  
 James Nolan  
 Director - Compliance

### NEW SECTION

#### **REGULATION I SECTION 3.06 CREDIBLE EVIDENCE**

For the purpose of establishing whether or not a person has violated or is in violation of any provision of chapter 70.94 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

### AMENDATORY SECTION

#### **REGULATION I SECTION 3.17 APPEAL OF ORDERS**

(a) Any order of the Board or Control Officer (~~issued pursuant to Section 3.09 of Regulation I~~) may be appealed to the Pollution Control Hearings Board if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt of the order. This is the exclusive means of appeal of such an order.

(b) The Control Officer may stay the effectiveness of an order during the pendency of such an appeal. At any time during the pendency of such an appeal of such an order to the Hearings Board, the appellant may apply to the Hearings Board pursuant to ~~((C))~~chapter 43.21B RCW and ~~((C))~~chapter 371-08 WAC for a stay of the order or for the removal thereof.

(c) Upon failure to comply with any final order of the Board or Control Officer, the attorney for the Agency, upon request of the Board or Control Officer, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary.

### NEW SECTION

#### **REGULATION I SECTION 8.01 DEFINITIONS**

The following definitions apply to this article:

(a) **LAND-CLEARING FIRE** means an outdoor fire consisting of residue of a natural character such as trees, stumps, shrubbery, or other natural vegetation arising from land-clearing projects and burned on the lands where the residue originated.

(b) **OUTDOOR FIRE** means the combustion of material in the open or in a container with no provision for control of the combustion or control of the emissions from the combustion.

(c) **PERIOD OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 60 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of

contaminant per million parts of air by volume measured on an 8-hour average.

(d) **RESIDENTIAL FIRE** means an outdoor fire no larger than 4 feet in diameter and 3 feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

### AMENDATORY SECTION

#### **REGULATION I SECTION 8.02 PROHIBITED OUTDOOR FIRES (~~(-PROHIBITED TYPES)~~)**

It shall be unlawful for any person to cause or allow any outdoor fire:

(a) During any (~~stage of an air pollution episode or~~) period of impaired air quality; or

(b) Containing garbage, dead animals, asphalt, petroleum products (except for training as provided in Sections 8.07 and 8.08), paints, rubber products, plastics or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors,~~(; or~~

~~(c) Other than the following types:~~

~~(1) Fires for instruction in the methods of fighting fires, provided the person(s) conducting the training fire complies with the requirements of Section 8.07 or 8.08 of this regulation;~~

~~(2) Fires associated with commercial agricultural operations, provided prior written approval has been issued by the Control Officer in accordance with Section 8.05 of this regulation;~~

~~(3) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;~~

~~(4) Fires no larger than four feet in diameter and three feet in height consisting of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee, provided a permit has been issued by a fire protection agency, county, or conservation district;~~

~~(5) Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects, provided a permit has been issued by a fire protection agency, county, or conservation district;~~

~~(6) Fires consisting solely of charcoal, propane, natural gas, or wood used solely for the preparation of food;~~

~~(7) Fires no larger than four feet in diameter and three feet in height for campfires at designated federal, state, county or city parks and recreation areas;~~

~~(8) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual;~~

(9) Fires for abating a fire hazard, provided a fire protection agency or county has determined that no reasonable alternative is available to abate the hazard and prior written approval has been issued to the fire protection agency or county by the Control Officer.)

#### AMENDATORY SECTION

#### REGULATION I SECTION 8.03 ((~~OUTDOOR FIRES—PROHIBITED AREAS~~)) RESIDENTIAL AND LAND-CLEARING FIRES

~~((a) It shall be unlawful for any person to cause or allow any outdoor fire as described in Section 8.02(e)(4) or (5) of this Regulation 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)) (a) It shall be unlawful for any person to cause or allow any ((~~outdoor~~)) residential or land-clearing fire ((as described in Section 8.02(e)(4) or (5) of this Regulation)) within the Urban Growth Areas as defined by RCW 36.70A.030 for Snohomish, King, and Pierce Counties. In addition, after December 31, 2000, it shall be unlawful for any person to cause or allow any residential or land-clearing fire within the Urban Growth Area as defined by RCW 36.70A.030 for Kitsap County.~~

~~(b) It shall be unlawful for any person to cause or allow any residential or land-clearing fire in any area outside the Urban Growth Area where the Board of Fire Commissioners for a fire district or the County Council has adopted an ordinance or resolution requesting that the Agency prohibit residential or land-clearing fires. In adopting such an ordinance or resolution, the Board of Fire Commissioners for a fire district or the County Council should consider the population density in the area and the availability of reasonably economical alternatives to outdoor burning.~~

~~(c) Residential and land-clearing fires are allowed in areas other than those described in Sections 8.03 (a) and (b), except that it shall be unlawful for any person to cause or allow any residential or land-clearing fire in any area where the applicable fire district does not issue permits for outdoor fires.~~

#### AMENDATORY SECTION

#### REGULATION I SECTION 8.04 GENERAL CONDITIONS

(a) The provisions of Sections 9.03, 9.05, and 9.15 of Regulation I shall not apply to outdoor fires.

(b) Nothing contained in Article 8 shall be construed to allow outdoor fires in those areas in which open burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(c) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with ((~~Section 11.101~~ ef)) the Uniform Fire Code.

#### NEW SECTION

#### REGULATION I SECTION 8.06 ALLOWABLE OUTDOOR FIRES

The following types of outdoor fires are allowed throughout King, Pierce, Kitsap, and Snohomish counties (including Urban Growth Areas), except during periods of impaired air quality:

(a) Fires for abating a forest fire hazard, to prevent a hazard, for instruction of public officials in methods of forest fire fighting, any silvicultural operation to improve forest lands, and silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas, provided prior written approval has been issued by the Washington Department of Natural Resources;

(b) Fires no larger than 4 feet in diameter and 3 feet in height consisting of wood used solely for the preparation of food. (The use of gas or charcoal barbecues is allowed at all times, including periods of impaired air quality.);

(c) Fires no larger than 4 feet in diameter and 3 feet in height for campfires at designated federal, state, county, or city parks and recreation areas;

(d) Fires for Indian ceremonies or for the sending of smoke signals if part of a religious ritual;

(e) Fires for abating a fire hazard or a public health or safety hazard, provided a fire protection agency, city, or county has determined that no reasonable alternative is available to abate the hazard and prior written approval has been issued to the fire protection agency, city, or county by the Control Officer;

(f) Fires for disposing of storm or flood-related natural vegetation, provided a fire protection agency, city, or county has made a determination that no reasonable alternative is available to dispose of the natural vegetation and prior written approval has been issued to the fire protection agency, city, or county by the Control Officer;

(g) Fires associated with commercial agricultural operations, provided prior written approval has been issued by the Control Officer in accordance with Section 8.05 of this regulation; and

(h) Fires for instruction in the methods of fighting fires, provided the person(s) conducting the training fire complies with the requirements of Sections 8.07 and 8.08 of this regulation.

WSR 98-21-039

PERMANENT RULES

PUGET SOUND

AIR POLLUTION CONTROL AGENCY

[Filed October 14, 1998, 10:26 a.m.]

Date of Adoption: October 8, 1998.

Purpose: To move the definition of Acceptable Source Impact Level to Appendix A.

Citation of Existing Rules Affected by this Order: Amending Regulation III, Appendix A.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 98-18-088 on September 2, 1998.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

October 9, 1998

Gerald S. Pade

Engineer II

PERMANENT

**AMENDATORY SECTION**

((06/12/95)) 11/98

See last page for key.

**APPENDIX A, REGULATION III  
ACCEPTABLE SOURCE IMPACT LEVELS**

COMPOUND NAME	CAS CODE	ASIL $\mu\text{g}/\text{m}^3$	TYPE
ANTU.....	86-88-4.....	1.0.....	B
✓ Acetaldehyde.....	75-07-0.....	0.45.....	A
✓ Acetamide.....	60-35-5.....	TBD.....	B
Acetic acid.....	64-19-7.....	83.....	B
Acetic anhydride.....	108-24-7.....	67.....	B
Acetone.....	67-64-1.....	5900.....	B
✓ Acetonitrile.....	75-05-8.....	220.....	B
✓ Acetophenone.....	98-86-2.....	TBD.....	B
✓ 2-Acetylaminofluorene.....	53-96-3.....	TBD.....	A
Acetylene tetrabromide.....	79-27-6.....	47.....	B
✓ Acrolein.....	107-02-8.....	0.02.....	B
✓ Acrylamide.....	79-06-1.....	0.00077.....	A
✓ Acrylic acid.....	79-10-7.....	0.30.....	B
✓ Acrylonitrile.....	107-13-1.....	0.015.....	A
Aldrin.....	309-00-2.....	0.0002.....	A
Allyl alcohol.....	107-18-6.....	17.....	B
✓ Allyl chloride.....	107-05-1.....	1.0.....	B
Allyl glycidyl ether (AGE).....	106-92-3.....	77.....	B
Allyl propyl disulfide.....	2179-59-1.....	40.0.....	B
Aluminum, Al alkyls.....	7429-90-5.....	6.7.....	B
Aluminum, as Al metal dusts.....	7429-90-5.....	33.....	B
Aluminum, as Al pyro powders.....	7429-90-5.....	17.....	B
Aluminum, as Al soluble salts.....	7429-90-5.....	6.7.....	B
Aluminum, as Al welding fumes.....	7429-90-5.....	17.....	B
2-Aminoanthraquinone.....	117-79-3.....	TBD.....	A
o-Aminoazotoluene.....	97-56-3.....	TBD.....	A
✓ 4-Aminobiphenyl.....	92-67-1.....	TBD.....	A
2-Aminopyridine.....	504-29-0.....	6.3.....	B
Amitrole.....	61-82-5.....	0.06.....	C
Ammonia.....	7664-41-7.....	100.....	B
Ammonium chloride fumes.....	12125-02-9.....	33.....	B
Ammonium perfluorooctanoate.....	3825-26-1.....	0.33.....	B
Ammonium sulfate.....	7773-06-0.....	33.....	B
n-Amyl acetate.....	628-63-7.....	1800.....	B
sec-Amyl acetate.....	626-38-0.....	2200.....	B
✓ Aniline.....	62-53-3.....	6.3.....	A
✓ Aniline and homologues.....	62-53-3.....	1.0.....	B
Anisidine (o-,p- isomers).....	29191-52-4.....	1.7.....	B
o-Anisidine.....	90-04-0.....	1.7.....	C
✓ Antimony & compounds, as Sb.....	7440-36-0.....	1.7.....	B
Antimony trioxide, as Sb.....	1309-64-4.....	1.7.....	B
✓ Arsenic and inorganic arsenic compounds.....	7440-38-2.....	0.00023.....	A
✓ Arsenic.....	7784-42-1.....	0.53.....	B
✓ Asbestos (Note: fibers/ml).....	1332-21-4.....	0.000044.....	A
Asphalt (petroleum) fumes.....	8052-42-4.....	17.....	B
Atrazine.....	1912-24-9.....	17.....	B
Auramine (technical grade).....	2465-27-2.....	TBD.....	A
Azinphos-methyl.....	86-50-0.....	0.67.....	B
✓ Aziridine (Ethylene imine).....	151-56-4.....	2.9.....	B
Barium, soluble compounds Ba.....	7440-39-3.....	1.7.....	B
Benomyl.....	17804-35-2.....	33.....	B
✓ Benzene.....	71-43-2.....	0.12.....	A
✓ Benzidine and its salts.....	92-87-5.....	0.000015.....	A
Benzo(a)anthracene.....	56-55-3.....	TBD.....	A
Benzo(a)pyrene.....	50-32-8.....	0.00048.....	A
Benzo(b)fluoranthene.....	205-99-2.....	TBD.....	A
Benzo(j)fluoranthene.....	205-82-3.....	TBD.....	A
Benzo(k)fluoranthene.....	207-08-9.....	TBD.....	A
✓ Benzotrichloride.....	98-07-7.....	TBD.....	B
Benzoyl peroxide.....	94-36-0.....	17.....	B
✓ Benzyl chloride.....	100-44-7.....	17.....	B
Benzyl violet 4b.....	1694-09-3.....	TBD.....	A
✓ Beryllium and its compounds.....	7440-41-7.....	0.00042.....	A
✓ Biphenyl.....	92-52-4.....	4.3.....	B
✓ Bis(2-chloroethyl)ether (Dichloroethyl ether).....	111-44-4.....	0.003.....	A
✓ Bis(chloromethyl)ether.....	542-88-1.....	0.000016.....	A
✓ Bis(2-ethylhexyl)phthalate (DEHP; Di(2-ethylhexyl)phthalate).....	117-81-7.....	2.5.....	A
Bismuth telluride.....	1304-82-1.....	33.....	B
Bismuth telluride Se doped.....	1304-82-1.....	17.....	B
Borates, anhydrous.....	1303-96-4.....	3.3.....	B
Borates, decahydrate.....	1303-96-4.....	17.....	B
Borates, pentahydrate.....	1303-96-4.....	3.3.....	B
Boron oxide.....	1303-86-2.....	33.....	B

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Boron tribromide.....	10294-33-4.....	33.....	B
Boron trifluoride.....	76737-07-2.....	9.3.....	B
Bromacil.....	314-40-9.....	33.....	B
Bromine.....	7726-95-6.....	2.2.....	B
Bromine pentafluoride.....	7789-30-2.....	2.4.....	B
✓Bromoform.....	75-25-2.....	0.91.....	A
✓Bromomethane (Methyl bromide).....	74-83-9.....	5.0.....	B
✓1,3-Butadiene.....	106-99-0.....	0.0036.....	A
Butane.....	106-97-8.....	6300.0.....	B
✓2-Butanone (Methyl ethyl ketone).....	78-93-3.....	1000.....	B
2-Butoxyethanol (Butyl cellosolve).....	111-76-2.....	400.....	B
n-Butyl acetate.....	123-86-4.....	2400.....	B
sec-Butyl acetate.....	105-46-4.....	3200.....	B
tert-Butyl acetate.....	540-88-5.....	3200.....	B
Butyl acrylate.....	141-32-2.....	170.....	B
n-Butyl alcohol.....	71-36-3.....	500.....	B
sec-Butyl alcohol.....	78-92-2.....	1000.....	B
tert-Butyl alcohol.....	75-65-0.....	1000.....	B
tert-Butyl chromate, as CrO <sub>3</sub> .....	1189-85-1.....	0.33.....	B
n-Butyl glycidyl ether (BGE).....	2426-08-6.....	440.....	B
n-Butyl lactate.....	138-22-7.....	83.....	B
n-Butyl mercaptan.....	109-79-5.....	6.0.....	B
n-Butylamine.....	109-73-9.....	50.0.....	B
✓1,2-Butylene oxide (1,2-Epoxybutane).....	106-88-7.....	20.....	B
o-sec-Butylphenol.....	89-72-5.....	100.....	B
p-tert-Butyltoluene.....	98-51-1.....	200.....	B
β-Butyrolactone.....	3068-88-0.....	TBD.....	A
✓Cadmium and compounds.....	7440-43-9.....	0.00056.....	A
✓Calcium cyanamide.....	156-62-7.....	1.7.....	B
Calcium hydroxide.....	1305-62-0.....	17.....	B
Calcium oxide.....	1305-78-8.....	6.7.....	B
Camphor, synthetic.....	76-22-2.....	40.....	B
✓Caprolactam, dusts.....	105-60-2.....	3.3.....	B
✓Caprolactam, vapors.....	105-60-2.....	67.....	B
Captafol.....	2425-06-1.....	0.33.....	B
✓Captan.....	133-06-2.....	17.....	B
✓Carbaryl.....	63-25-2.....	17.....	B
Carbofuran.....	1563-66-2.....	0.33.....	B
Carbon black.....	1333-86-4.....	12.....	B
✓Carbon disulfide.....	75-15-0.....	100.....	B
Carbon tetrabromide.....	558-13-4.....	4.7.....	B
✓Carbon tetrachloride.....	56-23-5.....	0.067.....	A
Carbonyl fluoride.....	353-50-4.....	18.....	B
✓Carbonyl sulfide.....	463-58-1.....	TBD.....	B
✓Catechol.....	120-80-9.....	77.....	B
Cellosolve (2-Ethoxyethanol).....	110-80-5.....	200.....	B
Cesium hydroxide.....	21351-79-1.....	6.7.....	B
✓Chloramben.....	133-90-4.....	TBD.....	B
✓Chlordane.....	57-74-9.....	0.0027.....	A
✓Chlorinated camphene (Toxaphene).....	8001-35-2.....	0.0031.....	A
Chlorinated diphenyl oxide (hexachlorophenyl ether).....	55720-99-5.....	1.7.....	B
✓Chlorine.....	7782-50-5.....	5.0.....	B
Chlorine dioxide.....	10049-04-4.....	0.2.....	B
Chlorine trifluoride.....	7790-91-2.....	1.3.....	B
1-Chloro-1-nitropropane.....	600-25-9.....	33.....	B
Chloroacetaldehyde.....	107-20-0.....	11.....	B
✓Chloroacetic acid.....	79-11-8.....	TBD.....	B
✓o-Chloroacetophenone.....	532-27-4.....	1.1.....	B
Chloroacetyl chloride.....	79-04-9.....	0.67.....	B
o-Chlorobenzylidene malononitrile.....	2698-41-1.....	1.3.....	B
✓Chlorobenzene.....	108-90-7.....	150.....	B
✓Chlorobenzilate.....	510-15-6.....	0.2.....	A
Chlorobromomethane.....	74-97-5.....	3500.....	B
Chlorodifluoromethane.....	75-45-6.....	12000.....	B
✓Chloroethane (Ethyl chloride).....	75-00-3.....	10000.....	B
✓Chloroform.....	67-66-3.....	0.043.....	A
✓Chloromethane (Methyl chloride).....	74-87-3.....	340.....	B
✓Chloromethyl methyl ether (technical grade).....	107-30-2.....	TBD.....	A
Chloropentafluoroethane.....	76-15-3.....	21000.....	B
Chlorophenols.....	108-43-0.....	0.18.....	A
Chloropicrin.....	76-06-2.....	2.2.....	B
✓β-Chloroprene.....	126-99-8.....	120.0.....	C
o-Chlorostyrene.....	2039-87-4.....	940.....	B
o-Chlorotoluene.....	95-49-8.....	860.....	B
Chlorpyrifos.....	2921-88-2.....	0.67.....	B
✓Chromium (II) compounds, as Cr.....	7440-47-3.....	1.7.....	B
✓Chromium (III) compounds, as Cr.....	7440-47-3.....	1.7.....	B
✓Chromium (VI) compounds.....	7440-47-3.....	0.000083.....	A
✓Chromium (metal).....	7440-47-3.....	1.7.....	B
Chromyl chloride.....	14977-61-8.....	0.53.....	B
Clopidol.....	2971-90-6.....	33.....	B
✓Cobalt as Co, metals, dusts and fumes.....	7440-48-4.....	0.17.....	B
Cobalt carbonyl as Co.....	10210-68-1.....	0.33.....	B
Cobalt hydrocarbonyl.....	16842-03-8.....	0.33.....	B
✓Coke oven emissions.....	81103*.....	0.0016.....	A
Copper as Cu, dusts and mists.....	7440-50-8.....	3.3.....	B

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Copper, fumes.....	7440-50-8	0.67	B
Cotton dust, raw.....	81106*	0.67	B
Croosote.....	8001-58-9	TBD	A
✓ Cresol, all isomers.....	1319-77-3	73	B
Crotonaldehyde.....	4170-30-3	20.0	B
Cruformate.....	299-86-5	17	B
✓ Cumene (Isopropylbenzene).....	98-82-8	820	B
Cupferron.....	135-20-6	TBD	A
Cyanamide.....	420-04-2	6.7	B
✓ Cyanides, as CN.....	51-12-5	17	B
Cyanogen.....	460-19-5	67	B
Cyanogen chloride.....	506-77-4	2.5	B
✓ 1,4-Cyclohexadienedione (Quinone).....	106-51-4	1.5	B
Cyclohexane.....	110-82-7	3400	B
Cyclohexanol.....	108-93-0	690	B
Cyclohexanone.....	108-94-1	330	B
Cyclohexene.....	110-83-8	3400	B
Cyclohexylamine.....	108-91-8	140	B
Cyclonite.....	121-82-4	5.0	B
Cyclopentadiene.....	542-92-7	680	B
Cyclopentane.....	287-92-3	5700	B
Cyhexatin.....	13121-70-5	17	B
✓ 2,4-D salts and esters (2,4-Dichlorophenoxy acetic acid).....	94-75-7	33.0	C
✓ DDE (p,p'-Dichlorodiphenyldichloroethylene).....	3547-04-4	0.1	A
DDT (1,1,1-Trichloro-2,2-bis(p-chlorophenyl)ethane).....	50-29-3	0.01	A
Decaborane.....	17702-41-9	0.83	B
Demeton.....	8065-48-3	0.37	B
✓ Di(2-ethylhexyl)phthalate (Bis(2-ethylhexyl)phthalate; DEHP).....	117-81-7	2.5	A
Diacetone alcohol.....	123-42-2	790	B
N,N-Diacetylbenzidine.....	613-35-4	TBD	A
4,4'-Diaminodiphenyl ether.....	101-80-4	TBD	A
Diazinon.....	333-41-5	0.33	B
✓ Diazomethane.....	334-88-3	1.1	B
Dibenz(a,h)acridine.....	226-36-8	TBD	A
Dibenz(a,h)anthracene.....	53-70-3	TBD	A
Dibenz(a,j)acridine.....	224-42-0	TBD	A
Dibenzo(a,e)pyrene.....	192-65-4	TBD	A
Dibenzo(a,h)pyrene.....	189-64-0	TBD	A
Dibenzo(a,i)pyrene.....	191-30-0	TBD	A
✓ Dibenzofurans.....	132-64-9	TBD	A
1,2,7,8-Dibenzopyreno(Dibenzo(a,i)pyrene).....	189-55-9	TBD	A
Diborane.....	19287-45-7	0.37	B
✓ 1,2-Dibromo-3-chloropropane.....	96-12-8	0.20	B
Dibutyl phosphate.....	107-66-4	29	B
✓ Dibutyl phthalate.....	84-74-2	17	B
2-N-Dibutylaminoethanol.....	102-81-8	47	B
Dichloroacetylene.....	7572-29-4	1.3	B
✓ 1,4-Dichlorobenzene (p-Dichlorobenzene).....	106-46-7	1.5	A
o-Dichlorobenzene (1,2-Dichlorobenzene).....	95-50-1	1000	B
✓ 3,3'-Dichlorobenzidine.....	91-94-1	0.077	A
1,4-Dichloro-2-butene.....	764-41-0	0.00038	A
3,3'-Dichloro-4,4'-diaminodiphenyl ether.....	28434-86-8	TBD	A
Dichlorodifluoromethane.....	75-71-8	16000	B
1,3-Dichloro-5,5-dimethylhydantoin.....	118-52-5	0.67	B
✓ p,p'-Dichlorodiphenyldichloroethylene (DDE).....	3547-04-4	0.1	A
✓ 1,1-Dichloroethane (Ethylidene dichloride).....	75-34-3	2700	B
✓ 1,2-Dichloroethane (Ethylene dichloride).....	107-06-2	0.038	A
✓ Dichloroethyl ether (Bis (2-chloroethyl)ether).....	111-44-4	0.003	A
✓ 1,1-Dichloroethylene (Vinylidene chloride).....	75-35-4	67	B
1,2-Dichloroethylene.....	540-59-0	2600	B
Dichlorofluoromethane.....	75-43-4	130	B
✓ Dichloromethane (Methylene chloride).....	75-09-2	0.56	A
1,1-Dichloro-1-nitroethane.....	594-72-9	40	B
Dichlorophenylamine (arsenic group).....	696-28-6	TBD	A
✓ 1,2-Dichloropropane (Propylene dichloride).....	78-87-5	4.0	C
✓ Dichloropropene.....	542-75-6	20	B
2,2-Dichloropropionic acid.....	75-99-0	19	B
Dichlorotetrafluoroethane.....	76-14-2	23000	B
✓ Dichlorvos.....	62-73-7	3.3	B
Dicrotophos.....	141-66-2	0.83	B
Dicyclopentadiene.....	77-73-6	100	B
Dicyclopentadienyl iron.....	102-54-5	33	B
Dieldrin.....	60-57-1	0.00022	A
✓ Diethanolamine.....	111-42-2	43	B
Diethyl ketone.....	96-22-0	2300	B
Diethyl nitrosamine (DEN; N-Nitrosodiethylamine).....	55-18-5	TBD	A
Diethyl phthalate.....	84-66-2	17	B
✓ Diethyl sulfate.....	64-67-5	TBD	B
Diethylamine.....	109-89-7	100	B
Diethylaminoethanol.....	100-37-8	170	B
Diethylene triamine.....	111-40-0	14	B
1,2-Diethylhydrazine.....	1615-80-1	TBD	A
Difluorodibromomethane.....	75-61-6	2900	B
Diglycidyl ether.....	2238-07-5	1.7	B
Diglycidyl resorcinol ether.....	101-90-6	TBD	A
Diisobutyl ketone.....	108-83-8	480	B

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Diisopropylamine	108-18-9	67	B
✓ 3,3'-Dimethoxybenzidine (ortol-dianisidine)	119-90-4	TBD	A
✓ Dimethyl aminoazobenzene	60-11-7	TBD	B
✓ 3,3'-Dimethyl benzidine	119-93-7	0.0038	A
✓ Dimethyl carbamoyl chloride	79-44-7	TBD	B
✓ Dimethyl phthalate	131-11-3	17	B
✓ Dimethyl sulfate	77-78-1	1.7	C
Dimethylacetamide	127-19-5	120	B
Dimethylamine	124-40-3	60	B
✓ Dimethylaniline (Diethyl aniline)	121-69-7	83	B
✓ Dimethylformamide	68-12-2	30	B
✓ 1,1-Dimethylhydrazine	57-14-7	4.0	B
1,2-Dimethylhydrazine	540-73-8	4.0	C
✓ Dimethylnitrosoamine (N-Nitrosodimethylamine)	62-75-9	0.000071	A
Dinitolmide	148-01-6	17	B
✓ Dinitro-o-cresol	534-52-1	0.67	B
Dinitrobenzene, all isomers	528-29-0	3.3	B
✓ 2,4-Dinitrophenol	51-28-5	TBD	B
✓ 2,4-Dinitrotoluene	121-14-2	5.0	B
✓ 1,4-Dioxane (1,4-Diethyleneoxide)	123-91-1	0.032	A
Dioxathion	78-34-2	0.67	B
Dioxins and furans	43110*	TBD	A
Diphenylamine	122-39-4	33	B
✓ 1,2-Diphenyl hydrazine	122-66-7	0.0045	A
Dipropyl ketone	123-19-3	780	B
Dipropylene glycol methyl ether	34590-94-8	2000	B
Diquat	85-00-7	1.7	B
Disulfiram	97-77-8	6.7	B
Disulfoton	298-04-4	0.33	B
2,6-Ditert butyl-p-cresol	128-37-0	33	B
Diuron	330-54-1	33	B
Divinyl benzene	1321-74-0	180	B
EPN	2104-64-5	1.7	B
Endosulfan	115-29-7	0.33	B
Endrin	72-20-8	0.33	B
Enflurane	13838-16-9	1900	B
✓ Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	0.83	A
✓ 1,2-Epoxybutane (1,2-Butylene oxide)	106-88-7	20	B
Ethanolamine	141-43-5	25	B
Ethion	563-12-2	1.3	B
2-Ethoxyethanol (Cellosolve)	110-80-5	200	B
2-Ethoxyethyl acetate	111-15-9	90	B
Ethyl acetate	141-78-6	4800	B
✓ Ethyl acrylate	140-88-5	66	B
Ethyl alcohol	64-17-5	6300	B
Ethyl amyl ketone	541-85-5	440	B
✓ Ethyl benzene	100-41-4	1000	B
Ethyl bromide	74-96-4	3000	B
Ethyl butyl ketone	106-35-4	780	B
✓ Ethyl carbamate (Urethan)	51-79-6	TBD	B
✓ Ethyl chloride (Chloroethane)	75-00-3	10000	B
Ethyl ether	60-29-7	4000	B
Ethyl formate	109-94-4	1000	B
Ethyl mercaptan	75-08-1	4.3	B
Ethyl silicate	78-10-4	280	B
Ethylamine	75-04-7	60	B
✓ Ethylene dichloride (1,2-Dichloroethane)	107-06-2	0.038	A
Ethylene chlorohydrin	107-07-3	11	B
Ethylene diamine	107-15-3	83	B
✓ Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.0045	A
✓ Ethylene glycol	107-21-1	420	B
Ethylene glycol dinitrate	628-96-6	1.0	B
✓ Ethylene imine (Aziridine)	151-56-4	2.9	B
✓ Ethylene oxide	75-21-8	0.010	A
✓ Ethylene thiourea	96-45-7	1.0	A
✓ Ethylidene dichloride (1,1-Dichloroethane)	75-34-3	2700	B
Ethylidene norbornene	16219-75-3	83	B
N-Ethylmorpholine	100-74-3	77	B
Fenamiphos	22224-92-6	0.33	B
Fensulfothion	115-90-2	0.33	B
Fenthion	55-38-9	0.67	B
Ferbam	14484-64-1	33	B
Ferrovandium dust	12604-58-9	3.3	B
Fibrous glass dust	81111*	33	B
✓ Fine mineral fibers	81104*	33	B
Fluorides, as F	16984-48-8	8.3	B
Fluorine	7782-41-4	5.3	B
Fonofos	944-22-9	0.33	B
✓ Formaldehyde	50-00-0	0.077	A
Formamide	75-12-7	60	B
Formic acid	64-18-6	31	B
Furazolidone	67-45-8	TBD	A
Furfural	98-01-1	26	B
Furfuryl alcohol	98-00-1	130	B
Furium (nitrofuran group)	43111*	TBD	A

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Germanium tetrahydride.....	7782-65-2.....	2.1.....	B
Glutaraldehyde.....	111-30-8.....	2.5.....	B
Glyciadialdehyde.....	765-34-4.....	TBD.....	A
Glycidol.....	556-52-5.....	250.....	B
✓ Glycol ethers.....	43107*.....	TBD.....	B
Hafnium.....	7440-58-6.....	1.7.....	B
Halothane.....	151-67-7.....	1300.....	B
✓ Heptachlor.....	76-44-8.....	0.00077.....	A
Heptane (n-Heptane).....	142-82-5.....	5500.....	B
✓ Hexachlorobenzene.....	118-74-1.....	0.0022.....	A
✓ Hexachlorobutadiene.....	87-68-3.....	0.70.....	B
Hexachlorocyclohexane (Lindane) Alpha (BHC).....	319-84-6.....	1.7.....	C
Hexachlorocyclohexane (Lindane) Beta (BHC).....	319-85-7.....	1.7.....	C
✓ Hexachlorocyclohexane (Lindane) Gamma (BHC).....	58-89-9.....	0.0026.....	A
✓ Hexachlorocyclopentadiene.....	77-47-4.....	0.33.....	B
1,2,3,6,7,8-Hexachloro-dibenzo-o-dioxin (1:2 mixture).....	34465-46-8.....	TBD.....	A
1,2,3,7,8,9-Hexachloro-dibenzo-o-dioxin (1:2 mixture).....	19408-74-3.....	TBD.....	A
✓ Hexachloroethane.....	67-72-1.....	32.0.....	B
Hexachloronaphthalene.....	1335-87-1.....	0.67.....	B
Hexachlorophenyl ether (Chlorinated diphenyl oxide).....	55720-99-5.....	1.7.....	B
Hexafluoroacetone.....	684-16-2.....	2.3.....	B
✓ Hexamethylene diisocyanate.....	822-06-0.....	0.11.....	B
✓ Hexamethylphosphoramide.....	680-31-9.....	TBD.....	A
✓ Hexane (n-Hexane).....	110-54-3.....	200.....	B
Hexane, other isomers.....	43103*.....	5900.....	B
2-Hexanone (Methyl butyl ketone).....	591-78-6.....	67.....	B
✓ Hexone (Methyl isobutyl ketone (MIBK)).....	108-10-1.....	680.....	B
sec-Hexyl acetate.....	108-84-9.....	980.....	B
Hexylene glycol.....	107-41-5.....	400.....	B
✓ Hydrazine.....	302-01-2.....	0.0002.....	A
Hydrogen bromide.....	10035-10-6.....	33.....	B
✓ Hydrogen chloride (Hydrochloric acid).....	7647-01-0.....	7.0.....	B
Hydrogen cyanide.....	74-90-8.....	37.....	B
✓ Hydrogen fluoride, as F (Hydrofluoric acid).....	7664-39-3.....	8.7.....	B
Hydrogen peroxide.....	7722-84-1.....	4.7.....	B
Hydrogen selenide, as Se.....	7783-07-5.....	0.53.....	B
Hydrogen sulfide.....	7783-06-4.....	0.9.....	B
✓ Hydroquinone.....	123-31-9.....	6.7.....	B
2-Hydroxypropyl acrylate.....	999-61-1.....	9.3.....	B
Indene.....	95-13-6.....	160.....	B
Indeno(1,2,3-cd)pyrene.....	193-39-5.....	TBD.....	A
Indium, & compounds as In.....	7440-74-6.....	0.33.....	B
Iodine.....	7533-56-2.....	3.3.....	B
Iodoform.....	75-47-8.....	33.....	B
Iodomethane (Methyl iodide).....	74-88-4.....	40.....	B
✓ Iron oxide fumes, Fe <sub>2</sub> O <sub>3</sub> as Fe.....	1309-37-1.....	17.....	B
Iron pentacarbonyl, as Fe.....	13463-40-6.....	0.83.....	B
Iron salts, soluble as Fe.....	81101*.....	3.3.....	B
Isoamyl acetate.....	123-92-2.....	1700.....	B
Isoamyl alcohol.....	123-51-3.....	1200.....	B
Isobutyl acetate.....	110-19-0.....	2400.....	B
Isobutyl alcohol.....	78-83-1.....	510.....	B
Isocetyl alcohol.....	26952-21-6.....	890.....	B
✓ Isophorone.....	78-59-1.....	93.....	B
Isophorone diisocyanate.....	4098-71-9.....	0.15.....	B
Isopropoxyethanol.....	109-59-1.....	350.....	B
Isopropyl acetate.....	108-21-4.....	3500.....	B
Isopropyl alcohol.....	67-63-0.....	3300.....	B
Isopropyl ether.....	108-20-3.....	3500.....	B
Isopropyl glycidyl ether (IGE).....	4016-14-2.....	790.....	B
Isopropyl oils.....	43112*.....	TBD.....	A
Isopropylamine.....	75-31-0.....	40.....	B
N-Isopropylaniline.....	768-52-5.....	37.....	B
✓ Isopropylbenzene (Cumene).....	98-82-8.....	820.....	B
Ketene.....	463-51-4.....	2.9.....	B
Lead acetate.....	301-04-2.....	TBD.....	A
Lead arsenate, as Pb <sub>2</sub> (AsO <sub>4</sub> ) <sub>2</sub> .....	3687-31-8.....	0.50.....	B
Lead chromate, as Cr.....	7758-97-6.....	0.040.....	B
✓ Lead compounds.....	81109*.....	0.5.....	C
Lead phosphate.....	7446-27-7.....	TBD.....	A
Liquified petroleum gas.....	68476-85-7.....	6000.....	B
✓ Lindane.....	58-89-9.....	0.0026.....	A
Lithium hydride.....	7580-67-8.....	0.080.....	B
Magnesium oxide fumes.....	1309-48-4.....	33.....	B
Malathion.....	121-75-5.....	33.....	B
✓ Maleic anhydride.....	108-31-6.....	3.3.....	B
✓ Manganese, dusts and compounds.....	7439-96-5.....	0.40.....	B
✓ Manganese, fumes.....	7439-96-5.....	3.3.....	B
Manganese cyclopentadienyl tricarbonyl.....	12079-65-1.....	0.33.....	B
✓ Mercury, Aryl & inorganic compounds.....	7439-97-6.....	0.33.....	B
✓ Mercury, as Hg Alkyl compounds.....	7439-97-6.....	0.33.....	B

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✓Mercury, vapors except alkyl .....	7439-97-6	0.17	B
Mesityl oxide .....	141-79-7	200	B
Methacrylic acid .....	79-41-4	230	B
Methoxymyl .....	16752-77-5	8.3	B
✓Methoxychlor .....	72-43-5	33	B
2-Methoxyethanol (methyl cellosolve) .....	109-86-4	20	B
2-Methoxyethyl acetate .....	110-49-6	80	B
4-Methoxyphenol .....	150-76-5	17	B
2-Methyl-1-nitroanthraquinone .....	129-15-7	TBD	A
Methyl 2-cyanoacrylate .....	137-05-3	30	B
Methyl acetate .....	79-20-9	2000	B
Methyl acetylene .....	74-99-7	5500	B
Methyl acetylene-propadiene mixture (MAPP) .....	59355-75-8	5500	B
Methyl acrylate .....	96-33-3	120	B
✓Methyl alcohol (Methanol) .....	67-56-1	870	B
N-Methyl aniline .....	100-61-8	7.3	B
✓2-Methyl aziridine (1,2-Propylene imine) .....	75-55-8	16	B
Methyl azoxymethyl acetate .....	592-62-1	TBD	A
✓Methyl bromide (Bromomethane) .....	74-83-9	5.0	B
Methyl cellosolve (2-Methoxyethanol) .....	109-86-4	20	B
✓Methyl chloride (Chloromethane) .....	74-87-3	340	B
✓Methyl chloroform (1,1,1-Trichloroethane) .....	71-55-6	6400	B
Methyl demeton .....	8022-00-2	1.7	B
✓Methyl ethyl ketone (MEK; 2-Butanone) .....	78-93-3	1000	B
Methyl ethyl ketone peroxide .....	1338-23-4	5.0	B
Methyl formate .....	107-31-3	820	B
✓Methyl hydrazine .....	60-34-4	1.2	B
✓Methyl iodide (Iodomethane) .....	74-88-4	40	B
Methyl isoamyl ketone .....	110-12-3	780	B
Methyl isobutyl carbinol .....	108-11-2	350	B
✓Methyl isobutyl ketone (MIBK; Hexone) .....	108-10-1	680	B
✓Methyl isocyanate .....	624-83-9	0.16	B
Methyl isopropyl ketone .....	563-80-4	2300	B
Methyl mercaptan .....	74-93-1	3.3	B
✓Methyl methacrylate .....	80-62-6	1400	B
Methyl n-amyl ketone .....	110-43-0	780	B
Methyl n-butyl ketone .....	591-78-6	67	B
Methyl parathion .....	298-00-0	0.67	B
Methyl propyl ketone .....	107-87-9	2300	B
Methyl silicate .....	681-84-5	20	B
a-Methyl styrene .....	98-83-9	810	B
✓Methyl tert-butyl ether .....	1634-04-4	500	B
Methylacrylonitrile .....	126-98-7	9.0	B
Methylal .....	109-87-5	10000	B
Methylamine .....	74-89-5	43	B
5-Methylchrysene .....	3697-24-3	TBD	A
Methylcyclohexane .....	108-87-2	5400	B
Methylcyclohexanol .....	25639-42-3	780	B
o-Methylcyclohexanone .....	583-60-8	760	B
Methylcyclopentadienyl manganese tricarbonyl .....	12108-13-3	0.67	B
Methylene bis(4-cyclo-hexylisocyanate) .....	5124-30-1	0.18	B
4,4'-Methylene bis(2-methylaniline) .....	838-88-0	TBD	A
✓4,4'-Methylene bis(2-chloroaniline) .....	101-14-4	0.7	C
✓Methylene bis(phenyl isocyanate) (Methylene diphenyl diisocyanate, MDI) .....	101-68-8	0.2	B
✓Methylene chloride (Dichloromethane) .....	75-09-2	0.56	A
✓4,4-Methylene dianiline .....	101-77-9	2.7	C
4,4-Methylenedianiline dihydrochloride .....	13552-44-8	TBD	A
4-(Methylnitrosamino)-1-(3-pyridyl)-1-butanone .....	64091-91-4	TBD	A
Metribuzin .....	21087-64-9	17	B
Mevinphos .....	7786-34-7	0.33	B
Mirex .....	2385-85-5	TBD	A
Molybdenum, as Mo soluble compounds .....	7439-98-7	17	B
Molybdenum, insoluble compounds .....	7439-98-7	33	B
Monocrotophos .....	6923-22-4	0.83	B
Morpholine .....	110-91-8	240	B
5-(Morpholinomethyl)-3-(amino)-2-oxazolidinone (furaludione) .....	139-91-3	TBD	A
Naled .....	300-76-5	10	B
Naphtha (Rubber solvent) .....	43102*	5300	B
✓Naphthalene .....	91-20-3	170	B
1-Naphthylamine .....	134-32-7	TBD	A
✓Nickel and compounds (as nickel subsulfide or nickel refinery dust) .....	7440-02-2	0.0021	A
Nicotine .....	54-11-3	1.7	B
Nitrapyrin .....	1929-82-4	33	B
Nitric acid .....	7697-37-2	17	B
Nitric oxide .....	10102-43-9	100	B
5-Nitroacenaphthene .....	602-87-9	TBD	A
p-Nitroaniline .....	100-01-6	10	B
✓Nitrobenzene .....	98-95-3	1.7	B
✓4-Nitrobiphenyl .....	92-93-3	TBD	B
p-Nitrochlorobenzene .....	100-00-5	2.0	B
Nitroethane .....	79-24-3	1000	B
Nitrofen .....	1836-75-5	TBD	A
Nitrofurans Furazolidone .....	43114*	TBD	A
Nitrofurazone .....	59-87-0	TBD	A
1-(5-Nitrofurfurylidene)amino)-2-imidazolidinone .....	555-84-9	TBD	A
Nitrogen mustard N-oxide .....	126-85-2	TBD	A

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Nitrogen mustard n-oxide hydro-chloride	302-70-5	TBD	A
Nitrogen trifluoride	7783-54-2	97	B
Nitroglycerin	55-63-0	1.5	B
Nitromethane	75-52-5	830	B
✓ 4-Nitrophenol	100-02-7	TBD	B
1-Nitropropane	108-03-2	20	B
✓ 2-Nitropropane	79-46-9	0.00037	A
N-Nitrosodiethylamine (diethylnitrosoamine) (DEN)	55-18-5	0.000023	A
✓ N-Nitrosodimethylamine (Dimethylnitrosoamine)	62-75-9	0.000071	A
N-Nitrosodi-n-butylamine	924-16-3	0.00063	A
N-Nitrosodi-n-propylamine	621-64-1	TBD	A
N-Nitrosodiphenylamine	86-30-6	TBD	A
N-Nitrosomethylethylamine	10595-95-6	TBD	A
✓ N-Nitrosomorpholine	59-89-2	TBD	A
N-Nitroso-n-ethylurea (NEU)	759-73-9	TBD	A
✓ N-Nitroso-N-methylurea (NMU)	684-93-5	TBD	B
N-Nitroso-n-methylurethane	615-53-2	TBD	A
Nitrotoluene	88-72-2	37	B
N-(4-(5-Nitro-2-furyl)-2-thiazolyl)acetamide	531-82-8	TBD	A
Nonane	111-84-2	3500	B
Octachloronaphthalene	2234-13-1	0.33	B
Octane	111-65-9	4700	B
Oil mist, mineral	8012-95-1	17	B
Oil orange SS	2646-17-5	TBD	A
Osmium tetroxide as Os	20816-12-0	0.0053	B
Oxalic acid	144-62-7	3.3	B
Oxygen difluoride	7783-41-7	0.37	B
Panfuran S (dihydroxymethyl-furatrizine)	794-93-4	TBD	A
Paraffin wax fumes	8002-74-2	6.7	B
Paraquat	4685-14-7	4.5	B
✓ Parathion	56-38-2	0.33	B
Pentaborane	19624-22-7	0.043	B
Pentachloronaphthalene	1321-64-8	1.7	B
✓ Pentachloronitrobenzene (quintobenzene)	82-68-8	1.7	B
✓ Pentachlorophenol	87-86-5	0.33	A
Pentane	109-66-0	6000	B
✓ Perchloroethylene (Tetrachloroethylene)	127-18-4	1.1	A
Perchloromethyl mercaptan	594-42-3	2.5	B
Perchloryl fluoride	7616-94-6	43	B
✓ Phenol	108-95-2	63	B
Phenothiazine	92-84-2	1.7	B
Phenoxybenzamine hydrochloride	63-92-3	TBD	A
Phenyl ether	101-84-8	23	B
Phenyl glycidyl ether	122-60-1	2000	B
Phenyl mercaptan	108-98-5	7.7	B
✓ p-Phenylenediamine	106-50-3	0.33	B
Phenylhydrazine	100-63-0	1.5	B
Phenylphosphine	638-21-1	0.77	B
N-Phenyl-2-naphthylamine	135-88-6	TBD	A
Phorate	298-02-2	0.17	B
✓ Phosgene	75-44-5	1.3	B
✓ Phosphine	7803-51-2	1.3	B
Phosphoric acid	7664-38-2	3.3	B
✓ Phosphorus	7723-14-0	0.33	B
Phosphorus oxychloride	10025-87-3	2.1	B
Phosphorus pentachloride	10026-13-8	2.8	B
Phosphorus pentasulfide	1314-80-3	3.3	B
Phosphorus trichloride	7719-12-2	3.7	B
✓ Phthalic anhydride	85-44-9	20	B
m-Phthalodinitrile	626-17-5	17	B
Picloram	1918-02-1	33	B
Picric acid	88-89-1	0.33	B
Pindone	83-26-1	0.033	B
Piperazine dihydrochloride	142-64-3	17	B
Platinum, metals	7440-06-4	3.3	B
Platinum, soluble salts as Pt	7440-06-4	0.0067	B
Polyaromatic hydrocarbons (PAH)	43116*	0.00048	A
✓ Polychlorinated biphenyls (PCB)	1336-36-3	0.0045	A
✓ Polycyclic Organic Matter	43108*	TBD	A
Ponceau MX	3761-53-3	TBD	A
Potassium hydroxide	1310-58-3	6.7	B
Primary Aluminum Smelter uncontrolled roof vent PAH emissions	81113*	0.0013	A
✓ 1,3-Propane sulfone	1120-71-4	TBD	A
Propargyl alcohol	107-19-7	7.7	B
✓ β-Propiolactone	57-57-8	5.0	B
✓ Propionaldehyde	123-38-6	TBD	B
✓ Propoxur	114-26-1	1.7	B
Propionic acid	79-09-4	100	B
n-Propyl acetate	109-60-4	2800	B
n-Propyl alcohol	71-23-8	1600	B
n-Propyl nitrate	627-13-4	360	B
✓ Propylene dichloride (1,2-Dichloropropane)	78-87-5	4.0	C
Propylene glycol dinitrate	6423-43-4	1.1	B
Propylene glycol mono-methyl ether	107-98-2	2000	B
✓ Propylene oxide	75-36-9	0.27	A

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✓ 1,2-Propylene imine (2-Methyl aziridine).....	75-55-8	16	B
Pyrethrum.....	8003-34-7	1.7	B
Pyridine.....	110-86-1	53	B
✓ Quinoline.....	91-22-5	TBD	B
✓ Quinone (1,4-Cyclohexadienedione).....	106-51-4	1.5	B
✓ Quintobenzene (Pentachloronitrobenzene).....	82-68-8	1.7	B
✓ Radionuclides (including radon).....	81105*		
Resorcinol.....	108-46-3	150	B
Rhodium, insoluble compounds.....	7440-16-6	3.3	B
Rhodium, metals.....	7440-16-6	3.3	B
Rhodium, soluble compounds.....	7440-16-6	0.033	B
Rommel.....	299-84-3	33	B
Rotenone.....	83-79-4	17	B
Rubber solvent (Naphtha).....	43102*	5300	B
✓ Selenium compounds, as Se.....	7782-49-2	0.67	B
Selenium hexafluoride, as Se.....	7783-79-1	0.53	B
Sesone.....	136-78-7	33	B
Silicon tetrahydride.....	7803-62-5	22	B
Silver, metals.....	7440-22-4	0.33	B
Silver, soluble compounds, as Ag.....	7440-22-4	0.033	B
Sodium azide.....	26628-22-8	1.0	B
Sodium bisulfite.....	7631-90-5	17	B
Sodium fluoroacetate.....	62-74-8	0.17	B
Sodium hydroxide.....	1310-73-2	6.7	B
Sodium metabisulfite.....	7681-57-4	17	B
Stibine.....	7803-52-3	1.7	B
Strychnine.....	57-24-9	0.5	B
✓ Styrene.....	100-42-5	1000	B
✓ Styrene oxide.....	96-09-3	TBD	B
Subtilisins.....	1395-21-7	0.0002	B
Sulfotep.....	3689-24-5	0.67	B
Sulfur hexafluoride.....	2551-62-4	20000	B
Sulfur monochloride.....	10025-67-9	18	B
Sulfur pentafluoride.....	5714-22-7	0.33	B
Sulfur tetrafluoride.....	7783-60-0	1.5	B
Sulfuric acid.....	7664-93-9	3.3	B
Sulfuryl fluoride.....	2699-79-8	67	B
Sulprofos.....	35400-43-2	3.3	B
2,4,5-T.....	93-76-5	33	B
TEPP.....	107-49-3	0.16	B
Tantalum, metals & oxide dusts.....	7440-25-7	17	B
Tellurium & compounds as Te.....	13494-80-9	0.33	B
Tellurium hexafluoride, as Te.....	7783-80-4	0.33	B
Temephos.....	3383-96-8	33	B
Terphenyls.....	26140-60-3	16	B
P(p)(AAA) Tetra-chlorotoluene.....	5216-25-1	TBD	A
✓ 2,3,7,8-Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD).....	1746-01-6	0.00000003	A
1,1,2,2-Tetrachloro-1,2-difluoroethane.....	76-12-0	14000	B
1,1,1,2-Tetrachloro-2,2-difluoroethane.....	76-11-9	14000	B
✓ 1,1,2,2-Tetrachloroethane.....	79-34-5	23	B
✓ Tetrachloroethylene (Perchloroethylene).....	127-18-4	1.1	A
Tetrachloronaphthalene.....	1335-88-2	6.7	B
Tetraethyl lead, as Pb.....	78-00-2	0.33	B
Tetrahydrofuran.....	109-99-9	2000	B
Tetramethyl lead, as Pb.....	75-74-1	0.5	B
Tetramethyl succinonitrile.....	3333-52-6	9.3	B
Tetranitromethane.....	509-14-8	27	B
Tetrasodium pyrophosphate.....	7722-88-5	17	B
Tetryl.....	479-45-8	5.0	B
Thallium, soluble compounds, Tl.....	7440-28-0	0.33	B
4,4-Thiobis(6-tert, butyl-m-cresol).....	96-69-5	33	B
4,4'-Thiodianiline.....	139-65-1	TBD	A
Thioglycolic acid.....	68-11-1	13	B
Thionyl chloride.....	7719-09-7	16	B
Thuram.....	137-26-8	3.3	B
Thorium dioxide.....	1314-20-1	TBD	A
Tin, metals.....	7440-31-5	6.7	B
Tin, organic compounds, as Sn.....	7440-31-5	0.33	B
Tin, oxide & inorganic except SnH <sub>4</sub> .....	7440-31-5	6.7	B
✓ Titanium tetrachloride.....	7550-45-0	TBD	B
✓ Toluene.....	108-88-3	400	B
✓ 2,4-Toluene diamine (2,4-Diamino toluene).....	95-80-7	0.011	A
✓ 2,4-Toluene diisocyanate (TDI).....	584-84-9	0.12	C
m-Toluidine.....	108-44-1	29	B
✓ o-Toluidine.....	95-53-4	0.14	A
o-Toluidine hydrochloride.....	636-21-5	0.14	A
p-Toluidine.....	106-49-0	29	B
✓ Toxaphene (Chlorinated camphene).....	8001-35-2	0.0031	A
Trans-2((Dimethylamino)methylimino)-5-(2-(5-nitro-2-furyl)) vinyl-1,3,4-oxadiazole.....	55738-54-0	TBD	A
Tributyl phosphate.....	126-73-8	7.3	B
1,1,2-Trichloro-1,2,2-trifluoroethane.....	76-13-1	27000	B
Trichloroacetic acid.....	76-03-9	22	B
✓ 1,2,4-Trichlorobenzene.....	120-82-1	120	B

✓ 1,1,1-Trichloroethane (Methyl chloroform)	71-55-6	6400	B
✓ 1,1,2-Trichloroethane	79-00-5	180	B
✓ Trichloroethylene	79-01-6	0.59	A
Trichlorofluoromethane	75-69-4	19000	B
Trichloronaphthalene	1321-65-9	17	B
✓ 2,4,5-Trichlorophenol	95-95-4	TBD	B
✓ 2,4,6-Trichlorophenol	88-06-2	0.32	A
1,2,3-Trichloropropane	96-18-4	200	B
✓ Triethylamine	121-44-8	7.0	B
Trifluorobromomethane	75-63-8	20000	B
✓ Trifluralin	1582-09-8	TBD	B
Trimellitic anhydride	552-30-7	0.13	B
Trimethyl benzene	2551-13-7	420	B
Trimethyl phosphite	121-45-9	33	B
Trimethylamine	75-50-3	80	B
✓ 2,2,4-Trimethylpentane	540-84-1	TBD	B
2,4,6-Trinitrotoluene	118-96-7	1.7	B
Triorthocresyl phosphate	78-30-8	0.33	B
Triphenyl amine	603-34-9	17	B
Triphenyl phosphate	115-86-6	10	B
Tungsten, insoluble compounds	7440-33-7	17	B
Tungsten, soluble compounds	7440-33-7	3.3	B
Turpentine	8006-64-2	1900	B
Uranium, insoluble & soluble	7440-61-1	0.67	B
Urethan (Ethyl carbamate)	51-79-6	TBD	B
VM & P Naphtha	8032-32-4	4600	B
n-Valeraldehyde	110-62-3	590	B
Vanadium, as V <sub>2</sub> O <sub>5</sub>	1314-62-1	0.17	B
✓ Vinyl acetate	108-05-4	200	B
✓ Vinyl bromide	593-60-2	73	B
✓ Vinyl chloride	75-01-4	0.012	A
Vinyl cyclohexene dioxide	106-87-6	200	B
Vinyl toluene	25013-15-4	800	B
✓ Vinylidene chloride (1,1-Dichloroethylene)	75-35-4	67	B
Warfarin	81-81-2	0.33	B
Welding fumes	81108*	17	B
m-Xylene a,a'-diamine	1477-55-0	0.33	B
✓ Xylenes (m-,o-,p-isomers)	1330-20-7	1500	B
Xylidine	1300-73-8	8.3	B
Yttrium, metals and compounds as Y	7440-65-5	3.3	B
Zinc chloride fumes	7646-85-7	3.3	B
Zinc chromates	13530-65-9	0.033	B
Zinc oxide, fumes	1314-13-2	17	B
Zirconium compounds, as Zr	7440-67-7	17	B

((Type A toxics are carcinogens. The averaging time for Type A ASILs is an annual arithmetic mean. Type B toxics are noncarcinogens. The averaging time for Type B ASILs is a 24-hour arithmetic mean. Type C toxics are carcinogens. The averaging time for Type C ASILs is a 24-hour arithmetic mean.))

Acceptable Source Impact Level (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are 3 types of acceptable source impact levels:

			<u>Averaging Time</u>
<u>Risk-Based</u>	<u>Type A</u>	<u>carcinogens</u>	<u>annual arithmetic mean</u>
<u>Threshold-Based</u>	<u>Type B</u>	<u>non-carcinogens</u>	<u>24-hour arithmetic mean</u>
<u>Special</u>	<u>Type C</u>	<u>carcinogens</u>	<u>24-hour arithmetic mean</u>

TBD = To Be Determined

\*PSAPCA assigned numbers

✓ = EPA 112(b) hazardous air pollutant

PERMANENT



**WSR 98-21-040**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket No. TR-980079—Filed October 14, 1998, 11:24 a.m.]

Date of Adoption: October 14, 1998.

Purpose: To repeal rules relating to railroad weighing. The legislature has transferred the responsibilities for track scales and for weighing to another state agency. The commission no longer has jurisdiction over the subject matter of these rules.

Citation of Existing Rules Affected by this Order: Repealing chapter 480-63 WAC, Railroad companies—Weighing.

Statutory Authority for Adoption: RCW 80.01.040.

Adopted under preproposal statement of inquiry filed as WSR 98-14-135 on July 1, 1998.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

October 14, 1998

Terrence Stapleton  
 for Carole J. Washburn  
 Secretary

**WSR 98-21-041**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket No. UG-980081—Filed October 14, 1998, 11:26 a.m.]

Date of Adoption: October 14, 1998.

Purpose: To repeal a WAC chapter no longer needed. The legislature has repealed the commission's statutory authority to regulate heat suppliers, formerly contained in chapter 80.62 RCW. The commission no longer has statutory authority for chapter 480-95 WAC and the chapter should be repealed.

Citation of Existing Rules Affected by this Order: Repealing chapter 480-95 WAC, Heat suppliers.

Statutory Authority for Adoption: RCW 80.01.040.

Adopted under preproposal statement of inquiry filed as WSR 98-14-136 on July 1, 1998.

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

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

October 14, 1998

Terrence Stapleton  
 for Carole J. Washburn  
 Secretary

**WSR 98-21-042**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Docket No. A-970591, General Order No. R-451—Filed October 14, 1998, 11:28 a.m.]

In the matter of adopting WAC 480-09-530, relating to petitions for enforcement of interconnection agreements.

STATUTORY OR OTHER AUTHORITY: The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 98-15-094, filed with the code reviser on July 16, 1998. The commission brings this proceeding pursuant to RCW 80.01.040.

STATEMENT OF COMPLIANCE: This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

DATE OF ADOPTION: The commission adopted this rule on August 26, 1998.

CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE: The rule will provide an expedited procedural mechanism to address requests for enforcement of the terms of interconnection agreements between telephone companies that is tailored to the agreements.

REFERENCE TO AFFECTED RULES: This rule repeals, amends, or suspends the following sections of the Washington Administrative Code: None.

PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER: The commission filed a preproposal statement of inquiry (CR-101) on August 14, 1997, at WSR 97-17-047.

ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL STATEMENT: The statement advised interested persons that the commission was considering entering a rule

PERMANENT

making to establish an expedited process for enforcement of interconnection agreements. The commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending a copy of the notice to all attorneys on the commission's list of attorneys practicing before the commission. Pursuant to the notice, the commission did receive comments and did engage in one workshop at which interested persons discussed the issues among themselves and with commission staff.

**NOTICE OF PROPOSED RULE MAKING:** The commission filed a notice of proposed rule making (CR-102) on July 16, 1998, at WSR 98-15-094. The commission scheduled this matter for oral comment and adoption under Notice No. WSR 98-15-094 at 9:30 a.m., Wednesday, August 26, 1998, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission.

**MEETINGS OR WORKSHOPS; ORAL COMMENTS:** The commission received an oral comment from US WEST Communications.

**COMMENTERS (WRITTEN COMMENTS):** The commission received written comments from GTE, Worldcom, and GST Telecommunications.

**RULE MAKING HEARING:** The rule proposal was considered for adoption, pursuant to the notice, at a rule making hearing scheduled to coincide with the commission's regularly scheduled open public meeting on August 26, 1998, before Chairwoman Anne Levinson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. The commission heard oral comments from Robert Wallis, representing commission staff, in support of the proposal. No other person made oral comments.

**SUGGESTIONS FOR CHANGE THAT ARE REJECTED:** Commenters asked that the five-day deadline for answering a petition be extended. The commission rejected the request because of the expedited nature of the process, the familiarity of participants with the issues, the provision in the rule requiring ten days' advance notice to the respondent of filing a petition, and the likelihood that the requirement will provide incentives for negotiation and settlement.

GTE asked that the commission enforce any contract provisions referring such disputes to alternate dispute resolution, such as mediation or arbitration, and refuse to hear enforcement requests. The commission disagreed, because parties may not contract to deprive the commission of its statutory jurisdiction.

GST asked for the flexibility to avoid the notice period if circumstances warrant; this is rejected because persons already have the authority to do so.

GST asks that the rule provide for service by electronic means; this is rejected because the proposal is not authorized by statute.

Commenters argued variously for increased or for reduced opportunity to amend pleadings. These are rejected because the proposal strikes the right balance between flexibility and expedition. Commenters also argued that the time for action should be reduced to accommodate petitioners'

need for swift decisions. This is rejected because the proposal properly balances the need for expedition with the need for fairness, and because it expresses a maximum and not a minimum time.

Worldcom suggested a limitation on parties' post-hearing submissions; such a limit is not needed because extraneous or irrelevant submissions will not extend the time for a final order. GTE contended that any time limit for producing an order is inappropriate. Its proposal to remove the time limit is rejected because the rule must indicate the time for action if the rule is to expedite the hearing and decision process.

GTE suggested that the rule require inclusion of the entire interconnection agreement between the parties, rather than only the provisions that the parties believe relevant. This is rejected because the inclusion of irrelevant provisions impedes a swift and concise decision. Parties have the opportunity to offer any portions of the agreement that they believe relevant.

**COMMISSION ACTION:** After considering all of the information regarding this proposal, the commission adopted the proposed rule with the changes noted below.

**CHANGES FROM PROPOSAL:** The commission adopted the proposal with the following changes from the text noticed at WSR 98-15-094, in response to comments that it received.

Electronic notice of filing a petition for enforcement is permitted, in response to comments, but in response to a comment from US WEST Communications, Inc., the commission added the requirement that if notice is made by electronic mail, it must be sent to the electronic mail address that the receiving party has previously designated.

The rule provides standards for the presiding officer to consider in determining whether or not an oral hearing will be used to receive evidence. Although the standards are not exclusive, they provide an appropriate indication of elements to be considered.

Discovery is limited to facts directly at issue, recognizing the expedited and focused nature of the proceeding, and parties may request discovery in their petitions or answer, stating the matters to be inquired into.

Finally, the concluding subsection of the original proposal is deleted. It stated the legal conclusion that matters under this rule are not adjudications under the state APA but arise under federal law and state authorization to resolve matters under federal law. It is deleted in response to comments because it is not needed — it cannot change the law and it is unnecessary to state the status of the law.

**STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** In reviewing the entire record, the commission determines that WAC 480-09-530 should be adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the code reviser.

## ORDER

### THE COMMISSION ORDERS:

1. WAC 480-09-530 is adopted to read as set forth in Appendix A, as a rule of the Washington Utilities and Trans-

portation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

2. This order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

3. The commission adopts the commission staff memoranda, presented when the commission considered filing a preproposal statement of inquiry, when it considered filing the formal notice of proposed rule making, and when it considered adoption of this proposal, in conjunction with the text of this order, as its concise explanatory statement of the reasons for adoption and for rejection of proposed changes, as required by RCW 34.05.025.

DATED at Olympia, Washington, this 13th day of October, 1998.

Washington Utilities and Transportation Commission  
Anne Levinson, Chair  
Richard Hemstad, Commissioner  
William R. Gillis, Commissioner

## APPENDIX "A"

### NEW SECTION

**WAC 480-09-530 Petitions for enforcement of interconnection agreements.** (1) **Petitions for enforcement.** A telecommunications company that is party to an interconnection agreement with another telecommunications company may petition under this rule for enforcement of the agreement.

(a) **What the petition must contain.** Each petition for enforcement must contain the following elements:

(i) A statement, including specific facts, demonstrating that the petitioner engaged in good faith negotiations to resolve the disagreement, and that despite those negotiations the parties failed to resolve the issue.

(ii) A copy of the provision of the interconnection agreement that the petitioner contends is not being complied with.

(iii) A description of facts demonstrating failure to comply with the agreement. The description must be supported by one or more affidavits, declarations or other sworn statements, made by persons having personal knowledge of the relevant facts.

(b) **How to serve the petition.** The petitioner must serve the petition for enforcement on the responding party on the same day the petition is filed with the commission. For purposes of this section, service must be effected on:

(i) The responding party's authorized representative, attorney of record or designated agent for service of process;

(ii) The responding party's representatives with whom the petitioner conducted the negotiations addressed in (a)(i) of this subsection; and

(iii) All parties designated in the interconnection agreement to receive notices.

If the petitioner chooses to serve the respondent by mail or parcel delivery service, it must deliver, a copy of the peti-

tion for enforcement and all supporting documents by hand delivery, telefacsimile, or electronic mail (to the e-mail address specified by the recipient for the purpose of receiving a copy of the petition) to the responding party's attorney of record, or if the party has no attorney, to the responding party, on the same day as filed with the commission.

(c) At least ten days prior to filing a petition for enforcement at the commission, the petitioner must give written notice to the respondent that the petitioner intends to file a petition for enforcement. The notice must identify the contract provision the petitioner alleges was violated, and the exact behavior or failure to act that petitioner alleges violates the agreement. Service of the written notice must be accomplished in the same manner as set forth in (b) of this subsection. The petitioner must include a copy of this notice with its petition for enforcement.

(2) **Answering a petition.** The respondent may answer the petition. The respondent waives the opportunity to present any matter that is not raised in the answer, except that the answer may be amended under subsection (3) of this section.

(a) **Contents of the answer.** The answer to a petition for enforcement must respond to each allegation of failure to comply with the terms of the interconnection agreement, stating relevant facts. Any facts relied upon must be supported by affidavits, declarations or other sworn statements by persons having personal knowledge of the facts.

(b) **Filing and service of the answer.** The respondent must file the answer with the commission and serve it on the petitioner within five business days after service of the petition for enforcement. Service must be accomplished so that a copy of the response to the petition for enforcement and all supporting documents must reach the petitioner's attorney, or the person who signed the petition, if petitioner has no attorney, on the same day the answer is filed with the commission. If the respondent chooses to serve the petitioner by mail, a copy of the petition for enforcement and all supporting documents must be delivered to the person identified above on the same day as filed with the commission.

(3) **Amendment of petition and answer.** In the discretion of the presiding officer, for good cause shown, and to avoid substantial prejudice to the responding party that is not caused by the fault of the responding party, the responding party may amend its answer to the petition. In the discretion of the presiding officer, either party may amend its petition or answer to conform to the evidence presented during the proceeding. In determining whether to permit amendment of the petition or answer to conform to the evidence, the presiding officer may refer to, but is not bound by, civil rule 15(b).

(4) **Prehearing conference.** The commission will conduct a prehearing conference regarding each petition that is filed for enforcement of an interconnection agreement.

(a) **Schedule; mandatory attendance.** The presiding officer will within ten days after the petition is filed schedule a prehearing conference. Both the petitioner and the respondent must attend the prehearing conference. At the discretion of the presiding officer, the prehearing conference may be conducted by telephone.

(b) **Procedural determination.** At the prehearing conference, the presiding officer will determine, based on the petition and the answer, together with all supporting documents filed by the parties and the parties' oral statements, whether the issues raised in the petition can be determined on the pleadings and submissions, without further proceedings. In determining whether to schedule an oral enforcement hearing session, the presiding officer will consider, but is not limited to considering, the preferences of the parties and the reasons they advance, the need to clarify statements by means of asking questions, whether the issues are largely factual, largely legal, or involve questions of fact and law, the apparent complexity of facts and issues, the need for speedy resolution, and the completeness of information presented. The presiding officer may ask the parties to submit written briefs on the issues of the petition.

(c) **Means of obtaining additional information.** If the presiding officer determines that further proceedings are necessary, the presiding officer will establish a schedule for receiving additional facts or evidence and may, in the discretion of the presiding officer, schedule an enforcement hearing session to explore the facts and issues raised in the petition and the answer. If shown to be essential to the requesting party, the presiding officer may, in his or her discretion, allow discovery of facts relating to matters directly at issue pursuant to WAC 480-09-480. The party filing the complaint or answer may file with the complaint or answer a request for discovery, stating the matters to be inquired into and their relationship to matters directly at issue. To comply with the time lines of this rule, the presiding officer may alter the discovery time lines in WAC 480-09-480.

(5) **Appointment and powers of the presiding officer; recommended or final decision.** The commission will appoint an administrative law judge to preside over the proceeding. The commissioners may, in their discretion, preside over the enforcement proceeding.

(a) In any proceeding to enforce the provisions of an interconnection agreement, the presiding officer has broad discretion to conduct the proceeding in a manner that best suits the nature of the petition, including, but not limited to, converting the proceeding into a complaint proceeding under RCW 80.04.110. The presiding officer may limit the record in the enforcement proceeding to written submissions or may schedule an enforcement hearing session. The presiding officer may limit the number of exhibits and witnesses and the time for their presentation.

(b) The enforcement proceeding concludes when the presiding officer has sufficient information to resolve the issues. The presiding officer shall serve a recommended decision on the parties within seventy-five days of the date the petition for enforcement was filed, or twenty-one days after the last hearing session or submission, whichever is later. The recommended decision is subject to the approval of the commission. If the commission presides over the enforcement proceeding, it may serve a final decision within the time requirements applicable to recommended decisions.

(6) **Review of the recommended decision.** After the presiding officer serves the recommended decision, the commission will hear the arguments or comments of the parties

regarding the recommended decision at a regular or special open public meeting. The parties may submit written comments to the commission prior to the meeting on a schedule established in the recommended decision. The commission may, in its discretion, request a presentation at the meeting from commission staff. The commission will conduct this session within ten days after the date of the recommended decision, or as soon thereafter as the commissioners' schedules permit.

(7) **Commission decision on petition for enforcement.**

(a) **Extent of commission discretion.** The commission will serve a final decision on the parties, in the form of a commission order, resolving the issues. The commission may adopt, modify or reject all or part of the recommended decision.

(b) **Time of service of order.** The commission will serve its order on the petition for enforcement no later than ninety days of the date the petition is filed or fifteen days after the meeting at which it reviews the recommended decision, whichever is later. The commission may extend this time for lack of resources or for other good cause.

(c) **Petition for reconsideration.** Within ten days after the commission serves its order on the petition for enforcement, the parties may petition for reconsideration. A petition for reconsideration is denied unless the commission by separate decision grants it within ten days after the petition for reconsideration is filed, or such longer time established by the commission secretary. If a party files a petition for reconsideration, the commission may, in its discretion, request that an answer be filed or call for additional comments, briefing, evidence, or argument from the parties. Filing a petition for reconsideration of the order does not stay the effect of the order.

(d) **Failure to comply with the order.** Any party who fails to comply with the terms of the commission's final order on petition for enforcement is subject to penalties under RCW 80.04.380 and any other penalties or sanctions as provided by law. A company against whom a penalty is assessed may challenge the penalty or the facts on which it is based, or seek mitigation of the penalty, pursuant to pertinent law and commission rules.

## WSR 98-21-048

### PERMANENT RULES

#### APPLE ADVERTISING COMMISSION

[Filed October 15, 1998, 11:54 a.m., effective October 1, 1998]

Date of Adoption: August 31, 1998.

Purpose: To correct a typographical error in the assessment rate in rule-making order filed on August 31, 1998, under WSR 98-18-060. This rule increases the assessment on fresh apples grown in the state from 54.3 cents per one hundred pounds (25 cents per standard 46-pound box) to 86.96 cents per one hundred pounds (40 cents per standard 46-pound box) for a period of three years. At the end of three years, the rate will be submitted to a vote of the growers to determine if the rate will remain in effect after that date or return to 54.3 cents per one hundred pounds. The corrected

rate is certified by a referendum of the growers conducted on August 23, 1998, and verified by the Washington State Department of Agriculture in a memo dated August 27, 1998.

Citation of Existing Rules Affected by this Order: Amending WAC 24-12-010.

Statutory Authority for Adoption: Chapter 15.24 RCW and chapter 303, Laws of 1997.

Adopted under notice filed as WSR 98-13-121 on June 17, 1998.

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

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

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

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

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

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Correcting typographical error.

Effective Date of Rule: October 1, 1998.

October 15, 1998  
Steve Lutz  
President

**AMENDATORY SECTION** (Amending Order 19, filed 10/17/86)

**WAC 24-12-010 Amount of assessments.** (1) There is hereby levied upon all fresh apples grown annually in this state, and upon all apples packed as Washington apples, an assessment of ~~((32.6))~~ 86.96 cents on each one hundred pounds gross billing weight until September ~~((1, 1986))~~ 30, 2001. On and after ~~((September 1, 1986))~~ October 1, 2001 the assessment on fresh apples ~~((is hereby increased))~~ shall be 54.3 cents on each one hundred pounds gross billing weight ~~((in the following amounts:~~

- (a) ~~By 10.9 cents from 32.6 cents to 43.5 cents effective September 1, 1986;~~
- (b) ~~By 6.5 cents from 43.5 cents to 50.0 cents effective September 1, 1988;~~
- (c) ~~By 4.3 cents from 50.0 cents to 54.3 cents effective September 1, 1990).~~

For the period October 1, 1998 through September 30, 2001, 35.66 cents of the assessment on each one hundred pounds gross billing weight shall used only for direct consumer advertising.

(2) Assessments shall be payable as provided in WAC 24-12-012, whether in bulk or loose in boxes or any other container, or packed in any style package. The gross billing

weights for the following containers shall apply for the purpose of computing said assessments:

DESCRIPTION OF CONTAINER	GROSS BILLING WEIGHTS
1/3 Bushel box (packed or loose)	15 lbs.
1/2 Bushel box (loose)	23 lbs.
Bulk bushel container (loose)	Net weight plus 3 lbs. tare
9/4 and 12/3 Bag containers	41 lbs.
13/3 Bag container	44 lbs.
10/4 and 8/5 Bag containers	45 lbs.
12/4 Bag container	53 lbs.
Standard tray pack container	46 lbs.
Pocket cell tray pack container	46 lbs.
Cell pack containers, all counts	46 lbs.
2-Layer tray pack container	23 lbs.
Single-layer tray pack container	12 lbs.

**WSR 98-21-056**

**PERMANENT RULES**

**DEPARTMENT OF LICENSING**

(Board of Funeral Directors and Embalmers)

[Filed October 19, 1998, 2:31 p.m.]

Date of Adoption: October 1, 1998.

Purpose: To change the annual license expiration dates of funeral establishments, branch funeral establishments, and crematories from June 30 to January 31; and to change the period for which crematory license renewal fees are determined from "June 1 to May 31" to "previous calendar year."

Citation of Existing Rules Affected by this Order: Repealing WAC 308-48-790; and amending WAC 308-48-185 and 308-48-800.

Statutory Authority for Adoption: RCW 18.39.175(4).

Adopted under notice filed as WSR 98-17-035 on August 12, 1998.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 1.

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

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

PERMANENT

Effective Date of Rule: Thirty-one days after filing.  
 October 1, 1998  
 Edward J. Wahl  
 Chairman

Title of Fee	Fee
100 or more sales	150.00
Financial statement fee	50.00
Crematory endorsement registration	100.00
Crematory endorsement renewal \$50.00 plus fifty cents per cremation performed during previous <del>(twelve-month period of June 1 to May 31))</del> <u>calendar year.</u>	

**AMENDATORY SECTION** (Amending Order PL 273, filed 8/1/77)

**WAC 308-48-185 Funeral establishments and crematories—License expiration.** Funeral establishment, branch funeral establishment, and crematory licenses issued pursuant to chapter 18.39 RCW, as now or hereafter amended, shall expire annually on ~~((June 30))~~ January 31.

**AMENDATORY SECTION** (Amending WSR 91-11-023, filed 5/7/91, effective 6/7/91)

**WAC 308-48-800 Funeral director/embalmer fees.** The following fees shall be charged by the professional licensing division of the department of licensing:

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-48-790 Crematory endorsements—Registration—Expiration.

Title of Fee	Fee
<b>Embalmer((s)):</b>	
State examination or reexamination	\$150.00
Renewal	100.00
Late renewal penalty	50.00
Duplicate	15.00
Certification	25.00
<b>Embalmer apprentice:</b>	
Apprentice application	75.00
Apprentice renewal	45.00
Duplicate	15.00
Certification	25.00
<b>Funeral director:</b>	
State examination or reexamination	150.00
Renewal	100.00
Late renewal penalty	50.00
Duplicate	15.00
Certification	25.00
<b>Funeral director apprentice:</b>	
Apprentice application	75.00
Apprentice renewal	45.00
Duplicate <del>((heense))</del>	15.00
Certification	25.00
<b>Funeral establishment:</b>	
Original application	350.00
Renewal	300.00
Branch registration and renewal	250.00
Preneed application	200.00
<b>Preneed renewal:</b>	
0-25 sales	25.00
26-99 sales	100.00

**WSR 98-21-065**

**PERMANENT RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 98-09—Filed October 20, 1998, 2:41 p.m.]

Date of Adoption: October 19, 1998.

Purpose: To adopt rules revisions to institutional enrollment reporting for juveniles in Department of Corrections facilities implementing chapter 244, Laws of 1998 (SB 6600) and section 510, chapter 346, Laws of 1998 (the supplemental budget appropriation for institutional education).

Citation of Existing Rules Affected by this Order: Amending WAC 392-122-205, 392-122-206, 392-122-207, 392-122-212, 392-122-213, 392-122-220, 392-122-221, 392-122-225, 392-122-235, 392-122-255, 392-122-270, 392-122-275; and new section WAC 392-122-208.

Statutory Authority for Adoption: Section 9(2), chapter 244, Laws of 1998, RCW 28A.150.290.

Adopted under notice filed as WSR 98-18-093 on September 2, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 12, Repealed 0.

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

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

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

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

PERMANENT

Effective Date of Rule: Thirty-one days after filing.

October 19, 1998  
Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**AMENDATORY SECTION** (Amending WSR 95-08-025, filed 3/29/95, effective 4/29/95)

**WAC 392-122-205 State institutional education program—Eligible programs.** Programs supported as state institutional education programs include those provided in:

(1) State operated group homes—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services to house adjudicated youth twenty-four hours a day;

(2) Juvenile detention centers—i.e., facilities maintained by counties for treatment and education of juveniles who have been placed under protective custody or have committed a criminal offense.

(3) Institutions for juvenile delinquents—i.e., facilities maintained by the division of juvenile rehabilitation of the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.

(4) Residential habilitation centers—i.e., facilities maintained by the division of developmental disabilities of the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

(5) Adult correctional facilities housing juveniles—i.e., facilities maintained by the state department of corrections for juvenile inmates under eighteen years of age.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-206 Definition—State institutional education program—Form E-672.** "Form E-672" means the form distributed by the superintendent of public instruction on which school districts, or other education providers operating institutional education programs report eligible institutional education students enrolled on the enrollment count dates specified in WAC 392-122-211.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-207 Definition—State institutional education program—Residential institution.** "Residential institution" means a state operated group home, juvenile detention center, institution for juvenile delinquents, ~~((or))~~ residential habilitation center or department of corrections facility for juvenile offenders.

## NEW SECTION

**WAC 392-122-208 Definition—State institutional education program—Other education provider.** "Other education provider" means:

(1) An educational service district, institution of higher education, private contractor or any combination thereof providing an institutional education program in an adult correctional facility operated by the department of corrections under contract with the superintendent of public instruction and the department of corrections; or

(2) An educational service district providing an institutional education program pursuant to a contract with a school district in a state-operated group home, institution for juvenile delinquents, or residential habilitation center, or county-operated juvenile detention center.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-212 Definition—State institutional education program—Educational activity.** As used in WAC 392-122-200 through 392-122-275, "educational activity" means the following teaching/learning experiences provided by a school district or other education provider:

(1) Instruction, testing, counselling, supervision, advising, and other services provided directly by ~~((school district))~~ certificated staff or by ~~((school district))~~ classified staff who are supervised by certificated staff.

(2) Up to one hour per day of scheduled study time if the study is in conjunction with other educational activity and if the study is monitored by ~~((school district))~~ educational staff who are present during the study.

(3) Up to two hours per day of individual study conducted by a student when ~~((school district))~~ educational staff are not present if all of the following conditions are met:

(a) The study is in pursuit of high school graduation credit; or the study is in a department of corrections facility and is in pursuit of a certificate of educational competence pursuant to RCW 28B.50.536 and chapter 131-48 WAC;

(b) The study is part of a program of instruction defined by a ~~((school district))~~ certificated employee who evaluates the student's progress in that program;

(c) The student is making progress in the program;

(d) The study is not counted as work training experience pursuant to subsection (4) of this section; and

(e) Combined individual study time and scheduled study time pursuant to subsection (2) of this section claimed in determining the student's full-time equivalent pursuant to WAC 392-122-225 do not exceed two hours per day.

(4) Work experience training meeting the requirements of WAC 180-50-315: *Provided*, That each hour of work training experience shall be considered equivalent to 0.40 hours of educational activity.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-213 Definition—State institutional education program—Excused absence.** As used in WAC

392-122-200 through 392-122-275, "excused absence" means an absence from scheduled educational activity which ((school district)) certificated staff determine to be due to one or more of the following:

- (1) Illness;
- (2) Attendance in court; or
- (3) Meeting with a lawyer, case worker, counselor, physician, dentist, nurse, or other professional service provider.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-220 Definition—State institutional education program—Enrolled institutional education program student.** "Enrolled institutional education program student" means a person who:

(1)(a) Is in a program in a department of corrections facility and is under eighteen years of age or is eighteen years of age and is continuing in the institutional education program with the permission of the department of corrections and the education provider; or

(b) Is in a residential institution other than the department of corrections and is under twenty-one years of age at the beginning of the school year;

(2) Is scheduled to engage in educational activity in the institutional education program during the current week;

(3) During the current school year, has engaged in educational activity in the institutional education program provided or supervised by ((school district)) educational certificated staff; and

(4) Does not qualify for any of the enrollment exclusions in WAC 392-122-221.

**AMENDATORY SECTION** (Amending WSR 95-08-025, filed 3/29/95, effective 4/29/95)

**WAC 392-122-221 Definition—State institutional education program—Enrollment exclusions.** The following may not be counted as an enrolled institutional education program student:

- (1) A person whose educational activity has terminated.
- (2) A person who has transferred to another institution or school district.
- (3) A residential institution student who:
  - (a) Has not engaged in educational activity in the past five school days ((including days)), excluding days of excused absence;
  - (b) Has not engaged in educational activity in the past ten school days including days of excused absence; or
  - (c) Is claimed by any school district as an enrolled student eligible for state basic education support pursuant to chapter 392-121 WAC.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-225 Definition—State institutional education program—Institutional education full-time equivalent (FTE) students.** "Institutional education full-

time equivalent (FTE) students" means the sum of ((a school district's)) FTE students on an enrollment count date determined as follows:

(1) An enrolled institutional education program student who is three to eight years of age and scheduled to engage in a minimum of twenty hours of educational activity per week shall be counted as one FTE.

(2) An enrolled institutional education program student who is nine years of age or older and scheduled to engage in a minimum of twenty-five hours of educational activity per week shall be counted as one FTE.

(3) An enrolled institutional education program student who is scheduled to engage in less than the minimum hours for one FTE shall be counted as a partial FTE, determined by dividing the scheduled hours of educational activity by the minimum hours for one FTE.

(4) In determining a student's FTE, educational activity may include up to ten minutes of class transition time between classes but shall not include noon intermission.

(5) No student shall be counted as more than one FTE.

**AMENDATORY SECTION** (Amending Order 2, filed 1/23/91, effective 2/23/91)

**WAC 392-122-235 State institutional education program—Determination of ((district)) average state institutional program certificated instructional staff salary for the purpose of apportionment.** The determination of ((district)) average institutional education program certificated instructional staff salary used in the institutional education allocation formula for the purposes of apportionment shall be the same as specified in WAC 392-121-299: *Provided*, That the words "state institutional education program" shall be substituted for "basic education" throughout that section.

**AMENDATORY SECTION** (Amending Order 92-08, filed 9/21/92, effective 10/22/92)

**WAC 392-122-255 State institutional education program—Institutional program indirect cost.** State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts ((as follows:

(1) ~~For the 1991-92 school year, the allocation shall be based on the school district's indirect cost percent for the institutional program from Report F-196 Part III and in accordance with the state Operating Appropriations Act.~~

(2) ~~For the 1992-93 school year and thereafter, the allocation shall be)~~ and other education providers based on the indirect cost rate assumed in the state Operating Appropriations Act.

**AMENDATORY SECTION** (Amending Order 92-03, filed 1/10/92, effective 2/10/92)

**WAC 392-122-270 State institutional education program—Apportionment of state moneys.** From the state institutional education program moneys appropriated to the superintendent of public instruction, the superintendent shall



make allocations to school districts and other education providers based on the ~~((school district's))~~ institutional education program's annual average full-time equivalent institutional education students and as provided in the state Operating Appropriations Act and WAC 392-122-200 through 392-122-275.

(1) Institutional education program allocations shall be based on a two hundred twenty-day school year. Allocations to a school district or other education provider offering less than two hundred twenty school days shall be reduced pro rata as provided in WAC 392-122-910.

(2) The superintendent of public instruction shall make payments in the same manner as provided in WAC 392-121-400.

(3) The superintendent of public instruction may reduce or delay payment of institutional education program moneys pursuant to chapter 392-117 WAC, Timely reporting.

**AMENDATORY SECTION** (Amending WSR 95-08-025, filed 3/29/95, effective 4/29/95)

**WAC 392-122-275 State institutional education program—~~((School district))~~ Reporting requirements.** Each school district or other education provider operating an institutional education program shall report to the superintendent of public instruction as follows:

(1) The district or provider shall report on Form E-672 the number of individual enrolled institutional education program students and the number of institutional education full-time equivalent students on each institution enrollment count date.

~~((2))~~ Report forms shall be signed by the school district superintendent or a designated official of the school district or other education provider.

~~((3))~~ (2) Each school district or other education provider operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the ~~((district's))~~ program's allocation of state institutional education program moneys.

~~((4 School district))~~ (3) Institutional enrollment reporting shall be subject to chapter 392-117 WAC, Timely reporting.

(4) Each school district or other education provider shall report personnel data pursuant to instructions provided by the superintendent of public instruction.

(5) By August 15 of each year, each other education provider shall provide a budget showing the anticipated activities and objects of expenditures for the institutional education program for the ensuing school year.

(6) By December 15 following the end of the school year, each other education provider shall provide an annual financial summary of the actual activities and objects of expenditures for the institutional education program for the preceding school year.

(7) Information required by this section shall be reported pursuant to instructions provided by the superintendent of public instruction.

**WSR 98-21-066**  
**PERMANENT RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 98-10—Filed October 20, 1998, 2:44 p.m.]

Date of Adoption: October 20, 1998.

Purpose: To implement legislative requirements for school district vocational-secondary programs including establishing a ten percent limit on indirect charges to vocational-secondary programs, and establishing minimum staff/student ratios for receiving enhanced state vocational staff allocations.

Statutory Authority for Adoption: RCW 28A.150.290(2) and section 502 (2)(c)(iii), chapter 346, Laws of 1998.

Adopted under notice filed as WSR 98-16-106 on August 5, 1998.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 11, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: Thirty-one days after filing.

October 20, 1998

Dr. Terry Bergeson  
Superintendent of  
Public Instruction

**VOCATIONAL-SECONDARY**  
**INDIRECT COST LIMIT**

**NEW SECTION**

**WAC 392-121-550 Vocational-secondary indirect cost limit—Applicable code provisions—Purpose—Effective date.** (1) WAC 392-121-550 through 392-121-556 define the ten percent limit on indirect cost charges to school district vocational-secondary programs as required by the Biennial Operating Appropriations Act.

(2) The purpose of these sections is to assure that state allocations for vocational-secondary education are expended by school districts to support vocational programs. The minimum levels defined here govern state funding only and should not be construed as recommended expenditure levels. Vocational-secondary expenditures will exceed the minimum level when a district uses local levy revenue or other discretionary revenue to support the vocational-secondary program.

(3) These sections are effective for the 1997-98 school year and thereafter.

**NEW SECTION**

**WAC 392-121-552 Vocational-secondary indirect cost limit—Definitions.** As used in WAC 392-121-550 through 392-121-556:

(1) "Program 31" means the vocational-basic-state program as defined in the *Accounting Manual for Public School Districts in the State of Washington*.

(2) "Prior school year program 31 net expenditure ratio" means the number calculated on Part III of Report F-196 Annual Year-End Financial Statements for the school year prior to the year of the indirect cost limit as follows:

(a) Determine the district's program 31 net program expenditures by adding distributed instructional support and district-wide support costs to program 31 direct expenditures and adjusting for abatements; and divide by

(b) The district's program 31 direct expenditures.

(3) "Basic allocation for vocational-secondary students" means the amount of money generated by a school district's vocational-secondary enrollment in the general apportionment formula using the state funding formula factors including the grade 4-12 staffing ratios without enhancement, and using the district's average certificated instructional staff mix factor for program 31 staff from the district's S-275 personnel report.

(4) "Vocational-secondary enhancement allocation" means the additional money above the basic allocation for vocational-secondary students generated by a school district's vocational-secondary enrollment as a result of the enhanced state vocational staffing ratio and enhanced nonemployee related cost allocation for vocational-secondary students. This enhancement shall be calculated using the district's average certificated instructional staff mix factor for program 31.

(5) "Vocational running start allocation" means the amount of money generated in the general apportionment formula by a school district's running start students enrolled in vocational courses in a community or technical college pursuant to chapter 392-169 WAC.

(6) "Total vocational-secondary allocations" means the sum of subsections (3), (4), and (5) of this section.

(7) "Composite vocational-secondary indirect rate" means the result of subsection (6) of this section divided by the district's minimum direct expenditures calculated pursuant to WAC 392-121-554.

**NEW SECTION**

**WAC 392-121-554 Vocational-secondary indirect cost limit—Calculation of minimum direct expenditures.**

(1) Each school district's minimum required program 31 direct expenditures equal the sum of the following amounts:

(a) The basic allocation for vocational-secondary students divided by the prior school year program 31 net expenditure ratio determined pursuant to WAC 392-121-152(2).

(b) The vocational-secondary enhancement allocation divided by 1.1.

(c) The vocational running start allocation multiplied by 0.93.

(d) Any carry over from the prior school year allowed under WAC 392-121-556 (3)(b).

(2) If the district's program 31 direct expenditures for the school year as reported on the district's Report F-196 Annual Year-End Financial Statements equal or exceed the amount calculated in subsection (1) of this section, then the school district is presumed to be within the ten percent limit on indirect charges to the vocational-secondary program.

(3) Before December 31 after the close of the school year, the superintendent of public instruction shall notify each school district which reports program 31 direct expenditures below the minimum calculated in this section of the superintendent's intent to recover money.

**NEW SECTION**

**WAC 392-121-556 Vocational-secondary indirect cost limit—School district requests for adjustment.**

(1) After receiving notice of the superintendent of public instruction's intent to recover money and before the ensuing January 15 a school district may request an adjustment to the calculation of the district's minimum direct expenditures pursuant to WAC 392-121-554. The request shall be in a form prescribed by the superintendent of public instruction and shall be signed by the school district superintendent.

(2) The request for adjustment shall be on one or more of the following grounds:

(a) The calculations or the data used in the calculations are in error; in which case the school district shall provide evidence of the error and the corrected data; or

(b) The district has carried over an amount not to exceed ten percent of the minimum direct expenditure amount (excluding any carry over from the prior year) for specified vocational-secondary expenditures in subsequent school years.

(3) The superintendent of public instruction shall consider requests for adjustment and shall:

(a) Revise the calculations if an error is found to have taken place; or

(b) Credit the carry over amount to the district's program 31 direct expenditures if the district's request for carry over is properly submitted.

**NEW SECTION**

**WAC 392-121-558 Vocational-secondary indirect cost limit—Recovery of state allocations.**

(1) At the time of the January apportionment calculations after the close of the school year, the superintendent of public instruction shall recalculate each school district's minimum direct expenditures pursuant to WAC 392-121-554 and 392-121-556. From each district with program 31 direct expenditures below the required minimum level the superintendent of public instruction shall recover from the school district's general apportionment allocation as a prior year adjustment an amount equal to the lesser of the district's vocational-secondary enhancement allocation or the amount determined as follows:

PERMANENT

(a) The district's total vocational-secondary allocations defined in WAC 392-121-552(6); minus

(b) The district's direct expenditures in program 31 (including any adjustments made pursuant to WAC 392-121-556) times the composite indirect rate defined in WAC 392-121-552(7).

(2) Recovery amounts calculated pursuant to subsection (1) of this section shall be adjusted after the January apportionment calculation if revised enrollment, staff mix, or expenditure data submitted by the district and accepted by the superintendent of public instruction materially affects the district's recovery amount.

### VOCATIONAL-SECONDARY STAFFING FORMULA

#### NEW SECTION

**WAC 392-121-560 Vocational-secondary staffing formula—Applicable code provisions—Effective date.** WAC 392-121-560 through 392-121-568 determines school district state-funded certificated staffing ratios for vocational-secondary students in the general apportionment formula. These sections are effective for the 1998-99 school year and thereafter.

#### NEW SECTION

**WAC 392-121-562 Vocational-secondary staffing formula—Definitions.** As used in WAC 392-121-560 through 392-121-568:

(1) "Certificated staff" means the same as defined in WAC 392-121-200.

(2) "Program 31 staff" means the staff assigned to program 31 Vocational-Basic-State as defined in the *Accounting Manual for Public School Districts in the State of Washington* and consistent with the S-275 reporting instructions provided by the superintendent of public instruction.

(3) "School district vocational-secondary full-time equivalent (FTE) certificated staff" means the full-time equivalent of certificated staff reported for the school year in program 31 Vocational-Basic-State on Report S-275 plus any supplemental vocational-secondary certificated FTE staff reported pursuant to WAC 392-121-564.

(4) "School district vocational-secondary full-time equivalent (FTE) students" means vocational-secondary students reported by the school district on Report P-223 for the school year pursuant to WAC 392-121-138 including any vocational FTE enrollment for work based learning.

#### NEW SECTION

**WAC 392-121-564 Vocational-secondary staffing formula—Reporting of supplemental staff.** At any time after October 1 a school district may report supplemental vocational-secondary staff to the superintendent of public instruction on forms provided by the superintendent. The superintendent shall use data reported by the district to adjust the district's vocational-secondary certificated staff ratio as described in this section.

(1) If the district provides vocational-secondary instruction under contract and the contracted staff are not reported on the district's Report S-275 for the school year, the district may report the estimated number of vocational-secondary FTE students served under the contract. The superintendent of public instruction shall exclude these students in determining the district's vocational-secondary certificated staff ratio. If the actual vocational-secondary FTE students served under the contract differs by more than 10 percent and 2.0 FTE students, the district shall, after June 1 and before December 31, report to the superintendent the district's actual FTE students served under the contract to be used in the staff ratio calculation.

(2) If the district increases program 31 certificated staff after October 1 of the school year, the district may report such increased staff. The increase shall be determined for program 31 certificated staff in the same manner as supplemental FTE staff is determined in WAC 392-127-065. The superintendent of public instruction shall include the supplemental FTE in the calculation of the district's vocational-secondary certificated staffing ratio.

(3) If the district provides vocational-secondary instruction or any other service required for the operation of a state-approved vocational-secondary program under a supplemental contract with certificated staff and that service is not reflected in the certificated staff FTE reported by the district on Report S-275, the district may report the number of scheduled hours of such service for the school year. The superintendent of public instruction shall convert such hours of service to a certificated staff FTE equivalent by dividing the number of hours by 900 (e.g., 225 hours divided by 900 equals 0.25 FTE).

(4) If the district maintains a ratio of program 31 classified instructional assistants to vocational-secondary FTE students in excess of the state-wide average ratio for the 1996-97 school year (i.e., 2.88/1000 FTE students), the district may request that these additional classified instructional assistants be considered in determining the district's vocational-secondary certificated staff ratio. The superintendent of public instruction shall convert such additional classified FTE staff to certificated staff equivalent FTE by dividing by two (e.g., 2.10 classified FTE equals 1.05 certificated FTE).

#### NEW SECTION

**WAC 392-121-566 Vocational-secondary staffing formula—Calculation of school district vocational-secondary certificated staff ratios.** Beginning in January of each school year, the superintendent of public instruction shall make a monthly calculation of each school district's vocational-secondary certificated staff ratio as follows:

(1) Determine the district's average year-to-date vocational-secondary FTE students for general apportionment purposes, excluding vocational running start FTE students and excluding FTE students reported pursuant to WAC 392-121-564(1);

(2) Determine the district's program 31 certificated FTE staff from the most recent S-275 data on file with the superintendent of public instruction and add any supplemental

FTE staff reported by the school district pursuant to WAC 392-121-564 (2), (3), and (4); and

(3) Divide the result of subsection (1) of this section by the result of subsection (2).

**NEW SECTION**

**WAC 392-121-568 Vocational-secondary staffing formula—Determination of state-funded vocational-secondary certificated staff ratio.** For purpose of general apportionment funding pursuant to this chapter, a district's state-funded vocational-secondary certificated staff ratio shall be determined pursuant to this section.

(1) The superintendent of public instruction shall recognize an allowance for certificated staff in programs 94 Instruction Support and 97 District-wide Support equal to 11.8 percent of state allocated certificated staff. This is based on the actual three-year average percentage of total school district staff in programs 94 and 97 (school years 1994-95 through 1996-97). The result of this adjustment is to require 88.2 percent of state-funded vocational-secondary certificated staff to be reported in program 31 Vocational-Basic-State. The resulting minimum program 31 certificated staffing ratio for a district to qualify for the full state vocational staff allocation is 22.1 (19.5 divided by 0.882 equals 22.1). This allowance shall be adjusted by the superintendent of public instruction in the event accounting and personnel reporting instructions significantly change the proportion of staff reported in programs 94 and 97 or in the event that the actual state-wide average ratio for the prior three school years changes by more than two tenths of one percent.

(2) The relationship between school district and state-funded ratios is summarized in the table below:

School District Ratio	State-Funded Ratio
22.10 or lower	19.50
22.11 to 22.68	S.D. ratio* 0.882
22.69 or higher	20.00

(3) A school district's initial state-funded vocational-secondary certificated staff ratio for general apportionment payments in the months of September through December of each school year shall be based on the school district's budgeted vocational-secondary certificated staff ratio submitted by the district on Report F-203.

(4) Beginning in January, and each month thereafter, the school district's state-funded ratio for general apportionment purposes shall be based on the most current year-to-date school district vocational-secondary certificated staffing ratio calculated by the superintendent of public instruction pursuant to WAC 392-121-566.

**WSR 98-21-084**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
[Filed October 21, 1998, 11:06 a.m.]

Date of Adoption: October 14, 1998.

**Purpose:** The rule allows the certificate of need program to publish an annual report containing status information on CON reviews.

**Citation of Existing Rules Affected by this Order:** Repealing WAC 246-310-620.

**Statutory Authority for Adoption:** Chapter 70.38 RCW.

**Adopted under preproposal statement of inquiry filed as WSR 98-18-068 on August 31, 1998.**

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

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

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

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

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

**Effective Date of Rule:** Thirty-one days after filing.

October 14, 1998

K. Van Gorkom

Deputy Secretary

**WSR 98-21-086**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
[Filed October 21, 1998, 11:11 a.m.]

**Date of Adoption:** October 8, 1998.

**Purpose:** To implement chapter 18.200 RCW enacted by the legislature in 1997 and providing for licensure of orthotists and prosthetists in Washington.

**Statutory Authority for Adoption:** RCW 18.200.050(1).

**Adopted under notice filed as WSR 98-18-065 on August 31, 1998.**

**Changes Other than Editing from Proposed to Adopted Version:** The proposed language in WAC 246-850-110(3) provided that approved programs include required coursework within a minimum of three quarters or two semesters. A phrase has been added to allow approved programs to obtain required course in a substantially equivalent accelerated program.

**Number of Sections Adopted in Order to Comply with Federal Statute:** New 0, Amended 0, Repealed 0; **Federal Rules or Standards:** New 0, Amended 0, Repealed 0; **or Recently Enacted State Statutes:** New 10, Amended 0, Repealed 0.

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

**Number of Sections Adopted on the Agency's Own Initiative:** New 10, Amended 0, Repealed 0.

PERMANENT

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 0, Repealed 0.

Effective Date of Rule: Thirty-one days after filing.

October 21, 1998

Kristine Van Gorkom

Deputy Secretary

## Chapter 246-850 WAC

### ORTHOTICS AND PROSTHETICS RULES

#### NEW SECTION

**WAC 246-850-010 Definitions.** "Maintenance of an orthosis or prosthesis" includes replacement or repair of component parts that is equivalent to the original component and is required due to wear or failure. Maintenance of an orthosis or prosthesis does not include altering the original components or complete replacement of the orthosis or prosthesis.

#### NEW SECTION

**WAC 246-850-020 Requirements for licensure.** To qualify for licensure as either an orthotist or prosthetist in this state, a candidate must:

- (1) Possess a bachelor degree in orthotics or prosthetics from an approved orthotic or prosthetic educational program as provided in WAC 246-850-110; alternatively, a candidate may complete a certificate program in orthotics or prosthetics from an approved education program as provided in WAC 246-850-110;
- (2) Complete a clinical internship or residency of 1900 hours as required in WAC 246-850-050; and
- (3) Complete an examination as required in WAC 246-850-060.

#### NEW SECTION

**WAC 246-850-030 Application requirements.** An applicant for licensure shall submit the following:

- (1) A completed application and fee as required in chapter 246-12 WAC, Part 2;
- (2) Official transcripts, certificate, or other documentation forwarded directly from the issuing agency where the applicant has earned a bachelor degree or completed a certificate program from an NCOPE or CAAHEP accredited program as set forth in WAC 246-850-110;
- (3) Documentation of completion of an internship or residency of at least 1900 hours as provided in WAC 246-850-050;
- (4) Documentation of successful completion of a licensing examination as approved by the secretary;
- (5) Verification of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

(6) Verification from all states in which the applicant holds or has held a license, whether active or inactive, indicating that the applicant is or has not been subject to charges or disciplinary action for unprofessional conduct or impairment; and

(7) Additional documentation as required by the secretary to determine whether an applicant is eligible for licensure.

#### NEW SECTION

##### **WAC 246-850-040 Licensure without examination.**

(1) The secretary may grant a license to an applicant who has practiced full time for five of the six years prior to December 1, 1998, and who has provided comprehensive services in an established practice as determined by the secretary.

(2) Applications must be received no later than December 1, 1999.

(3) For the purposes of this section, the following terms have the following meanings:

(a) "Full time" means at least 30 hours per week.

(b) "Comprehensive services" includes the continuum of direct patient care utilizing primary diagnostic evaluation, assessment and follow up and measurable experience in initiating and providing independent measurement, design, fabrication, assembling, fitting, adjusting and servicing. Comprehensive services does not include the provision of incidental repairs, maintenance, or other services at the direction, or under the supervision of, a primary orthotic or prosthetic practitioner.

(c) "Established practice" means a recognized place of business with access to equipment essential to the provision of comprehensive orthotic and/or prosthetic services.

(4) An applicant for licensure without examination must provide the following:

(a) A completed application and fee as required in chapter 246-12 WAC, Part 2;

(b) Official certificates or transcripts sent directly from the issuing agency or institution documenting formal education, if any, including internships or residencies in the professional area for which a license is sought;

(c) Documentation of employment or work history in the professional area for which the license is sought, including the names and qualifications of individuals providing direction or supervision;

(d) A statement describing scope of practice of employment or work experience;

(e) Certification received directly from at least one supervisor describing the applicant's scope of practice and work experience and assessing the applicant's competence and skill level;

(f) Three letters of recommendation from employers or physicians from whom the applicant has received referrals;

(g) Verification of four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8;

(h) Verification from all states in which the applicant holds or has held a health care practitioner license, whether active or inactive, indicating that the applicant has not been subject to charges or disciplinary action for unprofessional conduct or impairment; and

(i) Additional documentation as required by the secretary to determine whether an applicant is eligible for licensure.

**NEW SECTION**

**WAC 246-850-050 Approved internship or residency requirement.** Applicants must complete an internship of at least 1900 hours in each area for which a license is sought. Individual internships must be completed within a minimum period of one year and a maximum period of two years unless extended by the secretary for good cause shown. The internship or residency must be completed under a supervisor qualified by training and experience in an established facility and incorporate patient management and clinical experience in rehabilitation, acute and chronic care in pediatrics and of adults. Applicants who submit evidence of completion of a 1900 hour internship or residency which is approved by the National Commission on Orthotic and Prosthetic Education (NCOPE) or Commission for Accreditation of Allied Health Education Programs (CAAHEP) are considered to have met the requirements of this section. The 1900 hours of internship training must be completed subsequent to graduation from an approved program.

**NEW SECTION**

**WAC 246-850-090 Inactive credential.** A practitioner may obtain an inactive credential. Refer to the requirements of chapter 246-12 WAC, Part 4.

**NEW SECTION**

**WAC 246-850-100 Retired active credential.** A practitioner may obtain a retired active credential. Refer to the requirements of chapter 246-12 WAC, Part 5.

**NEW SECTION**

**WAC 246-850-110 Approval of orthotic and prosthetic educational programs.** (1) For purposes of WAC 246-850-020, the secretary recognizes as approved those orthotic and prosthetic programs that:

- (a) Are approved by the National Commission on Orthotic and Prosthetic Education (NCOPE) or its successor, or the Commission on Accreditation of Allied Health Programs (CAAHEP) or its successor or other accrediting body with substantially equivalent requirements; and
- (b) Meet the requirements of subsections (2) and (3) of this section.

(2) Approved baccalaureate degree programs or certificate programs must have as prerequisites the following college level coursework:

- (a) Biology.
- (b) Psychology.
- (c) Physics.
- (d) Chemistry.
- (e) Physiology.
- (f) Human anatomy.
- (g) Algebra/higher math.

(3) Approved baccalaureate degree programs or certificate programs must include the following coursework within a minimum of three quarters or two semesters, or in a substantially equivalent accelerated program, in each practice area for which a license is sought.

- (a) Orthotics only:
  - (i) Lower extremity orthotics.
  - (ii) Upper extremity orthotics.
  - (iii) Spinal orthotics.
  - (iv) Pathophysiology.
  - (v) Biomechanics and kinesiology.
  - (vi) Radiographic interpretation.
  - (vii) Normal and pathological gait.
  - (viii) Clinical evaluation.
  - (ix) Clinical affiliation.
  - (x) Research methods.
- (b) Prosthetics only:
  - (i) Lower extremity prosthetics.
  - (ii) Upper extremity prosthetics.
  - (iii) Pathophysiology.
  - (iv) Biomechanics and kinesiology.
  - (v) Radiographic interpretation.
  - (vi) Normal and pathological gait.
  - (vii) Clinical evaluation.
  - (viii) Clinical affiliation.
  - (ix) Research methods.
  - (x) Practice management.

**NEW SECTION**

**WAC 246-850-120 Withdrawal of program approval.** Approval of educational programs may be withdrawn by the secretary, as provided in chapter 34.05 RCW and chapter 246-10 WAC, if:

- (1) A program ceases to be approved by NCOPE or CAAHEP; or
- (2) Fails to maintain the accreditation standards of NCOPE or CAAHEP; or
- (3) Does not meet the minimum curriculum requirements as provided in WAC 246-850-110.

**NEW SECTION**

**WAC 246-850-990 Orthotic and prosthetic fees.** (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Orthotic application	\$600.00
Prosthetic application	600.00
Orthotic renewal	575.00
Prosthetic renewal	575.00
Late renewal penalty fee	287.50
Expired credential reissuance fee	287.50
Inactive credential renewal fee	350.00
Late inactive renewal fee	175.00

PERMANENT

<b>Title of Fee</b>	<b>Fee</b>
Retired active credential renewal fee	350.00
Late retired active credential renewal fee	175.00
Duplicate credential or wall certificate	15.00
Certification	25.00

PERMANENT





**WSR 98-21-008**  
**EMERGENCY RULES**  
**WESTERN WASHINGTON UNIVERSITY**

[Filed October 9, 1998, 10:53 a.m.]

Date of Adoption: June 9, 1998.

Purpose: Changes in these rules are to provide for enforcement of these regulations as infractions within the university administrative structure rather than as criminal offenses in district court.

Citation of Existing Rules Affected by this Order: Amending WAC 516-13-090 and 516-15-050.

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

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

Reasons for this Finding: The university academic year is just starting and it is important to treat all students and others consistently from the beginning of the academic year to avoid confusion and everyone being equally treated under the law.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 2, Repealed 0.

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

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

Effective Date of Rule: Immediately.

September 24, 1998

Gloria A. McDonald

Rules Coordinator

AMENDATORY SECTION (Amending WSR 96-24-015, filed 11/22/96, effective 1/1/97)

**WAC 516-15-050 Enforcement.** A person using a skateboard, coaster, in-line skates, toy vehicle, or similar device who refuses to abide by ~~((these)) the rules and regulations ((will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of chapter 9A.52 RCW.~~

~~If the user is a student, the student will be asked to remove the skateboard, coaster, in-line skates, toy vehicle, or other similar device from use on campus. If the student refuses, a proceeding may be initiated under chapter 516-22 WAC, the student rights and responsibilities code)) set forth~~

under chapter 516-15 WAC may be issued a university notice of infraction (NOI) for using a skateboard, coaster, in-line skates, toy vehicle, or similar device on campus in an area not designated for such use.

**Penalties:** The penalties for violating any part of this section shall be progressive, with the monetary penalty increasing for each subsequent offense. The first violation shall have a monetary penalty of ten dollars. A second violation shall have a monetary penalty of fifty dollars.

Any person who violates any portion of this section and as a result is involved in a collision with a pedestrian or an object shall have the monetary penalty for the offense doubled.

Any person using a skateboard, coaster, in-line skates, toy vehicle, or similar device who attempts to elude a uniformed police officer attempting to enforce these regulations shall have the monetary penalty for the offense doubled.

**Appeal procedure.** A university notice of infraction (NOI) may be appealed by filing a completed appeal form at the parking services office within seven days of receipt of the notice of infraction; otherwise, the right to a hearing is forfeited.

AMENDATORY SECTION (Amending WSR 96-24-016, filed 11/22/96, effective 1/1/97)

**WAC 516-13-090 Enforcement.** A bicycle rider who refuses to abide by these regulations ~~((will be asked to leave the campus. A person who refuses to obey the request is subject to being cited for criminal trespass under the provisions of chapter 9A.52 RCW. If a student refuses to abide by these regulations, a proceeding may be initiated under chapter 516-23 WAC, the Student Rights and Responsibilities Code. Enforcement described in this chapter does not preclude other established university disciplinary procedures)) set forth under WAC 516-13 may be issued a university notice of infraction (NOI) for one or more of the following infractions:~~

- (1) Failure to yield right of way to pedestrian;
- (2) Failure to stay in control of bicycle;
- (3) Failure to obey dismount policy;
- (4) Riding on lawn or other restricted area;
- (5) Failure to use due care and caution.

**Penalties:** The penalties for violating any part of this section shall be progressive, with the monetary penalty increasing for each subsequent offense regardless of the nature of the previous offense(s). The first violation shall have a monetary penalty of ten dollars. A second violation shall have a monetary penalty of twenty-five dollars. A third and each subsequent violation shall have a monetary penalty of fifty dollars.

Any bicycle rider who violates any portion of this section and as a result is involved in a collision with a pedestrian or an object shall have the monetary penalty for the offense(s) doubled.

Any bicycle rider who attempts to elude a uniformed police officer attempting to enforce these regulations shall have the monetary penalty for the offense(s) doubled.

Chapter 516-13 WAC notwithstanding, bicycle riders remain subject to enforcement of applicable city and state traffic laws while riding upon public roadways or sidewalks.

A bicycle rider who refuses to cooperate with a police officer or to present proof of identification will be subject to arrest for obstructing a law enforcement officer under the provisions of chapter 9A.76 RCW and/or criminal trespass under the provisions of chapter 9A.52 RCW.

Appeal procedure. A university notice of infraction (NOI) may be appealed by filing a completed appeal form at the parking services office within seven days of receipt of the notice of infraction; otherwise, the right to a hearing is forfeited.

Distribution of funds collected from monetary penalties. Moneys collected for violations of chapter 516-13 WAC shall be applied towards the cost of enforcing this section. Moneys received in excess of these costs shall be applied towards bicycle-related projects, including bicycle parking, bicycle pathways and safe bicycling education.

**WSR 98-21-022**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-216—Filed October 13, 1998, 2:16 p.m., effective October 13, 1998, 2:00 p.m.]

Date of Adoption: October 12, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000R; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: These regulations are necessary to achieve conservation goals and to maintain consistency between state and federal regulations. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: October 13, 1998, 2:00 p.m.

October 12, 1998

Larry W. Peck

Acting Director

**NEW SECTION**

**WAC 220-44-05000S Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 2:00 p.m. October 13, 1998 until further notice, it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. For B-platoon vessels a calendar month shall be the 16th of the month through the 15th of the following month. 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. **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.

c. **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.

d. **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.

e. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

f. **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.

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-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030):

a. **Pacific ocean perch** - One-month cumulative limit of 4,000 lbs. No minimum size.

b. **Widow rockfish** - One-month cumulative limit of 19,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.) One-month cumulative limit of 20,000 pounds, of which no more than 6,500 pounds may be yellowtail rockfish and no more than 500 pounds may be canary rockfish.

f. **DTS Complex - (Dover sole, Thornyhead rockfish, and Sablefish)** - Dover sole, one-month cumulative limit of 18,000 pounds. Longspine thornyheads, one-month cumulative limit of 7,500 pounds. Shortspine thornyheads, one-month cumulative limit of 1,500 pounds. Sablefish; for trawl vessels, one-month cumulative limit of 5,000 pounds; for non-trawl vessels, one-month cumulative limit of 1,800 pounds; for non-trawl vessels, effective November 1, 1998, one-month cumulative limit of 1,500 pounds.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply the dressed weight by 1.6.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,800 pounds. Effective November 1, 1998, daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,500 pounds.

h. **Pacific Whiting** - Trip limit of 10,000 pounds. No minimum size.

i. **Lingcod** - One-month cumulative limit of 500 pounds. Total length minimum size limit of 24 inches. Lingcod total length of 24 inches is equivalent to dressed length of 19.5 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 24 inches taken in the trawl fishery only.

3. **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 59B, 60A-1, 60A-2, 61, 62, and 63 (notwithstanding the provisions of WAC 220-44-030). Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit or more than 50% of any 2-month cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,800

pounds per month. Effective November 1, 1998, daily trip limit of 300 pounds (round weight) not to exceed one-month cumulative limit of 1,500 pounds. No minimum size.

(b) **Rockfish** - Rockfish includes all *Sebastes* complex, yellowtail rockfish, canary rockfish, black rockfish, widow rockfish, thornyhead rockfish, shortbelly rockfish and Pacific ocean perch. Illegal to take, possess, transport, or land rockfish.

(c) **Lingcod** - Illegal to take, possess, transport or land lingcod.

4. Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip, or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an Exempted Fishing Permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip, or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "research" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

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

6. The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 2:00 p.m. October 13, 1998:

WAC 220-44-05000R Coastal bottomfish catch limits. (98-208)

**WSR 98-21-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)

[Filed October 13, 1998, 3:04 p.m., effective December 1, 1998]

Date of Adoption: October 13, 1998.

Purpose: Update the utility deduction amounts used to calculate food assistance benefits.

Citation of Existing Rules Affected by this Order: Amending WAC 388-450-0195.

Statutory Authority for Adoption: RCW 74.04.510.

Other Authority: 7 CFR 273.9 (d)(6).

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

Reasons for this Finding: 7 CFR 273.9 (d)(6) requires an annual updating of utility deduction amounts and this change must be in effect December 1, 1998, to meet federal requirements.

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

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

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

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

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

Effective Date of Rule: December 1, 1998.

October 13, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

Separate utility costs, but no heating or cooling costs	Limited utility allowance (LUA) of \$158
<u>Separate costs for phone service only</u>	Telephone utility allowance (TUA) of \$29

(2) ~~((As provided in federal law:~~

~~(a) The SUA up to two hundred twenty three dollars;~~

~~(b) The LUA up to one hundred sixty four dollars;~~

~~(c) The TUA up to twenty nine dollars)) Use actual utility costs if greater than the SUA or LUA or if you are not eligible for the SUA or LUA.~~

**WSR 98-21-044**

**EMERGENCY RULES**

**SECRETARY OF STATE**

[Filed October 14, 1998, 3:51 p.m.]

Date of Adoption: October 14, 1998.

Purpose: Repeal the section requiring that notices be sent to cancelled inactive voters. This procedure is a duplication of notices already sent to these voters and repeal of the section will save the costs of the mailing.

Citation of Existing Rules Affected by this Order: Repealing WAC 434-324-105.

Statutory Authority for Adoption: RCW 29.04.080.

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

Reasons for this Finding: Following the 1998 general election, inactive voters will be cancelled for the first time and this repeal is needed to be in place for the first cancellation process.

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

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

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

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

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

Effective Date of Rule: Immediately.

October 14, 1998

Tracy Guerin

Deputy Secretary of State

**AMENDATORY SECTION** (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-450-0195 Utility allowances for food assistance programs.** (1) ~~((The following utility allowances are used in calculating shelter costs:~~

~~(a) A standard utility allowance (SUA) for assistance units that incur any separate utility charges for heating or cooling costs;~~

~~(b) A limited utility allowance (LUA) for assistance units without heating or cooling costs, that incur utility charges other than telephone costs;~~

~~(c) A telephone utility allowance (TUA) for assistance units that incur any separate charges for phone service and not claiming the SUA or LUA.~~

~~(d) Actual utility costs if:~~

~~(i) Greater than the SUA or LUA; or~~

~~(ii) The assistance unit is not entitled to the SUA or LUA)) You can use the amounts in the chart below or use actual utility costs to calculate total shelter costs. Total shelter costs are used in calculating your food assistance benefits.~~

<b>If you have to pay:</b>	<b>Then, you can use the:</b>
Separate heating or cooling costs	Standard utility allowance (SUA) of \$211

EMERGENCY

**WSR 98-21-045**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 98-217—Filed October 15, 1998, 8:32 a.m., effective October 18, 1998, 12:01 a.m.]

Date of Adoption: October 14, 1998.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-47-906.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Consistent with United States/Canada agreements to reduce impacts to Thompson River-origin coho, scheduled purse seine and gillnet chum-directed openings in Areas 7 and 7A were postponed until the week of November 1, 1998. Area 7/7A reef net openings are consistent with United States/Canada Treaty Chum Annex, and coho nonretention is consistent with United States/Canada 1998 agreement. Openings in Area 6D provide opportunity to harvest the nontreaty allocation of coho salmon destined for the Dungeness River per the preseason schedule. Openings in Area 7B provide opportunity to harvest the nontreaty allocation of coho and chum salmon destined for the Nooksack-Samish region, per the preseason schedule. Openings in Area 8 provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Skagit region, per the preseason schedule. Openings in Area 8A provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Stillaguamish-Snohomish region of origin, per the preseason schedule. Openings in Area 8D provide opportunity to harvest the nontreaty allocation of coho destined for the Tulalip hatchery per the preseason schedule. Opening in Area 9A provides opportunity to harvest the nontreaty allocation of coho salmon destined for the Hood Canal region of origin per the preseason schedule. Openings in Areas 10 and 11 provide opportunity to harvest the nontreaty allocation of chum salmon in the south Puget Sound region of origin, per the preseason schedule. Openings in Areas 12 and 12B provide opportunity to harvest the nontreaty allocation of chum salmon destined for the Hood Canal region of origin, per the preseason schedule. These openings and the purse seine and reef net chinook nonretention requirement are consistent with agreements reached during the Pacific Fishery Management Council - North of Falcon preseason process.

All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

An emergency exists in that there is insufficient time to promulgate permanent rules before the fish have been removed from the fishing grounds.

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

Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Effective Date of Rule: October 18, 1998, 12:01 a.m.

October 14, 1998

Mike Kuttel

for Larry Peck

Acting Director

NEW SECTION

**WAC 220-47-907 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday October 18, 1998 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* **AREA 6D** - Skiff gillnets using 5-inch minimum mesh may fish 7:00 a.m. to 7:00 p.m. daily, Monday October 19, 1998 through Friday October 23, 1998. Fishers may not retain chinook or chum salmon taken in Area 6D.
- \* **AREAS 7 AND 7A** - Reef nets may fish from 7:00 a.m. to 7:00 p.m. daily through Saturday November 14, 1998.
- \* **AREA 7B** - Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 11:59 p.m. Saturday October 24, 1998. Gillnets using 6 1/4-inch minimum mesh and purse seines using the 5-inch strip may fish from 11:59 p.m. Saturday October 24, 1998 until 11:59 p.m. Saturday October 31, 1998.
- \* **AREA 8** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 26, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 6:00 p.m. Tuesday October 27, 1998.
- \* **AREA 8A** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. daily, Monday October 19, 1998 and Tuesday October 20, 1998, and may fish from 7:00 a.m. to 6:00 p.m. daily, Wednesday October 28, 1998 and Thursday October 29, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. daily, Wednesday October 21, 1998, Thursday October 22, 1998, Monday October 26, 1998 and Tuesday October 27, 1998.
- \* **AREA 8D** - Gillnets using 5-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. daily, Monday October 19, 1998 and Tuesday October 20, 1998, and may fish

from 7:00 a.m. to 6:00 p.m. daily, Wednesday October 28, 1998 and Thursday October 29, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. daily, Wednesday October 21, 1998, Thursday October 22, 1998, Monday October 26, 1998 and Tuesday October 27, 1998.

- \* **AREA 9A** - Gillnets using 5-inch minimum mesh may fish until 4:00 p.m. Saturday October 31, 1998.
- \* **AREAS 10 AND 11** - Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. Monday October 26, 1998. Gillnets using 6 1/4-inch minimum mesh may fish from 5:00 p.m. Monday October 26, 1998 to 8:00 a.m. Tuesday October 27, 1998.
- \* **AREAS 12 AND 12B** - Gillnets using 6 1/4-inch minimum mesh may fish from 7:00 a.m. to 7:00 p.m. Monday October 19, 1998 and may fish from 7:00 a.m. to 6:00 p.m. Tuesday October 27, 1998. Purse seines using the 5-inch strip may fish from 7:00 a.m. to 6:00 p.m. daily, Tuesday October 20 and Monday October 26, 1998.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 7E, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 - Closed.
- \* Purse seines may not retain chinook salmon.
- \* Reef nets may not retain chinook or coho salmon.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday October 18, 1998:

WAC 220-47-906                      Puget Sound all-citizen commercial salmon fishery. (98-204)

**WSR 98-21-049  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 98-218—Filed October 15, 1998, 4:22 p.m., effective October 17, 1998, 12:01 a.m.]

Date of Adoption: October 15, 1998.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-42500E; and amending WAC 220-57-425.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Preseason planning during the PFMC process indicated a 1998 return of approximately

95,000 natural origin coho, but poor marine survival the last several years, caused concern that this preseason number might be too high. As a result, fisheries were scheduled more conservatively than the preseason number indicated. Within that planning effort, it was agreed to utilize the tribal inseason update fishery to establish the 1998 Skagit coho run size. If the update fishery indicated the run size was approximately as forecast, fisheries should be increased. Analysis of the update fishery indicates run size is between 70,000 to 100,000+ coho, depending upon which weeks fishery numbers are used (week 38, 39, and 40). Marked or tagged adult coho of hatchery origin comprise approximately 20% of the catch to date.

In addition, past season setting processes concerning the Skagit coho catch distribution have addressed the management concern of catch imbalances between tribal and non-tribal fishers. These imbalances have favored the nontribal group (larger catches) due to marine area fisheries. Recent discussions with the Skagit tribes has produced an agreement for WDFW to open a recreational fishery on the river this year starting October 17. The tribes have scheduled fishery openings since the update information in mid-September in an effort to eliminate the past harvest imbalance.

It has also been agreed between the comanagers to set an early January meeting between technical staff to address reoccurring coho management issues on the Skagit. These meetings should allow agreement between the comanagers during the North of Falcon process for future stock assessment and harvest opportunities on Skagit coho. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Effective Date of Rule: October 17, 1998, 12:01 a.m.                      October 15, 1998

Larry W. Peck  
Acting Director

**NEW SECTION**

**WAC 220-57-42500E Skagit River.** Notwithstanding the provisions of WAC 220-57-425, effective 12:01 a.m. October 17 through 11:59 p.m. December 31, 1998, it is unlawful to fish for or possess salmon taken from the Skagit River except as provided for in this section:

**EMERGENCY**

(1) Open upstream from the mouth to the mouth of the Cascade River. Special daily limit of two salmon, except all chinook salmon must be released immediately. Minimum size 12 inches.

(2) Non-buoyant lure restriction (WAC 220-56-205) and night closure (WAC 220-56-225) in effect through November 30 in waters upstream of Gilligan Creek to the mouth of the Cascade River.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. December 31, 1998:

WAC 220-57-42500E Skagit River (98-218)

**WSR 98-21-076  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed October 21, 1998, 10:27 a.m., effective November 1, 1998]

Date of Adoption: October 21, 1998.

Purpose: Authorizes federal food stamp benefits for certain noncitizens, if otherwise eligible.

Citation of Existing Rules Affected by this Order: Amending WAC 388-424-0020.

Statutory Authority for Adoption: S.1150, The Agricultural Research, Extension and Education Reform Act of 1998.

Other Authority: RCW 74.04.510.

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

Reasons for this Finding: S.1150 mandates November 1, 1998, as the effective date.

#### Column 1

Refugee

Asylee

Deportation withheld

Cuban or Haitian entrant

Aliens lawfully admitted for permanent residence (immigrants)

Parolee for at least one year

Conditional Entrant

Battered spouse, battered child, or parent or child of a battered person as defined in WAC 388-424-0005

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

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

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

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

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

Effective Date of Rule: November 1, 1998.

October 21, 1998

Marie Myerchin-Redifer, Manager  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending WSR 98-16-044, filed 7/31/98, effective 9/1/98)

**WAC 388-424-0020** (~~Citizenship and~~) Alien status~~((—))~~ and eligibility requirements for the federal food stamp program. (1) ~~((Qualified aliens cannot receive federal food stamps unless they are:~~

~~(a) On active duty in the U.S. military, other than active duty for training;~~

~~(b) Honorably discharged U.S. veterans;~~

~~(c) Veterans of the military forces of the Philippines who served prior to July 1, 1946, as described in Title 38, section 107 of the U.S. code;~~

~~(d) The spouse or unmarried dependent children of a person described in sections (a) through (c) above))~~ For federal food stamps, an alien must meet one of the conditions in column 1 and one of the conditions in column 2.

#### Column 2

The following noncitizens are only eligible for seven years after admitted or granted status:

Refugee/Amerasian/Asylee

Deportation withheld/Cuban or Haitian entrant

(The above noncitizens may be eligible even if they become immigrants within the seven-year period.)

There is no time limit for the following noncitizens:

1. Permanent resident aliens with forty Social Security Administration (SSA) work quarters.

2. Honorably discharged veterans, active duty military (other than training), spouse, and unmarried dependent children.

3. Lawfully in U.S. on August 22, 1996 and:

a. Now under eighteen, or

b. Disabled or blind, or

c. Sixty-five or older on August 22, 1996.

EMERGENCY

~~(2) ((Lawful permanent residents who have earned enough money to qualify for forty quarters of coverage under Title II of the Social Security Act can receive)) In addition to the above noncitizens, the following are eligible for federal food stamps.~~

~~(a) ((For purposes of this rule, an alien can receive credit for each qualifying quarter of coverage earned by a:~~

~~(i) Parent while the alien was under eighteen years of age; or~~

~~(ii) Step parent while the alien was under eighteen years of age and residing in the same household as the step parent; or~~

~~(iii) Spouse during their marriage if the alien remains married to the spouse or the spouse is deceased)) Hmong or Highland Laotian tribe members (and spouse and dependent children) when tribe rendered assistance to the U.S. during Vietnam era.~~

~~(b) ((Any quarter of coverage earned after January 1, 1997 in which an alien receives the following benefits does not count as a qualifying quarter:~~

~~(i) Food Stamps;~~

~~(ii) Temporary assistance for needy families (TANF); or~~

~~(iii) Medicaid, except for coverage provided under the alien emergency medical program)) Canadian born American Indians who are fifty percent American Indian blood.~~

~~(c) American Indians who are noncitizens and members of an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act.~~

~~(3) ((Aliens admitted to the U.S. as refugees under section 207 of the Immigration and Nationality Act (INA) can receive federal food stamps during the five year period after their date of entry)) Lawful permanent residents can receive credit for SSA work quarters by:~~

~~(a) Earning enough money to qualify for work quarters;~~  
~~or~~

~~(b) Getting credit for quarters earned by a parent or step-parent while the alien is under eighteen; or~~

~~(c) Getting credit for quarters earned by a spouse during their marriage if the alien remains married to the spouse or the spouse is deceased.~~

~~(4) ((The following aliens can receive federal food stamps during the five year period after the date they are granted their immigration status:~~

~~(a) Aliens granted asylum under section 208 of the INA;~~

~~(b) Aliens whose deportation is withheld under section 243(h) or 241 (b)(3) of the INA;~~

~~(c) Cuban and Haitian entrants, as defined in section 501(e) of the Refugee Education Act of 1980; and~~

~~(d) Amerasians admitted to the U.S. under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (as amended)) Lawful permanent residents cannot receive credit for a SSA work quarter after January 1, 1997 if receiving TANF, nonemergency Medicaid, or food stamp benefits during that quarter.~~

EMERGENCY



**WSR 98-21-002****NOTICE OF PUBLIC MEETINGS  
PUBLIC DISCLOSURE COMMISSION**

[Memorandum—October 7, 1998]

The Public Disclosure Commission has changed the date and location of its regular meeting previously scheduled for Tuesday, October 27, 1998. The meeting has been scheduled for Tuesday, November 3, 1998, and will be held in Hearing Room C, John L. O'Brien Building, Capitol Campus, Olympia, Washington. Any adoption of rules will take place at that time and place.

**WSR 98-21-003****OFFICE OF THE GOVERNOR**

[Filed October 8, 1998, 2:50 p.m.]

October 8, 1998

Robert A. Fox, President  
Fresh Air for Nonsmokers (FANS)  
P.O. Box 24052  
Seattle, Washington 98124-0052

Dear Mr. Fox:

On August 7, 1998 the Department of Labor & Industries (the "Department") denied your petition requesting that the Department engage in rulemaking to adopt a rule that protects non-office workers from Environmental Tobacco Smoke ("ETS"). By a letter dated August 21, 1998 and received by this office on August 24, 1998, you timely appealed the Department's denial of your petition to the Governor as authorized by RCW 34.05.330.

The Department's denial of your petition is affirmed for the reasons discussed below.

You presented no statement of error and little argument in your appeal. However, I have reviewed your letter in conjunction with the Department's denial of your petition written by Dr. Michael Silverstein, and other information available to me. I agree with the points that Dr. Silverstein outlined to you about why rules regarding ETS for non-office workers cannot practically be pursued at this time. Because of statutory constraints, complexity and costs, rulemaking in this area has not been successfully pursued by the federal Occupational Safety and Health Administration ("OSHA"), or by any other state in the nation with an OSHA approved plan. As Dr. Silverstein pointed out, however, California, Vermont and Utah have had some success in providing for protections from ETS through legislation. Legislation may be the most practical solution in Washington to the problems you seek to address:

RCW 34.05.330(4) encourages a petitioner who is requesting amendments to rules to include "whether alternatives to the rule exist that will serve the same purpose at less cost" and several other considerations. Although you have not indi-

cated whether you have considered other alternatives, I suggest that you may wish to pursue other more viable options than a complicated rulemaking effort by the Department. Such a rulemaking effort would not only cover workers but also have an impact on broad public policy that may best be addressed elsewhere.

In conclusion, I believe that the Department acted properly under the law and appropriately balanced the many relevant public policy considerations. The arguments advanced in your appeal do not compel me to conclude that the Department should be directed to initiate rulemaking proceedings. Please direct any questions on this matter to my counsel, Everett Billingslea, at 360-753-6780.

Sincerely,  
Gary Locke  
Governor

cc: Office of the Code Reviser  
Timothy A. Martin, Chief Clerk,  
House of Representatives  
Mike O'Connell, Secretary of Senate  
Gary Moore, Director, Department of  
Labor & Industries

**WSR 98-21-006****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

(Plumbers Advisory Board)

[Memorandum—October 6, 1998]

In accordance with chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Plumbers Advisory Board for 1999 have been scheduled. The meetings are scheduled to begin at 9:00 a.m. on the third Tuesday of January, April, July and October at the following location: January 19, April 20, July 20 and October 19, 1999, Department of Labor and Industries, Rehabilitation Resource Center, 12806 Gateway Drive, Seattle, WA (Tukwila).

**WSR 98-21-007****NOTICE OF PUBLIC MEETINGS  
INTERAGENCY COMMITTEE  
FOR OUTDOOR RECREATION**

[Memorandum—October 8, 1998]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, November 19, 1998, beginning at 8:30 a.m. in Room 175 of the Natural Resources Building in Olympia, Washington.

This meeting is a funding recommendation session for projects in the nonhighway off-road vehicle (NOVA) and state and local boating facilities programs. Other agenda items include funding decisions for the Washington wildlife

and recreation program (WWRP) habitat conservation account (HCA); establishment of the national recreational trails program (NRTP) advisory committee and discussion of revised program; initial scoping for a revised NOVA plan; discussion or action as appropriate on youth athletic facilities account program; and, possible revisions to program manuals.

If you plan to participate or have materials for committee review, please submit information to IAC no later than October 22, 1998. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by October 22 at (360) 902-3000 or TDD (360) 902-1996.

**WSR 98-21-013**

**NOTICE OF PUBLIC MEETINGS**

**DEPARTMENT OF AGRICULTURE**

(Interagency Integrated Pest Management Coordinating Committee)

[Memorandum—October 8, 1998]

Pursuant to RCW 17.15.040, please be advised that the Interagency Integrated Pest Management Coordinating Committee (IIPMCC) will hold its second meeting of 1998 on November 12. The meeting will be held at the Washington State Department of Transportation Maintenance Facility, Meeting Room, 26620 68th Avenue South, Kent, WA, from 10:00 a.m. to 1:00 p.m. All meetings of the IIPMCC are open to the public.

During the 1997 regular session of the 55th legislature, SSB 5077 was passed. The bill was signed by Governor Locke and codified as chapter 17.15 RCW. The law affirms that it is the policy of the state of Washington to require all state agencies and institutions of higher education, that have pest responsibilities, to utilize the principles of integrated pest management (IPM). Chapter 17.15 RCW also created the IIPMCC. The IIPMCC meetings allow the members, composed of state agencies and institutions of higher education, share information and promote interagency coordination.

For Future Information Contact: Wendy Sue Bishop, (360) 902-1923.

**WSR 98-21-014**

**NOTICE OF PUBLIC MEETINGS**

**INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

[Memorandum—October 8, 1998]

The Interagency Committee for Outdoor Recreation (IAC) will meet Thursday, November 19, 1998, beginning at 8:30 a.m. in Room 175 of the Natural Resources Building in Olympia, Washington.

This meeting is a funding recommendation session for projects in the nonhighway off-road vehicle (NOVA) and state and local boating facilities programs. Other agenda items include funding decisions for the Washington wildlife and recreation program (WWRP) habitat conservation account (HCA); establishment of the national recreational trails program (NRTP) advisory committee and discussion of revised program; initial scoping for a revised NOVA plan; discussion or action as appropriate on youth athletic facilities account program; and, possible revisions to program manuals.

If you plan to participate or have materials for committee review, please submit information to IAC no later than October 22, 1998. This will allow for distribution to committee members in a timely fashion.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by October 22 at (360) 902-3000 or TDD (360) 902-1996.

Community Outdoor Athletic Field Advisory Council (COAFAC):

October 21	1:00 - 4:00 p.m.	Tukwila Community Center 12424 42nd Avenue South Tukwila, WA
November 12	2:00 - 6:00 p.m.	Tibbetts Creek Manor 750 Issaquah-Renton Road Issaquah, WA
December 3	1:00 - 5:00 p.m.	Tukwila Community Center 12424 42nd Avenue South Tukwila, WA

**WSR 98-21-021**

**RULES COORDINATOR**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Filed October 13, 1998, 11:37 a.m.]

As required by RCW 34.05.312, the Administrative Procedure Act, Selwyn S. C. Walters, Washington State Department of Labor and Industries, P.O. Box 44001, Olympia, WA 98504-4001, phone (360) 902-4206, fax (360) 902-4202, e-mail walx235@lni.wa.gov, has been designated as the acting rules coordinator for the Department of Labor and Industries.

Suzanne L. Mager, Assistant Director  
Legislative and Governmental Affairs

**WSR 98-21-027**

**NOTICE OF PUBLIC MEETINGS**

**WASHINGTON STATE LIBRARY**

(Library Commission)

[Memorandum—October 12, 1998]

The Washington State Library Commission are scheduled to meet as listed below:

DATE: Friday, November 6, 1998

MISC.

TIME: 9:00 to noon  
 SUBJECT: WSL Commission Workshop  
 LOCATION: Washington State Library  
 Joel M. Pritchard Building Olymp-  
 pia, Washington

For additional information, please do not hesitate to con-  
 tact Cathy M. Stussy at (360) 753-2914, fax (360) 586-7575  
 or internet cstussy@statelib.wa.gov.

**WSR 98-21-028**  
**ATTORNEY GENERAL'S OFFICE**

[Filed October 13, 1998, 3:49 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal pub-  
 lished opinions in response to requests by the heads of state  
 agencies, state legislators, and county prosecuting attorneys.  
 When it appears that individuals outside the Attorney Gen-  
 eral's Office have information or expertise that will assist in  
 the preparation of a particular opinion, a summary of that  
 opinion request will be published in the state register. If you  
 are interested in commenting on a request listed in this vol-  
 ume of the register, you should notify the Attorney General's  
 Office of your interest by November 11, 1998. This is not the  
 due date by which comments must be received. However, if  
 you do not notify the Attorney General's Office of your inter-  
 est in commenting on an opinion request by November 11,  
 1998, the opinion may be issued before your comments have  
 been received. You may notify the Attorney General's Office  
 of your intention to comment by calling (360) 753-2678, or  
 by writing to the Solicitor General, Office of the Attorney  
 General, P.O. Box 40100, Olympia, WA 98504-0100. When  
 you notify the office of your intention to comment, you will  
 be provided with a copy of the opinion request in which you  
 are interested; information about the Attorney General's  
 Opinion process; information on how to submit your com-  
 ments; and a due date by which your comments must be  
 received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the fol-  
 lowing opinion request(s).

98-09-02 Request by Hans Dunshee  
 State Representative, 39th District

Clarification of the term "day", for the purposes of  
 determining and counting military leave, as referenced  
 in RCW 38.40.060.

**WSR 98-21-029**  
**ATTORNEY GENERAL'S OFFICE**

[Filed October 13, 1998, 3:51 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal pub-  
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 When it appears that individuals outside the Attorney Gen-  
 eral's Office have information or expertise that will assist in  
 the preparation of a particular opinion, a summary of that  
 opinion request will be published in the state register. If you  
 are interested in commenting on a request listed in this vol-  
 ume of the register, you should notify the Attorney General's  
 Office of your interest by November 11, 1998. This is not the  
 due date by which comments must be received. However, if  
 you do not notify the Attorney General's Office of your inter-  
 est in commenting on an opinion request by November 11,  
 1998, the opinion may be issued before your comments have  
 been received. You may notify the Attorney General's Office  
 of your intention to comment by calling (360) 753-2678, or  
 by writing to the Solicitor General, Office of the Attorney  
 General, P.O. Box 40100, Olympia, WA 98504-0100. When  
 you notify the office of your intention to comment, you will  
 be provided with a copy of the opinion request in which you  
 are interested; information about the Attorney General's  
 Opinion process; information on how to submit your com-  
 ments; and a due date by which your comments must be  
 received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the fol-  
 lowing opinion request(s).

98-09-03 Request by John Ladenburg  
 Pierce County Prosecuting Attorney

Questions re: commercial access to a computerized  
 relational database containing individual names, home  
 addresses, unique identification numbers, as well as  
 other public information gathered or used by an agency.

**WSR 98-21-030**  
**ATTORNEY GENERAL'S OFFICE**

[Filed October 13, 1998, 3:52 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington Attorney General issues formal pub-  
 lished opinions in response to requests by the heads of state  
 agencies, state legislators, and county prosecuting attorneys.  
 When it appears that individuals outside the Attorney Gen-  
 eral's Office have information or expertise that will assist in  
 the preparation of a particular opinion, a summary of that  
 opinion request will be published in the state register. If you  
 are interested in commenting on a request listed in this vol-  
 ume of the register, you should notify the Attorney General's  
 Office of your interest by November 11, 1998. This is not the  
 due date by which comments must be received. However, if  
 you do not notify the Attorney General's Office of your inter-  
 est in commenting on an opinion request by November 11,  
 1998, the opinion may be issued before your comments have  
 been received. You may notify the Attorney General's Office  
 of your intention to comment by calling (360) 753-2678, or  
 by writing to the Solicitor General, Office of the Attorney

General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the Attorney General's Opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

The Attorney General's Office seeks public input on the following opinion request(s).

98-08-04 Request by Senator Mary Margaret Haugen, State Senator  
on Behalf of Municipal Research Council

May a city council member, who is appointed to fill a council vacancy during the first two years of the four-year term, receive a salary increase adopted during that term, but before the council member is elected to fill the remaining two years of the term, if he does not receive the increase until after his election, or must the council member wait until he is elected to and begins serving a new four-year term before receiving the increase?

#### WSR 98-21-032

### NOTICE OF PUBLIC MEETINGS WASHINGTON CITIZENS COMMISSION ON SALARIES FOR ELECTED OFFICIALS

[Memorandum—October 14, 1998]

#### WORK SESSION SCHEDULE

November 16, 1998, 1:00 p.m., Olympia, Washington, Chergberg Building, Senate Hearing Rooms B and C, Capitol Campus.

#### WSR 98-21-033

### DEPARTMENT OF LICENSING

[Filed October 14, 1998, 10:11 a.m.]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 98-23 issue of the Register.

#### WSR 98-21-034

### NOTICE OF PUBLIC MEETINGS COMMISSION ON JUDICIAL CONDUCT

[Memorandum—October 12, 1998]

This memo will revise the 1998 Commission on Judicial Conduct meeting schedule submitted by memo dated December 4, 1997.

The business session previously scheduled for 11:00 a.m. on Friday, December 4, 1998, at the Sea-Tac Holiday Inn is hereby canceled. The next business session of the com-

mission will be held at 11:00 a.m. on February 5, 1999, at the Sea-Tac Holiday Inn, 17338 Pacific Highway South, SeaTac, WA 98188.

#### WSR 98-21-035

### NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY

[Memorandum—October 14, 1998]

#### BOARD OF TRUSTEES MEETING SCHEDULE FOR 1999

February 4-5, 1999

April 1-2, 1999

June 10-11, 1999 (Commencement is June 12)

August 5-6, 1999

October 7-8, 1999

December 2-3, 1999

#### WSR 98-21-043

### PUBLIC EMPLOYMENT RELATIONS COMMISSION

[Filed October 14, 1998, 2:25 p.m.]

#### EO 97-02 Progress Report of the Public Employment Relations Commission

The Public Employment Relations Commission (PERC) issued its first progress report on October 14, 1997. Since the issuance of that report, PERC has continued its regulatory improvement program. During the last year, PERC has achieved the following:

- On June 16, 1998, the commission held a public hearing to adopt amendments to chapter 391-08 WAC involving the rules of practice and procedure before the agency. On the same date, conforming amendments were adopted to five other rule chapters that the agency administers. The agency made an extensive effort to seek input from clientele on the proposed amendments. Three letters were sent (in November 1997 and February and May, 1998), to a group of one hundred union and employer representatives (the agency's "major stakeholders") seeking input on the proposed changes. Workshops were held in March 1998, at the annual labor-management conference sponsored by the agency. The amendments became effective on August 1, 1998.
- The commission has just completed a project to update all of its forms that the general public uses to access various services of the agency. This project involved the updating of 11 forms to make them more readable and user-friendly. New forms are posted on the Internet, where they are downloadable for use by clientele.
- As part of the second year of PERC's rules review process, the commission is looking at its rules in chapter 391-55 WAC, Impasse resolution and chapter 391-65

WAC, Grievance arbitration. In September 1998, the commission formed a caucus group to solicit input from clientele concerning ways to improve the agency's rules concerning interest arbitration. The caucus consists of five representatives from unions, five representatives from public employers, one arbitrator, and four agency personnel. Three meetings are scheduled during October and November 1998.

During the previous year, PERC has not received any petitions filed under RCW 34.05.330 by persons requesting the

adoption, amendment, or repeal of any rule. PERC does not have any policy and interpretive statements or similar documents. PERC's rules do not impose any reporting requirements on private businesses. PERC has not developed any recommendations for statutory or administrative changes resulting from its regulatory review.

Following please find the agency's progress report in tabular form. If any additional information is needed, please contact PERC's Rule Coordinator, Mark S. Downing, at (360) 753-2955.

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
391-08-001	Application and scope of chapter 391-08 WAC	Rule	Amended	Aug-98	None
391-08-100	Computation of time	Rule	Amended	Aug-98	None
391-08-120	Filing and service of papers	Rule	Amended	Aug-98	None
391-08-180	Continuances	Rule	Amended	Aug-98	None
391-08-230	Summary judgment	Rule	Amended	Aug-98	None
391-08-300	Subpoenas—Discovery	Rule	Amended	Aug-98	None
391-08-310	Subpoenas—Form—Issuance to parties	Rule	Amended	Aug-98	None
391-08-315	Interpreters	Rule	Amended	Aug-98	None
391-08-520	Declaratory orders	Rule	New	Aug-98	None
391-08-630	Agency structure—Substitution for executive director	Rule	Amended	Aug-98	None
391-08-640	Adjudicative proceedings—Appeals	Rule	New	Aug-98	None
391-08-800	Agency records—Public access	Rule	Amended	Aug-98	None
391-08-810	Agency records—Confidentiality	Rule	Amended	Aug-98	None
391-25-050	Petition form—Number of copies—Filing—Service	Rule	Amended	Aug-98	None
391-25-090	Contents of petition filed by employer	Rule	Amended	Aug-98	None
391-25-110	Supporting evidence	Rule	Amended	Aug-98	None
391-25-190	Intervention—By organization other than incumbent	Rule	Amended	Aug-98	None
391-25-210	Showing of interest confidential	Rule	Amended	Aug-98	None
391-25-220	Investigation conferences	Rule	Amended	Aug-98	None
391-25-230	Election agreements	Rule	Amended	Aug-98	None
391-25-250	Cross-check agreements	Rule	Amended	Aug-98	None
391-25-270	Supplemental agreements	Rule	Amended	Aug-98	None
391-25-350	Hearings—Nature and scope	Rule	Amended	Aug-98	None
391-25-370	Blocking charges—Suspension of proceedings—Request to proceed	Rule	Amended	Aug-98	None
391-25-390	Proceedings before the executive director	Rule	Amended	Aug-98	None
391-25-391	Special provision—Public employees	Rule	Amended	Aug-98	None
391-25-410	Cross-check of records	Rule	Amended	Aug-98	None
391-25-450	Disclaimers	Rule	Amended	Aug-98	None
391-25-590	Filing and service of objections to improper conduct and interim orders	Rule	Amended	Aug-98	None

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
391-25-630	Procedure where conduct objections are filed	Rule	Amended	Aug-98	None
391-25-650	Briefs and written arguments on objections	Rule	Amended	Aug-98	None
391-25-660	Appeals from orders and jurisdictional rulings	Rule	New	Aug-98	None
391-25-670	Commission action on objections and appeals	Rule	Amended	Aug-98	None
391-35-030	Petition form—Number of copies—Filing—Service	Rule	Amended	Aug-98	None
391-35-170	Hearings—Nature and scope	Rule	Amended	Aug-98	None
391-35-190	Proceedings before the executive director	Rule	Amended	Aug-98	None
391-35-210	Appeals	Rule	Amended	Aug-98	None
391-35-230	Filing and service of cross-petition for review	Rule	Repealed	Aug-98	None
391-35-250	Commission action on appeals	Rule	Amended	Aug-98	None
391-45-030	Form—Number of copies—Filing—Service	Rule	Amended	Aug-98	None
391-45-110	Preliminary ruling by executive director	Rule	Amended	Aug-98	None
391-45-190	Answer—Filing and service	Rule	Amended	Aug-98	None
391-45-250	Motion to make complaint more definite and certain	Rule	Amended	Aug-98	None
391-45-290	Briefs and proposed findings	Rule	Amended	Aug-98	None
391-45-310	Examiner decision	Rule	Amended	Aug-98	None
391-45-330	Withdrawal or modification of examiner decision	Rule	Amended	Aug-98	None
391-45-350	Appeals	Rule	Amended	Aug-98	None
391-45-370	Filing and service of cross-petition for review	Rule	Repealed	Aug-98	None
391-45-390	Commission action on appeals	Rule	Amended	Aug-98	None
391-45-430	Motion for temporary relief	Rule	Amended	Aug-98	None
391-55-245	Interest arbitration—Award	Rule	Amended	Aug-98	None
391-55-345	Educational employees—Findings of fact and recommendations	Rule	Amended	Aug-98	None
391-95-070	Union security—Disputes resolved by commission	Rule	Amended	Aug-98	None
391-95-090	Union security—Petition form—Number of copies—Filing—Service	Rule	Amended	Aug-98	None
391-95-150	Union security—Initial processing by executive director	Rule	Amended	Aug-98	None
391-95-230	Hearings—Nature and scope	Rule	Amended	Aug-98	None
391-95-250	Examiner decision	Rule	Amended	Aug-98	None
391-95-260	Withdrawal or modification of examiner decision	Rule	Amended	Aug-98	None
391-95-270	Appeals	Rule	Amended	Aug-98	None

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
391-95-280	Filing and service of cross-petition for review	Rule	Repealed	Aug-98	None
391-95-290	Commission action on appeals	Rule	Amended	Aug-98	None

Excerpt Applicable to this Agency From:

**Results of Regulatory Review  
as of October 15, 1997**

Non-Cabinet Agencies	Plan Submitted	Progress Report Submitted	WAC Sections Repealed	WAC Sections Amended	WAC Sections Reviewed	WAC Pages Eliminated
Public Employment Relations Comm.	Yes	Yes	0 <u>3</u>	0 <u>55</u>	0 <u>71</u>	0 <u>0</u>

**WSR 98-21-046  
NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Memorandum—October 14, 1998]

The Art Committee of the Washington State Convention and Trade Center (WSCTC) will meet on Wednesday, October 21, 1998, from 10:00 a.m. - 12 noon in the Level 5 (Administrative Offices) Board Room of the Convention Center, 800 Convention Place, Seattle.

A regular meeting of the WSCTC board of directors will also be held on Wednesday, October 21, 1998, at 1:30 p.m. in the Level 5 Board Room of the Convention Center.

If you have any questions regarding these meetings, please call (206) 694-5000.

**WSR 98-21-047  
UNIVERSITY OF WASHINGTON**

[Filed October 15, 1998, 9:24 a.m.]

**University of Washington Rule Review Progress Report  
1998  
(Per EO 97-02)**

**1. Summary of Regulatory Review Progress During the First Year of EO 97-02:** The University of Washington began Title 478 WAC rule reviews according to its rule review plan developed in August 1997 as directed by Executive Order (EO) 97-02. Although the University of Washington regularly attempts to review an entire chapter whenever it undertakes WAC rule-making activity on any section within that chapter, there had previously been no organized attempt to review WAC chapters that were seemingly functioning without need of change. During this first year of rule review, the university's plan focused on reviewing those Title 478 WAC rules that had gone the longest without rule-making activity. These rules were subsequently scrutinized by the appropriate campus departments and university constituen-

cies and in both cases found in need of rule-making activity. Without the impetus provided by EO 97-02, these rules might not have received this necessary scrutiny.

Moreover, the frequent need to move from rule review directly into rule-making activity has caused the university's rule review plan to adjust to the university's academic year. The University of Washington undertakes its rule-making activity during its academic year (October to June) to include full student involvement and participation.

During the past year, the University of Washington received no petitions for adoption, amendment, or repeal of rules under RCW 34.05.330. In addition, those university rules reviewed, created, amended, and repealed under chapter 34.05 RCW did not impose reporting requirements on businesses.

Finally, the University of Washington has no current recommendations for statutory or administrative changes resulting from its regulatory reviews.

**2. Rule Review and Rule-Making Activity - October 1997 Through October 1998:** The University of Washington completed rule reviews for two Title 478 WAC chapters (chapters 478-132 WAC, "Academic calendar for the University of Washington" and chapters 478-210 WAC, Thomas Burke Memorial Washington State Museum) and rule making for three chapters - none of which were placed on the university's rule review plan as they were already in a preliminary stage of rule making (chapter 478-136 WAC, Use of University of Washington facilities, chapter 478-156 WAC, Rules for the University of Washington residence halls and family housing apartments, and chapter 478-160 WAC, Admission and registration procedures for the University of Washington). Additionally, reviews continue for one Title 478 WAC chapter (chapter 478-324 WAC, Rules and regulations for the University of Washington implementation of the State Environmental Policy Act) and for policy/interpretive statements.

- Rule making for chapter 478-136 WAC, Use of University of Washington facilities, was completed December 1997. Results include six sections amended and one section repealed.

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- Rule making for chapter 478-156 WAC, Rules for the University of Washington residence halls and family housing apartments, was completed December 1997. Results include nine sections amended.
- Rule making for chapter 478-160 WAC, Admission and registration procedures for the University of Washington, was completed in June 1998. Results include two new sections, nine sections amended, and one section repealed.
- Review of chapter 478-210 WAC, Thomas Burke Memorial Washington State Museum, was completed in July 1998. Expedited repeal of the chapter is scheduled to begin with the academic year in October 1998.
- Review of chapter 478-132 WAC, Academic calendar for the University of Washington, was completed in August 1998. Rule making to amend the rule is scheduled to begin with the academic year in October 1998.

**3. Cumulative Results of Regulatory Reform:** See the following table for the cumulative results of the University of Washington's rule review and rule-making activity since EO 97-02 was initiated. Additionally, the results of regulatory review as of October 15, 1997, is shown below and as requested in the memo from Fred Stephens has been amended to reflect the revised statistics for the University of Washington through October 15, 1998.

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-04-020	Organization—Operation—Information	Rule	Amended	07/97	N
WAC 478-108-020	Application for adjudicative proceeding	Rule	Amended	07/97	N
WAC 478-160-035	Application forms for undergraduate standing	Rule	Amended	07/97	N
WAC 478-160-040	Admission of undergraduate students through the educational opportunity program	Rule	Amended	07/97	N
WAC 478-160-050	Application forms for international students	Rule	Amended	07/97	N
WAC 478-160-060	Requests for reconsideration of admission decision	Rule	Amended	07/97	N
WAC 478-160-065	Admission of former students	Rule	Amended	07/97	N
WAC 478-160-085	Application forms	Rule	Amended	07/97	N
WAC 478-160-105	Admission to the school of dentistry—Application forms	Rule	Amended	07/97	N
WAC 478-160-110	Admission to the school of law—Application forms	Rule	Amended	07/97	N
WAC 478-160-120	Admission to the school of law with advanced standing—Application forms	Rule	Amended	07/97	N
WAC 478-160-125	Admission to the school of medicine	Rule	Amended	07/97	N
WAC 478-160-130	First-year admission to the school of medicine—Application forms	Rule	Amended	07/97	N
WAC 478-160-140	Application for transfer to the school of medicine	Rule	Amended	07/97	N
WAC 478-160-160	Applications for housing and financial aid	Rule	Amended	07/97	N
WAC 478-160-162	Financial aid information	Rule	Amended	07/97	N
WAC 478-160-175	Credit definitions	Rule	Amended	07/97	N
WAC 478-160-210	Change of residence application forms	Rule	Amended	07/97	N
WAC 478-160-230	Appeal of change of residence determination	Rule	Amended	07/97	N



WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-160-246	Enrollment confirmation deposit for new and returning students for autumn, winter and spring quarters	Rule	Amended	07/97	N
WAC 478-160-290	Withdrawal from the university	Rule	Amended	07/97	N
WAC 478-160-295	Military withdrawals	Rule	Amended	07/97	N
WAC 478-160-310	Change of school or college	Rule	Amended	07/97	N
WAC 478-160-320	Special instructional programs offered summer quarter	Rule	Amended	07/97	N
WAC 478-250-010	Purpose	Rule	Reviewed	07/97	N
WAC 478-250-050	University rules coordination	Rule	Amended	07/97	N
WAC 478-250-060	Rule indexing	Rule	Amended	07/97	N
WAC 478-250-070	Requests for access to indexes	Rule	Reviewed	07/97	N
WAC 478-276-010	Purpose	Rule	Reviewed	07/97	N
WAC 478-276-020	Definitions	Rule	Reviewed	07/97	N
WAC 478-276-030	Description of central and field organization of the University of Washington	Rule	Repealed	07/97	N
WAC 478-276-040	General course and method of government	Rule	Repealed	07/97	N
WAC 478-276-050	Public records available	Rule	Reviewed	07/97	N
WAC 478-276-060	Public records officer	Rule	Amended	07/97	N
WAC 478-276-070	Times for inspection and copying	Rule	Amended	07/97	N
WAC 478-276-080	Requests for public records	Rule	Amended	07/97	N
WAC 478-276-090	Commercial purposes	Rule	Reviewed	07/97	N
WAC 478-276-100	Inspection of public records—Copying—Costs	Rule	Amended	07/97	N
WAC 478-276-105	Protection of public records	Rule	New	07/97	N
WAC 478-276-110	Exemptions—Court protection	Rule	Reviewed	07/97	N
WAC 478-276-120	Review of denials of public records requests	Rule	Reviewed	07/97	N
WAC 478-276-140	Public records office—Address	Rule	Amended	07/97	N
WAC 478-116-010	Preamble	Rule	Amended	09/97	N
WAC 478-116-020	Objectives of parking and traffic rules	Rule	Amended	09/97	N
WAC 478-116-030	Applicable parking and traffic rules	Rule	Amended	09/97	N
WAC 478-116-040	Authority of university police officers	Rule	Reviewed	09/97	N
WAC 478-116-044	Authorized use of streets and parking facilities	Rule	New	09/97	N
WAC 478-116-046	Directions issued by university police officers	Rule	New	09/97	N
WAC 478-116-050	Revisions of these regulations	Rule	Repealed	09/97	N
WAC 478-116-051	Definitions	Rule	New	09/97	N
WAC 478-116-055	Definitions	Rule	Repealed	09/97	N

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WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-116-060	Permits required for vehicles on campus	Rule	Repealed	09/97	N
WAC 478-116-061	Liability of university	Rule	New	09/97	N
WAC 478-116-070	Parking of motorcycles and scooters	Rule	Repealed	09/97	N
WAC 478-116-071	Severability, savings clause	Rule	New	09/97	N
WAC 478-116-080	Bicycle parking and traffic regulations	Rule	Repealed	09/97	N
WAC 478-116-088	Use of skateboards	Rule	Repealed	09/97	N
WAC 478-116-090	Tourists and visitors—Exemption from permit requirements	Rule	Repealed	09/97	N
WAC 478-116-095	Authorized use of streets and parking facilities	Rule	Repealed	09/97	N
WAC 478-116-100	Speed	Rule	Repealed	09/97	N
WAC 478-116-101	Numbering of parking areas, parking allocation and issuance of permits	Rule	New	09/97	N
WAC 478-116-110	Regulatory signs and directions	Rule	Repealed	09/97	N
WAC 478-116-111	Valid permit	Rule	New	09/97	N
WAC 478-116-114	Transferable permits	Rule	New	09/97	N
WAC 478-116-116	Temporary and replacement permits	Rule	New	09/97	N
WAC 478-116-120	Pedestrians—Right of way	Rule	Repealed	09/97	N
WAC 478-116-121	Visitor parking	Rule	New	09/97	N
WAC 478-116-125	Other types of permits	Rule	New	09/97	N
WAC 478-116-130	Designated and assigned parking areas	Rule	Repealed	09/97	N
WAC 478-116-131	Parking for events and other university functions	Rule	New	09/97	N
WAC 478-116-140	Parking within designated spaces	Rule	Repealed	09/97	N
WAC 478-116-141	Annual and quarterly permit periods	Rule	New	09/97	N
WAC 478-116-145	Evening permits	Rule	New	09/97	N
WAC 478-116-147	Carpool permits	Rule	New	09/97	N
WAC 478-116-151	Parking of state of Washington-owned university-operated motor vehicles	Rule	New	09/97	N
WAC 478-116-160	Exceptions to parking restrictions	Rule	Repealed	09/97	N
WAC 478-116-161	Annual parking fee payment	Rule	New	09/97	N
WAC 478-116-163	Fee schedule	Rule	New	09/97	N
WAC 478-116-165	Vehicle and driver's licenses required	Rule	New	09/97	N
WAC 478-116-167	Right to refuse to issue a permit	Rule	New	09/97	N
WAC 478-116-170	Special parking and traffic directions authorized	Rule	Repealed	09/97	N
WAC 478-116-171	Responsibility of person to whom permit is issued	Rule	New	09/97	N

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WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-116-180	Liability of university	Rule	Repealed	09/97	N
WAC 478-116-181	Refund conditions for parking permits	Rule	New	09/97	N
WAC 478-116-184	Recall of permits	Rule	New	09/97	N
WAC 478-116-186	Recall of carpool permits	Rule	New	09/97	N
WAC 478-116-190	Obstructing traffic prohibited	Rule	Repealed	09/97	N
WAC 478-116-191	Regulatory signs, barricades, and markings	Rule	New	09/97	N
WAC 478-116-200	Parking—Operator's responsibility	Rule	Repealed	09/97	N
WAC 478-116-201	Permits required for motor vehicles parked on campus during hours of operation—Assigned parking areas	Rule	New	09/97	N
WAC 478-116-210	Authorization for issuance of permits	Rule	Repealed	09/97	N
WAC 478-116-211	Metered parking	Rule	New	09/97	N
WAC 478-116-220	Numbering of parking areas—Permit designation	Rule	Repealed	09/97	N
WAC 478-116-221	Parking of motorcycles and scooters	Rule	New	09/97	N
WAC 478-116-223	Display of permits	Rule	New	09/97	N
WAC 478-116-225	Permits and vehicle license plates	Rule	New	09/97	N
WAC 478-116-227	Permit transfer	Rule	New	09/97	N
WAC 478-116-230	Parking allocation	Rule	Repealed	09/97	N
WAC 478-116-231	Use of revoked permits prohibited	Rule	New	09/97	N
WAC 478-116-240	Visitor parking	Rule	Repealed	09/97	N
WAC 478-116-241	Overtime parking violations—Repeated	Rule	New	09/97	N
WAC 478-116-245	Obstructing traffic prohibited	Rule	New	09/97	N
WAC 478-116-250	Other types of permits	Rule	Repealed	09/97	N
WAC 478-116-251	Regulatory signs and directions	Rule	New	09/97	N
WAC 478-116-253	Prohibited parking area(s)	Rule	New	09/97	N
WAC 478-116-255	Prohibited parking—Space designated for a wheelchair	Rule	New	09/97	N
WAC 478-116-260	Athletic event parking	Rule	Repealed	09/97	N
WAC 478-116-261	Designated parking areas	Rule	New	09/97	N
WAC 478-116-270	Evening permits	Rule	Repealed	09/97	N
WAC 478-116-271	Parking within designated parking space	Rule	New	09/97	N
WAC 478-116-280	Transferable permits	Rule	Repealed	09/97	N
WAC 478-116-281	Parking—Safekeeping of unattended motor vehicles	Rule	New	09/97	N
WAC 478-116-290	Temporary and replacement permits	Rule	Repealed	09/97	N
WAC 478-116-291	Impoundment of motor vehicles	Rule	New	09/97	N
WAC 478-116-300	Vehicle and driver's licenses required	Rule	Repealed	09/97	N

MISC.

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-116-301	Citation for motor vehicle violations	Rule	New	09/97	N
WAC 478-116-310	Annual and quarterly permit periods	Rule	Repealed	09/97	N
WAC 478-116-311	Motor vehicle fines and penalties	Rule	New	09/97	N
WAC 478-116-320	Parking area, zone and reserved area designations, and area assignments	Rule	Repealed	09/97	N
WAC 478-116-330	Responsibility of person to whom permit issued	Rule	Repealed	09/97	N
WAC 478-116-340	Display of permits	Rule	Repealed	09/97	N
WAC 478-116-345	Permits and vehicle license plates	Rule	Repealed	09/97	N
WAC 478-116-350	Metered parking	Rule	Repealed	09/97	N
WAC 478-116-355	Overtime parking violations— Repeated	Rule	Repealed	09/97	N
WAC 478-116-360	Carpools	Rule	Repealed	09/97	N
WAC 478-116-370	Recall of permits	Rule	Repealed	09/97	N
WAC 478-116-380	Annual parking fee payment	Rule	Repealed	09/97	N
WAC 478-116-390	Schedule of fees	Rule	Repealed	09/97	N
WAC 478-116-400	Refund conditions	Rule	Repealed	09/97	N
WAC 478-116-401	Impoundment for failure to pay fines	Rule	New	09/97	N
WAC 478-116-411	Impoundment without prior notice	Rule	New	09/97	N
WAC 478-116-421	Impoundment of abandoned vehicles	Rule	New	09/97	N
WAC 478-116-431	Notice and redemption of impounded vehicles	Rule	New	09/97	N
WAC 478-116-440	Citation for violation	Rule	Repealed	09/97	N
WAC 478-116-450	Election to pay fine or contest citation	Rule	Repealed	09/97	N
WAC 478-116-460	Presiding and reviewing officer	Rule	Repealed	09/97	N
WAC 478-116-501	Registered owner responsible for illegal parking	Rule	New	09/97	N
WAC 478-116-520	Motor vehicles—Payment of fines and penalties	Rule	Amended	09/97	N
WAC 478-116-531	Motor vehicles—Election to pay fine or contest citation	Rule	New	09/97	N
WAC 478-116-540	Enforcement of decisions of citation hearing office	Rule	Repealed	09/97	N
WAC 478-116-541	Motor vehicles—Election to contest impoundment	Rule	New	09/97	N
WAC 478-116-550	Registered owner responsible for illegal parking	Rule	Repealed	09/97	N
WAC 478-116-551	Motor vehicles—Presiding and reviewing officer	Rule	New	09/97	N
WAC 478-116-561	Motor vehicles—Enforcement of decisions of citation hearing office	Rule	New	09/97	N

MISC.

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-116-570	Regulatory signs, markings, barricades, etc.	Rule	Repealed	09/97	N
WAC 478-116-580	Impoundment of vehicles	Rule	Repealed	09/97	N
WAC 478-116-582	Impoundment for failure to pay fines	Rule	Repealed	09/97	N
WAC 478-116-584	Impoundment without prior notice	Rule	Repealed	09/97	N
WAC 478-116-586	Impoundment of abandoned vehicles	Rule	Repealed	09/97	N
WAC 478-116-588	Notice and redemption of impounded vehicles	Rule	Repealed	09/97	N
WAC 478-116-589	Election to contest impoundment	Rule	Repealed	09/97	N
WAC 478-116-590	Delegation of authority	Rule	Repealed	09/97	N
WAC 478-116-601	Fines and penalties	Rule	Repealed	09/97	N
WAC 478-116-605	Bicycle parking and traffic rules	Rule	New	09/97	N
WAC 478-116-610	Effective date, severability, savings clause	Rule	Repealed	09/97	N
WAC 478-116-611	Nonmotorized vehicles—Citation for violations	Rule	New	09/97	N
WAC 478-116-620	Nonmotorized vehicles—Fines and penalties	Rule	New	09/97	N
WAC 478-116-630	Nonmotorized vehicles—Schedule of fines and penalties	Rule	New	09/97	N
WAC 478-116-640	Nonmotorized vehicles—Election to pay fine or contest citation	Rule	New	09/97	N
WAC 478-116-650	Nonmotorized vehicles—Presiding and reviewing officer	Rule	New	09/97	N
WAC 478-116-660	Nonmotorized vehicles—Enforcement of decisions of citation hearing office	Rule	New	09/97	N
WAC 478-116-670	Use of skateboards	Rule	New	09/97	N
WAC 478-136-010	Use of university facilities—General policy	Rule	Amended	12/97	N
WAC 478-136-012	Definitions	Rule	Amended	12/97	N
WAC 478-136-015	Administrative responsibilities	Rule	Amended	12/97	N
WAC 478-136-025	Users	Rule	Amended	12/97	N
WAC 478-136-030	Limitations on use	Rule	Amended	12/97	N
WAC 478-136-040	Reservation and approval procedures	Rule	Repealed	12/97	N
WAC 478-136-060	Safety and liability	Rule	Amended	12/97	N
WAC 478-156-010	Legal authority to enact	Rule	Amended	12/97	N
WAC 478-156-011	Purpose of residence halls and family housing apartments	Rule	Amended	12/97	N
WAC 478-156-012	Modification of these rules	Rule	Amended	12/97	N
WAC 478-156-013	Residence halls—Eligibility	Rule	Amended	12/97	N
WAC 478-156-014	Assignment priority	Rule	Amended	12/97	N
WAC 478-156-015	Occupancy deadline	Rule	Amended	12/97	N

MISC.

WAC Section or Document	Section Title or Subject	Document Type	Action Taken	Completion Date	Business Report Required
WAC 478-156-016	Family housing apartments—Eligibility	Rule	Amended	12/97	N
WAC 478-156-017	Assignment priority	Rule	Amended	12/97	N
WAC 478-156-018	Unit size—Eligibility standards	Rule	Amended	12/97	N
WAC 478-160-015	Admission categories	Rule	Amended	06/98	N
WAC 478-160-095	Admission to the advanced professional schools of dentistry, law, medicine, and pharmacy—Policy	Rule	Amended	06/98	N
WAC 478-160-110	Admission to the school of law—Application forms	Rule	Amended	06/98	N
WAC 478-160-120	Admission to the school of law with advanced standing—Application forms	Rule	Repealed	06/98	N
WAC 478-160-142	Admission to the school of pharmacy—Application forms	Rule	New	06/98	N
WAC 478-160-143	Admission to the school of pharmacy with advanced standing	Rule	New	06/98	N
WAC 478-160-150	Definition of nonmatriculated status	Rule	Amended	06/98	N
WAC 478-160-246	Enrollment confirmation deposit for new and returning students for autumn, winter and spring quarters	Rule	Amended	06/98	N
WAC 478-160-270	Registration periods	Rule	Amended	06/98	N
WAC 478-160-275	Late registration or course adds—Registration period III	Rule	Amended	06/98	N
WAC 478-160-280	Registration changes	Rule	Amended	06/98	N
WAC 478-160-295	Military withdrawals	Rule	Amended	06/98	N
WAC 478-210-010	Legal authority to enact	Rule	Reviewed	07/98	N
WAC 478-210-020	Procedures for permanent acquisition of loaned specimens	Rule	Reviewed	07/98	N
WAC 478-132-010	Authority	Rule	Reviewed	08/98	N
WAC 478-132-020	Purpose	Rule	Reviewed	08/98	N
WAC 478-132-030	University calendar	Rule	Reviewed	08/98	N

Excerpt Applicable to this Agency From:

**Results of Regulatory Review  
as of October 15, 1997**

Non-Cabinet Agencies	Plan Submitted	Progress Report Submitted	WAC Sections Repealed	WAC Sections Amended	WAC Sections Reviewed	WAC Pages Eliminated
University of Washington	Yes	Yes	57 59	35 59	0 132	9

**WSR 98-21-050**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRALIA COLLEGE**  
 [Memorandum—October 14, 1998]

Twelve board of trustees will change the date of their regular meeting originally scheduled for November 19, 1998, to November 5, 1998, due to a lack of quorum on November 19, 1998.

This is to notify you that the Community College District

MISC.

**WSR 98-21-052**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**

[Memorandum—October 13, 1998]

Due to the Governor's Office canceling "Capitol for a Day" in the Tri-Cities area, the commission meeting scheduled for November 17, 1998, has been rescheduled to December 1, 1998, beginning at 10:30 a.m. at the Best Western Executive Inn in Fife. The meeting will be held prior to the opening of the 11th Annual Impaired Driver Traffic Safety Conference.

**WSR 98-21-057**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**

[Memorandum—October 14, 1998]

In accordance with RCW 42.30.075, the University of Washington is providing the following meeting schedule(s) for governing bodies of schools, colleges, departments and programs at the university that maintain regular meeting schedules at the UW Public Records Office.

**Management and Engineering Division**  
**Faculty Meeting**

Meeting Dates	Location	Time
Every Thursday for the autumn quarter 1998, specific dates noted:	College of Forest Resources	10:30 a.m. 12:30 p.m.
Oct. 15, 1998	Anderson Hall 22	
Oct. 22, 1998	Anderson Hall 22	
Nov. 5, 1998	Anderson Hall 22	
Nov. 12, 1998	Anderson Hall 22	
Nov. 19, 1998	TBA	
Dec. 3, 1998	TBA	
All voting will be in executive session		

**Promotion, Merit, Tenure**

Meeting Dates	Location	Time
Nov. 5, 1998	Anderson Hall 22 College of Forest Resources	10:30 a.m. 12:30 p.m.
Nov. 12, 1998	Anderson Hall 22 College of Forest Resources	10:30 a.m. 12:30 p.m.
All voting will be in executive session		

**WSR 98-21-058**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Memorandum—October 19, 1998]

**BOARD OF TRUSTEES**  
 October 23, 1998, 9:00 a.m.  
 Spokane Center  
 Second Floor Mall

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. at the Spokane Center, Room 222.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities. Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

**WSR 98-21-061**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**

[Memorandum—October 13, 1998]

The Seattle Community College District board of trustees November regular meeting has been changed from November 3, 1998, to November 10, 1998, at North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

**WSR 98-21-063**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF FISH AND WILDLIFE**

(Wildlife Commission)

[Memorandum—October 5, 1998]

The Fish and Wildlife Commission would like to publish a notice of change from the meeting schedule filed under WSR 97-22-071 as follows:

The November 26 conference call is canceled. All agenda items will be taken up at the November 25 conference call.

DATE	FUNCTION	LOCATION
November 25	Conference call	Olympia

Additional meetings, workshops, and conference calls may be scheduled on an as-needed basis.

**WSR 98-21-067**  
**DEPARTMENT OF ECOLOGY**

[Filed October 20, 1998, 3:42 p.m.]

Notice of Public Hearing  
 Department of Ecology  
 General Schedule for Ground Water

MISC.

**Management Area Program**  
Reference: WAC 173-100-060

The Department of Ecology will hold a public hearing on the general schedule for the ground water management area program on Tuesday, November 17, 1998, at 9:00 a.m. The hearing location is the Department of Ecology Headquarters Building, 300 Desmond Drive, Lacey, WA, Room ROA-32. The purpose of the hearing is to solicit public comment on the addition of the Columbia Basin to the general schedule for the ground water management area program.

The general schedule will be adopted by administrative order on or about December 17, 1998.

The Department of Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, call Laura Lowe at (360) 407-7255, or TDD (360) 407-6006.

**WSR 98-21-070**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR**  
**COMMUNITY AND TECHNICAL COLLEGES**

[Memorandum—October 19, 1998]

Following are details of an upcoming Participant Outcomes Data Consortium (PODC) meeting: On January 21, 1999, at 2 to 4 p.m., at Employment Security, First Floor LMEA, 212 Maple Park, Lacey [Olympia]. The PODC is composed of representatives from the State Board for Community and Technical Colleges, Office of the Superintendent of Public Instruction, Workforce Training and Education Coordinating Board, and Employment Security.

**WSR 98-21-078**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**

(Board of Nursing Home Administrators)

[Memorandum—October 19, 1998]

Following is the amended date and location of the November 1998 Board of Nursing Home Administrators meeting: November 6, 1998, Wesley Gardens, 815 South 216th Street, Des Moines, WA 98198.

MISC.



**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJECT = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind of existing section
- REVIEW = Review of previously adopted rule

**Suffixes:**

- C = Continuance of previous proposal
- E = Emergency action
- P = Proposed action
- S = Supplemental notice
- W = Withdrawal of proposed action
- XA = Expedited adoption
- XR = Expedited repeal

No suffix means permanent action

**WAC #** Shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** Shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
1-21-010	AMD-XA	98-09-083	14-276-060	NEW-XA	98-18-045	16-129-010	REP	98-13-029
1-21-010	AMD	98-14-048	14-276-070	NEW-XA	98-18-045	16-129-020	REP-XR	98-08-020
1-21-020	AMD-XA	98-09-083	14-276-080	NEW-XA	98-18-045	16-129-020	REP	98-13-029
1-21-020	AMD	98-14-048	14-276-090	NEW-XA	98-18-045	16-129-025	REP-XR	98-08-020
4-25	AMD-C	98-05-020	14-276-100	NEW-XA	98-18-045	16-129-025	REP	98-13-029
4-25	AMD-C	98-07-025	14-276-110	NEW-XA	98-18-045	16-129-030	REP-XR	98-08-020
4-25-410	AMD	98-12-020	14-276-120	NEW-XA	98-18-045	16-129-030	REP	98-13-029
4-25-511	REP-XR	98-19-044	14-276-130	NEW-XA	98-18-045	16-154	PREP	98-16-016
4-25-520	AMD	98-12-021	14-276-140	NEW-XA	98-18-045	16-160	PREP	98-16-015
4-25-530	PREP	98-19-045	14-325-010	NEW-XA	98-18-045	16-167	PREP	98-21-012
4-25-540	AMD	98-12-022	16-08-151	AMD-XA	98-04-082	16-167-010	AMD-XA	98-04-076
4-25-550	AMD	98-12-023	16-08-151	AMD	98-09-085	16-167-010	AMD	98-09-048
4-25-551	AMD	98-12-047	16-20	PREP	98-15-067	16-167-020	AMD-XA	98-04-076
4-25-620	AMD	98-12-048	16-21	PREP	98-15-067	16-167-020	AMD	98-09-048
4-25-622	AMD	98-12-049	16-22	PREP	98-15-067	16-167-030	AMD-XA	98-04-076
4-25-625	REP	98-12-056	16-23	PREP	98-15-067	16-167-030	AMD	98-09-048
4-25-626	NEW	98-12-055	16-32-009	PREP	98-05-104	16-167-040	AMD-XA	98-04-076
4-25-627	REP	98-12-056	16-32-009	REP-P	98-09-104	16-167-040	AMD	98-09-048
4-25-631	AMD	98-12-050	16-32-009	REP	98-14-036	16-167-050	AMD-XA	98-04-076
4-25-810	AMD	98-12-051	16-32-011	AMD-P	98-09-104	16-167-050	AMD	98-09-048
4-25-920	REP-XR	98-19-044	16-32-011	AMD	98-14-036	16-167-060	AMD-XA	98-04-076
14-104-010	NEW-XA	98-18-045	16-46-010	REP-XR	98-08-080	16-167-060	AMD	98-09-048
14-104-020	NEW-XA	98-18-045	16-46-010	REP	98-13-118	16-168-010	AMD	98-03-089
14-104-030	NEW-XA	98-18-045	16-86	PREP	98-08-022	16-168-020	AMD	98-03-089
14-108-010	NEW-XA	98-18-045	16-86	PREP	98-11-010	16-168-030	AMD	98-03-089
14-108-020	NEW-XA	98-18-045	16-89	PREP	98-08-023	16-168-040	AMD	98-03-089
14-108-030	NEW-XA	98-18-045	16-96	REP-C	98-18-043	16-168-050	AMD	98-03-089
14-108-040	NEW-XA	98-18-045	16-96-001	REP-P	98-15-157	16-168-060	AMD	98-03-089
14-108-050	NEW-XA	98-18-045	16-96-001	REP	98-19-037	16-168-070	AMD	98-03-089
14-108-060	NEW-XA	98-18-045	16-96-002	REP-P	98-15-157	16-168-075	NEW	98-03-089
14-108-070	NEW-XA	98-18-045	16-96-002	REP	98-19-037	16-168-080	AMD	98-03-089
14-108-080	NEW-XA	98-18-045	16-96-003	REP-P	98-15-157	16-168-090	AMD	98-03-089
14-122-010	NEW-XA	98-18-045	16-96-003	REP	98-19-037	16-168-100	AMD	98-03-089
14-122-020	NEW-XA	98-18-045	16-96-010	REP-P	98-15-157	16-200	PREP	98-12-039
14-122-030	NEW-XA	98-18-045	16-96-010	REP	98-19-037	16-200-695	AMD-E	98-12-018
14-133-020	NEW-XA	98-18-045	16-96-020	REP-P	98-15-157	16-200-695	AMD-E	98-13-013
14-134-010	NEW-XA	98-18-045	16-96-020	REP	98-19-037	16-200-695	AMD-P	98-19-128
14-276-010	NEW-XA	98-18-045	16-96-030	REP-P	98-15-157	16-200-695	AMD-E	98-20-057
14-276-020	NEW-XA	98-18-045	16-96-030	REP	98-19-037	16-200-705	AMD-E	98-12-018
14-276-030	NEW-XA	98-18-045	16-102	PREP	98-04-075	16-200-705	AMD-E	98-13-013
14-276-040	NEW-XA	98-18-045	16-104	PREP	98-19-027	16-200-705	AMD-P	98-19-128
14-276-050	NEW-XA	98-18-045	16-129-010	REP-XR	98-08-020	16-200-705	AMD-E	98-20-057

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
16-200-7061	NEW-E	98-12-018	16-333-235	REP-XR	98-07-108	16-471-015	REP-P	98-10-115
16-200-7061	NEW-E	98-13-013	16-333-235	REP	98-13-033	16-471-015	REP-W	98-13-127
16-200-7061	NEW-P	98-19-128	16-333-240	REP-XR	98-07-108	16-471-015	REP-P	98-13-128
16-200-7061	NEW-E	98-20-057	16-333-240	REP	98-13-033	16-471-015	REP	98-19-023
16-200-7062	NEW-E	98-12-018	16-333-245	REP-XR	98-07-108	16-471-020	REP-P	98-10-115
16-200-7062	NEW-E	98-13-013	16-333-245	REP	98-13-033	16-471-020	REP-W	98-13-127
16-200-7062	NEW-P	98-19-128	16-334-010	NEW-XA	98-07-109	16-471-020	REP-P	98-13-128
16-200-7062	NEW-E	98-20-057	16-334-010	NEW	98-11-048	16-471-020	REP	98-19-023
16-200-7063	NEW-E	98-12-018	16-334-020	NEW-XA	98-07-109	16-471-030	REP-P	98-10-115
16-200-7063	NEW-E	98-13-013	16-334-020	NEW	98-11-048	16-471-030	REP-W	98-13-127
16-200-7063	NEW-P	98-19-128	16-334-030	NEW-XA	98-07-109	16-471-030	REP-P	98-13-128
16-200-7063	NEW-E	98-20-057	16-334-030	NEW	98-11-048	16-471-030	REP	98-19-023
16-200-7064	NEW-E	98-12-018	16-334-040	NEW-XA	98-07-109	16-471-040	REP-P	98-10-115
16-200-7064	NEW-E	98-13-013	16-334-040	NEW	98-11-048	16-471-040	REP-W	98-13-127
16-200-7064	NEW-P	98-19-128	16-334-050	NEW-XA	98-07-109	16-471-040	REP-P	98-13-128
16-200-7064	NEW-E	98-20-057	16-334-050	NEW	98-11-048	16-471-040	REP	98-19-023
16-200-708	AMD-E	98-12-018	16-334-060	NEW-XA	98-07-109	16-471-050	REP-P	98-10-115
16-200-708	AMD-E	98-13-013	16-334-060	NEW	98-11-048	16-471-050	REP-W	98-13-127
16-200-708	AMD-P	98-19-128	16-334-070	NEW-XA	98-07-109	16-471-050	REP-P	98-13-128
16-200-708	AMD-E	98-20-057	16-334-070	NEW	98-11-048	16-471-050	REP	98-19-023
16-212	PREP	98-11-024	16-334-080	NEW-XA	98-07-109	16-471-060	REP-P	98-10-115
16-212-030	AMD-P	98-07-106	16-334-080	NEW	98-11-048	16-471-060	REP-W	98-13-127
16-212-030	AMD	98-12-058	16-354-002	REP-P	98-06-082	16-471-060	REP-P	98-13-128
16-212-060	AMD-P	98-07-106	16-354-002	REP	98-09-049	16-471-060	REP	98-19-023
16-212-060	AMD	98-12-058	16-354-005	AMD-P	98-06-082	16-471-070	REP-P	98-10-115
16-212-070	AMD-P	98-07-106	16-354-005	AMD	98-09-049	16-471-070	REP-W	98-13-127
16-212-070	AMD	98-12-058	16-354-010	AMD-P	98-06-082	16-471-070	REP-P	98-13-128
16-212-080	AMD-P	98-07-106	16-354-010	AMD	98-09-049	16-471-070	REP	98-19-023
16-212-080	AMD	98-12-058	16-354-020	AMD-P	98-06-082	16-471-080	REP-P	98-10-115
16-212-082	AMD-P	98-07-106	16-354-020	AMD	98-09-049	16-471-080	REP-W	98-13-127
16-212-082	AMD	98-12-058	16-354-030	AMD-P	98-06-082	16-471-080	REP-P	98-13-128
16-228-155	PREP	98-07-003	16-354-030	AMD	98-09-049	16-471-080	REP	98-19-023
16-228-155	AMD-P	98-10-069	16-354-040	AMD-P	98-06-082	16-532-010	AMD-P	98-02-073
16-228-155	AMD	98-15-026	16-354-040	AMD	98-09-049	16-532-010	AMD	98-13-122
16-316-474	PREP	98-06-093	16-354-050	AMD-P	98-06-082	16-532-0402	REP-P	98-02-073
16-316-474	AMD-P	98-09-101	16-354-050	AMD	98-09-049	16-532-0402	REP	98-13-122
16-316-474	AMD	98-12-032	16-354-070	AMD-P	98-06-082	16-532-0404	REP-P	98-02-073
16-316-525	PREP	98-06-093	16-354-070	AMD	98-09-049	16-532-0404	REP	98-13-122
16-316-525	AMD-P	98-09-101	16-354-100	AMD-P	98-06-082	16-532-0406	REP-P	98-02-073
16-316-525	AMD	98-12-032	16-354-100	AMD	98-09-049	16-532-0406	REP	98-13-122
16-319-041	PREP	98-06-094	16-400	AMD-P	98-07-032	16-532-0408	REP-P	98-02-073
16-319-041	AMD-P	98-09-100	16-400	AMD	98-10-083	16-532-0408	REP	98-13-122
16-319-041	AMD	98-12-031	16-400-007	AMD-P	98-07-032	16-532-0410	REP-P	98-02-073
16-325-005	NEW-XA	98-05-106	16-400-007	AMD	98-10-083	16-532-0410	REP	98-13-122
16-325-005	NEW	98-09-071	16-400-040	AMD-P	98-07-032	16-532-0412	REP-P	98-02-073
16-325-010	NEW-XA	98-05-106	16-400-040	AMD	98-10-083	16-532-0412	REP	98-13-122
16-325-010	NEW	98-09-071	16-400-100	AMD-P	98-07-032	16-532-0414	REP-P	98-02-073
16-325-015	NEW-XA	98-05-106	16-400-100	AMD	98-10-083	16-532-0414	REP	98-13-122
16-325-015	NEW	98-09-071	16-400-210	AMD-P	98-07-032	16-545-010	NEW-P	98-19-118
16-325-020	NEW-XA	98-05-106	16-400-210	AMD	98-10-083	16-545-015	NEW-P	98-19-118
16-325-020	NEW	98-09-071	16-402-005	NEW-P	98-13-129	16-545-020	NEW-P	98-19-118
16-325-025	NEW-XA	98-05-106	16-402-005	NEW	98-17-069	16-545-030	NEW-P	98-19-118
16-325-025	NEW	98-09-071	16-402-010	NEW-P	98-13-129	16-545-040	NEW-P	98-19-118
16-333-200	REP-XR	98-07-108	16-402-010	NEW	98-17-069	16-545-041	NEW-P	98-19-118
16-333-200	REP	98-13-033	16-402-015	NEW-P	98-13-129	16-545-050	NEW-P	98-19-118
16-333-205	REP-XR	98-07-108	16-402-015	NEW	98-17-069	16-545-080	NEW-P	98-19-118
16-333-205	REP	98-13-033	16-402-020	NEW-P	98-13-129	16-557	PREP	98-08-099
16-333-210	REP-XR	98-07-108	16-402-020	NEW	98-17-069	16-557-010	AMD-P	98-12-017
16-333-210	REP	98-13-033	16-470-100	AMD-P	98-08-108	16-557-010	AMD	98-16-081
16-333-215	REP-XR	98-07-108	16-470-100	AMD	98-12-091	16-557-025	NEW-P	98-12-017
16-333-215	REP	98-13-033	16-470-120	AMD-P	98-08-108	16-557-025	NEW	98-16-081
16-333-220	REP-XR	98-07-108	16-470-120	AMD-W	98-21-018	16-561	PREP	98-13-120
16-333-220	REP	98-13-033	16-471	PREP	98-07-107	16-561-030	AMD-P	98-16-080
16-333-225	REP-XR	98-07-108	16-471-010	REP-P	98-10-115	16-565	PREP	98-13-119
16-333-225	REP	98-13-033	16-471-010	REP-W	98-13-127	16-573-010	NEW	98-04-093
16-333-230	REP-XR	98-07-108	16-471-010	REP-P	98-13-128	16-573-020	NEW	98-04-093
16-333-230	REP	98-13-033	16-471-010	REP	98-19-023	16-573-030	NEW	98-04-093

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16-573-070	NEW	98-04-093	16-607-100	NEW-P	98-15-157	16-620-380	REP	98-19-037
16-573-080	NEW	98-04-093	16-607-100	NEW	98-19-037	16-620-390	REP-P	98-15-157
16-575	PREP	98-06-096	16-607-105	NEW-P	98-15-157	16-620-390	REP	98-19-037
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16-600-020	REP	98-13-030	16-607-110	NEW-P	98-15-157	16-620-400	REP	98-19-037
16-604	REP-C	98-18-043	16-607-110	NEW	98-19-037	16-620-410	REP-P	98-15-157
16-604-001	REP-P	98-15-157	16-607-115	NEW-P	98-15-157	16-620-410	REP	98-19-037
16-604-001	REP	98-19-037	16-607-115	NEW	98-19-037	16-657	PREP	98-07-068
16-604-002	REP-P	98-15-157	16-607-120	NEW-P	98-15-157	16-657-040	AMD-P	98-10-120
16-604-002	REP	98-19-037	16-607-120	NEW-S	98-19-087	16-657-040	AMD	98-13-074
16-604-003	REP-P	98-15-157	16-607-125	NEW-P	98-15-157	16-659	PREP	98-07-067
16-604-003	REP	98-19-037	16-607-125	NEW	98-19-037	16-659-001	REP-P	98-10-119
16-604-008	REP-P	98-15-157	16-607-130	NEW-P	98-15-157	16-659-001	REP	98-13-073
16-604-008	REP	98-19-037	16-607-130	NEW	98-19-037	16-659-002	NEW-P	98-10-119
16-604-010	REP-P	98-15-157	16-607-135	NEW-P	98-15-157	16-659-002	NEW	98-13-073
16-604-012	REP-P	98-15-157	16-607-135	NEW	98-19-037	16-659-010	AMD-P	98-10-119
16-604-012	REP	98-19-037	16-607-140	NEW-P	98-15-157	16-659-010	AMD	98-13-073
16-604-015	REP-P	98-15-157	16-607-140	NEW	98-19-037	16-662	PREP	98-07-069
16-604-015	REP	98-19-037	16-607-145	NEW-P	98-15-157	16-662-105	AMD-P	98-10-118
16-604-030	REP-P	98-15-157	16-607-145	NEW	98-19-037	16-662-105	AMD	98-13-072
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16-605A	REP-C	98-18-043	16-608-001	REP-P	98-15-157	16-662-115	AMD	98-13-072
16-605A-001	REP-P	98-15-157	16-608-001	REP	98-19-037	16-675-030	AMD-P	98-09-099
16-605A-001	REP	98-19-037	16-608-010	REP-P	98-15-157	16-675-030	AMD	98-12-030
16-605A-005	REP-P	98-15-157	16-608-010	REP	98-19-037	16-675-040	AMD-P	98-09-099
16-605A-005	REP	98-19-037	16-608-020	REP-P	98-15-157	16-675-040	AMD	98-12-030
16-605A-010	REP-P	98-15-157	16-608-020	REP	98-19-037	16-750	PREP	98-12-069
16-605A-010	REP	98-19-037	16-620	REP-C	98-18-043	16-750-005	AMD-P	98-20-094
16-607	NEW-C	98-18-043	16-620-010	REP-P	98-15-157	16-750-011	AMD-P	98-20-094
16-607	NEW-C	98-19-018	16-620-010	REP	98-19-037	16-750-015	AMD-P	98-20-094
16-607-005	NEW-P	98-15-157	16-620-015	REP-P	98-15-157	16-750-110	AMD-P	98-20-094
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16-607-005	AMD-S	98-19-087	16-620-020	REP-P	98-15-157	16-752-610	AMD-P	98-08-109
16-607-010	NEW-P	98-15-157	16-620-020	REP	98-19-037	16-752-610	AMD	98-13-008
16-607-010	NEW	98-19-037	16-620-030	REP-P	98-15-157	24-12-010	AMD-P	98-13-121
16-607-015	NEW-P	98-15-157	16-620-030	REP	98-19-037	24-12-010	AMD	98-18-060
16-607-015	NEW	98-19-037	16-620-080	REP-P	98-15-157	24-12-010	AMD	98-21-048
16-607-020	NEW-P	98-15-157	16-620-080	REP	98-19-037	25-18-010	REP	98-05-027
16-607-020	NEW	98-19-037	16-620-100	REP-P	98-15-157	25-18-020	REP	98-05-027
16-607-025	NEW-P	98-15-157	16-620-100	REP	98-19-037	25-18-030	REP	98-05-027
16-607-025	NEW	98-19-037	16-620-105	REP-P	98-15-157	25-18-040	REP	98-05-027
16-607-035	NEW-P	98-15-157	16-620-105	REP	98-19-037	25-18-050	REP	98-05-027
16-607-035	NEW	98-19-037	16-620-150	REP-P	98-15-157	25-18-060	REP	98-05-027
16-607-040	NEW-P	98-15-157	16-620-150	REP	98-19-037	25-18-070	REP	98-05-027
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16-607-055	NEW-P	98-15-157	16-620-230	REP-P	98-15-157	25-18-120	REP	98-05-027
16-607-055	NEW-S	98-19-087	16-620-230	REP	98-19-037	25-18-130	REP	98-05-027
16-607-060	NEW-P	98-15-157	16-620-240	REP-P	98-15-157	25-36-010	REP	98-05-027
16-607-060	NEW	98-19-037	16-620-240	REP	98-19-037	25-36-020	REP	98-05-027
16-607-060	AMD-S	98-19-087	16-620-250	REP-P	98-15-157	25-36-030	REP	98-05-027
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16-607-065	NEW	98-19-037	16-620-260	REP-P	98-15-157	25-36-050	REP	98-05-027
16-607-070	NEW-P	98-15-157	16-620-260	REP	98-19-037	25-36-060	REP	98-05-027
16-607-070	NEW	98-19-037	16-620-275	REP-P	98-15-157	25-36-070	REP	98-05-027
16-607-075	NEW-P	98-15-157	16-620-275	REP	98-19-037	25-36-080	REP	98-05-027
16-607-075	NEW	98-19-037	16-620-280	REP-P	98-15-157	25-36-090	REP	98-05-027
16-607-080	NEW-P	98-15-157	16-620-280	REP	98-19-037	25-36-100	REP	98-05-027
16-607-080	NEW	98-19-037	16-620-290	REP-P	98-15-157	25-36-110	REP	98-05-027
16-607-085	NEW-P	98-15-157	16-620-290	REP	98-19-037	25-36-120	REP	98-05-027
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30-08-070	PREP	98-09-082	50-52-270	REP	98-16-105	50-52-610	REP-XR	98-13-096
30-08-070	AMD-P	98-20-087	50-52-280	REP-XR	98-13-096	50-52-610	REP	98-16-105
30-12-150	PREP	98-09-082	50-52-280	REP	98-16-105	50-52-620	REP-XR	98-13-096
30-12-150	AMD-P	98-20-087	50-52-290	REP-XR	98-13-096	50-52-620	REP	98-16-105
30-18-040	PREP	98-09-082	50-52-290	REP	98-16-105	50-52-630	REP-XR	98-13-096
30-18-040	AMD-P	98-20-087	50-52-300	REP-XR	98-13-096	50-52-630	REP	98-16-105
30-22-070	PREP	98-09-082	50-52-300	REP	98-16-105	50-52-640	REP-XR	98-13-096
30-22-070	AMD-P	98-20-087	50-52-310	REP-XR	98-13-096	50-52-640	REP	98-16-105
30-22-090	PREP	98-09-082	50-52-310	REP	98-16-105	51-04	PREP	98-13-052
30-22-090	AMD-P	98-20-087	50-52-320	REP-XR	98-13-096	51-04-015	AMD	98-02-048
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44-01-140	REP	98-13-046	50-52-330	REP-XR	98-13-096	51-04-030	AMD-P	98-15-150
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50-52	PREP	98-13-096	50-52-340	REP-XR	98-13-096	51-04-070	AMD	98-02-048
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50-52-030	REP-XR	98-13-096	50-52-360	REP	98-16-105	51-11-0101	AMD	98-03-003
50-52-030	REP	98-16-105	50-52-370	REP-XR	98-13-096	51-11-0101	AMD-P	98-15-151
50-52-040	REP-XR	98-13-096	50-52-370	REP	98-16-105	51-11-0104	AMD	98-03-003
50-52-040	REP	98-16-105	50-52-380	REP-XR	98-13-096	51-11-0201	AMD	98-03-003
50-52-050	REP-XR	98-13-096	50-52-380	REP	98-16-105	51-11-0402	AMD	98-03-003
50-52-050	REP	98-16-105	50-52-390	REP-XR	98-13-096	51-11-0502	AMD	98-03-003
50-52-060	REP-XR	98-13-096	50-52-390	REP	98-16-105	51-11-0503	AMD	98-03-003
50-52-060	REP	98-16-105	50-52-400	REP-XR	98-13-096	51-11-0503	AMD-E	98-15-080
50-52-070	REP-XR	98-13-096	50-52-400	REP	98-16-105	51-11-0503	AMD-P	98-16-066
50-52-070	REP	98-16-105	50-52-410	REP-XR	98-13-096	51-11-0504	AMD	98-03-003
50-52-080	REP-XR	98-13-096	50-52-410	REP	98-16-105	51-11-0505	AMD-W	98-05-064
50-52-080	REP	98-16-105	50-52-420	REP-XR	98-13-096	51-11-0525	AMD	98-03-003
50-52-090	REP-XR	98-13-096	50-52-420	REP	98-16-105	51-11-0527	AMD	98-03-003
50-52-090	REP	98-16-105	50-52-430	REP-XR	98-13-096	51-11-0530	AMD	98-03-003
50-52-100	REP-XR	98-13-096	50-52-430	REP	98-16-105	51-11-0541	AMD	98-03-003
50-52-100	REP	98-16-105	50-52-440	REP-XR	98-13-096	51-11-0602	AMD	98-03-003
50-52-110	REP-XR	98-13-096	50-52-440	REP	98-16-105	51-11-0606	REP	98-03-003
50-52-110	REP	98-16-105	50-52-450	REP-XR	98-13-096	51-11-0607	REP	98-03-003
50-52-120	REP-XR	98-13-096	50-52-450	REP	98-16-105	51-11-0608	REP	98-03-003
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50-52-130	REP-XR	98-13-096	50-52-460	REP	98-16-105	51-11-0626	AMD	98-03-003
50-52-130	REP	98-16-105	50-52-470	REP-XR	98-13-096	51-11-0627	AMD	98-03-003
50-52-140	REP-XR	98-13-096	50-52-470	REP	98-16-105	51-11-0628	AMD	98-03-003
50-52-140	REP	98-16-105	50-52-480	REP-XR	98-13-096	51-11-0629	AMD	98-03-003
50-52-150	REP-XR	98-13-096	50-52-480	REP	98-16-105	51-11-0630	AMD	98-03-003
50-52-150	REP	98-16-105	50-52-490	REP-XR	98-13-096	51-11-0701	AMD	98-03-003
50-52-160	REP-XR	98-13-096	50-52-490	REP	98-16-105	51-11-0800	AMD	98-03-003
50-52-160	REP	98-16-105	50-52-500	REP-XR	98-13-096	51-11-1002	AMD	98-03-003
50-52-170	REP-XR	98-13-096	50-52-500	REP	98-16-105	51-11-1003	AMD	98-03-003
50-52-170	REP	98-16-105	50-52-510	REP-XR	98-13-096	51-11-1004	AMD	98-03-003
50-52-180	REP-XR	98-13-096	50-52-510	REP	98-16-105	51-11-1005	AMD	98-03-003
50-52-180	REP	98-16-105	50-52-520	REP-XR	98-13-096	51-11-1006	AMD	98-03-003
50-52-190	REP-XR	98-13-096	50-52-520	REP	98-16-105	51-11-1007	AMD	98-03-003
50-52-190	REP	98-16-105	50-52-530	REP-XR	98-13-096	51-11-1008	AMD	98-03-003
50-52-200	REP-XR	98-13-096	50-52-530	REP	98-16-105	51-11-1009	AMD	98-03-003
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50-52-210	REP	98-16-105	50-52-550	REP-XR	98-13-096	51-11-1130	AMD	98-03-003
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50-52-230	REP-XR	98-13-096	50-52-560	REP	98-16-105	51-11-1210	AMD	98-03-003
50-52-230	REP	98-16-105	50-52-570	REP-XR	98-13-096	51-11-1310	AMD-W	98-05-064
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50-52-240	REP	98-16-105	50-52-580	REP-XR	98-13-096	51-11-1322	AMD-W	98-05-064
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51-11-2006	AMD	98-03-003	51-30-0400	REP	98-02-054	51-30-31206	REP	98-02-054
51-11-2007	AMD	98-03-003	51-30-0403	REP	98-02-054	51-30-31207	REP	98-02-054
51-11-23110	REP-P	98-16-065	51-30-0405	REP	98-02-054	51-30-31208	REP	98-02-054
51-11-99903	AMD	98-03-003	51-30-0500	REP	98-02-054	51-30-31209	REP	98-02-054
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51-13-106	AMD	98-02-047	51-30-0600	REP	98-02-054	51-30-3400	REP	98-02-054
51-13-402	AMD	98-02-047	51-30-0601	REP	98-02-054	51-30-3404	REP	98-02-054
51-13-502	AMD	98-02-047	51-30-0800	REP	98-02-054	51-30-93115	REP	98-02-054
51-26-001	REP	98-02-055	51-30-0804	REP	98-02-054	51-30-93116	REP	98-02-054
51-26-002	REP	98-02-055	51-30-0900	REP	98-02-054	51-30-93117	REP	98-02-054
51-26-003	REP	98-02-055	51-30-0902	REP	98-02-054	51-30-93118	REP	98-02-054
51-26-004	REP	98-02-055	51-30-0904	REP	98-02-054	51-30-93119	REP	98-02-054
51-26-008	REP	98-02-055	51-30-1000	REP	98-02-054	51-30-93120	REP	98-02-054
51-26-0300	REP	98-02-055	51-30-1001	REP	98-02-054	51-32-001	REP	98-02-056
51-26-0310	REP	98-02-055	51-30-1004	REP	98-02-054	51-32-002	REP	98-02-056
51-26-0315	REP	98-02-055	51-30-1005	REP	98-02-054	51-32-003	REP	98-02-056
51-26-0400	REP	98-02-055	51-30-1006	REP	98-02-054	51-32-004	REP	98-02-056
51-26-0401	REP	98-02-055	51-30-1007	REP	98-02-054	51-32-005	REP	98-02-056
51-26-0500	REP	98-02-055	51-30-1009	REP	98-02-054	51-32-007	REP	98-02-056
51-26-0503	REP	98-02-055	51-30-1014	REP	98-02-054	51-32-008	REP	98-02-056
51-26-0909	REP	98-02-055	51-30-1019	REP	98-02-054	51-32-0200	REP	98-02-056
51-26-1000	REP	98-02-055	51-30-1030	REP	98-02-054	51-32-0223	REP	98-02-056
51-26-1004	REP	98-02-055	51-30-1100	REP	98-02-054	51-32-0300	REP	98-02-056
51-26-1007	REP	98-02-055	51-30-1101	REP	98-02-054	51-32-0327	REP	98-02-056
51-26-1009	REP	98-02-055	51-30-1102	REP	98-02-054	51-32-0500	REP	98-02-056
51-26-1020	REP	98-02-055	51-30-1103	REP	98-02-054	51-32-0504	REP	98-02-056
51-26-1301	REP	98-02-055	51-30-1104	REP	98-02-054	51-32-0600	REP	98-02-056
51-26-1800	REP	98-02-055	51-30-1105	REP	98-02-054	51-32-0601	REP	98-02-056
51-26-1801	REP	98-02-055	51-30-1106	REP	98-02-054	51-32-0605	REP	98-02-056
51-26-1802	REP	98-02-055	51-30-1107	REP	98-02-054	51-32-1100	REP	98-02-056
51-26-1803	REP	98-02-055	51-30-1108	REP	98-02-054	51-32-1101	REP	98-02-056
51-26-1804	REP	98-02-055	51-30-1109	REP	98-02-054	51-32-1102	REP	98-02-056
51-26-1810	REP	98-02-055	51-30-1110	REP	98-02-054	51-32-1103	REP	98-02-056
51-26-1820	REP	98-02-055	51-30-1111	REP	98-02-054	51-32-1104	REP	98-02-056
51-26-1830	REP	98-02-055	51-30-1112	REP	98-02-054	51-32-1105	REP	98-02-056
51-26-1840	REP	98-02-055	51-30-1113	REP	98-02-054	51-32-1106	REP	98-02-056
51-26-1845	REP	98-02-055	51-30-1114	REP	98-02-054	51-32-1107	REP	98-02-056
51-26-2200	REP	98-02-055	51-30-1120	REP	98-02-054	51-32-1108	REP	98-02-056
51-26-2300	REP	98-02-055	51-30-1121	REP	98-02-054	51-32-1300	REP	98-02-056
51-26-2301	REP	98-02-055	51-30-1122	REP	98-02-054	51-32-1312	REP	98-02-056
51-27-001	REP	98-02-055	51-30-1123	REP	98-02-054	51-32-1313	REP	98-02-056
51-27-002	REP	98-02-055	51-30-1124	REP	98-02-054	51-34-001	REP	98-02-053
51-27-003	REP	98-02-055	51-30-1125	REP	98-02-054	51-34-002	REP	98-02-053
51-27-004	REP	98-02-055	51-30-1200	REP	98-02-054	51-34-003	REP	98-02-053
51-27-008	REP	98-02-055	51-30-1203	REP	98-02-054	51-34-007	REP	98-02-053
51-30-001	REP	98-02-054	51-30-1600	REP	98-02-054	51-34-008	REP	98-02-053
51-30-002	REP	98-02-054	51-30-1614	REP	98-02-054	51-34-0200	REP	98-02-053
51-30-003	REP	98-02-054	51-30-1700	REP	98-02-054	51-34-0206	REP	98-02-053
51-30-004	REP	98-02-054	51-30-1702	REP	98-02-054	51-34-0216	REP	98-02-053
51-30-005	REP	98-02-054	51-30-1900	REP	98-02-054	51-34-0219	REP	98-02-053
51-30-007	REP	98-02-054	51-30-1909	REP	98-02-054	51-34-0223	REP	98-02-053
51-30-008	REP	98-02-054	51-30-2200	REP	98-02-054	51-34-0900	REP	98-02-053
51-30-009	REP	98-02-054	51-30-2211	REP	98-02-054	51-34-0901	REP	98-02-053
51-30-0100	REP	98-02-054	51-30-2400	REP	98-02-054	51-34-0902	REP	98-02-053

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-34-1000	REP	98-02-053	51-35-52520	REP	98-02-053	51-40-1909	NEW	98-02-054
51-34-1003	REP	98-02-053	51-35-52530	REP	98-02-053	51-40-23110	NEW	98-02-054
51-34-1007	REP	98-02-053	51-35-52540	REP	98-02-053	51-40-23110	REP-P	98-16-065
51-34-2500	REP	98-02-053	51-35-52550	REP	98-02-053	51-40-23110	REP-E	98-20-051
51-34-2501	REP	98-02-053	51-35-52560	REP	98-02-053	51-40-2406	NEW	98-02-054
51-34-5200	REP	98-02-053	51-35-52570	REP	98-02-053	51-40-2900	NEW	98-02-054
51-34-5201	REP	98-02-053	51-35-52580	REP	98-02-053	51-40-2929	NEW	98-02-054
51-34-5204	REP	98-02-053	51-35-52590	REP	98-02-053	51-40-3004	NEW	98-02-054
51-34-6100	REP	98-02-053	51-35-52600	REP	98-02-053	51-40-3102	NEW	98-02-054
51-34-6103	REP	98-02-053	51-40	PREP	98-14-125	51-40-31200	NEW	98-02-054
51-34-6104	REP	98-02-053	51-40-001	NEW	98-02-054	51-40-3404	NEW	98-02-054
51-34-6105	REP	98-02-053	51-40-002	NEW	98-02-054	51-40-93115	NEW	98-02-054
51-34-6106	REP	98-02-053	51-40-003	NEW	98-02-054	51-40-93116	NEW	98-02-054
51-34-6107	REP	98-02-053	51-40-004	NEW	98-02-054	51-40-93117	NEW	98-02-054
51-34-6301	REP	98-02-053	51-40-005	NEW	98-02-054	51-40-93118	NEW	98-02-054
51-34-6302	REP	98-02-053	51-40-007	NEW	98-02-054	51-40-93119	NEW	98-02-054
51-34-6303	REP	98-02-053	51-40-007	PREP	98-13-051	51-40-93120	NEW	98-02-054
51-34-6304	REP	98-02-053	51-40-007	AMD-P	98-15-151	51-42-001	NEW	98-02-056
51-34-6305	REP	98-02-053	51-40-008	NEW	98-02-054	51-42-002	NEW	98-02-056
51-34-6306	REP	98-02-053	51-40-009	NEW	98-02-054	51-42-003	NEW	98-02-056
51-34-6307	REP	98-02-053	51-40-0200	NEW	98-02-054	51-42-004	NEW	98-02-056
51-34-6308	REP	98-02-053	51-40-0302	NEW	98-02-054	51-42-004	NEW	98-02-056
51-34-6309	REP	98-02-053	51-40-0303	NEW	98-02-054	51-42-005	NEW	98-02-056
51-34-6310	REP	98-02-053	51-40-0304	NEW	98-02-054	51-42-007	NEW	98-02-056
51-34-6311	REP	98-02-053	51-40-0305	NEW	98-02-054	51-42-007	PREP	98-13-051
51-34-6312	REP	98-02-053	51-40-0307	NEW	98-02-054	51-42-007	AMD-P	98-15-151
51-34-6313	REP	98-02-053	51-40-0308	NEW	98-02-054	51-42-008	NEW	98-02-056
51-34-6314	REP	98-02-053	51-40-0310	NEW	98-02-054	51-42-0200	NEW	98-02-056
51-34-6315	REP	98-02-053	51-40-0311	NEW	98-02-054	51-42-0223	NEW	98-02-056
51-34-6316	REP	98-02-053	51-40-0313	NEW	98-02-054	51-42-0303	NEW	98-02-056
51-34-6317	REP	98-02-053	51-40-0403	NEW	98-02-054	51-42-0504	NEW	98-02-056
51-34-6318	REP	98-02-053	51-40-0405	NEW	98-02-054	51-42-0600	NEW	98-02-056
51-34-6319	REP	98-02-053	51-40-0510	NEW	98-02-054	51-42-0601	NEW	98-02-056
51-34-6320	REP	98-02-053	51-40-0804	NEW	98-02-054	51-42-0605	NEW	98-02-056
51-34-6321	REP	98-02-053	51-40-0902	NEW	98-02-054	51-42-0901	NEW	98-02-056
51-34-6322	REP	98-02-053	51-40-0904	NEW	98-02-054	51-42-1000	NEW	98-02-056
51-34-6323	REP	98-02-053	51-40-1000	NEW	98-02-054	51-42-1002	NEW	98-02-056
51-34-6324	REP	98-02-053	51-40-1002	NEW	98-02-054	51-42-1004	NEW	98-02-056
51-34-7800	REP	98-02-053	51-40-1003	NEW	98-02-054	51-42-1005	NEW	98-02-056
51-34-7802	REP	98-02-053	51-40-1004	NEW	98-02-054	51-42-1100	NEW	98-02-056
51-34-7900	REP	98-02-053	51-40-1004	NEW	98-02-054	51-42-1101	NEW	98-02-056
51-34-7902	REP	98-02-053	51-40-1007	NEW	98-02-054	51-42-1102	NEW	98-02-056
51-34-7904	REP	98-02-053	51-40-1091	NEW	98-02-054	51-42-1103	NEW	98-02-056
51-34-8000	REP	98-02-053	51-40-1100	NEW	98-02-054	51-42-1104	NEW	98-02-056
51-34-8001	REP	98-02-053	51-40-1101	NEW	98-02-054	51-42-1105	NEW	98-02-056
51-34-8003	REP	98-02-053	51-40-1102	NEW	98-02-054	51-42-1106	NEW	98-02-056
51-34-9100	REP	98-02-053	51-40-1103	NEW	98-02-054	51-42-1107	NEW	98-02-056
51-34-9101	REP	98-02-053	51-40-1104	NEW	98-02-054	51-42-1108	NEW	98-02-056
51-34-9102	REP	98-02-053	51-40-1105	NEW	98-02-054	51-42-1311	NEW	98-02-056
51-34-9103	REP	98-02-053	51-40-1106	NEW	98-02-054	51-42-1312	NEW	98-02-056
51-34-9104	REP	98-02-053	51-40-1107	NEW	98-02-054	51-42-1401	NEW	98-02-056
51-34-9105	REP	98-02-053	51-40-1108	NEW	98-02-054	51-44-001	NEW	98-02-053
51-34-9106	REP	98-02-053	51-40-1109	NEW	98-02-054	51-44-002	NEW	98-02-053
51-34-9107	REP	98-02-053	51-40-1110	NEW	98-02-054	51-44-003	NEW	98-02-053
51-34-9108	REP	98-02-053	51-40-1111	NEW	98-02-054	51-44-007	NEW	98-02-053
51-35-001	REP	98-02-053	51-40-1112	NEW	98-02-054	51-44-007	PREP	98-13-051
51-35-002	REP	98-02-053	51-40-1113	NEW	98-02-054	51-44-007	AMD-P	98-15-151
51-35-003	REP	98-02-053	51-40-1114	NEW	98-02-054	51-44-008	NEW	98-02-053
51-35-007	REP	98-02-053	51-40-1191	NEW	98-02-054	51-44-0103	NEW	98-02-053
51-35-008	REP	98-02-053	51-40-1192	NEW	98-02-054	51-44-0200	NEW	98-02-053
51-35-52000	REP	98-02-053	51-40-1193	NEW	98-02-054	51-44-0900	NEW	98-02-053
51-35-52400	REP	98-02-053	51-40-1194	NEW	98-02-054	51-44-1003	NEW	98-02-053
51-35-52440	REP	98-02-053	51-40-1195	NEW	98-02-054	51-44-1007	NEW	98-02-053
51-35-52441	REP	98-02-053	51-40-1196	NEW	98-02-054	51-44-10210	NEW	98-02-053
51-35-52442	REP	98-02-053	51-40-1203	NEW	98-02-054	51-44-1109	NEW	98-02-053
51-35-52500	REP	98-02-053	51-40-1506	NEW-W	98-05-065	51-44-2500	NEW	98-02-053
51-35-52510	REP	98-02-053	51-40-1616	NEW	98-02-054	51-44-5200	NEW	98-02-053
			51-40-1702	NEW	98-02-054	51-44-6100	NEW	98-02-053

Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
51-44-6300	NEW	98-02-053	51-46-0710	NEW	98-02-055	82-24-120	REP-XR	98-14-066
51-44-7404	NEW	98-02-053	51-46-0713	NEW	98-02-055	82-24-120	REP	98-18-017
51-44-7802	NEW	98-02-053	51-46-0793	NEW	98-02-055	82-24-130	REP-XR	98-14-066
51-44-7900	NEW	98-02-053	51-46-0800	NEW	98-02-055	82-24-130	REP	98-18-017
51-44-8000	NEW	98-02-053	51-46-0810	NEW	98-02-055	82-28-010	REP-XR	98-14-065
51-45-001	NEW	98-02-053	51-46-0814	NEW	98-02-055	82-28-010	REP	98-18-018
51-45-002	NEW	98-02-053	51-46-0815	NEW	98-02-055	82-28-020	REP-XR	98-14-065
51-45-003	NEW	98-02-053	51-46-0900	NEW	98-02-055	82-28-020	REP	98-18-018
51-45-007	NEW	98-02-053	51-46-0903	NEW	98-02-055	82-28-030	REP-XR	98-14-065
51-45-008	NEW	98-02-053	51-46-1000	NEW	98-02-055	82-28-030	REP	98-18-018
51-45-80400	NEW	98-02-053	51-46-1003	NEW	98-02-055	82-28-040	REP-XR	98-14-065
51-46-001	NEW	98-02-055	51-46-1012	NEW	98-02-055	82-28-040	REP	98-18-018
51-46-002	NEW	98-02-055	51-46-1300	NEW	98-02-055	82-28-050	REP-XR	98-14-065
51-46-003	NEW	98-02-055	51-46-1301	NEW	98-02-055	82-28-050	REP	98-18-018
51-46-007	NEW	98-02-055	51-46-1302	NEW	98-02-055	82-28-060	REP-XR	98-14-065
51-46-007	PREP	98-13-051	51-46-1303	NEW	98-02-055	82-28-060	REP	98-18-018
51-46-007	AMD-P	98-15-151	51-46-1304	NEW	98-02-055	82-28-06001	REP-XR	98-14-065
51-46-008	NEW	98-02-055	51-46-1305	NEW	98-02-055	82-28-06001	REP	98-18-018
51-46-0100	NEW	98-02-055	51-46-1400	NEW	98-02-055	82-28-070	REP-XR	98-14-065
51-46-0101	NEW	98-02-055	51-46-1401	NEW	98-02-055	82-28-070	REP	98-18-018
51-46-0102	NEW	98-02-055	51-46-1491	NEW	98-02-055	82-28-080	REP-XR	98-14-065
51-46-0103	NEW	98-02-055	51-46-97120	NEW	98-02-055	82-28-080	REP	98-18-018
51-46-0200	NEW	98-02-055	51-46-97121	NEW	98-02-055	82-28-090	REP-XR	98-14-065
51-46-0205	NEW	98-02-055	51-46-97122	NEW	98-02-055	82-28-090	REP	98-18-018
51-46-0215	NEW	98-02-055	51-46-97123	NEW	98-02-055	82-28-100	REP-XR	98-14-065
51-46-0218	NEW	98-02-055	51-46-97124	NEW	98-02-055	82-28-100	REP	98-18-018
51-46-0300	NEW	98-02-055	51-46-97125	NEW	98-02-055	82-28-110	REP-XR	98-14-065
51-46-0301	NEW	98-02-055	51-46-97126	NEW	98-02-055	82-28-110	REP	98-18-018
51-46-0310	NEW	98-02-055	51-46-97127	NEW	98-02-055	82-28-120	REP-XR	98-14-065
51-46-0311	NEW	98-02-055	51-46-97128	NEW	98-02-055	82-28-120	REP	98-18-018
51-46-0313	NEW	98-02-055	51-46-97129	NEW	98-02-055	82-28-130	REP-XR	98-14-065
51-46-0314	NEW	98-02-055	51-47-001	NEW	98-02-055	82-28-130	REP	98-18-018
51-46-0316	NEW	98-02-055	51-47-002	NEW	98-02-055	82-28-135	REP-XR	98-14-065
51-46-0392	NEW	98-02-055	51-47-003	NEW	98-02-055	82-28-135	REP	98-18-018
51-46-0400	NEW	98-02-055	51-47-007	NEW	98-02-055	82-28-140	REP-XR	98-14-065
51-46-0402	NEW	98-02-055	51-47-008	NEW	98-02-055	82-28-140	REP	98-18-018
51-46-0412	NEW	98-02-055	67-25-005	AMD-P	98-19-016	82-28-150	REP-XR	98-14-065
51-46-0413	NEW	98-02-055	67-25-255	AMD-P	98-19-016	82-28-150	REP	98-18-018
51-46-0500	NEW	98-02-055	67-25-260	AMD-P	98-19-016	82-28-160	REP-XR	98-14-065
51-46-0501	NEW	98-02-055	67-25-270	AMD-P	98-19-016	82-28-160	REP	98-18-018
51-46-0502	NEW	98-02-055	67-25-288	AMD-P	98-19-016	82-28-170	REP-XR	98-14-065
51-46-0505	NEW	98-02-055	67-25-350	AMD-P	98-19-016	82-28-170	REP	98-18-018
51-46-0507	NEW	98-02-055	67-25-384	AMD-P	98-19-016	82-28-180	REP-XR	98-14-065
51-46-0509	NEW	98-02-055	67-25-540	AMD-P	98-19-016	82-28-180	REP	98-18-018
51-46-0512	NEW	98-02-055	67-25-550	AMD-P	98-19-016	82-28-190	REP-XR	98-14-065
51-46-0513	NEW	98-02-055	82-24-010	REP-XR	98-14-066	82-28-190	REP	98-18-018
51-46-0514	NEW	98-02-055	82-24-010	REP	98-18-017	82-28-200	REP-XR	98-14-065
51-46-0515	NEW	98-02-055	82-24-020	REP-XR	98-14-066	82-28-200	REP	98-18-018
51-46-0516	NEW	98-02-055	82-24-020	REP	98-18-017	82-28-210	REP-XR	98-14-065
51-46-0517	NEW	98-02-055	82-24-030	REP-XR	98-14-066	82-28-210	REP	98-18-018
51-46-0518	NEW	98-02-055	82-24-030	REP	98-18-017	82-28-220	REP-XR	98-14-065
51-46-0519	NEW	98-02-055	82-24-040	REP-XR	98-14-066	82-28-220	REP	98-18-018
51-46-0520	NEW	98-02-055	82-24-040	REP	98-18-017	82-28-230	REP-XR	98-14-065
51-46-0521	NEW	98-02-055	82-24-050	REP-XR	98-14-066	82-28-230	REP	98-18-018
51-46-0522	NEW	98-02-055	82-24-050	REP	98-18-017	82-36-010	REP-XR	98-14-016
51-46-0523	NEW	98-02-055	82-24-060	REP-XR	98-14-066	82-36-010	REP	98-18-014
51-46-0524	NEW	98-02-055	82-24-060	REP	98-18-017	82-36-020	REP-XR	98-14-016
51-46-0525	NEW	98-02-055	82-24-070	REP-XR	98-14-066	82-36-020	REP	98-18-014
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51-46-0608	NEW	98-02-055	82-24-090	REP-XR	98-14-066	82-36-033	REP	98-18-014
51-46-0609	NEW	98-02-055	82-24-090	REP	98-18-017	82-36-035	REP-XR	98-14-016
51-46-0610	NEW	98-02-055	82-24-100	REP-XR	98-14-066	82-36-035	REP	98-18-014
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132E-16-160	REP	98-17-074	136-04-055	AMD-P	98-17-051	136-70-030	NEW-P	98-17-051
132E-16-170	REP-P	98-14-109	136-04-060	AMD-P	98-17-051	136-70-040	NEW-P	98-17-051
132E-16-170	REP	98-17-074	136-04-070	AMD-P	98-17-051	136-70-050	NEW-P	98-17-051
132E-16-180	REP-P	98-14-109	136-04-080	AMD-P	98-17-051	136-70-060	NEW-P	98-17-051
132E-16-180	REP	98-17-074	136-04-090	AMD-P	98-17-051	136-70-070	NEW-P	98-17-051
132E-16-190	REP-P	98-14-109	136-04-100	AMD-P	98-17-051	136-70-080	NEW-P	98-17-051
132E-16-190	REP	98-17-074	136-04-110	AMD-P	98-17-051	136-70-090	NEW-P	98-17-051
132E-16-200	REP-P	98-14-109	136-10	AMD-P	98-17-051	136-100-010	AMD-P	98-17-051
132E-16-200	REP	98-17-074	136-10-010	AMD-P	98-17-051	136-100-020	AMD-P	98-17-051
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132E-16-210	REP	98-17-074	136-10-030	AMD-P	98-17-051	136-100-035	NEW-P	98-17-051
132E-16-215	NEW-P	98-14-109	136-10-040	AMD-P	98-17-051	136-100-040	AMD-P	98-17-051
132E-16-215	NEW	98-17-074	136-10-050	AMD-P	98-17-051	136-100-050	NEW-P	98-17-051
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132E-16-220	AMD	98-17-074	136-11-020	AMD-P	98-17-051	136-110-010	REP-P	98-19-068
132E-16-230	AMD-P	98-14-109	136-11-030	AMD-P	98-17-051	136-110-020	REP-P	98-19-068
132E-16-230	AMD	98-17-074	136-12	AMD-P	98-17-051	136-110-030	REP-P	98-19-068
132E-16-240	AMD-P	98-14-109	136-12-010	AMD-P	98-17-051	136-110-040	REP-P	98-19-068
132E-16-240	AMD	98-17-074	136-12-020	AMD-P	98-17-051	136-110-050	REP-P	98-19-068
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132E-16-280	AMD	98-17-074	136-15-010	AMD-P	98-17-051	136-130-030	AMD-P	98-06-045
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132E-16-300	AMD	98-17-074	136-16-018	AMD-P	98-17-051	136-130-040	AMD	98-09-070
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173-160-191	NEW	98-08-032	173-160-510	REP	98-08-032	173-303-201	AMD	98-03-018
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173-160-201	NEW-E	98-10-033	173-160-530	REP	98-08-032	173-303-230	AMD	98-03-018
173-160-201	AMD-XA	98-14-075	173-160-540	REP	98-08-032	173-303-280	AMD	98-03-018
173-160-201	AMD	98-18-104	173-160-550	REP	98-08-032	173-303-282	AMD	98-03-018
173-160-205	REP	98-08-032	173-160-560	REP	98-08-032	173-303-300	AMD	98-03-018
173-160-211	NEW	98-08-032	173-160-990	NEW	98-08-032	173-303-335	AMD-W	98-05-062
173-160-215	REP	98-08-032	173-160-990	AMD-XA	98-14-075	173-303-350	AMD	98-03-018
173-160-221	NEW	98-08-032	173-160-990	AMD	98-18-104	173-303-380	AMD	98-03-018
173-160-225	REP	98-08-032	173-162	AMD-C	98-04-020	173-303-395	AMD	98-03-018
173-160-231	NEW	98-08-032	173-162-010	AMD	98-08-031	173-303-400	AMD	98-03-018
173-160-235	REP	98-08-032	173-162-020	AMD	98-08-031	173-303-505	AMD	98-03-018
173-160-241	NEW	98-08-032	173-162-025	NEW	98-08-031	173-303-520	AMD	98-03-018
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173-303-610	AMD	98-03-018	173-400-110	AMD	98-15-129	180-25-070	AMD	98-19-139
173-303-620	AMD	98-03-018	173-400-115	AMD-P	98-09-097	180-26	PREP	98-06-006
173-303-655	AMD-W	98-05-062	173-415	PREP	98-10-090	180-26-005	AMD-P	98-14-146
173-303-665	AMD	98-03-018	173-430-030	AMD-P	98-08-079	180-26-005	AMD	98-19-140
173-303-675	AMD	98-03-018	173-430-030	AMD	98-12-016	180-26-015	AMD-P	98-14-146
173-303-800	AMD	98-03-018	173-430-040	AMD-P	98-08-079	180-26-015	AMD	98-19-140
173-303-802	AMD	98-03-018	173-430-040	AMD	98-12-016	180-26-020	AMD-P	98-14-146
173-303-804	AMD	98-03-018	173-430-045	NEW-P	98-08-079	180-26-020	AMD	98-19-140
173-303-805	AMD	98-03-018	173-430-045	NEW	98-12-016	180-26-030	REP-P	98-14-146
173-303-806	AMD	98-03-018	173-460-060	AMD	98-04-062	180-26-030	REP	98-19-140
173-303-807	AMD	98-03-018	173-460-060	AMD-P	98-10-034	180-26-040	AMD-P	98-14-146
173-303-810	AMD	98-03-018	173-460-060	AMD	98-15-129	180-26-040	AMD	98-19-140
173-303-815	AMD	98-03-018	173-481	PREP	98-10-090	180-26-057	AMD-P	98-14-146
173-303-830	AMD	98-03-018	173-490-203	REP	98-04-061	180-26-057	AMD	98-19-140
173-303-840	AMD	98-03-018	173-531A-060	AMD	98-08-062	180-26-058	REP-P	98-14-146
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173-303-910	AMD	98-03-018	173-563-015	REP	98-08-062	180-27	PREP	98-06-005
173-303-9903	AMD	98-03-018	173-563-020	AMD	98-08-062	180-27-005	AMD-P	98-14-149
173-303-9904	AMD	98-03-018	173-806-020	AMD-P	98-12-092	180-27-005	AMD	98-19-143
173-303-9905	AMD	98-03-018	173-806-030	AMD-P	98-12-092	180-27-015	AMD-P	98-14-149
173-308-010	NEW	98-05-101	173-806-050	AMD-P	98-12-092	180-27-015	AMD	98-19-143
173-308-020	NEW	98-05-101	173-806-053	AMD-P	98-12-092	180-27-016	AMD-P	98-14-149
173-308-030	NEW	98-05-101	173-806-055	REP-P	98-12-092	180-27-016	AMD	98-19-143
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173-308-120	NEW	98-05-101	173-806-160	AMD-P	98-12-092	180-27-050	AMD-P	98-14-149
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173-308-180	NEW	98-05-101	180-08	PREP	98-20-014	180-27-056	AMD-P	98-14-149
173-308-190	NEW	98-05-101	180-08-007	PREP	98-16-094	180-27-056	AMD-E	98-16-005
173-308-200	NEW	98-05-101	180-16	PREP	98-16-098	180-27-056	PREP	98-16-095
173-308-210	NEW	98-05-101	180-16-002	AMD-P	98-04-088	180-27-056	AMD-P	98-19-135
173-308-220	NEW	98-05-101	180-16-002	AMD	98-08-039	180-27-056	AMD	98-19-143
173-308-230	NEW	98-05-101	180-16-180	REP-P	98-04-088	180-27-057	AMD-P	98-14-149
173-308-240	NEW	98-05-101	180-16-180	REP	98-08-039	180-27-057	AMD	98-19-143
173-308-250	NEW	98-05-101	180-16-195	PREP	98-20-015	180-27-058	REP-P	98-14-149
173-308-260	NEW	98-05-101	180-16-220	PREP	98-20-015	180-27-058	REP	98-19-143
173-308-270	NEW	98-05-101	180-16-240	PREP	98-20-015	180-27-060	AMD-P	98-14-149
173-308-275	NEW	98-05-101	180-18	PREP	98-20-016	180-27-060	AMD	98-19-143
173-308-280	NEW	98-05-101	180-18-010	AMD	98-05-001	180-27-070	AMD-P	98-14-149
173-308-290	NEW	98-05-101	180-20	PREP	98-21-051	180-27-070	AMD	98-19-143
173-308-295	NEW	98-05-101	180-22-150	AMD	98-05-003	180-27-075	AMD-P	98-14-149
173-308-300	NEW	98-05-101	180-25	PREP	98-06-007	180-27-075	AMD	98-19-143
173-308-310	NEW	98-05-101	180-25-005	AMD-P	98-14-145	180-27-080	AMD-P	98-14-149
173-308-320	NEW	98-05-101	180-25-005	AMD	98-19-139	180-27-080	AMD	98-19-143
173-308-900	NEW	98-05-101	180-25-025	AMD-P	98-14-145	180-27-082	NEW-P	98-14-149
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173-360-190	AMD	98-15-069	180-25-031	REP-P	98-14-145	180-27-095	AMD-P	98-14-149
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173-400-060	AMD	98-15-129	180-25-040	AMD	98-19-139	180-27-105	AMD	98-19-143
173-400-070	AMD-XA	98-10-034	180-25-045	AMD-P	98-14-145	180-27-115	AMD-P	98-14-149
173-400-070	AMD	98-15-129	180-25-045	AMD	98-19-139	180-27-115	AMD	98-19-143
173-400-075	AMD-XA	98-10-034	180-25-050	REP-P	98-14-145	180-27-120	AMD-P	98-14-149
173-400-075	AMD	98-15-129	180-25-050	REP	98-19-139	180-27-120	AMD	98-19-143
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180-27-420	AMD-P	98-14-149	180-30-065	REP	98-19-142	180-30-420	REP-P	98-14-148
180-27-420	AMD	98-19-143	180-30-071	REP-P	98-14-148	180-30-420	REP	98-19-142
180-27-425	AMD-P	98-14-149	180-30-071	REP	98-19-142	180-30-425	REP-P	98-14-148
180-27-425	AMD	98-19-143	180-30-075	REP-P	98-14-148	180-30-425	REP	98-19-142
180-27-500	AMD-P	98-14-149	180-30-075	REP	98-19-142	180-30-430	REP-P	98-14-148
180-27-500	AMD	98-19-143	180-30-100	REP-P	98-14-148	180-30-430	REP	98-19-142
180-27-505	AMD-P	98-14-149	180-30-100	REP	98-19-142	180-30-435	REP-P	98-14-148
180-27-505	AMD	98-19-143	180-30-105	REP-P	98-14-148	180-30-435	REP	98-19-142
180-27-515	AMD-P	98-14-149	180-30-105	REP	98-19-142	180-30-440	REP-P	98-14-148
180-27-515	AMD	98-19-143	180-30-110	REP-P	98-14-148	180-30-440	REP	98-19-142
180-27-530	AMD-P	98-14-149	180-30-110	REP	98-19-142	180-30-450	REP-P	98-14-148
180-27-530	AMD	98-19-143	180-30-115	REP-P	98-14-148	180-30-450	REP	98-19-142
180-27-990	REP-P	98-14-149	180-30-115	REP	98-19-142	180-30-455	REP-P	98-14-148
180-27-990	REP	98-19-143	180-30-116	REP-P	98-14-148	180-30-455	REP	98-19-142
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180-29-005	AMD-P	98-14-147	180-30-117	REP-P	98-14-148	180-30-460	REP	98-19-142
180-29-005	AMD	98-19-141	180-30-117	REP	98-19-142	180-30-465	REP-P	98-14-148
180-29-015	REP-P	98-14-147	180-30-120	REP-P	98-14-148	180-30-465	REP	98-19-142
180-29-015	REP	98-19-141	180-30-120	REP	98-19-142	180-30-470	REP-P	98-14-148
180-29-020	REP-P	98-14-147	180-30-125	REP-P	98-14-148	180-30-470	REP	98-19-142
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180-29-021	AMD-P	98-14-147	180-30-130	REP-P	98-14-148	180-30-475	REP	98-19-142
180-29-021	AMD	98-19-141	180-30-130	REP	98-19-142	180-30-480	REP-P	98-14-148
180-29-025	AMD-P	98-14-147	180-30-135	REP-P	98-14-148	180-30-480	REP	98-19-142
180-29-025	AMD	98-19-141	180-30-135	REP	98-19-142	180-30-485	REP-P	98-14-148
180-29-030	REP-P	98-14-147	180-30-200	REP-P	98-14-148	180-30-485	REP	98-19-142
180-29-030	REP	98-19-141	180-30-200	REP	98-19-142	180-30-490	REP-P	98-14-148
180-29-035	AMD-P	98-14-147	180-30-205	REP-P	98-14-148	180-30-490	REP	98-19-142
180-29-035	AMD	98-19-141	180-30-205	REP	98-19-142	180-30-495	REP-P	98-14-148
180-29-080	AMD-P	98-14-147	180-30-210	REP-P	98-14-148	180-30-495	REP	98-19-142
180-29-085	AMD-P	98-14-147	180-30-210	REP	98-19-142	180-30-500	REP-P	98-14-148
180-29-085	AMD	98-19-141	180-30-215	REP-P	98-14-148	180-30-500	REP	98-19-142
180-29-090	AMD-P	98-14-147	180-30-215	REP	98-19-142	180-30-505	REP-P	98-14-148
180-29-1075	AMD-P	98-14-147	180-30-220	REP-P	98-14-148	180-30-505	REP	98-19-142
180-29-1075	AMD	98-19-141	180-30-220	REP	98-19-142	180-30-510	REP-P	98-14-148
180-29-1076	REP-P	98-14-147	180-30-225	REP-P	98-14-148	180-30-510	REP	98-19-142
180-29-1076	REP	98-19-141	180-30-225	REP	98-19-142	180-30-515	REP-P	98-14-148
180-29-115	AMD-P	98-14-147	180-30-230	REP-P	98-14-148	180-30-515	REP	98-19-142
180-29-115	AMD	98-19-141	180-30-230	REP	98-19-142	180-30-520	REP-P	98-14-148
180-29-116	REP-P	98-14-147	180-30-250	REP-P	98-14-148	180-30-520	REP	98-19-142
180-29-116	REP	98-19-141	180-30-250	REP	98-19-142	180-30-575	REP-P	98-14-148
180-29-155	AMD-P	98-14-147	180-30-350	REP-P	98-14-148	180-30-575	REP	98-19-142
180-29-155	AMD	98-19-141	180-30-350	REP	98-19-142	180-30-610	REP-P	98-14-148
180-29-200	AMD-P	98-14-147	180-30-355	REP-P	98-14-148	180-30-610	REP	98-19-142
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180-30-003	REP	98-19-142	180-30-365	REP-P	98-14-148	180-30-625	REP	98-19-142
180-30-005	REP-P	98-14-148	180-30-365	REP	98-19-142	180-30-630	REP-P	98-14-148
180-30-005	REP	98-19-142	180-30-370	REP-P	98-14-148	180-30-630	REP	98-19-142
180-30-010	REP-P	98-14-148	180-30-370	REP	98-19-142	180-30-635	REP-P	98-14-148
180-30-010	REP	98-19-142	180-30-380	REP-P	98-14-148	180-30-635	REP	98-19-142
180-30-015	REP-P	98-14-148	180-30-380	REP	98-19-142	180-30-640	REP-P	98-14-148
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180-30-035	REP	98-19-142	180-30-406	REP-P	98-14-148	180-30-650	REP	98-19-142
180-30-040	REP-P	98-14-148	180-30-406	REP	98-19-142	180-30-655	REP-P	98-14-148
180-30-040	REP	98-19-142	180-30-407	REP-P	98-14-148	180-30-655	REP	98-19-142
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180-30-055	REP-P	98-14-148	180-30-408	REP	98-19-142	180-30-710	REP-P	98-14-148
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180-30-720	REP-P	98-14-148	180-32-050	AMD	98-19-145	180-59-145	REP	98-05-007
180-30-720	REP	98-19-142	180-32-055	REP-P	98-14-151	180-59-150	REP	98-05-007
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180-30-725	REP	98-19-142	180-33	PREP	98-06-008	180-59-160	REP	98-05-007
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180-30-730	REP	98-19-142	180-33-005	AMD	98-19-138	180-77-122	PREP	98-16-096
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180-30-735	REP	98-19-142	180-33-040	AMD-P	98-14-144	180-77A-170	PREP	98-16-097
180-30-740	REP-P	98-14-148	180-33-040	AMD	98-19-138	180-77A-170	AMD-P	98-19-137
180-30-740	REP	98-19-142	180-33-042	AMD-P	98-14-144	180-78A	PREP	98-06-030
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180-30-750	REP	98-19-142	180-33-043	REP-P	98-14-144	180-78A-003	AMD-P	98-19-134
180-30-755	REP-P	98-14-148	180-33-043	REP	98-19-138	180-78A-004	REP-P	98-19-134
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180-30-760	REP	98-19-142	180-34-020	REP	98-05-002	180-78A-010	AMD-P	98-19-134
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180-30-770	REP-P	98-14-148	180-39-025	AMD	98-05-004	180-78A-026	REP-P	98-19-134
180-30-770	REP	98-19-142	180-39-027	REP	98-05-004	180-78A-028	REP-P	98-19-134
180-30-775	REP-P	98-14-148	180-39-028	REP	98-05-004	180-78A-030	REP-P	98-19-134
180-30-775	REP	98-19-142	180-39-030	REP	98-05-004	180-78A-033	REP-P	98-19-134
180-30-780	REP-P	98-14-148	180-39-035	REP	98-05-004	180-78A-037	REP-P	98-19-134
180-30-780	REP	98-19-142	180-51	PREP	98-20-016	180-78A-047	REP-P	98-19-134
180-30-800	REP-P	98-14-148	180-51-050	PREP	98-06-028	180-78A-057	REP-P	98-19-134
180-30-800	REP	98-19-142	180-56-003	REP	98-05-005	180-78A-060	REP-P	98-19-134
180-30-805	REP-P	98-14-148	180-58-010	REP	98-05-006	180-78A-063	REP-P	98-19-134
180-30-805	REP	98-19-142	180-58-015	REP	98-05-006	180-78A-065	REP-P	98-19-134
180-30-807	REP-P	98-14-148	180-58-020	REP	98-05-006	180-78A-068	REP-P	98-19-134
180-30-807	REP	98-19-142	180-58-030	REP	98-05-006	180-78A-073	REP-P	98-19-134
180-30-810	REP-P	98-14-148	180-58-040	REP	98-05-006	180-78A-075	REP-P	98-19-134
180-30-810	REP	98-19-142	180-58-045	REP	98-05-006	180-78A-080	REP-P	98-19-134
180-30-815	REP-P	98-14-148	180-58-055	REP	98-05-006	180-78A-100	NEW-P	98-19-134
180-30-815	REP	98-19-142	180-58-065	REP	98-05-006	180-78A-105	NEW-P	98-19-134
180-30-820	REP-P	98-14-148	180-58-075	REP	98-05-006	180-78A-110	NEW-P	98-19-134
180-30-820	REP	98-19-142	180-58-085	REP	98-05-006	180-78A-115	NEW-P	98-19-134
180-30-825	REP-P	98-14-148	180-58-090	REP	98-05-006	180-78A-120	NEW-P	98-19-134
180-30-825	REP	98-19-142	180-59-005	REP	98-05-007	180-78A-125	NEW-P	98-19-134
180-30-830	REP-P	98-14-148	180-59-010	REP	98-05-007	180-78A-130	NEW-P	98-19-134
180-30-830	REP	98-19-142	180-59-015	REP	98-05-007	180-78A-135	REP-P	98-19-134
180-30-845	REP-P	98-14-148	180-59-020	REP	98-05-007	180-78A-136	NEW-P	98-19-134
180-30-845	REP	98-19-142	180-59-025	REP	98-05-007	180-78A-140	REP-P	98-19-134
180-31	PREP	98-06-003	180-59-030	REP	98-05-007	180-78A-142	REP-P	98-19-134
180-31-005	AMD-P	98-14-150	180-59-032	REP	98-05-007	180-78A-145	REP-P	98-19-134
180-31-005	AMD	98-19-144	180-59-035	REP	98-05-007	180-78A-150	REP-P	98-19-134
180-31-020	AMD-P	98-14-150	180-59-037	REP	98-05-007	180-78A-151	NEW-P	98-19-134
180-31-020	AMD	98-19-144	180-59-040	REP	98-05-007	180-78A-155	REP-P	98-19-134
180-31-025	AMD-P	98-14-150	180-59-045	REP	98-05-007	180-78A-160	REP-P	98-19-134
180-31-025	AMD	98-19-144	180-59-047	REP	98-05-007	180-78A-165	AMD	98-05-022
180-31-035	AMD-P	98-14-150	180-59-050	REP	98-05-007	180-78A-165	REP-P	98-19-134
180-31-035	AMD	98-19-144	180-59-055	REP	98-05-007	180-78A-195	REP-P	98-19-134
180-31-040	AMD-P	98-14-150	180-59-060	REP	98-05-007	180-78A-197	REP-P	98-19-134
180-31-040	AMD	98-19-144	180-59-065	REP	98-05-007	180-78A-200	NEW-P	98-19-134
180-31-045	NEW-P	98-14-150	180-59-070	REP	98-05-007	180-78A-201	REP-P	98-19-134
180-31-045	NEW	98-19-144	180-59-075	REP	98-05-007	180-78A-205	NEW-P	98-19-134
180-32	PREP	98-06-002	180-59-080	REP	98-05-007	180-78A-207	NEW-P	98-19-134
180-32-005	AMD-P	98-14-151	180-59-090	REP	98-05-007	180-78A-209	NEW-P	98-19-134
180-32-005	AMD	98-19-145	180-59-095	REP	98-05-007	180-78A-210	NEW-P	98-19-134
180-32-020	AMD-P	98-14-151	180-59-100	REP	98-05-007	180-78A-215	NEW-P	98-19-134
180-32-020	AMD	98-19-145	180-59-105	REP	98-05-007	180-78A-220	NEW-P	98-19-134
180-32-025	AMD-P	98-14-151	180-59-110	REP	98-05-007	180-78A-225	NEW-P	98-19-134
180-32-025	AMD	98-19-145	180-59-115	REP	98-05-007	180-78A-250	NEW-P	98-19-134
180-32-035	AMD-P	98-14-151	180-59-120	REP	98-05-007	180-78A-255	NEW-P	98-19-134
180-32-035	AMD	98-19-145	180-59-125	REP	98-05-007	180-78A-260	REP-P	98-19-134
180-32-040	AMD-P	98-14-151	180-59-130	REP	98-05-007	180-78A-261	NEW-P	98-19-134

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180- 78A-264	NEW-P	98-19-134	180- 79A-165	REP-P	98-19-134	180- 82-204	NEW-P	98-19-134
180- 78A-265	REP-P	98-19-134	180- 79A-170	REP-P	98-19-134	180- 82-210	NEW-P	98-19-134
180- 78A-266	REP-P	98-19-134	180- 79A-200	REP-P	98-19-134	180- 82-215	NEW-P	98-19-134
180- 78A-270	NEW-P	98-19-134	180- 79A-205	REP-P	98-19-134	180- 82-300	NEW-P	98-19-134
180- 78A-300	REP-P	98-19-134	180- 79A-206	NEW-P	98-19-134	180- 82-302	NEW-P	98-19-134
180- 78A-301	REP-P	98-19-134	180- 79A-210	REP-P	98-19-134	180- 82-304	NEW-P	98-19-134
180- 78A-302	REP-P	98-19-134	180- 79A-211	NEW-P	98-19-134	180- 82-306	NEW-P	98-19-134
180- 78A-303	REP-P	98-19-134	180- 79A-213	NEW-P	98-19-134	180- 82-308	NEW-P	98-19-134
180- 78A-304	REP-P	98-19-134	180- 79A-215	REP-P	98-19-134	180- 82-310	NEW-P	98-19-134
180- 78A-305	REP-P	98-19-134	180- 79A-220	AMD-P	98-04-089	180- 82-312	NEW-P	98-19-134
180- 78A-306	REP-P	98-19-134	180- 79A-220	AMD	98-08-068	180- 82-314	NEW-P	98-19-134
180- 78A-307	NEW-P	98-19-134	180- 79A-220	REP-P	98-19-134	180- 82-316	NEW-P	98-19-134
180- 78A-308	NEW-P	98-19-134	180- 79A-221	NEW-P	98-19-134	180- 82-318	NEW-P	98-19-134
180- 78A-310	NEW-P	98-19-134	180- 79A-223	NEW-P	98-19-134	180- 82-320	NEW-P	98-19-134
180- 78A-315	NEW-P	98-19-134	180- 79A-225	REP-P	98-19-134	180- 82-322	NEW-P	98-19-134
180- 78A-317	NEW-P	98-19-134	180- 79A-226	NEW-P	98-19-134	180- 82-324	NEW-P	98-19-134
180- 78A-320	REP-P	98-19-134	180- 79A-230	REP-P	98-19-134	180- 82-326	NEW-P	98-19-134
180- 78A-325	NEW-P	98-19-134	180- 79A-231	NEW-P	98-19-134	180- 82-328	NEW-P	98-19-134
180- 78A-330	NEW-P	98-19-134	180- 79A-236	REP-P	98-19-134	180- 82-330	NEW-P	98-19-134
180- 78A-340	REP-P	98-19-134	180- 79A-250	NEW-P	98-19-134	180- 82-332	NEW-P	98-19-134
180- 78A-345	REP-P	98-19-134	180- 79A-253	NEW-P	98-19-134	180- 82-334	NEW-P	98-19-134
180- 78A-350	REP-P	98-19-134	180- 79A-255	NEW-P	98-19-134	180- 82-336	NEW-P	98-19-134
180- 78A-355	REP-P	98-19-134	180- 79A-257	NEW-P	98-19-134	180- 82-338	NEW-P	98-19-134
180- 78A-360	REP-P	98-19-134	180- 79A-260	NEW-P	98-19-134	180- 82-339	NEW-P	98-19-134
180- 78A-365	REP-P	98-19-134	180- 79A-265	NEW-P	98-19-134	180- 82-340	NEW-P	98-19-134
180- 78A-400	NEW-P	98-19-134	180- 79A-270	NEW-P	98-19-134	180- 82-342	NEW-P	98-19-134
180- 78A-500	NEW-P	98-19-134	180- 79A-299	NEW-P	98-19-134	180- 82-343	NEW-P	98-19-134
180- 78A-505	NEW-P	98-19-134	180- 79A-304	AMD-P	98-19-134	180- 82-344	NEW-P	98-19-134
180- 78A-510	NEW-P	98-19-134	180- 79A-340	AMD	98-05-023	180- 82-346	NEW-P	98-19-134
180- 78A-515	NEW-P	98-19-134	180- 79A-403	REP-P	98-19-134	180- 82-348	NEW-P	98-19-134
180- 78A-520	NEW-P	98-19-134	180- 79A-405	REP-P	98-19-134	180- 82-350	NEW-P	98-19-134
180- 78A-525	NEW-P	98-19-134	180- 79A-415	REP-P	98-19-134	180- 82-352	NEW-P	98-19-134
180- 78A-530	NEW-P	98-19-134	180- 79A-417	REP-P	98-19-134	180- 82-354	NEW-P	98-19-134
180- 78A-535	NEW-P	98-19-134	180- 79A-420	PREP	98-04-087	180- 82-356	NEW-P	98-19-134
180- 78A-540	NEW-P	98-19-134	180- 79A-420	AMD-P	98-10-102	180- 82-358	NEW-P	98-19-134
180- 78A-545	NEW-P	98-19-134	180- 79A-420	AMD	98-15-027	180- 82-360	NEW-P	98-19-134
180- 78A-550	NEW-P	98-19-134	180- 79A-420	REP-P	98-19-134	180- 82-362	NEW-P	98-19-134
180- 78A-555	NEW-P	98-19-134	180- 79A-422	PREP	98-04-087	180- 85	PREP	98-16-098
180- 78A-560	NEW-P	98-19-134	180- 79A-422	AMD-P	98-10-102	180- 85-020	AMD-P	98-19-134
180- 78A-565	NEW-P	98-19-134	180- 79A-422	AMD	98-15-027	180- 85-075	AMD-P	98-19-134
180- 79A	PREP	98-16-098	180- 79A-422	REP-P	98-19-134	180- 85-100	AMD	98-05-024
180- 79A-005	REP-P	98-19-134	180- 79A-423	REP-P	98-19-134	180- 87	PREP	98-08-038
180- 79A-006	NEW-P	98-19-134	180- 79A-424	REP-P	98-19-134	180- 90-125	PREP	98-10-024
180- 79A-007	NEW-P	98-19-134	180- 79A-430	REP-P	98-19-134	182- 04-070	AMD-XA	98-13-078
180- 79A-010	REP-P	98-19-134	180- 79A-433	AMD-P	98-10-103	182- 04-070	AMD	98-17-063
180- 79A-011	NEW-P	98-19-134	180- 79A-433	AMD	98-15-028	182- 25-010	AMD	98-07-002
180- 79A-012	REP-P	98-19-134	180- 79A-433	REP-P	98-19-134	182- 25-010	AMD-XA	98-10-086
180- 79A-013	REP-P	98-19-134	180- 79A-435	REP-P	98-19-134	182- 25-010	AMD	98-15-018
180- 79A-025	REP-P	98-19-134	180- 79A-440	REP-P	98-19-134	182- 25-020	AMD	98-07-002
180- 79A-030	NEW-P	98-19-134	180- 79A-445	REP-P	98-19-134	182- 25-030	AMD	98-07-002
180- 79A-101	REP-P	98-19-134	180- 79A-503	REP-P	98-19-134	182- 25-040	AMD	98-07-002
180- 79A-117	AMD	98-05-024	180- 79A-510	REP-P	98-19-134	182- 25-070	AMD	98-07-002
180- 79A-117	AMD-P	98-19-134	180- 79A-515	REP-P	98-19-134	182- 25-080	AMD	98-07-002
180- 79A-122	REP-P	98-19-134	180- 79A-517	REP-P	98-19-134	182- 25-090	AMD	98-07-002
180- 79A-123	NEW-P	98-19-134	180- 79A-520	REP-P	98-19-134	182- 25-100	AMD	98-07-002
180- 79A-124	NEW-P	98-19-134	180- 82	PREP	98-16-098	182- 25-100	PREP	98-17-062
180- 79A-125	REP-P	98-19-134	180- 82-002	NEW-P	98-19-134	182- 25-105	AMD	98-07-002
180- 79A-126	REP-P	98-19-134	180- 82-004	NEW-P	98-19-134	182- 25-105	PREP	98-17-062
180- 79A-127	NEW-P	98-19-134	180- 82-105	NEW-P	98-19-134	182- 25-110	PREP	98-17-062
180- 79A-128	NEW-P	98-19-134	180- 82-110	NEW-P	98-19-134	192- 12-030	AMD-P	98-09-106
180- 79A-140	AMD-P	98-19-134	180- 82-115	NEW-P	98-19-134	192- 12-030	REP	98-14-068
180- 79A-145	NEW-P	98-19-134	180- 82-120	NEW-P	98-19-134	192- 12-040	AMD-P	98-09-105
180- 79A-150	AMD-P	98-19-134	180- 82-125	NEW-P	98-19-134	192- 12-040	REP	98-14-068
180- 79A-155	NEW-P	98-19-134	180- 82-130	NEW-P	98-19-134	192- 12-041	AMD-P	98-09-105
180- 79A-157	NEW-P	98-19-134	180- 82-200	NEW-P	98-19-134	192- 12-041	REP	98-14-068
180- 79A-160	REP-P	98-19-134	180- 82-201	NEW-P	98-19-134	192- 12-042	AMD-P	98-09-105



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192-12-141	AMD	98-06-097	194-10-050	REP	98-05-027	196-08-240	REP	98-12-045
192-16-024	REP-XR	98-15-146	194-10-060	REP	98-05-027	196-08-250	REP-P	98-08-078
192-16-024	REP	98-19-120	194-10-070	REP	98-05-027	196-08-250	REP	98-12-045
192-16-051	PREP	98-08-072	194-10-080	REP	98-05-027	196-08-260	REP-P	98-08-078
192-16-051	REP-E	98-13-015	194-10-090	REP	98-05-027	196-08-260	REP	98-12-045
192-16-051	REP-E	98-20-081	194-10-100	REP	98-05-027	196-08-270	REP-P	98-08-078
192-16-052	PREP	98-08-072	194-10-110	REP	98-05-027	196-08-270	REP	98-12-045
192-16-052	REP-E	98-13-015	194-10-120	REP	98-05-027	196-08-280	REP-P	98-08-078
192-16-052	REP-E	98-20-081	194-10-130	REP	98-05-027	196-08-280	REP	98-12-045
192-16-057	PREP	98-08-072	194-10-140	REP	98-05-027	196-08-290	REP-P	98-08-078
192-16-057	REP-E	98-20-081	194-18-010	REP-XR	98-17-034	196-08-290	REP	98-12-045
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192-18-010	REP	98-14-031	194-18-030	REP-XR	98-17-034	196-08-300	REP	98-12-045
192-18-012	REP-XR	98-07-023	196-04	PREP	98-11-025	196-08-310	REP-P	98-08-078
192-18-012	REP	98-14-031	196-04-010	REP-P	98-15-019	196-08-310	REP	98-12-045
192-18-020	REP-XR	98-07-023	196-04-010	REP	98-18-046	196-08-320	REP-P	98-08-078
192-18-020	REP	98-14-031	196-04-020	REP-P	98-15-019	196-08-320	REP	98-12-045
192-18-030	REP-XR	98-07-023	196-04-020	REP	98-18-046	196-08-330	REP-P	98-08-078
192-18-030	REP	98-14-031	196-04-025	REP-P	98-15-019	196-08-330	REP	98-12-045
192-18-040	REP-XR	98-07-023	196-04-025	REP	98-18-046	196-08-340	REP-P	98-08-078
192-18-040	REP	98-14-031	196-04-030	REP-P	98-15-019	196-08-340	REP	98-12-045
192-18-050	REP-XR	98-07-023	196-04-030	REP	98-18-046	196-08-350	REP-P	98-08-078
192-18-050	REP	98-14-031	196-04-040	REP-P	98-15-019	196-08-350	REP	98-12-045
192-18-060	REP-XR	98-07-023	196-04-040	REP	98-18-046	196-08-360	REP-P	98-08-078
192-18-060	REP	98-14-031	196-08-010	REP-P	98-08-078	196-08-360	REP	98-12-045
192-18-070	REP-XR	98-07-023	196-08-010	REP	98-12-045	196-08-370	REP-P	98-08-078
192-18-070	REP	98-14-031	196-08-040	REP-P	98-08-078	196-08-370	REP	98-12-045
192-20-010	REP-XR	98-07-024	196-08-040	REP	98-12-045	196-08-380	REP-P	98-08-078
192-20-010	REP	98-14-032	196-08-050	REP-P	98-08-078	196-08-380	REP	98-12-045
192-23-018	AMD	98-06-097	196-08-050	REP	98-12-045	196-08-390	REP-P	98-08-078
192-32	AMD	98-05-042	196-08-060	REP-P	98-08-078	196-08-390	REP	98-12-045
192-32-001	REP	98-05-042	196-08-060	REP	98-12-045	196-08-400	REP-P	98-08-078
192-32-010	AMD	98-05-042	196-08-070	REP-P	98-08-078	196-08-400	REP	98-12-045
192-32-015	REP	98-05-042	196-08-070	REP	98-12-045	196-08-410	REP-P	98-08-078
192-32-025	REP	98-05-042	196-08-080	REP-P	98-08-078	196-08-410	REP	98-12-045
192-32-035	AMD	98-05-042	196-08-080	REP	98-12-045	196-08-420	REP-P	98-08-078
192-32-045	AMD	98-05-042	196-08-090	REP-P	98-08-078	196-08-420	REP	98-12-045
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192-32-065	AMD	98-05-042	196-08-100	REP	98-12-045	196-08-440	REP-P	98-08-078
192-32-075	AMD	98-05-042	196-08-110	REP-P	98-08-078	196-08-440	REP	98-12-045
192-32-085	AMD	98-05-042	196-08-110	REP	98-12-045	196-08-450	REP-P	98-08-078
192-32-095	AMD	98-05-042	196-08-120	REP-P	98-08-078	196-08-450	REP	98-12-045
192-32-100	NEW	98-05-042	196-08-120	REP	98-12-045	196-08-460	REP-P	98-08-078
192-32-105	AMD	98-05-042	196-08-130	REP-P	98-08-078	196-08-460	REP	98-12-045
192-32-115	AMD	98-05-042	196-08-130	REP	98-12-045	196-08-470	REP-P	98-08-078
192-32-120	REP	98-05-042	196-08-140	REP-P	98-08-078	196-08-470	REP	98-12-045
192-32-125	REP	98-05-042	196-08-140	REP	98-12-045	196-08-480	REP-P	98-08-078
192-32-130	NEW	98-05-042	196-08-150	REP-P	98-08-078	196-08-480	REP	98-12-045
192-32-135	NEW	98-05-042	196-08-150	REP	98-12-045	196-08-490	REP-P	98-08-078
192-33-005	NEW	98-05-042	196-08-160	REP-P	98-08-078	196-08-490	REP	98-12-045
192-33-006	NEW	98-05-042	196-08-160	REP	98-12-045	196-08-500	REP-P	98-08-078
192-130-050	NEW	98-14-068	196-08-170	REP-P	98-08-078	196-08-500	REP	98-12-045
192-210-005	NEW-E	98-13-015	196-08-170	REP	98-12-045	196-08-510	REP-P	98-08-078
192-210-005	NEW-E	98-20-081	196-08-180	REP-P	98-08-078	196-08-510	REP	98-12-045
192-210-010	NEW-E	98-13-015	196-08-180	REP	98-12-045	196-08-520	REP-P	98-08-078
192-210-010	NEW-E	98-20-081	196-08-190	REP-P	98-08-078	196-08-520	REP	98-12-045
192-210-015	NEW-E	98-13-015	196-08-190	REP	98-12-045	196-08-530	REP-P	98-08-078
192-210-015	NEW-E	98-20-081	196-08-200	REP-P	98-08-078	196-08-530	REP	98-12-045
192-310-010	NEW	98-14-068	196-08-200	REP	98-12-045	196-08-540	REP-P	98-08-078
192-310-020	NEW	98-14-068	196-08-210	REP-P	98-08-078	196-08-540	REP	98-12-045
192-310-025	NEW	98-14-068	196-08-210	REP	98-12-045	196-08-550	REP-P	98-08-078
192-310-030	NEW	98-14-068	196-08-220	REP-P	98-08-078	196-08-550	REP	98-12-045
194-10-010	REP	98-05-027	196-08-220	REP	98-12-045	196-08-560	REP-P	98-08-078
194-10-020	REP	98-05-027	196-08-230	REP-P	98-08-078	196-08-560	REP	98-12-045
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196-08-580	REP	98-12-045	204-46-030	NEW-P	98-18-073	220-16-002	NEW	98-15-081
196-08-590	REP-P	98-08-078	204-50-010	PREP	98-19-076	220-16-005	NEW-P	98-11-086
196-08-590	REP	98-12-045	204-50-020	PREP	98-19-076	220-16-005	NEW	98-15-081
196-09-010	NEW-P	98-08-078	204-50-030	PREP	98-19-076	220-16-225	AMD-P	98-21-089
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196-12-010	AMD-P	98-08-105	204-50-070	PREP	98-19-076	220-16-480	NEW-W	98-11-049
196-12-010	AMD	98-12-052	204-50-080	PREP	98-19-076	220-16-480	NEW	98-15-031
196-12-020	AMD-P	98-08-105	204-50-090	PREP	98-19-076	220-16-490	NEW-P	98-09-089
196-12-020	AMD	98-12-052	204-50-110	PREP	98-19-076	220-16-490	NEW-W	98-11-049
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196-12-045	NEW	98-12-052	204-72-040	AMD	98-04-054	220-16-520	NEW-W	98-11-049
196-12-050	AMD-P	98-08-105	204-80-020	PREP	98-19-038	220-16-530	NEW-W	98-11-049
196-12-050	AMD	98-12-052	204-90-030	AMD	98-04-052	220-16-540	NEW-W	98-11-049
196-12-060	REP-P	98-08-105	204-90-040	AMD	98-04-052	220-16-550	NEW	98-06-031
196-12-060	REP	98-12-052	204-90-070	AMD	98-04-052	220-16-550	AMD-P	98-11-086
196-12-085	REP-P	98-08-105	204-90-120	AMD	98-04-052	220-16-550	AMD	98-15-081
196-12-085	REP	98-12-052	204-90-140	AMD	98-04-052	220-16-560	NEW-W	98-11-049
196-24-030	REP-P	98-08-105	208-418	PREP	98-13-084	220-16-570	NEW-W	98-11-049
196-24-030	REP	98-12-052	208-436	PREP	98-13-084	220-16-580	NEW-W	98-11-049
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196-24-050	REP-P	98-08-105	208-444-010	AMD	98-10-072	220-16-610	NEW	98-06-031
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196-24-105	AMD-P	98-08-105	208-444-030	AMD	98-10-072	220-16-630	NEW-W	98-11-049
196-24-105	AMD	98-12-052	208-444-040	AMD	98-10-072	220-16-640	NEW-W	98-11-049
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196-25-002	NEW-P	98-08-106	208-472	PREP	98-13-084	220-16-670	NEW-W	98-11-049
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196-25-005	NEW-P	98-08-106	210-01-020	AMD-P	98-21-062	220-16-690	NEW-W	98-11-049
196-25-005	NEW	98-12-053	210-01-080	AMD-P	98-21-062	220-16-700	NEW	98-06-031
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196-25-020	NEW	98-12-053	212-17-190	REP	98-13-038	220-20-010	AMD-P	98-09-089
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196-25-040	NEW-P	98-08-106	212-17-195	REP	98-13-038	220-20-010	AMD	98-15-081
196-25-040	NEW	98-12-053	212-17-195	REP-E	98-13-039	220-20-0100A	NEW-E	98-05-014
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204-10-020	AMD-P	98-15-083	212-17-210	REP	98-13-038	220-20-025	AMD	98-15-031
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204-10-110	REP	98-04-053	212-17-21503	NEW	98-04-007	220-24-02000F	NEW-E	98-11-020
204-10-130	REP	98-04-053	212-17-21505	NEW	98-04-007	220-24-02000F	REP-E	98-12-076
204-10-140	REP	98-04-053	212-17-21507	NEW	98-04-007	220-24-02000G	NEW-E	98-11-085
204-10-150	REP	98-04-053	212-17-21509	NEW	98-04-007	220-24-02000H	NEW-E	98-12-076
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220-32-05500S	REP-E	98-20-017	220-47-410	AMD	98-15-081	220-52-04600D	NEW-E	98-14-038
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220-44-050000	NEW-E	98-14-094	220-49-02000K	REP-E	98-08-045	220-55-060	AMD-P	98-21-072
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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
246-312-080	NEW	98-14-056	246-320-265	NEW-P	98-21-083	246-359-060	NEW-P	98-21-085
246-312-090	NEW-P	98-09-111	246-320-285	NEW-P	98-21-083	246-359-070	NEW-P	98-21-085
246-312-090	NEW	98-14-056	246-320-305	NEW-P	98-21-083	246-359-080	NEW-P	98-21-085
246-312-100	NEW-P	98-09-111	246-320-325	NEW-P	98-21-083	246-359-090	NEW-P	98-21-085
246-312-100	NEW	98-14-056	246-320-345	NEW-P	98-21-083	246-359-100	NEW-P	98-21-085
246-312-110	NEW-P	98-09-111	246-320-365	NEW-P	98-21-083	246-359-110	NEW-P	98-21-085
246-312-120	NEW-P	98-09-111	246-320-385	NEW-P	98-21-083	246-359-120	NEW-P	98-21-085
246-312-200	NEW	98-14-056	246-320-405	NEW-P	98-21-083	246-359-130	NEW-P	98-21-085
246-316-010	DECOD	98-20-021	246-320-500	NEW-P	98-21-083	246-359-140	NEW-P	98-21-085
246-316-020	DECOD	98-20-021	246-320-505	NEW-P	98-21-083	246-359-150	NEW-P	98-21-085
246-316-030	DECOD	98-20-021	246-320-515	NEW-P	98-21-083	246-359-160	NEW-P	98-21-085
246-316-040	DECOD	98-20-021	246-320-525	NEW-P	98-21-083	246-359-170	NEW-P	98-21-085
246-316-045	DECOD	98-20-021	246-320-535	NEW-P	98-21-083	246-359-180	NEW-P	98-21-085
246-316-050	DECOD	98-20-021	246-320-545	NEW-P	98-21-083	246-359-200	NEW-P	98-21-085
246-316-055	DECOD	98-20-021	246-320-555	NEW-P	98-21-083	246-359-210	NEW-P	98-21-085
246-316-060	DECOD	98-20-021	246-320-565	NEW-P	98-21-083	246-359-220	NEW-P	98-21-085
246-316-070	DECOD	98-20-021	246-320-575	NEW-P	98-21-083	246-359-230	NEW-P	98-21-085
246-316-080	DECOD	98-20-021	246-320-585	NEW-P	98-21-083	246-359-240	NEW-P	98-21-085
246-316-090	DECOD	98-20-021	246-320-595	NEW-P	98-21-083	246-359-250	NEW-P	98-21-085
246-316-100	DECOD	98-20-021	246-320-605	NEW-P	98-21-083	246-359-300	NEW-P	98-21-085
246-316-110	DECOD	98-20-021	246-320-615	NEW-P	98-21-083	246-359-310	NEW-P	98-21-085
246-316-120	DECOD	98-20-021	246-320-625	NEW-P	98-21-083	246-359-320	NEW-P	98-21-085
246-316-130	DECOD	98-20-021	246-320-635	NEW-P	98-21-083	246-359-330	NEW-P	98-21-085
246-316-140	DECOD	98-20-021	246-320-645	NEW-P	98-21-083	246-359-340	NEW-P	98-21-085
246-316-150	DECOD	98-20-021	246-320-655	NEW-P	98-21-083	246-359-350	NEW-P	98-21-085
246-316-160	DECOD	98-20-021	246-320-665	NEW-P	98-21-083	246-359-400	NEW-P	98-21-085
246-316-170	DECOD	98-20-021	246-320-675	NEW-P	98-21-083	246-359-405	NEW-P	98-21-085
246-316-180	DECOD	98-20-021	246-320-685	NEW-P	98-21-083	246-359-410	NEW-P	98-21-085
246-316-190	DECOD	98-20-021	246-320-695	NEW-P	98-21-083	246-359-420	NEW-P	98-21-085
246-316-200	DECOD	98-20-021	246-320-705	NEW-P	98-21-083	246-359-430	NEW-P	98-21-085
246-316-210	DECOD	98-20-021	246-320-715	NEW-P	98-21-083	246-359-440	NEW-P	98-21-085
246-316-220	DECOD	98-20-021	246-320-725	NEW-P	98-21-083	246-359-500	NEW-P	98-21-085
246-316-230	DECOD	98-20-021	246-320-735	NEW-P	98-21-083	246-359-510	NEW-P	98-21-085
246-316-240	DECOD	98-20-021	246-320-745	NEW-P	98-21-083	246-359-520	NEW-P	98-21-085
246-316-250	DECOD	98-20-021	246-320-755	NEW-P	98-21-083	246-359-530	NEW-P	98-21-085
246-316-260	DECOD	98-20-021	246-320-765	NEW-P	98-21-083	246-359-540	NEW-P	98-21-085
246-316-265	DECOD	98-20-021	246-320-775	NEW-P	98-21-083	246-359-550	NEW-P	98-21-085
246-316-268	DECOD	98-20-021	246-320-785	NEW-P	98-21-083	246-359-560	NEW-P	98-21-085
246-316-280	DECOD	98-20-021	246-320-795	NEW-P	98-21-083	246-359-565	NEW-P	98-21-085
246-316-290	DECOD	98-20-021	246-320-805	NEW-P	98-21-083	246-359-570	NEW-P	98-21-085
246-316-300	DECOD	98-20-021	246-320-815	NEW-P	98-21-083	246-359-575	NEW-P	98-21-085
246-316-310	DECOD	98-20-021	246-320-990	NEW-P	98-21-083	246-359-580	NEW-P	98-21-085
246-316-320	DECOD	98-20-021	246-320-99902	NEW-P	98-21-083	246-359-590	NEW-P	98-21-085
246-316-330	DECOD	98-20-021	246-327-990	AMD-P	98-09-112	246-359-600	NEW-P	98-21-085
246-316-335	DECOD	98-20-021	246-327-990	AMD	98-13-036	246-359-700	NEW-P	98-21-085
246-316-340	DECOD	98-20-021	246-328-100	REP	98-05-060	246-359-710	NEW-P	98-21-085
246-316-990	AMD-E	98-04-090	246-328-200	AMD	98-05-060	246-359-720	NEW-P	98-21-085
246-316-990	PREP	98-14-085	246-328-990	AMD	98-05-060	246-359-730	NEW-P	98-21-085
246-316-990	AMD-E	98-14-087	246-331-990	AMD-P	98-09-112	246-359-740	NEW-P	98-21-085
246-316-990	RESCIND	98-17-067	246-331-990	AMD	98-13-036	246-359-750	NEW-P	98-21-085
246-316-990	DECOD	98-20-021	246-336-990	AMD-P	98-09-112	246-359-760	NEW-P	98-21-085
246-318-990	AMD-P	98-09-109	246-336-990	AMD	98-13-036	246-359-800	NEW-P	98-21-085
246-318-990	AMD	98-13-035	246-338	PREP	98-17-100	246-359-990	NEW-P	98-21-085
246-320-001	NEW-P	98-21-083	246-340-085	REP	98-09-120	246-490-019	REP	98-18-067
246-320-010	NEW-P	98-21-083	246-358-600	NEW-E	98-11-001	246-560	PREP	98-18-071
246-320-025	NEW-P	98-21-083	246-358-610	NEW-E	98-11-001	246-560	PREP-W	98-20-064
246-320-045	NEW-P	98-21-083	246-358-620	NEW-E	98-11-001	246-562-010	NEW-P	98-15-154
246-320-065	NEW-P	98-21-083	246-358-630	NEW-E	98-11-001	246-562-010	NEW	98-20-067
246-320-085	NEW-P	98-21-083	246-358-640	NEW-E	98-11-001	246-562-020	NEW-P	98-15-154
246-320-105	NEW-P	98-21-083	246-358-650	NEW-E	98-11-001	246-562-020	NEW	98-20-067
246-320-125	NEW-P	98-21-083	246-359-001	NEW-P	98-21-085	246-562-040	NEW-P	98-15-154
246-320-145	NEW-P	98-21-083	246-359-005	NEW-P	98-21-085	246-562-040	NEW	98-20-067
246-320-165	NEW-P	98-21-083	246-359-010	NEW-P	98-21-085	246-562-050	NEW-P	98-15-154
246-320-185	NEW-P	98-21-083	246-359-020	NEW-P	98-21-085	246-562-050	NEW	98-20-067
246-320-205	NEW-P	98-21-083	246-359-030	NEW-P	98-21-085	246-562-060	NEW-P	98-15-154
246-320-225	NEW-P	98-21-083	246-359-040	NEW-P	98-21-085	246-562-060	NEW	98-20-067
246-320-245	NEW-P	98-21-083	246-359-050	NEW-P	98-21-085	246-562-070	NEW-P	98-15-154

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246-562-070	NEW	98-20-067	246-812-150	RE-AD-P	98-14-124	246-815-080	REP	98-14-123
246-562-080	NEW-P	98-15-154	246-812-150	RE-AD	98-20-068	246-815-090	REP-XR	98-07-087
246-562-080	NEW	98-20-067	246-812-155	AMD-P	98-14-124	246-815-090	REP	98-14-123
246-562-090	NEW-P	98-15-154	246-812-155	AMD	98-20-068	246-815-100	AMD	98-05-060
246-562-090	NEW	98-20-067	246-812-160	AMD	98-05-060	246-815-140	AMD	98-05-060
246-562-100	NEW-P	98-15-154	246-812-160	RE-AD-P	98-14-124	246-815-150	REP	98-05-060
246-562-100	NEW	98-20-067	246-812-160	RE-AD	98-20-068	246-815-300	REP	98-05-060
246-562-110	NEW-P	98-15-154	246-812-161	NEW	98-05-060	246-815-990	AMD	98-05-060
246-562-110	NEW	98-20-067	246-812-161	RE-AD-P	98-14-124	246-817-110	AMD	98-05-060
246-562-120	NEW-P	98-15-154	246-812-161	RE-AD	98-20-068	246-817-150	AMD	98-05-060
246-562-120	NEW	98-20-067	246-812-170	RE-AD-P	98-14-124	246-817-201	REP	98-05-060
246-562-130	NEW-P	98-15-154	246-812-170	RE-AD	98-20-068	246-817-210	AMD	98-05-060
246-562-130	NEW	98-20-067	246-812-301	RE-AD-P	98-14-124	246-817-990	AMD	98-05-060
246-562-140	NEW-P	98-15-154	246-812-301	RE-AD	98-20-068	246-822-110	REP	98-05-060
246-562-140	NEW	98-20-067	246-812-301	RE-AD	98-20-068	246-822-120	AMD	98-05-060
246-562-150	NEW-P	98-15-154	246-812-320	RE-AD-P	98-14-124	246-822-990	AMD	98-05-060
246-562-150	NEW	98-20-067	246-812-320	RE-AD	98-20-068	246-824-020	AMD	98-05-060
246-710-001	AMD-P	98-20-107	246-812-330	RE-AD-P	98-14-124	246-824-040	AMD	98-05-060
246-710-010	AMD-P	98-20-107	246-812-330	RE-AD	98-20-068	246-824-071	AMD	98-05-060
246-710-020	REP-P	98-20-107	246-812-340	RE-AD-P	98-14-124	246-824-073	AMD	98-05-060
246-710-030	AMD-P	98-20-107	246-812-340	RE-AD	98-20-068	246-824-074	NEW	98-05-060
246-710-050	AMD-P	98-20-107	246-812-350	RE-AD-P	98-14-124	246-824-075	AMD	98-05-060
246-710-060	AMD-P	98-20-107	246-812-350	RE-AD	98-20-068	246-824-075	AMD	98-05-060
246-710-070	AMD-P	98-20-107	246-812-360	RE-AD-P	98-14-124	246-824-170	AMD	98-05-060
246-710-080	AMD-P	98-20-107	246-812-360	RE-AD	98-20-068	246-824-990	AMD	98-05-060
246-710-090	AMD-P	98-20-107	246-812-390	RE-AD-P	98-14-124	246-824-995	NEW	98-05-060
246-780	PREP	98-14-117	246-812-390	RE-AD	98-20-068	246-826-050	AMD	98-05-060
246-802-020	REP	98-05-060	246-812-400	RE-AD-P	98-14-124	246-826-230	AMD	98-05-060
246-802-025	AMD	98-05-060	246-812-400	RE-AD	98-20-068	246-826-990	AMD	98-05-060
246-802-090	AMD	98-05-060	246-812-410	RE-AD-P	98-14-124	246-826-995	NEW-W	98-05-059
246-802-250	AMD	98-05-060	246-812-410	RE-AD	98-20-068	246-828-005	AMD	98-06-079
246-802-990	AMD	98-05-060	246-812-420	RE-AD-P	98-14-124	246-828-005	REP-XR	98-08-112
246-808-105	AMD	98-05-060	246-812-420	RE-AD	98-20-068	246-828-005	REP	98-15-089
246-808-106	REP	98-05-060	246-812-430	RE-AD-P	98-14-124	246-828-015	REP-XR	98-08-113
246-808-150	AMD	98-05-060	246-812-430	RE-AD	98-20-068	246-828-015	REP	98-15-089A
246-808-155	AMD	98-05-060	246-812-440	RE-AD-P	98-14-124	246-828-020	AMD-P	98-07-084
246-808-160	REP	98-05-060	246-812-440	RE-AD	98-20-068	246-828-020	AMD	98-13-110
246-808-165	AMD	98-05-060	246-812-450	RE-AD-P	98-14-124	246-828-025	NEW-P	98-07-083
246-808-180	AMD	98-05-060	246-812-450	RE-AD	98-20-068	246-828-025	NEW	98-13-109
246-808-181	NEW	98-05-060	246-812-460	RE-AD-P	98-14-124	246-828-030	AMD	98-06-079
246-808-185	REP	98-05-060	246-812-460	RE-AD	98-20-068	246-828-050	REP	98-05-060
246-808-215	AMD	98-05-060	246-812-501	AMD-P	98-14-124	246-828-075	AMD	98-06-079
246-808-990	AMD	98-05-060	246-812-501	AMD	98-20-068	246-828-080	AMD	98-06-079
246-810	PREP	98-16-063	246-812-510	RE-AD-P	98-14-124	246-828-090	AMD	98-06-079
246-810-020	REP	98-05-060	246-812-510	RE-AD	98-20-068	246-828-095	NEW-P	98-08-117
246-810-022	REP	98-05-060	246-812-520	RE-AD-P	98-14-124	246-828-095	NEW	98-14-055
246-810-080	AMD	98-05-060	246-812-520	RE-AD	98-20-068	246-828-100	AMD	98-06-079
246-810-130	AMD	98-05-060	246-812-601	RE-AD-P	98-14-124	246-828-105	NEW-P	98-08-117
246-810-140	REP-W	98-05-059	246-812-601	RE-AD	98-20-068	246-828-105	NEW	98-14-055
246-810-990	AMD	98-05-060	246-812-610	RE-AD-P	98-14-124	246-828-270	AMD	98-06-079
246-812-001	RE-AD-P	98-14-124	246-812-610	RE-AD	98-20-068	246-828-280	AMD	98-06-079
246-812-001	RE-AD	98-20-068	246-812-620	RE-AD-P	98-14-124	246-828-295	AMD-W	98-05-058
246-812-010	RE-AD-P	98-14-124	246-812-620	RE-AD	98-20-068	246-828-295	AMD	98-05-060
246-812-010	RE-AD	98-20-068	246-812-630	RE-AD-P	98-14-124	246-828-300	AMD-W	98-05-058
246-812-015	RE-AD-P	98-14-124	246-812-630	RE-AD	98-20-068	246-828-300	AMD	98-05-060
246-812-015	RE-AD	98-20-068	246-812-990	AMD	98-05-060	246-828-320	AMD	98-06-079
246-812-101	RE-AD-P	98-14-124	246-812-990	RE-AD-P	98-14-124	246-828-330	AMD	98-06-079
246-812-101	RE-AD	98-20-068	246-812-990	RE-AD	98-20-068	246-828-340	AMD	98-06-079
246-812-120	AMD	98-05-060	246-812-995	NEW	98-05-060	246-828-350	AMD	98-06-079
246-812-120	RE-AD-P	98-14-124	246-812-995	RE-AD-P	98-14-124	246-828-370	AMD-W	98-05-058
246-812-120	RE-AD	98-20-068	246-812-995	RE-AD	98-20-068	246-828-370	AMD	98-05-060
246-812-125	RE-AD-P	98-14-124	246-815-020	AMD	98-05-060	246-828-510	AMD	98-05-060
246-812-125	RE-AD	98-20-068	246-815-040	REP	98-05-060	246-828-520	REP	98-05-060
246-812-130	REP-W	98-08-111	246-815-060	REP-XR	98-07-087	246-828-530	AMD	98-05-060
246-812-130	AMD-P	98-14-124	246-815-060	REP	98-14-123	246-828-540	REP	98-05-060
246-812-130	AMD	98-20-068	246-815-070	REP-XR	98-07-087	246-828-560	REP	98-05-060
246-812-140	REP	98-05-060	246-815-070	REP	98-14-123	246-828-990	AMD	98-05-060
			246-815-080	REP-XR	98-07-087	246-830-035	AMD	98-05-060

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246-830-460	AMD	98-05-060	246-843-320	REP	98-05-060	246-861-120	REP	98-05-060
246-830-465	REP	98-05-060	246-843-330	AMD	98-05-060	246-863-030	AMD	98-05-060
246-830-470	REP	98-05-060	246-843-990	AMD	98-05-060	246-863-050	REP	98-05-060
246-830-480	REP	98-05-060	246-845-100	REP	98-05-060	246-863-070	AMD	98-05-060
246-830-990	AMD	98-05-060	246-845-990	AMD	98-05-060	246-863-080	AMD	98-05-060
246-834-060	AMD	98-05-060	246-845-990	PREP	98-09-116	246-863-090	AMD	98-05-060
246-834-060	PREP	98-11-064	246-847-055	AMD	98-05-060	246-863-120	AMD	98-05-060
246-834-065	AMD	98-05-060	246-847-060	REP	98-05-060	246-869-050	REP	98-05-060
246-834-070	PREP	98-11-064	246-847-065	AMD	98-05-060	246-869-220	PREP	98-11-065
246-834-080	PREP	98-11-064	246-847-068	AMD	98-05-060	246-879-070	AMD	98-05-060
246-834-170	AMD	98-05-060	246-847-070	AMD	98-05-060	246-883-050	REP-XR	98-07-088
246-834-200	AMD	98-05-060	246-847-190	AMD	98-05-060	246-887-020	AMD	98-05-060
246-834-260	AMD	98-05-060	246-847-200	REP	98-05-060	246-887-170	AMD	98-02-084
246-834-400	NEW	98-05-060	246-847-990	AMD	98-05-060	246-901-065	AMD	98-05-060
246-834-500	REP	98-05-060	246-849-110	AMD	98-05-060	246-901-120	AMD	98-05-060
246-834-990	AMD-P	98-07-085	246-849-210	AMD	98-05-060	246-904	PREP	98-04-037
246-834-990	AMD	98-11-069	246-849-220	AMD	98-05-060	246-907-020	REP	98-05-060
246-836-080	AMD	98-05-060	246-849-260	AMD	98-05-060	246-907-030	AMD	98-05-060
246-836-090	REP	98-05-060	246-849-990	AMD	98-05-060	246-907-030	AMD-P	98-07-086
246-836-410	AMD	98-05-060	246-849-995	NEW	98-05-060	246-907-030	AMD	98-10-052
246-836-990	AMD-W	98-05-058	246-850-010	NEW-P	98-18-065	246-907-995	NEW	98-05-060
246-836-990	AMD	98-05-060	246-850-010	NEW	98-21-086	246-915-010	AMD	98-05-060
246-840-010	AMD	98-05-060	246-850-020	NEW-P	98-18-065	246-915-050	AMD	98-05-060
246-840-010	AMD-C	98-08-116	246-850-020	NEW	98-21-086	246-915-060	REP	98-05-060
246-840-010	AMD-W	98-09-040	246-850-030	NEW-P	98-18-065	246-915-085	AMD	98-05-060
246-840-020	AMD	98-05-060	246-850-030	NEW	98-21-086	246-915-110	AMD	98-05-060
246-840-020	PREP	98-21-082	246-850-040	NEW-P	98-18-065	246-915-990	AMD	98-05-060
246-840-030	AMD-XA	98-18-072	246-850-040	NEW	98-21-086	246-918-006	REP	98-05-060
246-840-040	AMD	98-05-060	246-850-050	NEW-P	98-18-065	246-918-008	REP	98-09-118
246-840-050	PREP	98-19-091	246-850-050	NEW	98-21-086	246-918-009	REP	98-09-118
246-840-070	PREP	98-19-091	246-850-090	NEW-P	98-18-065	246-918-080	AMD	98-05-060
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255-01-140	NEW	98-07-071	275-27-190	PREP	98-10-040	284-10-140	REP	98-04-005
255-02-010	NEW-P	98-04-059	275-27-195	PREP	98-10-040	284-17-135	REP	98-06-022
255-02-010	NEW	98-11-005	275-27-200	PREP	98-10-040	284-17-220	AMD-XA	98-07-104
255-02-020	NEW-P	98-04-059	275-27-205	PREP	98-10-040	284-17-220	AMD	98-11-090
255-02-020	NEW	98-11-005	275-27-210	PREP	98-10-040	284-17-300	REP-XA	98-04-084
255-02-030	NEW-P	98-04-059	275-27-212	PREP	98-10-040	284-17-300	REP	98-09-041
255-02-030	NEW	98-11-005	275-27-230	AMD-E	98-13-041	284-17-570	REP-XA	98-07-065
255-02-040	NEW-P	98-04-059	275-27-230	AMD-P	98-16-091	284-17-570	REP	98-11-088
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255-02-070	NEW	98-11-005	275-37-010	AMD-P	98-14-061	284-19-040	AMD-XA	98-08-097
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255-02-100	NEW-P	98-04-059	275-41	PREP	98-09-092	284-19-060	AMD	98-13-095
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260-24-560	AMD-P	98-16-103	275-46-010	AMD	98-18-056	284-19-090	AMD-XA	98-08-097
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263-12-020	AMD	98-20-109	275-46-065	NEW	98-18-056	284-19-170	AMD-XA	98-08-097
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263-12-180	PREP	98-15-133	275-46-080	NEW-P	98-14-061	284-20-006	AMD-XA	98-13-093
263-12-180	AMD-P	98-18-086	275-46-080	NEW	98-18-056	284-20-020	AMD-XA	98-13-093
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284-23-250	AMD	98-11-003	284-43-040	REP	98-04-005	284-54	PREP	98-13-089
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284-24-065	AMD-P	98-13-092	284-43-800	NEW	98-04-005	286-04-060	AMD	98-08-014
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284-24-070	AMD	98-20-102	284-43-910	NEW	98-04-011	286-13-030	AMD	98-08-014
284-24-080	AMD-P	98-13-092	284-43-915	NEW	98-04-011	286-13-040	AMD-P	98-04-079
284-24-080	AMD	98-20-102	284-43-920	NEW	98-04-011	286-13-040	AMD	98-08-014
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288-04-030	NEW	98-17-003	296-04-370	REP-W	98-12-074	296-08-130	REP-XR	98-08-102
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288-06-040	NEW	98-17-004	296-04A-009	NEW-W	98-07-058	296-08-410	REP-XR	98-08-102
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292-130-010	NEW-P	98-16-006	296-04A-049	NEW-W	98-07-058	296-08-520	REP-XR	98-08-102
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292-130-050	NEW-P	98-16-006	296-04A-100	NEW-W	98-07-058	296-08-560	REP-XR	98-08-102
292-130-060	NEW-P	98-16-006	296-04A-110	NEW-W	98-07-058	296-08-570	REP-XR	98-08-102
292-130-070	NEW-P	98-16-006	296-04A-120	NEW-W	98-07-058	296-08-580	REP-XR	98-08-102
292-130-080	NEW-P	98-16-006	296-04A-130	NEW-W	98-07-058	296-08-590	REP-XR	98-08-102
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292-130-100	NEW-P	98-16-006	296-04A-200	NEW-W	98-07-058	296-14-010	REP	98-18-042
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296-04-005	REP-W	98-12-074	296-04A-350	NEW-W	98-07-058	296-14-920	AMD-P	98-13-125
296-04-010	REP-W	98-12-074	296-04A-351	NEW-W	98-07-058	296-14-920	AMD	98-19-001
296-04-015	REP-W	98-12-074	296-04A-360	NEW-W	98-07-058	296-14-930	AMD-P	98-13-125
296-04-040	REP-W	98-12-074	296-04A-370	NEW-W	98-07-058	296-14-930	AMD	98-19-001
296-04-042	REP-W	98-12-074	296-04A-380	NEW-W	98-07-058	296-14-940	AMD-P	98-13-125
296-04-045	REP-W	98-12-074	296-04A-390	NEW-W	98-07-058	296-14-940	AMD	98-19-001
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296-04-060	REP-W	98-12-074	296-04A-410	NEW-W	98-07-058	296-15-02606	REP-P	98-19-148
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296-04-105	REP-W	98-12-074	296-04A-430	NEW-W	98-07-058	296-15-072	REP-P	98-19-148
296-04-115	REP-W	98-12-074	296-04A-440	NEW-W	98-07-058	296-15-100	REP-P	98-19-148
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296-04-160	REP-W	98-12-074	296-04A-470	NEW-W	98-07-058	296-15-180	REP-P	98-19-148
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296-04-340	REP-W	98-12-074	296-08-090	REP-XR	98-08-102	296-15-350	NEW-P	98-19-148
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296-17-310	REP	98-18-042	296-17-35203	NEW-P	98-12-079	296-17-50908	AMD	98-18-042
296-17-31001	NEW-P	98-12-079	296-17-35203	NEW	98-18-042	296-17-50910	AMD-P	98-12-079
296-17-31001	NEW	98-18-042	296-17-35204	NEW-P	98-12-079	296-17-50910	AMD	98-18-042
296-17-31002	NEW-P	98-12-079	296-17-35204	NEW	98-18-042	296-17-50912	AMD-P	98-12-079
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296-17-31009	NEW	98-18-042	296-17-420	REP-P	98-12-079	296-17-513	AMD	98-18-042
296-17-31010	NEW-P	98-12-079	296-17-420	REP	98-18-042	296-17-51301	AMD-P	98-12-079
296-17-31010	NEW	98-18-042	296-17-430	REP-P	98-12-079	296-17-51301	AMD	98-18-042
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296-17-31011	NEW	98-18-042	296-17-440	REP-P	98-12-079	296-17-516	AMD	98-18-042
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296-17-31021	NEW	98-18-042	296-17-455	REP-P	98-12-079	296-17-52105	AMD	98-18-042
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296-17-31023	NEW-P	98-12-079	296-17-460	REP	98-18-042	296-17-52108	AMD-P	98-12-079
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296-17-31027	NEW-P	98-12-079	296-17-504	AMD	98-18-042	296-17-52113	AMD-P	98-12-079
296-17-31027	NEW	98-18-042	296-17-505	AMD-P	98-12-079	296-17-52113	AMD	98-18-042
296-17-31028	NEW-P	98-12-079	296-17-505	AMD	98-18-042	296-17-52116	AMD-P	98-12-079
296-17-31028	NEW	98-18-042	296-17-50601	AMD-P	98-12-079	296-17-52116	AMD	98-18-042
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296-17-31029	NEW	98-18-042	296-17-50602	AMD-P	98-12-079	296-17-52118	AMD	98-18-042
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296-17-612	AMD	98-18-042	296-17-64904	AMD-P	98-12-079	296-17-67901	AMD	98-18-042
296-17-614	AMD-P	98-12-079	296-17-64904	AMD	98-18-042	296-17-680	AMD-P	98-12-079
296-17-614	AMD	98-18-042	296-17-64905	AMD-P	98-12-079	296-17-680	AMD	98-18-042
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296-17-615	AMD	98-18-042	296-17-64999	AMD-P	98-12-079	296-17-681	AMD	98-18-042
296-17-616	AMD-P	98-12-079	296-17-64999	AMD	98-18-042	296-17-682	AMD-P	98-12-079
296-17-616	AMD	98-18-042	296-17-650	AMD-P	98-12-079	296-17-682	AMD	98-18-042
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296-17-63501	AMD	98-18-042	296-17-661	AMD-P	98-12-079	296-17-698	AMD	98-18-042
296-17-636	AMD-P	98-12-079	296-17-661	AMD	98-18-042	296-17-699	AMD-P	98-12-079
296-17-636	AMD	98-18-042	296-17-663	AMD-P	98-12-079	296-17-699	AMD	98-18-042
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296-17-710	AMD	98-18-042	296-17-741	AMD	98-18-042	296-17-76211	AMD-P	98-12-079
296-17-711	AMD-P	98-12-079	296-17-742	AMD-P	98-12-079	296-17-76211	AMD	98-18-042
296-17-711	AMD	98-18-042	296-17-742	AMD	98-18-042	296-17-76212	AMD-P	98-12-079
296-17-712	AMD-P	98-12-079	296-17-743	AMD-P	98-12-079	296-17-76212	AMD	98-18-042
296-17-712	AMD	98-18-042	296-17-743	AMD	98-18-042	296-17-763	AMD-P	98-12-079
296-17-713	AMD-P	98-12-079	296-17-744	AMD-P	98-12-079	296-17-763	AMD	98-18-042
296-17-713	AMD	98-18-042	296-17-744	AMD	98-18-042	296-17-764	AMD-P	98-12-079
296-17-71301	AMD-P	98-12-079	296-17-745	AMD-P	98-12-079	296-17-764	AMD	98-18-042
296-17-71301	AMD	98-18-042	296-17-745	AMD	98-18-042	296-17-765	AMD-P	98-12-079
296-17-714	AMD-P	98-12-079	296-17-746	AMD-P	98-12-079	296-17-765	AMD	98-18-042
296-17-714	AMD	98-18-042	296-17-746	AMD	98-18-042	296-17-766	AMD-P	98-12-079
296-17-715	AMD-P	98-12-079	296-17-747	AMD-P	98-12-079	296-17-766	AMD	98-18-042
296-17-715	AMD	98-18-042	296-17-747	AMD	98-18-042	296-17-772	AMD-P	98-12-079
296-17-716	AMD-P	98-12-079	296-17-748	AMD-P	98-12-079	296-17-772	AMD	98-18-042
296-17-716	AMD	98-18-042	296-17-748	AMD	98-18-042	296-17-773	AMD-P	98-12-079
296-17-717	AMD-P	98-12-079	296-17-749	AMD-P	98-12-079	296-17-773	AMD	98-18-042
296-17-717	AMD	98-18-042	296-17-749	AMD	98-18-042	296-17-777	AMD-P	98-12-079
296-17-718	AMD-P	98-12-079	296-17-750	AMD-P	98-12-079	296-17-777	AMD	98-18-042
296-17-718	AMD	98-18-042	296-17-750	AMD	98-18-042	296-17-778	AMD-P	98-12-079
296-17-719	AMD-P	98-12-079	296-17-751	AMD-P	98-12-079	296-17-778	AMD	98-18-042
296-17-719	AMD	98-18-042	296-17-751	AMD	98-18-042	296-17-779	AMD-P	98-12-079
296-17-721	REP-P	98-12-079	296-17-752	AMD-P	98-12-079	296-17-779	AMD	98-18-042
296-17-721	REP	98-18-042	296-17-752	AMD	98-18-042	296-17-855	AMD-P	98-19-150
296-17-722	AMD-P	98-12-079	296-17-753	AMD-P	98-12-079	296-17-870	AMD-P	98-12-079
296-17-722	AMD	98-18-042	296-17-753	AMD	98-18-042	296-17-870	AMD	98-18-042
296-17-72201	NEW-P	98-12-079	296-17-75301	AMD-P	98-12-079	296-17-875	AMD-P	98-19-150
296-17-72201	NEW	98-18-042	296-17-75301	AMD	98-18-042	296-17-880	AMD-P	98-19-150
296-17-72202	NEW-P	98-12-079	296-17-75303	NEW-P	98-12-079	296-17-885	AMD-P	98-19-150
296-17-72202	NEW	98-18-042	296-17-75303	NEW	98-18-042	296-17-890	AMD-P	98-19-150
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296-17-723	AMD	98-18-042	296-17-754	AMD	98-18-042	296-17-895	AMD	98-18-042
296-17-724	AMD-P	98-12-079	296-17-755	AMD-P	98-12-079	296-17-895	AMD-P	98-19-150
296-17-724	AMD	98-18-042	296-17-755	AMD	98-18-042	296-17-89502	AMD-P	98-19-150
296-17-725	AMD-P	98-12-079	296-17-756	AMD-P	98-12-079	296-17-904	REP-P	98-21-077
296-17-725	AMD	98-18-042	296-17-756	AMD	98-18-042	296-17-910	REP-P	98-21-077
296-17-726	AMD-P	98-12-079	296-17-757	AMD-P	98-12-079	296-17-911	REP-P	98-21-077
296-17-726	AMD	98-18-042	296-17-757	AMD	98-18-042	296-17-912	REP-P	98-21-077
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296-17-729	AMD	98-18-042	296-17-759	AMD	98-18-042	296-17-91204	NEW-P	98-21-077
296-17-730	AMD-P	98-12-079	296-17-760	AMD-P	98-12-079	296-17-91205	NEW-P	98-21-077
296-17-730	AMD	98-18-042	296-17-760	AMD	98-18-042	296-17-91206	NEW-P	98-21-077
296-17-73105	AMD-P	98-12-079	296-17-761	AMD-P	98-12-079	296-17-91207	NEW-P	98-21-077
296-17-73105	AMD	98-18-042	296-17-761	AMD	98-18-042	296-17-91208	NEW-P	98-21-077
296-17-73106	AMD-P	98-12-079	296-17-762	AMD-P	98-12-079	296-17-91209	NEW-P	98-21-077
296-17-73106	AMD	98-18-042	296-17-762	AMD	98-18-042	296-17-91210	NEW-P	98-21-077
296-17-73107	AMD-P	98-12-079	296-17-76201	AMD-P	98-12-079	296-17-91211	NEW-P	98-21-077
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296-17-73108	AMD-P	98-12-079	296-17-76202	AMD-P	98-12-079	296-17-91213	NEW-P	98-21-077
296-17-73108	AMD	98-18-042	296-17-76202	AMD	98-18-042	296-17-91214	NEW-P	98-21-077
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296-17-739	AMD	98-18-042	296-17-76209	AMD-P	98-12-079	296-17-91402	NEW-P	98-21-077
296-17-740	AMD-P	98-12-079	296-17-76209	AMD	98-18-042	296-17-91403	NEW-P	98-21-077

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296-17-91405	NEW-P	98-21-077	296-24-20523	AMD	98-10-073	296-44-07405	REP	98-07-009
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296-17-919	AMD-P	98-19-150	296-24-58505	AMD-P	98-17-078	296-44-086	REP	98-07-009
296-17-91901	REP-P	98-21-077	296-27	PREP	98-12-081	296-44-08605	REP	98-07-009
296-17-91902	REP-P	98-21-077	296-27-210	NEW-P	98-18-080	296-44-08611	REP	98-07-009
296-17-91903	REP-P	98-21-077	296-27-21001	NEW-P	98-18-080	296-44-08619	REP	98-07-009
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296-20-135	AMD	98-09-125	296-27-21030	NEW-P	98-18-080	296-44-110	REP	98-07-009
296-23-220	AMD-P	98-05-100	296-27-21035	NEW-P	98-18-080	296-44-11005	REP	98-07-009
296-23-220	AMD	98-09-125	296-27-21040	NEW-P	98-18-080	296-44-11021	REP	98-07-009
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296-24-061	NEW	98-06-061	296-44-005	REP	98-07-009	296-44-134	REP	98-07-009
296-24-06105	NEW	98-06-061	296-44-010	REP	98-07-009	296-44-13405	REP	98-07-009
296-24-06105	AMD-XA	98-20-079	296-44-011	REP	98-07-009	296-44-13415	REP	98-07-009
296-24-06110	NEW	98-06-061	296-44-013	REP	98-07-009	296-44-13421	REP	98-07-009
296-24-06115	NEW	98-06-061	296-44-015	REP	98-07-009	296-44-13431	REP	98-07-009
296-24-06120	NEW	98-06-061	296-44-016	REP	98-07-009	296-44-170	REP	98-07-009
296-24-06125	NEW	98-06-061	296-44-017	REP	98-07-009	296-44-17005	REP	98-07-009
296-24-06130	NEW	98-06-061	296-44-023	REP	98-07-009	296-44-17017	REP	98-07-009
296-24-06135	NEW	98-06-061	296-44-02301	REP	98-07-009	296-44-17029	REP	98-07-009
296-24-06140	NEW	98-06-061	296-44-02305	REP	98-07-009	296-44-182	REP	98-07-009
296-24-06145	NEW	98-06-061	296-44-02309	REP	98-07-009	296-44-18205	REP	98-07-009
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296-24-070	REP	98-06-061	296-44-02349	REP	98-07-009	296-44-194	REP	98-07-009
296-24-12501	AMD-P	98-16-100	296-44-025	REP	98-07-009	296-44-19405	REP	98-07-009
296-24-12503	AMD-P	98-16-100	296-44-035	REP	98-07-009	296-44-19421	REP	98-07-009
296-24-12504	NEW-P	98-16-100	296-44-03505	REP	98-07-009	296-44-19433	REP	98-07-009
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296-24-12507	AMD-P	98-16-100	296-44-041	REP	98-07-009	296-44-21209	REP	98-07-009
296-24-12509	AMD-P	98-16-100	296-44-04105	REP	98-07-009	296-44-21221	REP	98-07-009
296-24-12511	AMD-P	98-16-100	296-44-04109	REP	98-07-009	296-44-21230	REP	98-07-009
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296-24-12517	AMD-P	98-16-100	296-44-04135	REP	98-07-009	296-44-21265	REP	98-07-009
296-24-12519	AMD-P	98-16-100	296-44-051	REP	98-07-009	296-44-21273	REP	98-07-009
296-24-12521	AMD-P	98-16-100	296-44-05105	REP	98-07-009	296-44-21279	REP	98-07-009
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296-24-20503	AMD	98-10-073	296-44-05125	REP	98-07-009	296-44-24205	REP	98-07-009
296-24-20505	AMD	98-10-073	296-44-05129	REP	98-07-009	296-44-24213	REP	98-07-009
296-24-20507	AMD	98-10-073	296-44-05131	REP	98-07-009	296-44-24221	REP	98-07-009
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296-24-20515	AMD	98-10-073	296-44-06505	REP	98-07-009	296-44-26321	REP	98-07-009
296-24-20517	AMD	98-10-073	296-44-06511	REP	98-07-009	296-44-26333	REP	98-07-009
296-24-20519	AMD	98-10-073	296-44-06517	REP	98-07-009	296-44-278	REP	98-07-009



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296-45-65047	REP	98-07-009	296-56-60073	AMD-P	98-17-079	296-86-020	REP-P	98-07-094
296-45-660	REP	98-07-009	296-56-60077	AMD-P	98-17-079	296-86-020	REP	98-12-043
296-45-66001	REP	98-07-009	296-56-60079	AMD-P	98-17-079	296-86-030	REP-P	98-07-094
296-45-66003	REP	98-07-009	296-56-60083	AMD-P	98-17-079	296-86-030	REP	98-12-043
296-45-66005	REP	98-07-009	296-56-60085	AMD-P	98-17-079	296-86-040	REP-P	98-07-094
296-45-66007	REP	98-07-009	296-56-60087	AMD-P	98-17-079	296-86-040	REP	98-12-043
296-45-66009	REP	98-07-009	296-56-60093	AMD-P	98-17-079	296-86-050	REP-P	98-07-094
296-45-66011	REP	98-07-009	296-56-60097	AMD-P	98-17-079	296-86-050	REP	98-12-043
296-45-67543	AMD-W	98-07-008	296-56-60098	AMD-P	98-17-079	296-86-060	REP-P	98-07-094
296-45-680	REP	98-07-009	296-56-60103	AMD-P	98-17-079	296-86-060	REP	98-12-043
296-45-690	REP	98-07-009	296-56-60113	AMD-P	98-17-079	296-86-070	REP-P	98-07-094
296-45-695	REP	98-07-009	296-56-60115	AMD-P	98-17-079	296-86-070	REP	98-12-043
296-45-700	REP	98-07-009	296-56-60123	AMD-P	98-17-079	296-86-075	REP-P	98-07-094
296-45-900	NEW	98-07-009	296-56-60211	AMD-P	98-17-079	296-86-075	REP	98-12-043
296-45-901	NEW	98-07-009	296-56-60217	AMD-P	98-17-079	296-86-080	REP-P	98-07-094
296-45-903	NEW	98-07-009	296-61-010	REP-XR	98-19-057	296-86-080	REP	98-12-043
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296-46-23028	AMD	98-12-042	296-61-150	REP-XR	98-19-057	296-86A-040	NEW-P	98-07-094
296-46-30001	AMD-P	98-07-097	296-61-160	REP-XR	98-19-057	296-86A-040	NEW	98-12-043
296-46-30001	AMD	98-12-042	296-61-170	REP-XR	98-19-057	296-86A-060	NEW-P	98-07-094
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296-46-940	AMD-P	98-07-097	296-62	PREP	98-12-084	296-94	PREP	98-13-124
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296-52-489	AMD	98-19-056	296-62-07515	AMD-P	98-05-061	296-104	PREP	98-09-065
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296-56-60001	AMD-P	98-17-079	296-62-130	AMD-P	98-21-069	296-104-100	AMD-P	98-16-079
296-56-60005	AMD-P	98-17-079	296-65	PREP	98-08-104	296-104-102	AMD-P	98-16-079
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296-56-60057	AMD-P	98-17-079	296-81-007	AMD-P	98-07-094	296-104-307	NEW-P	98-16-079
296-56-60059	REP-P	98-17-079	296-81-007	AMD	98-12-043	296-104-310	AMD-P	98-16-079
296-56-60060	REP-P	98-17-079	296-82	PREP	98-13-124	296-104-405	AMD-P	98-16-079
296-56-60062	REP-P	98-17-079	296-84	PREP	98-13-124	296-104-502	AMD-P	98-16-079
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296-104-800	REP-P	98-16-079	296-125-0760	NEW-P	98-20-093	296-150C-1760	NEW	98-14-078
296-104-801	REP-P	98-16-079	296-125-0770	NEW-P	98-20-093	296-150C-3000	AMD-P	98-07-096
296-104-805	REP-P	98-16-079	296-125-0771	NEW-P	98-20-093	296-150C-3000	AMD	98-12-041
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296-124-020	REP	98-14-042	296-150C-0020	AMD-P	98-07-095	296-150F-0130	NEW	98-14-078
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296-124-021	REP	98-14-042	296-150C-0310	AMD-P	98-07-095	296-150F-0200	AMD	98-14-078
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296-124-022	REP	98-14-042	296-150C-0320	AMD-P	98-07-095	296-150F-0210	AMD	98-14-078
296-124-040	REP-XR	98-07-093	296-150C-0320	AMD	98-14-078	296-150F-0460	AMD-P	98-07-095
296-124-040	REP	98-14-042	296-150C-0410	AMD-P	98-07-095	296-150F-0460	AMD	98-14-078
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296-124-050	REP	98-14-042	296-150C-0460	AMD-P	98-07-095	296-150F-0500	AMD	98-14-078
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296-125-0260	NEW-P	98-20-093	296-150C-1080	AMD	98-14-078	296-150M-0600	AMD-P	98-07-095
296-125-0261	NEW-P	98-20-093	296-150C-1170	AMD-P	98-07-095	296-150M-0600	AMD	98-14-078
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296-125-0263	NEW-P	98-20-093	296-150C-1303	NEW-P	98-07-095	296-150M-0610	AMD	98-14-078
296-125-0264	NEW-P	98-20-093	296-150C-1303	NEW	98-14-078	296-150M-0620	AMD-P	98-07-095
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296-125-0275	NEW-P	98-20-093	296-150C-1600	AMD-P	98-07-095	296-150M-0660	AMD	98-14-078
296-125-028	REP-P	98-20-093	296-150C-1600	AMD	98-14-078	296-150M-0700	REP-P	98-07-095
296-125-0280	NEW-P	98-20-093	296-150C-1720	AMD-P	98-07-095	296-150M-0700	REP	98-14-078
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296-125-050	REP-P	98-20-093	296-150C-1730	AMD	98-14-078	296-150M-0720	REP-XR	98-14-077
296-125-060	REP-P	98-20-093	296-150C-1740	AMD-P	98-07-095	296-150M-0720	REP	98-18-036
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296-125-0620	NEW-P	98-20-093	296-150C-1751	NEW-P	98-07-095	296-150M-3000	AMD	98-12-041
296-125-0630	NEW-P	98-20-093	296-150C-1751	NEW	98-14-078	296-150P-3000	AMD-P	98-07-096
296-125-0640	NEW-P	98-20-093	296-150C-1752	NEW-P	98-07-095	296-150P-3000	AMD	98-12-041
296-125-0650	NEW-P	98-20-093	296-150C-1752	NEW	98-14-078	296-150R-3000	AMD-P	98-07-096
296-125-0651	NEW-P	98-20-093	296-150C-1753	NEW-P	98-07-095	296-150R-3000	AMD	98-12-041
296-125-0660	NEW-P	98-20-093	296-150C-1753	NEW	98-14-078	296-155	PREP	98-08-104
296-125-0670	NEW-P	98-20-093	296-150C-1754	NEW-P	98-07-095	296-155-229	NEW-P	98-05-073
296-125-070	REP-P	98-20-093	296-150C-1754	NEW	98-14-078	296-155-229	NEW	98-13-069
296-125-0700	NEW-P	98-20-093	296-150C-1755	NEW-P	98-07-095	296-155-229	DECOD	98-16-067
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296-155-484	NEW	98-05-046	296-307-009	AMD-P	98-16-100	296-307-28006	AMD-P	98-16-100
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296-155-48505	REP	98-05-046	296-307-030	AMD-P	98-16-100	296-307-28014	AMD-P	98-16-100
296-155-48506	REP	98-05-046	296-307-05507	AMD-P	98-16-100	296-307-28016	AMD-P	98-16-100
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296-155-48511	REP	98-05-046	296-307-08009	AMD-P	98-16-100	296-307-28030	AMD-P	98-16-100
296-155-48512	REP	98-05-046	296-307-08012	AMD-P	98-16-100	296-307-28040	AMD-P	98-16-100
296-155-48513	REP	98-05-046	296-307-08018	AMD-P	98-16-100	296-307-28042	AMD-P	98-16-100
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296-155-48515	REP	98-05-046	296-307-085	AMD-P	98-16-100	296-307-28052	AMD-P	98-16-100
296-155-48516	REP	98-05-046	296-307-09503	AMD-P	98-16-100	296-307-28060	AMD-P	98-16-100
296-155-48517	REP	98-05-046	296-307-09506	AMD-P	98-16-100	296-307-29005	AMD-P	98-16-100
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296-155-48525	REP	98-05-046	296-307-11010	AMD-P	98-16-100	296-307-32001	AMD-P	98-16-100
296-155-48527	REP	98-05-046	296-307-120	AMD-P	98-16-100	296-307-32003	AMD-P	98-16-100
296-155-48529	REP	98-05-046	296-307-12010	AMD-P	98-16-100	296-307-32009	AMD-P	98-16-100
296-155-48531	REP	98-05-046	296-307-12015	AMD-P	98-16-100	296-307-32017	AMD-P	98-16-100
296-155-48533	REP	98-05-046	296-307-12020	AMD-P	98-16-100	296-307-32035	AMD-P	98-16-100
296-155-48536	REP	98-05-046	296-307-12025	AMD-P	98-16-100	296-307-32039	AMD-P	98-16-100
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296-155-488	NEW	98-05-046	296-307-12040	AMD-P	98-16-100	296-307-34006	AMD-P	98-16-100
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296-305-02003	AMD-P	98-17-078	296-307-19006	AMD-P	98-16-100	296-307-40001	AMD-P	98-16-100
296-305-02007	AMD-P	98-17-078	296-307-19009	AMD-P	98-16-100	296-307-40005	AMD-P	98-16-100
296-305-02013	AMD-P	98-17-078	296-307-19012	AMD-P	98-16-100	296-307-40007	AMD-P	98-16-100
296-305-02015	AMD-P	98-17-078	296-307-20505	AMD-P	98-16-100	296-307-40009	AMD-P	98-16-100
296-305-04001	AMD-P	98-17-078	296-307-22012	AMD-P	98-16-100	296-307-40013	AMD-P	98-16-100
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296-305-04503	AMD-P	98-17-078	296-307-230	AMD-P	98-16-100	296-307-40021	AMD-P	98-16-100
296-305-05001	AMD-P	98-17-078	296-307-232	AMD-P	98-16-100	296-307-40023	AMD-P	98-16-100
296-305-05007	AMD-P	98-17-078	296-307-24003	AMD-P	98-16-100	296-307-40025	AMD-P	98-16-100
296-305-05009	AMD-P	98-17-078	296-307-25012	AMD-P	98-16-100	296-307-40033	AMD-P	98-16-100

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296-307-41017	AMD-P	98-16-100	296-307-53005	AMD-P	98-16-100	296-401-175	REP	98-12-042
296-307-41025	AMD-P	98-16-100	296-400A	PREP	98-06-043	296-401-180	REP-P	98-07-097
296-307-41027	AMD-P	98-16-100	296-400A-005	AMD-P	98-09-124	296-401-180	REP	98-12-042
296-307-41031	AMD-P	98-16-100	296-400A-005	AMD	98-13-126	296-401A	PREP	98-13-123
296-307-41039	AMD-P	98-16-100	296-400A-021	NEW-P	98-09-124	296-401A-100	NEW-P	98-07-097
296-307-41041	AMD-P	98-16-100	296-400A-021	NEW	98-13-126	296-401A-100	NEW	98-12-042
296-307-41047	AMD-P	98-16-100	296-400A-025	NEW-P	98-09-124	296-401A-105	NEW-P	98-07-097
296-307-41049	AMD-P	98-16-100	296-400A-025	NEW	98-13-126	296-401A-105	NEW	98-12-042
296-307-41501	AMD-P	98-16-100	296-400A-026	NEW-P	98-09-124	296-401A-110	NEW-P	98-07-097
296-307-41507	AMD-P	98-16-100	296-400A-026	NEW	98-13-126	296-401A-110	NEW	98-12-042
296-307-41513	AMD-P	98-16-100	296-400A-027	NEW-P	98-09-124	296-401A-120	NEW-P	98-07-097
296-307-42001	AMD-P	98-16-100	296-400A-027	NEW	98-13-126	296-401A-120	NEW	98-12-042
296-307-42007	AMD-P	98-16-100	296-400A-030	AMD-P	98-09-124	296-401A-130	NEW-P	98-07-097
296-307-42013	AMD-P	98-16-100	296-400A-030	AMD	98-13-126	296-401A-130	NEW	98-12-042
296-307-42023	AMD-P	98-16-100	296-400A-031	AMD-P	98-09-124	296-401A-140	NEW-P	98-07-097
296-307-42501	AMD-P	98-16-100	296-400A-031	AMD	98-13-126	296-401A-140	NEW	98-12-042
296-307-42503	AMD-P	98-16-100	296-400A-035	AMD-P	98-09-124	296-401A-150	NEW-P	98-07-097
296-307-42519	AMD-P	98-16-100	296-400A-035	AMD	98-13-126	296-401A-150	NEW	98-12-042
296-307-42521	AMD-P	98-16-100	296-400A-045	AMD-P	98-07-096	296-401A-160	NEW-P	98-07-097
296-307-42523	AMD-P	98-16-100	296-400A-045	AMD-P	98-09-124	296-401A-160	NEW	98-12-042
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296-307-43501	AMD-P	98-16-100	296-400A-045	AMD	98-13-126	296-401A-200	NEW	98-12-042
296-307-43503	AMD-P	98-16-100	296-400A-070	AMD-P	98-09-124	296-401A-210	NEW-P	98-07-097
296-307-43509	AMD-P	98-16-100	296-400A-070	AMD	98-13-126	296-401A-210	NEW	98-12-042
296-307-43511	AMD-P	98-16-100	296-400A-110	AMD-P	98-09-124	296-401A-220	NEW-P	98-07-097
296-307-43515	AMD-P	98-16-100	296-400A-110	AMD	98-13-126	296-401A-220	NEW	98-12-042
296-307-44001	AMD-P	98-16-100	296-400A-120	AMD-P	98-09-124	296-401A-230	NEW-P	98-07-097
296-307-44007	AMD-P	98-16-100	296-400A-120	AMD	98-13-126	296-401A-230	NEW	98-12-042
296-307-45001	AMD-P	98-16-100	296-400A-140	AMD-P	98-09-124	296-401A-300	NEW-P	98-07-097
296-307-45003	AMD-P	98-16-100	296-400A-140	AMD	98-13-126	296-401A-300	NEW	98-12-042
296-307-45009	AMD-P	98-16-100	296-400A-300	AMD-P	98-09-124	296-401A-310	NEW-P	98-07-097
296-307-45017	AMD-P	98-16-100	296-400A-300	AMD	98-13-126	296-401A-310	NEW	98-12-042
296-307-45021	AMD-P	98-16-100	296-401-020	REP-P	98-07-097	296-401A-320	NEW-P	98-07-097
296-307-45023	AMD-P	98-16-100	296-401-020	REP	98-12-042	296-401A-320	NEW	98-12-042
296-307-45027	AMD-P	98-16-100	296-401-030	REP-P	98-07-097	296-401A-400	NEW-P	98-07-097
296-307-48023	AMD-P	98-16-100	296-401-030	REP	98-12-042	296-401A-400	NEW	98-12-042
296-307-48027	AMD-P	98-16-100	296-401-060	REP-P	98-07-097	296-401A-410	NEW-P	98-07-097
296-307-48029	AMD-P	98-16-100	296-401-060	REP	98-12-042	296-401A-410	NEW	98-12-042
296-307-48031	AMD-P	98-16-100	296-401-075	REP-P	98-07-097	296-401A-420	NEW-P	98-07-097
296-307-48033	AMD-P	98-16-100	296-401-075	REP	98-12-042	296-401A-420	NEW	98-12-042
296-307-48501	AMD-P	98-16-100	296-401-080	REP-P	98-07-097	296-401A-430	NEW-P	98-07-097
296-307-48505	AMD-P	98-16-100	296-401-080	REP	98-12-042	296-401A-430	NEW	98-12-042
296-307-49005	AMD-P	98-16-100	296-401-085	REP-P	98-07-097	296-401A-500	NEW-P	98-07-097
296-307-49007	AMD-P	98-16-100	296-401-085	REP	98-12-042	296-401A-500	NEW	98-12-042
296-307-49009	AMD-P	98-16-100	296-401-087	REP-P	98-07-097	296-401A-510	NEW-P	98-07-097
296-307-49011	AMD-P	98-16-100	296-401-087	REP	98-12-042	296-401A-510	NEW	98-12-042
296-307-49013	AMD-P	98-16-100	296-401-090	REP-P	98-07-097	296-401A-520	NEW-P	98-07-097
296-307-49501	AMD-P	98-16-100	296-401-090	REP	98-12-042	296-401A-520	NEW	98-12-042
296-307-49503	AMD-P	98-16-100	296-401-100	REP-P	98-07-097	296-401A-524	NEW-P	98-07-097
296-307-50005	AMD-P	98-16-100	296-401-100	REP	98-12-042	296-401A-524	NEW	98-12-042
296-307-50009	AMD-P	98-16-100	296-401-110	REP-P	98-07-097	296-401A-530	NEW-P	98-07-097
296-307-50011	AMD-P	98-16-100	296-401-110	REP	98-12-042	296-401A-530	NEW	98-12-042
296-307-50013	AMD-P	98-16-100	296-401-120	REP-P	98-07-097	296-401A-540	NEW-P	98-07-097
296-307-50019	AMD-P	98-16-100	296-401-120	REP	98-12-042	296-401A-540	NEW	98-12-042
296-307-50021	AMD-P	98-16-100	296-401-150	REP-P	98-07-097	296-401A-545	NEW-P	98-07-097
296-307-50023	AMD-P	98-16-100	296-401-150	REP	98-12-042	296-401A-545	NEW	98-12-042
296-307-50027	AMD-P	98-16-100	296-401-160	REP-P	98-07-097	296-401A-550	NEW-P	98-07-097
296-307-52001	AMD-P	98-16-100	296-401-160	REP	98-12-042	296-401A-550	NEW	98-12-042
296-307-52003	AMD-P	98-16-100	296-401-163	REP-P	98-07-097	296-401A-600	NEW-P	98-07-097
296-307-52005	AMD-P	98-16-100	296-401-163	REP	98-12-042	296-401A-600	NEW	98-12-042
296-307-52009	AMD-P	98-16-100	296-401-165	REP-P	98-07-097	296-401A-610	NEW-P	98-07-097
296-307-52011	AMD-P	98-16-100	296-401-165	REP	98-12-042	296-401A-610	NEW	98-12-042
296-307-52013	AMD-P	98-16-100	296-401-168	REP-P	98-07-097	296-401A-620	NEW-P	98-07-097
296-307-52015	AMD-P	98-16-100	296-401-168	REP	98-12-042	296-401A-620	NEW	98-12-042
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296-401A-700	NEW	98-12-042	308-48-790	REP	98-21-056	308-56A-365	PREP	98-16-071
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296-401A-800	NEW	98-12-042	308-48-800	AMD	98-21-056	308-56A-420	AMD-P	98-19-109
296-401A-810	NEW-P	98-07-097	308-56A-005	PREP	98-03-024	308-66	PREP	98-10-071
296-401A-810	NEW	98-12-042	308-56A-005	REP-P	98-08-049	308-66-110	AMD-P	98-16-007
296-401A-900	NEW-P	98-07-097	308-56A-005	REP	98-12-099	308-66-110	AMD	98-20-039
296-401A-900	NEW	98-12-042	308-56A-010	PREP	98-03-024	308-66-120	AMD-P	98-16-007
296-401A-910	NEW-P	98-07-097	308-56A-010	AMD-P	98-08-049	308-66-120	AMD	98-20-039
296-401A-910	NEW	98-12-042	308-56A-010	AMD	98-12-099	308-66-140	AMD-P	98-16-007
296-401A-920	NEW-P	98-07-097	308-56A-015	PREP	98-03-024	308-66-140	AMD	98-20-039
296-401A-920	NEW	98-12-042	308-56A-015	AMD-P	98-08-049	308-66-145	AMD-P	98-16-007
296-401A-930	NEW-P	98-07-097	308-56A-015	AMD	98-12-099	308-66-145	AMD	98-20-039
296-401A-930	NEW	98-12-042	308-56A-020	PREP	98-03-024	308-66-152	AMD-P	98-16-007
296-401A-935	NEW-P	98-07-097	308-56A-020	AMD-P	98-08-049	308-66-152	AMD	98-20-039
296-401A-935	NEW	98-12-042	308-56A-020	AMD	98-12-099	308-66-155	AMD-P	98-16-007
308-04-010	PREP	98-03-023	308-56A-021	PREP	98-03-024	308-66-155	AMD	98-20-039
308-04-010	AMD-P	98-06-080	308-56A-021	AMD-P	98-08-049	308-66-156	REP-P	98-16-007
308-04-010	AMD-W	98-07-018	308-56A-021	AMD	98-12-099	308-66-156	REP	98-20-039
308-04-010	PREP	98-17-071	308-56A-022	PREP	98-03-024	308-66-157	AMD-P	98-16-007
308-04-020	PREP	98-03-023	308-56A-022	AMD-P	98-08-049	308-66-157	AMD	98-20-039
308-04-020	AMD-P	98-06-080	308-56A-022	AMD	98-12-099	308-66-160	AMD-P	98-16-007
308-04-020	AMD-W	98-07-018	308-56A-023	PREP	98-03-024	308-66-160	AMD	98-20-039
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308-11-010	REP-P	98-13-027	308-56A-023	AMD	98-12-099	308-66-170	AMD	98-20-039
308-11-010	REP	98-16-061	308-56A-025	PREP	98-14-080	308-66-190	AMD-P	98-16-007
308-11-030	AMD-P	98-13-027	308-56A-025	REP-P	98-20-033	308-66-190	PREP	98-18-002
308-11-030	AMD	98-16-061	308-56A-030	PREP	98-03-024	308-66-190	AMD-P	98-19-109
308-11-035	AMD-P	98-13-027	308-56A-030	AMD-P	98-20-033	308-66-195	AMD-P	98-16-007
308-11-035	AMD	98-16-061	308-56A-035	PREP	98-14-080	308-66-195	AMD	98-20-039
308-11-050	AMD-P	98-13-027	308-56A-035	REP-P	98-20-033	308-66-196	REP-P	98-16-007
308-11-050	AMD	98-16-061	308-56A-040	PREP	98-14-080	308-66-196	REP	98-20-039
308-11-120	AMD-P	98-13-027	308-56A-040	AMD-P	98-20-033	308-66-205	REP-P	98-16-007
308-11-120	AMD	98-16-061	308-56A-045	REP-P	98-20-033	308-66-205	REP	98-20-039
308-11-130	AMD-P	98-13-027	308-56A-050	PREP	98-14-080	308-66-210	AMD-P	98-16-007
308-11-130	AMD	98-16-061	308-56A-050	REP-P	98-20-033	308-66-210	AMD	98-20-039
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308-12-025	AMD-P	98-14-043	308-56A-055	REP-P	98-20-033	308-66-211	AMD	98-20-039
308-12-025	AMD	98-20-061	308-56A-060	PREP	98-14-080	308-66-212	AMD-P	98-16-007
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308-12-115	AMD	98-20-061	308-56A-080	REP	98-12-099	308-66-214	AMD-P	98-16-007
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308-12-326	AMD	98-12-064	308-56A-085	REP	98-12-099	308-66-227	AMD	98-20-039
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308-33-011	AMD	98-18-053	308-56A-100	REP-P	98-20-033	308-72-502	REP-P	98-18-059
308-33-020	REP-P	98-13-028	308-56A-105	PREP	98-14-080	308-72-503	NEW-P	98-18-059
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308-33-030	AMD	98-18-053	308-56A-110	AMD-P	98-20-033	308-72-508	REP-P	98-18-059
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308-33-060	AMD	98-18-053	308-56A-125	PREP	98-14-080	308-72-512	AMD-P	98-18-059
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308-33-080	REP	98-18-053	308-56A-135	PREP	98-14-080	308-72-542	AMD-P	98-18-059
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308-33-090	AMD	98-18-053	308-56A-210	AMD-P	98-20-033	308-72-555	NEW-P	98-18-059
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308-33-095	AMD	98-18-053	308-56A-335	PREP	98-16-071	308-72-560	AMD-P	98-18-059
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308-72-650	AMD-P	98-18-059	308-93-078	AMD	98-16-030	308-93-300	REP-P	98-13-044
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308-72-670	AMD-P	98-18-059	308-93-080	PREP	98-03-026	308-93-330	PREP	98-03-026
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308-77-020	AMD-P	98-18-059	308-93-085	PREP	98-03-026	308-93-350	PREP	98-03-026
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308-77-044	REP-P	98-18-059	308-93-088	PREP	98-14-082	308-93-360	AMD	98-16-030
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308-77-091	NEW-P	98-18-059	308-93-110	REP	98-21-001	308-93-420	REP	98-16-030
308-77-095	AMD-P	98-18-059	308-93-120	PREP	98-03-027	308-93-430	REP-P	98-05-068
308-77-100	REP-P	98-18-059	308-93-120	REP-P	98-16-075	308-93-430	REP	98-09-023
308-77-105	NEW-P	98-18-059	308-93-120	REP	98-21-001	308-93-440	AMD-P	98-05-068
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308-77-120	REP-P	98-18-059	308-93-180	REP	98-21-001	308-93-450	AMD	98-09-023
308-77-125	REP-P	98-18-059	308-93-190	PREP	98-03-027	308-93-460	AMD-P	98-05-068
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308-77-160	AMD-P	98-18-059	308-93-200	PREP	98-03-027	308-93-470	AMD	98-09-023
308-77-165	AMD-P	98-18-059	308-93-200	AMD-P	98-16-075	308-93-480	REP-P	98-05-068
308-77-190	AMD-P	98-18-059	308-93-200	AMD	98-21-001	308-93-480	REP	98-09-023
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308-77-230	AMD-P	98-18-059	308-93-210	REP	98-21-001	308-93-540	PREP	98-16-072
308-77-250	AMD-P	98-18-059	308-93-215	PREP	98-03-027	308-93-550	PREP	98-16-072
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356-42-010	AMD	98-19-034	365-60-010	REP	98-05-027	388-14-450	PREP	98-20-035
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356-42-082	AMD	98-19-034	381-10-120	AMD-W	98-11-071	388-14-520	NEW	98-17-031
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356-42-083	AMD	98-19-034	381-10-120	AMD	98-19-054	388-14-530	NEW	98-17-031
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356-42-105	AMD-P	98-15-035	381-20-100	AMD-XA	98-09-047	388-15-170	AMD-E	98-14-035
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388-15-610	PREP	98-11-032	388-49-210	REP-P	98-11-084	388-49-460	REP-P	98-11-084
388-15-610	AMD-P	98-15-138	388-49-210	REP	98-16-044	388-49-460	REP	98-16-044
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388-49-630	REP	98-16-044	388-76-60050	NEW	98-12-054	388-78A-120	RECOD	98-20-021
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388-55-010	REP	98-16-044	388-76-61510	NEW	98-12-054	388-78A-310	RECOD	98-20-021
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388-55-030	REP	98-16-044	388-76-61550	NEW	98-12-054	388-78A-340	RECOD	98-20-021
388-55-040	REP-P	98-11-084	388-76-61560	NEW	98-12-054	388-78A-990	RECOD	98-20-021
388-55-040	REP	98-16-044	388-76-61570	NEW	98-12-054	388-78A-990	AMD-P	98-20-097
388-55-060	REP-P	98-11-084	388-76-620	AMD-S	98-02-077	388-79	NEW-C	98-05-053
388-55-060	REP	98-16-044	388-76-620	AMD	98-11-095	388-79-010	NEW-P	98-03-085
388-61-001	AMD	98-07-040	388-76-635	AMD-S	98-02-077	388-79-010	NEW	98-10-055
388-73	PREP	98-08-084	388-76-635	AMD	98-11-095	388-79-020	NEW-P	98-03-085
388-73-012	AMD-P	98-20-042	388-76-640	AMD-W	98-08-091	388-79-020	NEW	98-10-055
388-73-101	NEW-P	98-20-042	388-76-655	AMD-S	98-02-077	388-79-030	NEW-P	98-03-085
388-73-104	AMD-P	98-20-042	388-76-655	AMD	98-11-095	388-79-030	NEW	98-10-055
388-76-540	AMD-S	98-02-077	388-76-660	AMD-S	98-02-077	388-79-040	NEW-P	98-03-085
388-76-540	AMD	98-11-095	388-76-660	AMD	98-11-095	388-79-040	NEW	98-10-055
388-76-550	AMD-S	98-02-077	388-76-665	AMD-S	98-02-077	388-86	PREP	98-10-106
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388-86-015	REP	98-16-050	388-96-224	REP-P	98-15-141	388-96-704	AMD	98-20-023
388-86-024	PREP	98-15-112	388-96-224	REP	98-20-023	388-96-708	AMD-P	98-15-141
388-86-027	AMD-P	98-11-084	388-96-226	REP-P	98-15-141	388-96-708	AMD	98-20-023
388-86-027	AMD	98-16-044	388-96-226	REP	98-20-023	388-96-709	AMD-P	98-15-141
388-86-045	PREP	98-13-086	388-96-228	REP-P	98-15-141	388-96-709	AMD	98-20-023
388-86-080	REP-P	98-13-082	388-96-228	REP	98-20-023	388-96-710	AMD-P	98-15-141
388-86-080	REP	98-16-050	388-96-229	REP-P	98-15-141	388-96-710	AMD	98-20-023
388-86-095	REP-P	98-13-082	388-96-229	REP	98-20-023	388-96-713	AMD-P	98-15-141
388-86-095	REP-W	98-15-101	388-96-501	REP-P	98-15-141	388-96-713	AMD	98-20-023
388-86-100	AMD-P	98-19-014	388-96-501	REP	98-20-023	388-96-716	REP-P	98-15-141
388-86-110	REP-P	98-19-014	388-96-502	AMD-P	98-15-141	388-96-716	REP	98-20-023
388-86-110	REP-W	98-21-004	388-96-502	AMD	98-20-023	388-96-717	REP-P	98-15-141
388-86-200	AMD-P	98-19-014	388-96-503	REP-P	98-15-141	388-96-717	REP	98-20-023
388-87	PREP	98-10-106	388-96-503	REP	98-20-023	388-96-718	NEW-E	98-11-094
388-87	PREP	98-13-086	388-96-505	AMD-P	98-15-141	388-96-718	NEW-P	98-15-103
388-96	PREP	98-03-077	388-96-505	AMD	98-20-023	388-96-718	NEW-E	98-19-061
388-96	PREP	98-06-066	388-96-507	REP-P	98-15-141	388-96-718	NEW	98-19-062
388-96	AMD-P	98-15-141	388-96-507	REP	98-20-023	388-96-719	REP-P	98-15-141
388-96	AMD	98-20-023	388-96-508	REP-P	98-15-141	388-96-719	REP	98-20-023
388-96-010	AMD-P	98-15-141	388-96-508	REP	98-20-023	388-96-722	REP-P	98-15-141
388-96-010	AMD	98-20-023	388-96-509	REP-P	98-15-141	388-96-722	REP	98-20-023
388-96-020	AMD-P	98-15-141	388-96-509	REP	98-20-023	388-96-723	NEW-P	98-15-141
388-96-020	AMD	98-20-023	388-96-513	REP-P	98-15-141	388-96-723	NEW	98-20-023
388-96-023	REP-P	98-15-141	388-96-513	REP	98-20-023	388-96-724	NEW-P	98-15-141
388-96-023	REP	98-20-023	388-96-521	REP-P	98-15-141	388-96-724	NEW	98-20-023
388-96-026	AMD-P	98-15-141	388-96-521	REP	98-20-023	388-96-725	NEW-P	98-15-141
388-96-026	AMD	98-20-023	388-96-523	REP-P	98-15-141	388-96-725	NEW	98-20-023
388-96-029	REP-P	98-15-141	388-96-523	REP	98-20-023	388-96-726	NEW-P	98-15-141
388-96-029	REP	98-20-023	388-96-525	AMD-P	98-15-141	388-96-726	NEW	98-20-023
388-96-032	REP-P	98-15-141	388-96-525	AMD	98-20-023	388-96-727	REP-P	98-15-141
388-96-032	REP	98-20-023	388-96-529	REP-P	98-15-141	388-96-727	REP	98-20-023
388-96-101	REP-P	98-15-141	388-96-529	REP	98-20-023	388-96-728	NEW-P	98-15-141
388-96-101	REP	98-20-023	388-96-530	NEW-P	98-15-141	388-96-728	NEW	98-20-023
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388-96-104	REP	98-20-023	388-96-531	REP-P	98-15-141	388-96-729	NEW	98-20-023
388-96-108	AMD-P	98-15-141	388-96-531	REP	98-20-023	388-96-735	REP-P	98-15-141
388-96-108	AMD	98-20-023	388-96-532	NEW-P	98-15-141	388-96-735	REP	98-20-023
388-96-110	REP-P	98-15-141	388-96-532	NEW	98-20-023	388-96-737	REP-P	98-15-141
388-96-110	REP	98-20-023	388-96-533	REP-P	98-15-141	388-96-737	REP	98-20-023
388-96-113	REP-P	98-15-141	388-96-533	REP	98-20-023	388-96-738	NEW-P	98-15-141
388-96-113	REP	98-20-023	388-96-535	AMD-P	98-15-141	388-96-738	NEW	98-20-023
388-96-119	AMD-P	98-15-141	388-96-535	AMD	98-20-023	388-96-739	NEW-P	98-15-141
388-96-119	AMD	98-20-023	388-96-536	NEW-P	98-15-141	388-96-739	NEW	98-20-023
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388-96-128	REP	98-20-023	388-96-542	NEW-P	98-15-141	388-96-741	NEW	98-20-023
388-96-131	REP-P	98-15-141	388-96-542	NEW	98-20-023	388-96-742	NEW-P	98-15-141
388-96-131	REP	98-20-023	388-96-543	REP-P	98-15-141	388-96-742	NEW	98-20-023
388-96-134	REP-P	98-15-141	388-96-543	REP	98-20-023	388-96-744	NEW-P	98-15-141
388-96-134	REP	98-20-023	388-96-555	REP-P	98-15-141	388-96-744	NEW	98-20-023
388-96-202	NEW-P	98-15-141	388-96-555	REP	98-20-023	388-96-745	REP-P	98-15-141
388-96-202	NEW	98-20-023	388-96-557	REP-P	98-15-141	388-96-745	REP	98-20-023
388-96-204	REP-P	98-15-141	388-96-557	REP	98-20-023	388-96-746	NEW-P	98-15-141
388-96-204	REP	98-20-023	388-96-567	REP-P	98-15-141	388-96-746	NEW	98-20-023
388-96-207	REP-P	98-15-141	388-96-567	REP	98-20-023	388-96-747	NEW-P	98-15-141
388-96-207	REP	98-20-023	388-96-569	REP-P	98-15-141	388-96-747	NEW	98-20-023
388-96-210	REP-P	98-15-141	388-96-569	REP	98-20-023	388-96-752	REP-P	98-15-141
388-96-210	REP	98-20-023	388-96-571	REP-P	98-15-141	388-96-752	REP	98-20-023
388-96-213	REP-P	98-15-141	388-96-571	REP	98-20-023	388-96-754	REP-P	98-15-141
388-96-213	REP	98-20-023	388-96-573	REP-P	98-15-141	388-96-754	REP	98-20-023
388-96-218	NEW-P	98-15-141	388-96-573	REP	98-20-023	388-96-757	AMD-P	98-15-141
388-96-218	NEW	98-20-023	388-96-580	AMD-P	98-15-141	388-96-757	AMD	98-20-023
388-96-220	REP-P	98-15-141	388-96-580	AMD	98-20-023	388-96-760	AMD-P	98-15-141
388-96-220	REP	98-20-023	388-96-585	AMD-P	98-15-141	388-96-760	AMD	98-20-023

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388-96-761	REP	98-20-023	388-200-1150	REP	98-16-044	388-215-1110	REP-P	98-11-084
388-96-763	REP-P	98-15-141	388-210-1000	REP-P	98-11-084	388-215-1110	REP	98-16-044
388-96-763	REP	98-20-023	388-210-1000	REP	98-16-044	388-215-1115	REP-P	98-11-084
388-96-764	REP-P	98-15-141	388-210-1010	REP-P	98-11-084	388-215-1115	REP	98-16-044
388-96-764	REP	98-20-023	388-210-1010	REP	98-16-044	388-215-1120	REP-P	98-11-084
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388-96-765	REP	98-20-023	388-210-1020	REP	98-16-044	388-215-1130	REP-P	98-11-084
388-96-768	REP-P	98-15-141	388-210-1050	REP-P	98-11-084	388-215-1130	REP	98-16-044
388-96-768	REP	98-20-023	388-210-1050	REP	98-16-044	388-215-1140	REP-P	98-11-084
388-96-769	REP-P	98-15-141	388-210-1100	REP-P	98-11-084	388-215-1140	REP	98-16-044
388-96-769	REP	98-20-023	388-210-1100	REP	98-16-044	388-215-1150	REP-P	98-11-084
388-96-774	REP-P	98-15-141	388-210-1200	REP-P	98-11-084	388-215-1150	REP	98-16-044
388-96-774	REP	98-20-023	388-210-1200	REP	98-16-044	388-215-1160	REP-P	98-11-084
388-96-776	AMD-P	98-15-141	388-210-1220	REP-P	98-11-084	388-215-1160	REP	98-16-044
388-96-776	AMD	98-20-023	388-210-1220	REP	98-16-044	388-215-1170	REP-P	98-11-084
388-96-778	REP-P	98-15-141	388-210-1230	REP-P	98-11-084	388-215-1170	REP	98-16-044
388-96-778	REP	98-20-023	388-210-1230	REP	98-16-044	388-215-1225	REP-P	98-11-084
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388-96-801	REP	98-20-023	388-210-1250	REP	98-16-044	388-215-1230	REP-P	98-11-084
388-96-804	REP-P	98-15-141	388-210-1300	REP-P	98-11-084	388-215-1230	REP	98-16-044
388-96-804	REP	98-20-023	388-210-1300	REP	98-16-044	388-215-1245	REP-P	98-11-084
388-96-807	REP-P	98-15-141	388-210-1310	REP-P	98-11-084	388-215-1245	REP	98-16-044
388-96-807	REP	98-20-023	388-210-1310	REP	98-16-044	388-215-1300	REP-P	98-11-084
388-96-810	REP-P	98-15-141	388-210-1320	REP-P	98-11-084	388-215-1300	REP	98-16-044
388-96-810	REP	98-20-023	388-210-1320	REP	98-16-044	388-215-1320	REP-P	98-11-084
388-96-813	REP-P	98-15-141	388-210-1330	REP-P	98-11-084	388-215-1320	REP	98-16-044
388-96-813	REP	98-20-023	388-210-1330	REP	98-16-044	388-215-1325	REP-P	98-11-084
388-96-816	REP-P	98-15-141	388-210-1340	REP-P	98-11-084	388-215-1325	REP	98-16-044
388-96-816	REP	98-20-023	388-210-1340	REP	98-16-044	388-215-1330	REP-P	98-11-084
388-96-901	AMD-P	98-15-141	388-210-1350	REP-P	98-11-084	388-215-1330	REP	98-16-044
388-96-901	AMD	98-20-023	388-210-1350	REP	98-16-044	388-215-1335	REP-P	98-11-084
388-96-904	AMD-P	98-15-141	388-210-1400	REP-P	98-11-084	388-215-1335	REP	98-16-044
388-96-904	AMD	98-20-023	388-210-1400	REP	98-16-044	388-215-1340	REP-P	98-11-084
388-96-905	NEW-P	98-15-141	388-210-1410	REP-P	98-11-084	388-215-1340	REP	98-16-044
388-96-905	NEW	98-20-023	388-210-1410	REP	98-16-044	388-215-1345	REP-P	98-11-084
388-97	PREP	98-06-089	388-210-1420	REP-P	98-11-084	388-215-1345	REP	98-16-044
388-97-235	AMD-W	98-13-077	388-210-1420	REP	98-16-044	388-215-1350	REP-P	98-11-084
388-150-010	AMD-P	98-20-098	388-212-1000	REP-P	98-11-084	388-215-1350	REP	98-16-044
388-150-180	PREP	98-02-057	388-212-1000	REP	98-16-044	388-215-1355	REP-P	98-11-084
388-150-180	AMD-P	98-20-098	388-212-1050	REP-P	98-11-084	388-215-1355	REP	98-16-044
388-150-190	PREP	98-02-057	388-212-1050	REP	98-16-044	388-215-1360	REP-P	98-11-084
388-150-200	PREP	98-02-057	388-212-1100	REP-P	98-11-084	388-215-1360	REP	98-16-044
388-150-200	AMD-P	98-20-098	388-212-1100	REP	98-16-044	388-215-1365	REP-P	98-11-084
388-150-470	PREP	98-02-057	388-212-1140	REP-P	98-11-084	388-215-1365	REP	98-16-044
388-150-470	AMD-P	98-20-098	388-212-1140	REP	98-16-044	388-215-1370	REP-P	98-11-084
388-151	PREP	98-10-104	388-212-1150	REP-P	98-11-084	388-215-1370	REP	98-16-044
388-151-010	AMD-P	98-20-098	388-212-1150	REP	98-16-044	388-215-1375	REP-P	98-11-084
388-151-180	PREP	98-02-057	388-212-1200	REP-P	98-11-084	388-215-1375	REP	98-16-044
388-151-180	AMD-P	98-20-098	388-212-1200	REP	98-16-044	388-215-1380	REP-P	98-11-084
388-151-190	PREP	98-02-057	388-212-1250	REP-P	98-11-084	388-215-1380	REP	98-16-044
388-151-190	AMD-P	98-20-098	388-212-1250	REP	98-16-044	388-215-1385	REP-P	98-11-084
388-151-200	PREP	98-02-057	388-215-1000	REP-P	98-11-084	388-215-1385	REP	98-16-044
388-151-200	AMD-P	98-20-098	388-215-1000	REP	98-16-044	388-215-1390	REP-P	98-11-084
388-151-470	PREP	98-02-057	388-215-1010	REP-P	98-11-084	388-215-1390	REP	98-16-044
388-151-470	AMD-P	98-20-098	388-215-1010	REP	98-16-044	388-215-1400	REP-P	98-11-084
388-155-010	AMD-P	98-20-098	388-215-1025	REP-P	98-11-084	388-215-1400	REP	98-16-044
388-155-180	PREP	98-02-057	388-215-1025	REP	98-16-044	388-215-1410	REP-P	98-11-084
388-155-180	AMD-P	98-20-098	388-215-1050	REP-P	98-11-084	388-215-1410	REP	98-16-044
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388-155-200	PREP	98-02-057	388-215-1060	REP-P	98-11-084	388-215-1420	REP	98-16-044
388-155-200	AMD-P	98-20-098	388-215-1060	REP	98-16-044	388-215-1430	REP-P	98-11-084
388-155-470	PREP	98-02-057	388-215-1070	REP-P	98-11-084	388-215-1430	REP	98-16-044
388-155-470	AMD-P	98-20-098	388-215-1070	REP	98-16-044	388-215-1440	REP-P	98-11-084
388-160	PREP	98-08-084	388-215-1080	REP-P	98-11-084	388-215-1440	REP	98-16-044
388-200-1100	REP-P	98-11-084	388-215-1080	REP	98-16-044	388-215-1450	REP-P	98-11-084
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388-218-1920	REP-P	98-11-084	388-230-0030	REP-P	98-11-084	388-235-4000	REP	98-16-044
388-218-1920	REP	98-16-044	388-230-0030	REP	98-16-044	388-245-1000	REP-P	98-11-084
388-218-1930	REP-P	98-11-084	388-230-0050	REP-P	98-11-084	388-245-1000	REP	98-16-044
388-218-1930	REP	98-16-044	388-230-0050	REP	98-16-044	388-245-1150	AMD	98-04-015
388-218-1940	REP-P	98-03-084	388-230-0060	REP-P	98-11-084	388-245-1150	REP-P	98-11-084
388-218-1940	REP	98-06-056	388-230-0060	AMD-E	98-14-086	388-245-1150	REP	98-16-044
388-219-0100	REP-P	98-11-084	388-230-0060	REP	98-16-044	388-245-1160	REP-P	98-11-084
388-219-0100	REP	98-16-044	388-230-0080	REP-P	98-11-084	388-245-1160	REP	98-16-044
388-219-0200	REP-P	98-11-084	388-230-0080	REP	98-16-044	388-245-1170	REP-P	98-11-084
388-219-0200	REP	98-16-044	388-230-0090	REP-P	98-11-084	388-245-1170	REP	98-16-044
388-219-1000	REP-P	98-11-084	388-230-0090	REP	98-16-044	388-245-1210	REP-P	98-11-084
388-219-1000	REP	98-16-044	388-230-0110	REP-P	98-11-084	388-245-1210	REP	98-16-044
388-219-1100	REP-P	98-11-084	388-230-0110	REP	98-16-044	388-245-1300	REP-P	98-11-084
388-219-1100	REP	98-16-044	388-230-0120	REP-P	98-11-084	388-245-1300	REP	98-16-044
388-219-1500	REP-P	98-11-084	388-230-0120	REP	98-16-044	388-245-1310	REP-P	98-11-084
388-219-1500	REP	98-16-044	388-230-0140	REP-P	98-11-084	388-245-1310	REP	98-16-044
388-219-1600	REP-P	98-11-084	388-230-0140	REP	98-16-044	388-245-1315	REP-P	98-11-084
388-219-1600	REP	98-16-044	388-233-0010	REP-P	98-11-084	388-245-1315	REP	98-16-044
388-219-1700	REP-P	98-11-084	388-233-0010	REP	98-16-044	388-245-1320	REP-P	98-11-084
388-219-1700	REP	98-16-044	388-233-0020	REP-P	98-11-084	388-245-1320	REP	98-16-044
388-219-2000	REP-P	98-11-084	388-233-0020	REP	98-16-044	388-245-1350	REP-P	98-11-084
388-219-2000	REP	98-16-044	388-233-0020	REP	98-16-044	388-245-1350	REP	98-16-044
388-219-2500	REP-P	98-11-084	388-233-0030	REP-P	98-11-084	388-245-1400	REP-P	98-11-084
388-219-2500	REP	98-16-044	388-233-0030	REP	98-16-044	388-245-1400	REP	98-16-044
388-219-2600	REP-P	98-11-084	388-233-0035	NEW-E	98-14-086	388-245-1400	REP	98-16-044
388-219-2600	REP	98-16-044	388-233-0040	REP-P	98-11-084	388-245-1410	REP-P	98-11-084
388-219-2600	REP	98-16-044	388-233-0040	REP	98-16-044	388-245-1410	REP	98-16-044
388-219-3000	REP-P	98-11-084	388-233-0040	REP	98-16-044	388-245-1500	REP-P	98-11-084
388-219-3000	REP	98-16-044	388-233-0050	REP-P	98-11-084	388-245-1500	REP	98-16-044
388-219-3500	REP-P	98-11-084	388-233-0050	REP	98-16-044	388-245-1500	REP	98-16-044
388-219-3500	REP	98-16-044	388-233-0060	REP-P	98-11-084	388-245-1510	AMD	98-04-016
388-220-0001	REP-P	98-11-084	388-233-0060	REP	98-16-044	388-245-1510	REP-P	98-11-084
388-220-0001	REP	98-16-044	388-233-0070	REP-P	98-11-084	388-245-1510	REP	98-16-044
388-220-0030	REP-P	98-11-084	388-233-0070	REP	98-16-044	388-245-1520	REP-P	98-11-084
388-220-0030	REP	98-16-044	388-233-0080	REP-P	98-11-084	388-245-1520	REP	98-16-044
388-220-0050	NEW	98-08-036	388-233-0080	REP	98-16-044	388-245-1600	REP-P	98-11-084
388-220-0050	REP-P	98-11-084	388-233-0080	REP	98-16-044	388-245-1600	REP	98-16-044
388-220-0050	REP	98-16-044	388-233-0090	REP-P	98-11-084	388-245-1610	REP-P	98-11-084
388-225-0010	REP-P	98-11-084	388-233-0090	REP	98-16-044	388-245-1610	REP	98-16-044
388-225-0010	REP	98-16-044	388-233-0100	REP-P	98-11-084	388-245-1700	REP-P	98-11-084
388-225-0020	REP-P	98-11-084	388-233-0100	REP	98-16-044	388-245-1700	REP	98-16-044
388-225-0020	REP	98-16-044	388-235	PREP	98-07-038	388-245-1710	REP-P	98-11-084
388-225-0050	REP-P	98-11-084	388-235-0010	REP-P	98-11-084	388-245-1710	REP	98-16-044
388-225-0050	REP	98-16-044	388-235-0010	REP	98-16-044	388-245-1715	REP-P	98-11-084
388-225-0060	REP-P	98-11-084	388-235-0020	REP-P	98-11-084	388-245-1715	REP	98-16-044
388-225-0060	REP	98-16-044	388-235-0020	REP	98-16-044	388-245-1720	REP-P	98-11-084
388-225-0070	REP-P	98-11-084	388-235-0030	REP-P	98-11-084	388-245-1720	REP	98-16-044
388-225-0070	REP	98-16-044	388-235-0030	AMD-E	98-14-086	388-245-1730	REP-P	98-11-084
388-225-0080	REP-P	98-11-084	388-235-0030	REP	98-16-044	388-245-1730	REP	98-16-044
388-225-0080	REP	98-16-044	388-235-0040	REP-P	98-11-084	388-245-1740	REP-P	98-11-084
388-225-0090	REP-P	98-11-084	388-235-0040	REP	98-16-044	388-245-1740	REP	98-16-044
388-225-0090	REP	98-16-044	388-235-0050	REP-P	98-11-084	388-245-1740	REP	98-16-044
388-225-0100	REP-P	98-11-084	388-235-0050	REP	98-16-044	388-245-2010	REP-P	98-11-084
388-225-0100	REP	98-16-044	388-235-0060	REP-P	98-11-084	388-245-2010	REP	98-16-044
388-225-0120	REP-P	98-11-084	388-235-0060	REP	98-16-044	388-245-2020	REP-P	98-11-084
388-225-0120	REP	98-16-044	388-235-0070	REP-P	98-11-084	388-245-2020	REP	98-16-044
388-225-0150	REP-P	98-11-084	388-235-0070	REP	98-16-044	388-245-2030	REP-P	98-11-084
388-225-0150	REP	98-16-044	388-235-0080	REP-P	98-11-084	388-245-2030	REP	98-16-044
388-225-0160	REP-P	98-11-084	388-235-0080	REP	98-16-044	388-245-2040	REP-P	98-11-084
388-225-0160	REP	98-16-044	388-235-0090	REP-P	98-11-084	388-245-2040	REP	98-16-044
388-225-0170	REP-P	98-11-084	388-235-0090	REP	98-16-044	388-245-2050	REP-P	98-11-084
388-225-0170	REP	98-16-044	388-235-0100	REP-P	98-11-084	388-245-2050	REP	98-16-044
388-225-0180	REP-P	98-11-084	388-235-0100	REP	98-16-044	388-250-1010	REP-P	98-11-084
388-225-0180	REP	98-16-044	388-235-0110	REP-P	98-11-084	388-250-1010	REP	98-16-044
388-225-0190	REP-P	98-11-084	388-235-0110	REP	98-16-044	388-250-1050	REP-P	98-11-084
388-225-0190	REP	98-16-044	388-235-0110	REP	98-16-044	388-250-1050	REP	98-16-044
388-230-0010	REP-P	98-11-084	388-235-2000	REP-P	98-11-084	388-250-1100	REP-P	98-11-084
			388-235-2000	REP	98-16-044	388-250-1100	REP	98-16-044
			388-235-3000	REP-P	98-11-084	388-250-1150	REP-P	98-11-084
			388-235-3000	REP	98-16-044			

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Table of WAC Sections Affected

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-250-1150	REP	98-16-044	388-265-1950	REP-P	98-11-084	388-290-055	AMD-P	98-17-080
388-250-1200	REP-P	98-11-084	388-265-1950	REP	98-16-044	388-290-055	AMD	98-21-005
388-250-1200	REP	98-16-044	388-265-2000	REP-P	98-11-084	388-290-090	AMD-P	98-03-083
388-250-1225	REP-P	98-11-084	388-265-2000	REP	98-16-044	388-290-090	AMD	98-08-021
388-250-1225	REP	98-16-044	388-270-1005	REP-P	98-11-084	388-290-090	PREP	98-08-075
388-250-1250	AMD	98-08-037	388-270-1005	REP	98-16-044	388-310	PREP	98-19-124
388-250-1250	REP-P	98-11-084	388-270-1010	REP-P	98-11-084	388-310-0400	AMD-P	98-15-139
388-250-1250	REP	98-16-044	388-270-1010	REP	98-16-044	388-310-0500	AMD-P	98-15-139
388-250-1300	REP-P	98-11-084	388-270-1025	REP-P	98-11-084	388-310-1000	AMD-P	98-15-139
388-250-1300	REP	98-16-044	388-270-1025	REP	98-16-044	388-310-1050	NEW-P	98-15-139
388-250-1310	REP-P	98-11-084	388-270-1075	REP-P	98-11-084	388-310-1300	NEW-S	98-03-080
388-250-1310	REP	98-16-044	388-270-1075	REP	98-16-044	388-310-1300	NEW-S	98-07-042
388-250-1350	REP-P	98-11-084	388-270-1100	REP-P	98-11-084	388-310-1300	NEW	98-10-054
388-250-1350	REP	98-16-044	388-270-1100	REP	98-16-044	388-310-1600	AMD-P	98-15-139
388-250-1400	REP-P	98-11-084	388-270-1110	REP-P	98-11-084	388-320-340	REP-P	98-08-076
388-250-1400	REP	98-16-044	388-270-1110	REP	98-16-044	388-320-340	REP	98-11-034
388-250-1450	REP-P	98-11-084	388-270-1125	REP-P	98-11-084	388-400-0005	NEW-P	98-11-084
388-250-1450	REP	98-16-044	388-270-1125	REP	98-16-044	388-400-0005	NEW	98-16-044
388-250-1500	REP-P	98-11-084	388-270-1150	REP-P	98-11-084	388-400-0010	NEW-P	98-11-084
388-250-1500	REP	98-16-044	388-270-1150	REP	98-16-044	388-400-0010	NEW	98-16-044
388-250-1550	REP-P	98-11-084	388-270-1200	REP-P	98-11-084	388-400-0015	NEW-P	98-11-084
388-250-1550	REP	98-16-044	388-270-1200	REP	98-16-044	388-400-0015	NEW	98-16-044
388-250-1600	REP-P	98-11-084	388-270-1250	REP-P	98-11-084	388-400-0020	NEW-P	98-11-084
388-250-1600	REP	98-16-044	388-270-1250	REP	98-16-044	388-400-0020	NEW	98-16-044
388-250-1650	REP-P	98-11-084	388-270-1300	REP-P	98-11-084	388-400-0025	NEW-P	98-11-084
388-250-1650	REP	98-16-044	388-270-1300	REP	98-16-044	388-400-0025	NEW	98-16-044
388-250-1700	AMD	98-06-057	388-270-1400	REP-P	98-11-084	388-400-0030	NEW-P	98-11-084
388-250-1700	REP-P	98-11-084	388-270-1400	REP	98-16-044	388-400-0030	NEW	98-16-044
388-250-1700	REP	98-16-044	388-270-1500	REP-P	98-11-084	388-400-0035	NEW-P	98-11-084
388-250-1750	REP-P	98-11-084	388-270-1500	REP	98-16-044	388-400-0035	NEW	98-16-044
388-250-1750	REP	98-16-044	388-270-1550	REP-P	98-11-084	388-400-0040	NEW-P	98-11-084
388-255-1350	REP-P	98-11-084	388-270-1550	REP	98-16-044	388-400-0040	NEW	98-16-044
388-255-1350	REP	98-16-044	388-270-1600	REP-P	98-11-084	388-400-0045	NEW-P	98-13-080
388-255-1400	REP-P	98-11-084	388-270-1600	REP	98-16-044	388-400-0045	NEW	98-16-044
388-255-1400	REP	98-16-044	388-275	PREP	98-07-036	388-404-0005	NEW-P	98-11-084
388-265	PREP	98-07-099	388-275-0020	REP-P	98-11-084	388-404-0005	NEW	98-16-044
388-265-1010	REP-P	98-11-084	388-275-0020	REP	98-16-044	388-404-0010	NEW-P	98-11-084
388-265-1010	REP	98-16-044	388-275-0030	REP-P	98-11-084	388-404-0010	NEW	98-16-044
388-265-1050	REP-P	98-11-084	388-275-0030	REP	98-16-044	388-404-0015	NEW-P	98-11-084
388-265-1050	REP	98-16-044	388-275-0050	REP-P	98-11-084	388-404-0015	NEW	98-16-044
388-265-1100	REP-P	98-11-084	388-275-0050	REP	98-16-044	388-406-0005	NEW-P	98-11-084
388-265-1100	REP	98-16-044	388-275-0060	REP-P	98-11-084	388-406-0005	NEW	98-16-044
388-265-1150	AMD-P	98-11-074	388-275-0060	REP	98-16-044	388-406-0010	NEW-P	98-11-084
388-265-1155	NEW-P	98-11-074	388-275-0070	REP-P	98-11-084	388-406-0010	NEW	98-16-044
388-265-1200	AMD-P	98-11-074	388-275-0070	REP	98-16-044	388-406-0015	NEW-P	98-11-084
388-265-1250	AMD-P	98-11-074	388-275-0090	REP-P	98-11-084	388-406-0015	NEW	98-16-044
388-265-1275	AMD-P	98-11-074	388-275-0090	REP	98-16-044	388-406-0020	NEW-P	98-11-084
388-265-1300	AMD-P	98-11-074	388-280	PREP	98-07-037	388-406-0020	NEW	98-16-044
388-265-1375	NEW-P	98-11-074	388-290	PREP	98-08-075	388-406-0025	NEW-P	98-11-084
388-265-1400	REP-P	98-11-074	388-290	PREP	98-20-096	388-406-0025	NEW	98-16-044
388-265-1450	AMD-P	98-11-074	388-290-010	AMD-P	98-03-083	388-406-0030	NEW-P	98-11-084
388-265-1500	AMD-P	98-11-074	388-290-010	AMD	98-08-021	388-406-0030	NEW	98-16-044
388-265-1500	AMD-W	98-16-038	388-290-010	AMD-P	98-17-080	388-406-0035	NEW-P	98-11-084
388-265-1550	REP-P	98-11-074	388-290-010	AMD-E	98-18-078	388-406-0035	NEW	98-16-044
388-265-1550	REP-P	98-11-084	388-290-010	AMD	98-21-005	388-406-0040	NEW-P	98-11-084
388-265-1550	REP-W	98-16-038	388-290-020	AMD-P	98-03-083	388-406-0040	NEW	98-16-044
388-265-1550	REP	98-16-044	388-290-020	AMD	98-08-021	388-406-0045	NEW-P	98-11-084
388-265-1600	AMD-P	98-11-074	388-290-025	AMD-P	98-03-083	388-406-0045	NEW	98-16-044
388-265-1700	REP-P	98-11-074	388-290-025	AMD	98-08-021	388-406-0050	NEW-P	98-11-084
388-265-1700	REP-P	98-11-084	388-290-035	AMD-P	98-03-083	388-406-0050	NEW	98-16-044
388-265-1700	REP	98-16-044	388-290-035	AMD	98-08-021	388-406-0055	NEW-P	98-11-084
388-265-1800	REP-P	98-11-084	388-290-050	AMD-P	98-03-083	388-406-0055	NEW	98-16-044
388-265-1800	REP	98-16-044	388-290-050	AMD	98-08-021	388-406-0060	NEW-P	98-11-084
388-265-1850	REP-P	98-11-084	388-290-055	PREP	98-08-075	388-406-0060	NEW	98-16-044
388-265-1850	REP	98-16-044	388-290-055	AMD-E	98-16-026	388-406-0065	NEW-P	98-11-084
388-265-1900	REP-P	98-11-084	388-290-055	RESCIND	98-16-040	388-406-0065	NEW	98-16-044
388-265-1900	REP	98-16-044	388-290-055	AMD-E	98-16-093	388-408-0005	NEW-P	98-11-084



**Table of WAC Sections Affected**

WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-408-0005	NEW	98-16-044	388-416-0025	NEW	98-16-044	388-436-0015	NEW-P	98-11-084
388-408-0010	NEW-P	98-11-084	388-416-0030	NEW-P	98-11-084	388-436-0015	NEW	98-16-044
388-408-0010	NEW	98-16-044	388-416-0030	NEW	98-16-044	388-436-0020	NEW-P	98-11-084
388-408-0015	NEW-P	98-11-084	388-416-0035	NEW-P	98-11-084	388-436-0020	NEW	98-16-044
388-408-0015	NEW	98-16-044	388-416-0035	NEW	98-16-044	388-436-0025	NEW-P	98-11-084
388-408-0020	NEW-P	98-11-084	388-418-0005	NEW-P	98-11-084	388-436-0025	NEW	98-16-044
388-408-0020	NEW	98-16-044	388-418-0005	NEW	98-16-044	388-436-0030	NEW-P	98-11-084
388-408-0025	NEW-P	98-11-084	388-418-0010	NEW-P	98-11-084	388-436-0030	NEW	98-16-044
388-408-0025	NEW	98-16-044	388-418-0010	NEW	98-16-044	388-436-0035	NEW-P	98-11-084
388-408-0030	NEW-P	98-11-084	388-418-0015	NEW-P	98-11-084	388-436-0035	NEW	98-16-044
388-408-0030	NEW	98-16-044	388-418-0015	NEW-P	98-11-084	388-436-0040	NEW-P	98-11-084
388-408-0035	NEW-P	98-11-084	388-418-0015	NEW	98-16-044	388-436-0040	NEW	98-16-044
388-408-0035	NEW	98-16-044	388-418-0020	NEW-P	98-11-084	388-436-0045	NEW-P	98-11-084
388-408-0040	NEW-P	98-11-084	388-418-0020	NEW	98-16-044	388-436-0045	NEW	98-16-044
388-408-0040	NEW	98-16-044	388-418-0025	NEW-P	98-11-084	388-436-0050	NEW-P	98-11-084
388-408-0045	NEW-P	98-11-084	388-418-0025	NEW	98-16-044	388-436-0050	NEW-W	98-13-054
388-408-0045	NEW	98-16-044	388-418-0030	NEW-P	98-11-084	388-436-0050	NEW-P	98-13-080
388-408-0050	NEW-P	98-11-084	388-418-0030	NEW	98-16-044	388-436-0050	NEW	98-16-044
388-408-0050	NEW	98-16-044	388-420-010	NEW-P	98-11-084	388-437-0001	NEW-P	98-11-084
388-408-0055	NEW-P	98-11-084	388-420-010	NEW	98-16-044	388-437-0001	NEW	98-16-044
388-408-0055	NEW	98-16-044	388-422-0005	NEW-P	98-11-084	388-438-0100	NEW-P	98-11-084
388-410-0001	NEW-P	98-11-084	388-422-0005	NEW	98-16-044	388-438-0100	NEW	98-16-044
388-410-0001	NEW	98-16-044	388-422-0010	NEW-P	98-11-084	388-438-0110	NEW-P	98-11-084
388-410-0005	NEW-P	98-11-084	388-422-0010	NEW	98-16-044	388-438-0110	NEW	98-16-044
388-410-0005	NEW	98-16-044	388-422-0020	NEW-P	98-11-084	388-440-0001	NEW-P	98-11-084
388-410-0010	NEW-P	98-11-084	388-422-0020	NEW	98-16-044	388-440-0001	NEW	98-16-044
388-410-0010	NEW	98-16-044	388-422-0030	NEW-P	98-11-084	388-440-0005	NEW-P	98-11-084
388-410-0015	NEW-P	98-11-084	388-422-0030	NEW	98-16-044	388-440-0005	NEW	98-16-044
388-410-0015	NEW	98-16-044	388-424-0005	NEW-P	98-11-084	388-442-0010	NEW-P	98-11-084
388-410-0020	NEW-P	98-11-084	388-424-0005	NEW	98-16-044	388-442-0010	NEW	98-16-044
388-410-0020	NEW	98-16-044	388-424-0010	NEW-P	98-11-084	388-444-0005	NEW-P	98-11-084
388-410-0025	NEW-P	98-11-084	388-424-0010	NEW	98-16-044	388-444-0005	NEW	98-16-044
388-410-0025	NEW	98-16-044	388-424-0015	NEW-P	98-11-084	388-444-0005	PREP	98-21-073
388-410-0030	NEW-P	98-11-084	388-424-0015	NEW	98-16-044	388-444-0010	NEW-P	98-11-084
388-410-0030	NEW	98-16-044	388-424-0020	NEW-P	98-11-084	388-444-0010	NEW	98-16-044
388-410-0035	NEW-P	98-11-084	388-424-0020	NEW	98-16-044	388-444-0015	NEW-P	98-11-084
388-410-0035	NEW	98-16-044	388-424-0020	AMD-P	98-21-075	388-444-0015	NEW	98-16-044
388-410-0040	NEW-P	98-11-084	388-424-0020	AMD-E	98-21-076	388-444-0020	NEW-P	98-11-084
388-410-0040	NEW	98-16-044	388-424-0025	NEW-P	98-11-084	388-444-0020	NEW	98-16-044
388-412	PREP	98-16-089	388-424-0025	NEW	98-16-044	388-444-0020	PREP	98-21-073
388-412-0005	NEW-P	98-11-084	388-426-0005	NEW-P	98-11-084	388-444-0025	NEW	98-16-044
388-412-0005	NEW	98-16-044	388-426-0005	NEW	98-16-044	388-444-0030	NEW-P	98-11-084
388-412-0010	NEW-P	98-11-084	388-428-0005	NEW-P	98-11-084	388-444-0030	NEW	98-16-044
388-412-0010	NEW	98-16-044	388-428-0005	NEW-W	98-15-113	388-444-0035	NEW-P	98-11-084
388-412-0015	NEW-P	98-11-084	388-428-0010	NEW-P	98-11-084	388-444-0035	NEW	98-16-044
388-412-0015	NEW	98-16-044	388-428-0010	NEW	98-16-044	388-444-0035	PREP	98-21-073
388-412-0020	NEW-P	98-11-084	388-430-0001	NEW-P	98-11-084	388-444-0040	NEW-P	98-11-084
388-412-0020	NEW	98-16-044	388-430-0001	NEW	98-16-044	388-444-0040	NEW	98-16-044
388-412-0025	NEW-P	98-11-084	388-430-0005	NEW-P	98-11-084	388-444-0040	PREP	98-21-073
388-412-0025	NEW	98-16-044	388-430-0005	NEW	98-16-044	388-444-0045	NEW-P	98-11-084
388-412-0030	NEW-P	98-11-084	388-430-0010	NEW-P	98-11-084	388-444-0045	NEW	98-16-044
388-412-0035	NEW-P	98-11-084	388-430-0010	NEW	98-16-044	388-444-0045	PREP	98-21-073
388-412-0035	NEW	98-16-044	388-430-0015	NEW-P	98-11-084	388-444-0050	NEW-P	98-11-084
388-412-0040	NEW-P	98-11-084	388-430-0015	NEW	98-16-044	388-444-0050	NEW	98-16-044
388-412-0040	NEW	98-16-044	388-430-0020	NEW-P	98-11-084	388-444-0055	NEW-P	98-11-084
388-414-0001	NEW-P	98-11-084	388-430-0020	NEW	98-16-044	388-444-0055	NEW	98-16-044
388-414-0001	NEW	98-16-044	388-430-0025	NEW-P	98-11-084	388-444-0060	NEW-P	98-11-084
388-416-0005	NEW-P	98-11-084	388-430-0025	NEW	98-16-044	388-444-0060	NEW	98-16-044
388-416-0005	NEW	98-16-044	388-434-0005	NEW-P	98-11-084	388-444-0065	NEW-P	98-11-084
388-416-0010	NEW-P	98-11-084	388-434-0005	NEW	98-16-044	388-444-0065	NEW	98-16-044
388-416-0010	NEW	98-16-044	388-434-0010	NEW-P	98-11-084	388-444-0070	NEW-P	98-11-084
388-416-0015	NEW-P	98-11-084	388-434-0010	NEW	98-16-044	388-444-0070	NEW	98-16-044
388-416-0015	NEW	98-16-044	388-436-0001	NEW-P	98-11-084	388-444-0075	NEW-P	98-11-084
388-416-0020	NEW-P	98-11-084	388-436-0001	NEW	98-16-044	388-444-0075	NEW	98-16-044
388-416-0020	NEW	98-16-044	388-436-0005	NEW-P	98-11-084	388-444-0080	NEW-P	98-11-084
388-416-0025	NEW-P	98-11-084	388-436-0005	NEW	98-16-044	388-446-0001	NEW-P	98-11-084
			388-436-0010	NEW-P	98-11-084	388-446-0001	NEW	98-16-044
			388-436-0010	NEW	98-16-044			

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-446-0005	NEW-P	98-11-084	388-450-0135	NEW	98-16-044	388-456-0010	NEW-P	98-11-084
388-446-0005	NEW	98-16-044	388-450-0140	NEW-P	98-11-084	388-456-0010	NEW	98-16-044
388-446-0010	NEW-P	98-11-084	388-450-0140	NEW	98-16-044	388-456-0015	NEW-P	98-11-084
388-446-0010	NEW	98-16-044	388-450-0145	NEW-P	98-11-084	388-456-0015	NEW	98-16-044
388-446-0015	NEW-P	98-11-084	388-450-0145	NEW	98-16-044	388-458-0005	NEW-P	98-11-084
388-446-0015	NEW	98-16-044	388-450-0150	NEW-P	98-11-084	388-458-0005	NEW	98-16-044
388-446-0020	NEW-P	98-11-084	388-450-0150	NEW	98-16-044	388-458-0010	NEW-P	98-11-084
388-446-0020	NEW	98-16-044	388-450-0155	NEW-P	98-11-084	388-458-0010	NEW	98-16-044
388-448-0001	NEW-P	98-11-084	388-450-0155	NEW	98-16-044	388-458-0015	NEW-P	98-11-084
388-448-0001	NEW	98-16-044	388-450-0160	NEW-P	98-11-084	388-458-0015	NEW	98-16-044
388-448-0005	NEW-P	98-11-084	388-450-0160	NEW	98-16-044	388-460-0001	NEW-P	98-11-084
388-448-0005	NEW	98-16-044	388-450-0165	NEW-P	98-11-084	388-460-0001	NEW	98-16-044
388-450-0005	NEW-P	98-11-084	388-450-0165	NEW	98-16-044	388-460-0005	NEW-P	98-11-084
388-450-0005	NEW	98-16-044	388-450-0170	NEW-P	98-11-084	388-460-0005	NEW	98-16-044
388-450-0010	NEW-P	98-11-084	388-450-0170	NEW	98-16-044	388-460-0010	NEW-P	98-11-084
388-450-0010	NEW	98-16-044	388-450-0175	NEW-P	98-11-084	388-460-0010	NEW	98-16-044
388-450-0015	NEW-P	98-11-084	388-450-0175	NEW	98-16-044	388-460-0015	NEW-P	98-11-084
388-450-0015	NEW	98-16-044	388-450-0180	NEW-P	98-11-084	388-460-0015	NEW	98-16-044
388-450-0020	NEW-P	98-11-084	388-450-0180	NEW	98-16-044	388-462-0005	NEW-P	98-11-084
388-450-0020	NEW	98-16-044	388-450-0185	NEW-P	98-11-084	388-462-0005	NEW	98-16-044
388-450-0025	NEW-P	98-11-084	388-450-0185	NEW	98-16-044	388-462-0010	NEW-P	98-11-084
388-450-0025	NEW	98-16-044	388-450-0190	NEW-P	98-11-084	388-462-0010	NEW	98-16-044
388-450-0030	NEW-P	98-11-084	388-450-0190	NEW	98-16-044	388-462-0015	NEW-P	98-11-084
388-450-0030	NEW	98-16-044	388-450-0195	NEW-P	98-11-084	388-462-0015	NEW	98-16-044
388-450-0035	NEW-P	98-11-084	388-450-0195	NEW	98-16-044	388-464-0001	NEW-P	98-11-084
388-450-0035	NEW	98-16-044	388-450-0195	AMD-P	98-21-025	388-464-0001	NEW	98-16-044
388-450-0040	NEW-P	98-11-084	388-450-0195	AMD-E	98-21-026	388-466-0005	NEW-P	98-11-084
388-450-0040	NEW	98-16-044	388-450-0200	NEW-P	98-11-084	388-466-0005	NEW	98-16-044
388-450-0045	NEW-P	98-11-084	388-450-0200	NEW	98-16-044	388-466-0010	NEW-P	98-11-084
388-450-0045	NEW	98-16-044	388-450-0205	NEW-P	98-11-084	388-466-0010	NEW	98-16-044
388-450-0050	NEW-P	98-11-084	388-450-0205	NEW	98-16-044	388-466-0015	NEW-P	98-11-084
388-450-0050	NEW	98-16-044	388-450-0210	NEW-P	98-11-084	388-466-0015	NEW	98-16-044
388-450-0055	NEW-P	98-11-084	388-450-0210	NEW	98-16-044	388-466-0020	NEW-P	98-11-084
388-450-0055	NEW	98-16-044	388-450-0215	NEW-P	98-11-084	388-466-0020	NEW	98-16-044
388-450-0060	NEW-P	98-11-084	388-450-0215	NEW	98-16-044	388-466-0025	NEW-P	98-11-084
388-450-0060	NEW	98-16-044	388-450-0220	NEW-P	98-11-084	388-466-0025	NEW	98-16-044
388-450-0065	NEW-P	98-11-084	388-450-0220	NEW	98-16-044	388-468-0005	NEW	98-16-044
388-450-0065	NEW	98-16-044	388-450-0225	NEW-P	98-11-084	388-468-0010	NEW-P	98-11-084
388-450-0070	NEW-P	98-11-084	388-450-0225	NEW	98-16-044	388-470-0005	NEW-P	98-11-084
388-450-0070	NEW	98-16-044	388-450-0230	NEW-P	98-11-084	388-470-0005	NEW	98-16-044
388-450-0075	NEW-P	98-11-084	388-450-0230	NEW	98-16-044	388-470-0010	NEW-P	98-11-084
388-450-0075	NEW	98-16-044	388-450-0235	NEW-P	98-11-084	388-470-0010	NEW	98-16-044
388-450-0080	NEW-P	98-11-084	388-450-0235	NEW	98-16-044	388-470-0015	NEW-P	98-11-084
388-450-0080	NEW	98-16-044	388-450-0240	NEW-P	98-11-084	388-470-0015	NEW	98-16-044
388-450-0085	NEW-P	98-11-084	388-450-0240	NEW	98-16-044	388-470-0020	NEW-P	98-11-084
388-450-0085	NEW	98-16-044	388-450-0245	NEW-P	98-11-084	388-470-0020	NEW	98-16-044
388-450-0090	NEW-P	98-11-084	388-450-0245	NEW	98-16-044	388-470-0025	NEW-P	98-11-084
388-450-0090	NEW	98-16-044	388-450-0250	NEW-P	98-11-084	388-470-0025	NEW	98-16-044
388-450-0095	NEW-P	98-11-084	388-450-0250	NEW	98-16-044	388-470-0030	NEW-P	98-11-084
388-450-0095	NEW	98-16-044	388-452-0005	NEW-P	98-11-084	388-470-0030	NEW	98-16-044
388-450-0100	NEW-P	98-11-084	388-452-0005	NEW	98-16-044	388-470-0035	NEW-P	98-11-084
388-450-0100	NEW	98-16-044	388-452-0010	NEW-P	98-11-084	388-470-0035	NEW	98-16-044
388-450-0105	NEW-P	98-11-084	388-452-0010	NEW	98-16-044	388-470-0040	NEW-P	98-11-084
388-450-0105	NEW	98-16-044	388-454-0005	NEW-P	98-11-084	388-470-0040	NEW	98-16-044
388-450-0106	NEW-XA	98-19-126	388-454-0005	NEW	98-16-044	388-470-0045	NEW-P	98-11-084
388-450-0110	NEW-P	98-11-084	388-454-0010	NEW-P	98-11-084	388-470-0045	NEW	98-16-044
388-450-0110	NEW	98-16-044	388-454-0010	NEW	98-16-044	388-470-0050	NEW-P	98-11-084
388-450-0115	NEW-P	98-11-084	388-454-0015	NEW-P	98-11-084	388-470-0050	NEW	98-16-044
388-450-0115	NEW	98-16-044	388-454-0015	NEW	98-16-044	388-470-0055	NEW-P	98-11-084
388-450-0116	NEW-XA	98-19-126	388-454-0020	NEW-P	98-11-084	388-470-0055	NEW	98-16-044
388-450-0120	NEW-P	98-11-084	388-454-0020	NEW	98-16-044	388-470-0060	NEW-P	98-11-084
388-450-0120	NEW	98-16-044	388-454-0025	NEW-P	98-11-084	388-470-0060	NEW	98-16-044
388-450-0125	NEW-P	98-11-084	388-454-0025	NEW	98-16-044	388-470-0065	NEW-P	98-11-084
388-450-0125	NEW	98-16-044	388-456-0001	NEW-P	98-11-084	388-470-0065	NEW	98-16-044
388-450-0130	NEW-P	98-11-084	388-456-0001	NEW	98-16-044	388-470-0070	NEW-P	98-11-084
388-450-0130	NEW	98-16-044	388-456-0005	NEW-P	98-11-084	388-470-0070	NEW	98-16-044
388-450-0135	NEW-P	98-11-084	388-456-0005	NEW	98-16-044	388-470-0075	NEW-P	98-11-084

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-470-0075	NEW	98-16-044	388-488-0010	NEW	98-16-044	388-505-0220	NEW-P	98-11-084
388-470-0080	NEW-P	98-11-084	388-490-0005	NEW-P	98-11-084	388-505-0220	NEW	98-16-044
388-470-0080	NEW	98-16-044	388-490-0005	NEW	98-16-044	388-505-0501	REP-P	98-13-082
388-472-0005	NEW-P	98-11-084	388-500	PREP	98-10-106	388-505-0501	REP	98-16-050
388-472-0005	NEW	98-16-044	388-500-0005	AMD-P	98-08-081	388-505-0505	REP-P	98-13-082
388-474-0001	NEW-P	98-11-084	388-500-0005	AMD-E	98-08-088	388-505-0505	REP	98-16-050
388-474-0001	NEW	98-16-044	388-500-0005	AMD	98-15-066	388-505-0510	REP-P	98-13-082
388-474-0005	NEW-P	98-11-084	388-501	PREP	98-10-106	388-505-0510	REP	98-16-050
388-474-0005	NEW	98-16-044	388-501-0105	REP-P	98-13-082	388-505-0520	AMD-P	98-08-081
388-474-0010	NEW-P	98-11-084	388-501-0105	REP	98-16-050	388-505-0520	AMD-E	98-08-088
388-474-0010	NEW	98-16-044	388-501-0110	REP-P	98-13-082	388-505-0520	REP-P	98-13-082
388-474-0015	NEW-P	98-11-084	388-501-0110	REP	98-16-050	388-505-0520	AMD	98-15-066
388-474-0015	NEW	98-16-044	388-501-0135	AMD-P	98-11-084	388-505-0520	REP	98-16-050
388-474-0020	NEW-P	98-11-084	388-501-0135	AMD	98-16-044	388-505-0530	REP-P	98-13-082
388-474-0020	NEW	98-16-044	388-501-0140	REP-P	98-13-082	388-505-0530	REP	98-16-050
388-476-0005	NEW-P	98-11-084	388-501-0140	REP	98-16-050	388-505-0540	AMD-P	98-11-084
388-476-0005	NEW	98-16-044	388-501-0150	REP-P	98-13-082	388-505-0540	AMD	98-16-044
388-478-0005	NEW-P	98-11-084	388-501-0170	REP-P	98-13-082	388-505-0560	REP-P	98-13-082
388-478-0005	NEW	98-16-044	388-501-0170	REP	98-16-050	388-505-0560	REP	98-16-050
388-478-0010	NEW-P	98-11-084	388-501-0190	REP-P	98-13-082	388-505-0570	REP-P	98-13-082
388-478-0010	NEW	98-16-044	388-501-0190	REP	98-16-050	388-505-0570	REP	98-16-050
388-478-0015	NEW-P	98-11-084	388-503	PREP	98-10-106	388-505-0580	REP-P	98-13-082
388-478-0015	NEW	98-16-044	388-503-0305	REP-P	98-13-082	388-505-0580	REP	98-16-050
388-478-0015	PREP	98-17-081	388-503-0305	REP	98-16-050	388-505-0590	REP-P	98-13-082
388-478-0020	NEW-P	98-11-084	388-503-0310	AMD-P	98-08-081	388-505-0590	REP	98-16-050
388-478-0020	NEW	98-16-044	388-503-0310	AMD-E	98-08-088	388-506	PREP	98-10-106
388-478-0025	NEW-P	98-11-084	388-503-0310	AMD	98-15-066	388-506-0610	REP-P	98-13-082
388-478-0025	NEW	98-16-044	388-503-0320	REP-P	98-13-082	388-506-0610	REP	98-16-050
388-478-0030	NEW-P	98-11-084	388-503-0320	REP	98-16-050	388-506-0620	AMD-P	98-15-140
388-478-0030	NEW	98-16-044	388-503-0350	REP-P	98-13-082	388-506-0620	AMD	98-18-079
388-478-0035	NEW-P	98-11-084	388-503-0350	REP	98-16-050	388-506-0630	REP-P	98-13-082
388-478-0035	NEW	98-16-044	388-503-0370	REP-P	98-13-082	388-506-0630	REP	98-16-050
388-478-0040	NEW-P	98-11-084	388-503-0370	REP	98-16-050	388-507	PREP	98-10-106
388-478-0040	NEW	98-16-044	388-503-0505	NEW-P	98-11-084	388-507-0710	AMD-P	98-08-082
388-478-0045	NEW-P	98-11-084	388-503-0505	NEW	98-16-044	388-507-0710	AMD-E	98-08-087
388-478-0045	NEW	98-16-044	388-503-0510	NEW-P	98-11-084	388-507-0710	AMD	98-11-033
388-478-0050	NEW-P	98-11-084	388-503-0510	NEW	98-16-044	388-507-0710	REP-P	98-13-082
388-478-0050	NEW	98-16-044	388-503-0515	NEW-P	98-11-084	388-507-0710	REP	98-16-050
388-478-0055	NEW-P	98-11-084	388-503-0515	NEW	98-16-044	388-507-0720	REP-P	98-13-082
388-478-0055	NEW	98-16-044	388-503-0520	NEW-P	98-11-084	388-507-0720	REP	98-16-050
388-478-0055	PREP	98-21-024	388-503-0520	NEW-W	98-16-037	388-507-0730	REP-P	98-13-082
388-478-0060	NEW-P	98-11-084	388-504	PREP	98-10-106	388-507-0730	REP	98-16-050
388-478-0060	NEW	98-16-044	388-504-0405	REP-P	98-13-082	388-507-0740	AMD-P	98-08-081
388-478-0060	AMD-E	98-20-043	388-504-0405	REP	98-16-050	388-507-0740	AMD-E	98-08-088
388-478-0065	NEW-P	98-11-084	388-504-0410	REP-P	98-13-082	388-507-0740	REP-P	98-13-082
388-478-0065	NEW	98-16-044	388-504-0410	REP	98-16-050	388-507-0740	AMD	98-15-066
388-478-0070	NEW-P	98-11-084	388-504-0420	REP-P	98-13-082	388-507-0740	REP	98-16-050
388-478-0070	NEW	98-16-044	388-504-0420	REP	98-16-050	388-508	PREP	98-10-106
388-478-0075	NEW-P	98-11-084	388-504-0430	REP-P	98-13-082	388-508-0805	PREP	98-07-039
388-478-0075	NEW	98-16-044	388-504-0430	REP	98-16-050	388-508-0805	AMD-E	98-08-085
388-478-0080	NEW-P	98-11-084	388-504-0440	REP-P	98-13-082	388-508-0805	REP-P	98-13-082
388-478-0080	NEW	98-16-044	388-504-0440	REP	98-16-050	388-508-0805	AMD-P	98-15-053
388-478-0085	NEW-P	98-11-084	388-504-0450	REP-P	98-13-082	388-508-0805	AMD-E	98-16-036
388-478-0085	NEW	98-16-044	388-504-0450	REP	98-16-050	388-508-0805	REP	98-16-050
388-480-0001	NEW-P	98-11-084	388-504-0460	REP-P	98-13-082	388-508-0805	AMD-W	98-17-064
388-480-0001	NEW	98-16-044	388-504-0460	REP	98-16-050	388-508-0810	REP-P	98-13-082
388-482-0005	NEW-P	98-11-084	388-504-0470	REP-P	98-13-082	388-508-0810	REP	98-16-050
388-482-0005	NEW	98-16-044	388-504-0470	REP	98-16-050	388-508-0820	REP-P	98-13-082
388-484-0005	NEW-P	98-11-084	388-504-0480	REP-P	98-13-082	388-508-0820	REP	98-16-050
388-484-0005	NEW	98-16-044	388-504-0480	REP	98-16-050	388-508-0830	REP-P	98-13-082
388-486-0005	NEW-P	98-11-084	388-504-0485	REP-P	98-13-082	388-508-0830	REP	98-16-050
388-486-0005	NEW	98-16-044	388-504-0485	REP	98-16-050	388-508-0835	REP-P	98-13-082
388-486-0010	NEW-P	98-11-084	388-505	PREP	98-10-106	388-508-0835	REP	98-16-050
388-486-0010	NEW	98-16-044	388-505-0110	NEW-P	98-11-084	388-508-0840	REP-P	98-13-082
388-488-0005	NEW-P	98-11-084	388-505-0110	NEW	98-16-044	388-508-0840	REP	98-16-050
388-488-0005	NEW	98-16-044	388-505-0210	NEW-P	98-11-084	388-509	PREP	98-10-106
388-488-0010	NEW-P	98-11-084	388-505-0210	NEW	98-16-044	388-509-0905	REP-P	98-13-082

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
388-509-0905	REP	98-16-050	388-517-0300	NEW-P	98-11-084	388-521-2106	REP-P	98-13-082
388-509-0910	REP-P	98-13-082	388-517-0300	NEW	98-16-044	388-521-2106	REP	98-16-050
388-509-0910	REP	98-16-050	388-517-1710	AMD-P	98-08-083	388-521-2110	REP-P	98-13-082
388-509-0920	PREP	98-07-039	388-517-1710	AMD-E	98-08-086	388-521-2110	REP	98-16-050
388-509-0920	AMD-E	98-08-085	388-517-1710	AMD	98-11-073	388-521-2120	REP-P	98-13-082
388-509-0920	REP-P	98-13-082	388-517-1710	REP-P	98-13-082	388-521-2120	REP	98-16-050
388-509-0920	AMD-P	98-15-053	388-517-1710	REP	98-16-050	388-521-2130	REP-P	98-13-082
388-509-0920	AMD-E	98-16-036	388-517-1715	AMD-P	98-08-083	388-521-2130	REP	98-16-050
388-509-0920	REP	98-16-050	388-517-1715	AMD-E	98-08-086	388-521-2140	REP-P	98-13-082
388-509-0920	AMD-W	98-17-064	388-517-1715	AMD	98-11-073	388-521-2140	REP	98-16-050
388-509-0940	REP-P	98-13-082	388-517-1715	REP-P	98-13-082	388-521-2150	REP-P	98-13-082
388-509-0940	REP	98-16-050	388-517-1715	REP	98-16-050	388-521-2150	REP	98-16-050
388-509-0960	PREP	98-07-039	388-517-1720	REP-P	98-08-083	388-521-2155	REP-P	98-13-082
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388-509-0960	AMD-W	98-17-064	388-517-1730	REP-P	98-13-082	388-521-2160	REP	98-16-050
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392-115-110	AMD	98-05-008	392-126-075	AMD-P	98-16-055	392-139-310	AMD	98-08-096
392-115-115	AMD	98-05-008	392-126-080	AMD-P	98-16-055	392-139-320	AMD-P	98-05-040
392-115-120	AMD	98-05-008	392-126-085	AMD-P	98-16-055	392-139-320	AMD	98-08-096
392-115-125	AMD	98-05-008	392-126-087	NEW-P	98-16-055	392-139-611	REP-P	98-05-040
392-115-130	AMD	98-05-008	392-126-090	AMD-P	98-16-055	392-139-611	REP	98-08-096
392-115-151	NEW	98-05-008	392-126-092	NEW-P	98-16-055	392-139-616	REP-P	98-05-040
392-115-155	AMD	98-05-008	392-134-005	AMD-W	98-04-070	392-139-616	REP	98-08-096
392-121-124	NEW-P	98-03-066	392-134-010	AMD-W	98-04-070	392-139-620	AMD-P	98-05-040
392-121-124	NEW	98-07-060	392-134-020	AMD-W	98-04-070	392-139-620	AMD	98-08-096
392-121-138	AMD-P	98-03-066	392-134-025	AMD-W	98-04-070	392-139-621	REP-P	98-05-040
392-121-138	AMD	98-07-060	392-139-007	AMD-P	98-05-040	392-139-621	REP	98-08-096
392-121-182	AMD-W	98-04-070	392-139-007	AMD	98-08-096	392-139-622	NEW-P	98-05-040
392-121-182	PREP	98-21-020	392-139-120	REP-P	98-05-040	392-139-622	NEW	98-08-096
392-121-550	NEW-P	98-16-106	392-139-120	REP	98-08-096	392-139-623	NEW-P	98-05-040
392-121-550	NEW	98-21-066	392-139-122	REP-P	98-05-040	392-139-623	NEW	98-08-096
392-121-552	NEW-P	98-16-106	392-139-122	REP	98-08-096	392-139-625	AMD-P	98-05-040
392-121-552	NEW	98-21-066	392-139-126	REP-P	98-05-040	392-139-625	AMD	98-08-096
392-121-554	NEW-P	98-16-106	392-139-126	REP	98-08-096	392-139-626	REP-P	98-05-040
392-121-554	NEW	98-21-066	392-139-128	REP-P	98-05-040	392-139-626	REP	98-08-096
392-121-556	NEW-P	98-16-106	392-139-128	REP	98-08-096	392-139-660	AMD-P	98-05-040
392-121-556	NEW	98-21-066	392-139-129	REP-P	98-05-040	392-139-660	AMD	98-08-096
392-121-558	NEW-P	98-16-106	392-139-129	REP	98-08-096	392-139-661	NEW-P	98-05-040
392-121-558	NEW	98-21-066	392-139-130	REP-P	98-05-040	392-139-661	NEW	98-08-096
392-121-560	NEW-P	98-16-106	392-139-130	REP	98-08-096	392-139-670	AMD-P	98-05-040
392-121-560	NEW	98-21-066	392-139-132	REP-P	98-05-040	392-139-670	AMD	98-08-096
392-121-562	NEW-P	98-16-106	392-139-132	REP	98-08-096	392-139-676	AMD-P	98-05-040
392-121-562	NEW	98-21-066	392-139-134	REP-P	98-05-040	392-139-676	AMD	98-08-096

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392-139-681	REP-P	98-05-040	392-140-726	NEW	98-07-061	392-170-042	NEW	98-12-002
392-139-681	REP	98-08-096	392-140-727	NEW-P	98-03-067	392-170-047	NEW	98-12-002
392-139-685	REP-P	98-05-040	392-140-727	NEW	98-07-061	392-170-050	AMD	98-12-002
392-139-685	REP	98-08-096	392-140-728	NEW-P	98-03-067	392-170-078	NEW	98-12-002
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392-139-690	REP	98-08-096	392-140-730	NEW-P	98-03-067	392-170-090	AMD	98-12-002
392-139-691	REP-P	98-05-040	392-140-730	NEW	98-07-061	392-172	PREP	98-05-039
392-139-691	REP	98-08-096	392-140-731	NEW-P	98-03-067	392-182-020	AMD	98-04-025
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392-140-602	AMD-P	98-04-036	392-140-732	NEW	98-07-061	399- 10-020	AMD-S	98-18-019
392-140-602	AMD	98-08-013	392-140-733	NEW-P	98-03-067	399- 10-030	AMD-P	98-07-033
392-140-605	AMD-P	98-04-036	392-140-733	NEW	98-07-061	399- 10-030	AMD-S	98-18-019
392-140-605	AMD	98-08-013	392-140-735	NEW-P	98-03-067	399- 20-010	AMD-S	98-18-019
392-140-616	AMD-P	98-04-036	392-140-735	NEW	98-07-061	399- 20-020	AMD-S	98-18-019
392-140-616	AMD	98-08-013	392-140-736	NEW-P	98-03-067	399- 20-030	AMD-S	98-18-019
392-140-625	AMD-P	98-04-036	392-140-736	NEW	98-07-061	399- 20-040	AMD-S	98-18-019
392-140-625	AMD	98-08-013	392-140-740	NEW-P	98-03-067	399- 20-060	AMD-P	98-07-033
392-140-630	NEW-P	98-04-036	392-140-740	NEW	98-07-061	399- 20-060	AMD-S	98-18-019
392-140-630	NEW	98-08-013	392-140-741	NEW-P	98-03-067	399- 20-070	AMD-P	98-07-033
392-140-640	AMD-P	98-04-036	392-140-741	NEW	98-07-061	399- 20-070	AMD-S	98-18-019
392-140-640	AMD	98-08-013	392-140-742	NEW-P	98-03-067	399- 20-080	AMD-S	98-18-019
392-140-656	AMD-P	98-04-036	392-140-742	NEW	98-07-061	399- 20-090	AMD-S	98-18-019
392-140-656	AMD	98-08-013	392-140-743	NEW-P	98-03-067	399- 20-100	AMD-P	98-07-033
392-140-660	AMD-P	98-04-036	392-140-743	NEW	98-07-061	399- 20-100	AMD-S	98-18-019
392-140-660	AMD	98-08-013	392-140-744	NEW-P	98-03-067	399- 20-110	AMD-S	98-18-019
392-140-665	AMD-P	98-04-036	392-140-744	NEW	98-07-061	399- 20-120	AMD-P	98-07-033
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392-140-675	AMD-P	98-04-036	392-140-745	NEW	98-07-061	399- 30-010	AMD-S	98-18-019
392-140-675	AMD	98-08-013	392-140-746	NEW-P	98-03-067	399- 30-020	AMD-P	98-07-033
392-140-680	AMD-P	98-04-036	392-140-746	NEW	98-07-061	399- 30-020	AMD-S	98-18-019
392-140-680	AMD	98-08-013	392-140-747	NEW-P	98-03-067	399- 30-030	AMD-P	98-07-033
392-140-685	AMD-P	98-04-036	392-140-747	NEW	98-07-061	399- 30-030	AMD-S	98-18-019
392-140-685	AMD	98-08-013	392-140-800	NEW	98-04-080	399- 30-040	AMD-S	98-18-019
392-140-700	NEW-P	98-03-067	392-140-802	NEW	98-04-080	399- 30-042	AMD-S	98-18-019
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392-140-701	NEW	98-07-061	392-140-808	NEW	98-04-080	399- 30-050	AMD-S	98-18-019
392-140-702	NEW-P	98-03-067	392-140-808	NEW	98-04-080	399- 30-060	AMD-P	98-07-033
392-140-702	NEW	98-07-061	392-140-810	NEW	98-04-080	399- 30-060	AMD-S	98-18-019
392-140-710	NEW-P	98-03-067	392-140-812	NEW	98-04-080	399- 30-065	AMD-P	98-07-033
392-140-710	NEW	98-07-061	392-140-814	NEW	98-04-080	399- 30-065	AMD-S	98-18-019
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392-140-711	NEW	98-07-061	392-140-818	NEW	98-04-080	415-108-0110	NEW	98-09-059
392-140-712	NEW-P	98-03-067	392-140-820	NEW	98-04-080	415-108-0111	NEW	98-09-059
392-140-712	NEW	98-07-061	392-140-822	NEW	98-04-080	415-108-441	NEW	98-09-059
392-140-713	NEW-P	98-03-067	392-140-824	NEW	98-04-080	415-108-443	NEW	98-09-059
392-140-713	NEW	98-07-061	392-140-826	NEW	98-04-080	415-108-445	NEW	98-09-059
392-140-714	NEW-P	98-03-067	392-140-828	NEW	98-04-080	415-108-450	REP	98-09-059
392-140-714	NEW	98-07-061	392-140-830	NEW	98-04-080	415-108-451	NEW	98-09-059
392-140-715	NEW-P	98-03-067	392-140-832	NEW	98-04-080	415-108-453	NEW	98-09-059
392-140-715	NEW	98-07-061	392-140-834	NEW	98-04-080	415-108-455	NEW	98-09-059
392-140-716	NEW-P	98-03-067	392-140-836	NEW	98-04-080	415-108-457	NEW	98-09-059
392-140-716	NEW	98-07-061	392-141	PREP	98-09-091	415-108-457	NEW	98-09-059
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392-140-720	NEW	98-07-061	392-141-146	AMD	98-17-007	415-108-459	NEW	98-09-059
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392-140-721	NEW	98-07-061	392-141-148	AMD	98-17-007	415-108-463	NEW	98-09-059
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392-140-722	NEW	98-07-061	392-141-150	AMD	98-17-007	415-108-464	NEW	98-09-059
392-140-723	NEW-P	98-03-067	392-141-152	NEW-P	98-14-011	415-108-465	NEW	98-09-059
392-140-723	NEW	98-07-061	392-141-152	NEW	98-17-007	415-108-466	NEW	98-09-059
392-140-724	NEW-P	98-03-067	392-141-160	AMD-P	98-14-011	415-108-467	NEW	98-09-059
392-140-724	NEW	98-07-061	392-141-160	AMD	98-17-007	415-108-468	NEW	98-09-059
392-140-725	NEW-P	98-03-067	392-170-035	AMD	98-12-002	415-108-468	NEW	98-09-059
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415-108-482	NEW	98-09-059	434-26-055	DECOD	98-08-010	434-80-040	DECOD	98-08-010
415-108-483	NEW	98-09-059	434-26-060	DECOD	98-08-010	434-80-050	DECOD	98-08-010
415-108-484	NEW	98-09-059	434-26-065	DECOD	98-08-010	434-80-060	DECOD	98-08-010
415-108-487	NEW	98-09-059	434-26-900	DECOD	98-08-010	434-80-070	DECOD	98-08-010
415-108-488	NEW	98-09-059	434-30-150	AMD	98-03-033	434-81-010	DECOD	98-08-010
415-108-490	REP	98-09-059	434-30-150	DECOD	98-03-033	434-81-020	DECOD	98-08-010
415-108-491	NEW	98-09-059	434-32-010	DECOD	98-08-010	434-81-030	DECOD	98-08-010
415-112-445	AMD	98-09-059	434-57-010	DECOD	98-08-010	434-81-040	DECOD	98-08-010
415-112-4608	AMD	98-09-059	434-57-020	DECOD	98-08-010	434-81-050	DECOD	98-08-010
415-112-4609	AMD	98-09-059	434-57-030	DECOD	98-08-010	434-81-060	DECOD	98-08-010
415-114	AMD-P	98-21-064	434-57-040	DECOD	98-08-010	434-81-070	DECOD	98-08-010
415-114-100	AMD-P	98-21-064	434-57-050	DECOD	98-08-010	434-81-080	DECOD	98-08-010
415-114-200	AMD-P	98-21-064	434-57-070	DECOD	98-08-010	434-81-090	DECOD	98-08-010
415-114-300	REP-P	98-21-064	434-57-080	DECOD	98-08-010	434-81-100	DECOD	98-08-010
415-114-400	AMD-P	98-21-064	434-57-090	DECOD	98-08-010	434-91-010	DECOD	98-08-010
415-114-500	REP-P	98-21-064	434-57-100	DECOD	98-08-010	434-91-020	DECOD	98-08-010
415-114-550	REP-P	98-21-064	434-57-120	DECOD	98-08-010	434-91-030	DECOD	98-08-010
415-114-600	REP-P	98-21-064	434-57-130	DECOD	98-08-010	434-91-040	DECOD	98-08-010
415-114-700	AMD-P	98-21-064	434-57-150	DECOD	98-08-010	434-91-050	DECOD	98-08-010
415-512-015	AMD-P	98-15-098	434-60-010	DECOD	98-08-010	434-91-060	DECOD	98-08-010
415-512-015	AMD	98-20-047	434-60-020	DECOD	98-08-010	434-91-070	DECOD	98-08-010
415-512-020	AMD-P	98-15-098	434-60-030	DECOD	98-08-010	434-91-080	DECOD	98-08-010
415-512-020	AMD	98-20-047	434-60-040	DECOD	98-08-010	434-91-090	DECOD	98-08-010
415-512-030	AMD-P	98-15-098	434-60-050	DECOD	98-08-010	434-91-100	DECOD	98-08-010
415-512-030	AMD	98-20-047	434-60-060	DECOD	98-08-010	434-91-110	DECOD	98-08-010
415-512-050	AMD-P	98-15-098	434-60-070	DECOD	98-08-010	434-91-120	DECOD	98-08-010
415-512-050	AMD	98-20-047	434-60-080	DECOD	98-08-010	434-91-130	DECOD	98-08-010
415-512-070	AMD-P	98-15-098	434-60-090	DECOD	98-08-010	434-91-140	DECOD	98-08-010
415-512-070	AMD	98-20-047	434-60-100	DECOD	98-08-010	434-91-150	DECOD	98-08-010
415-512-075	AMD-P	98-15-098	434-60-110	DECOD	98-08-010	434-91-160	DECOD	98-08-010
415-512-075	AMD	98-20-047	434-60-120	DECOD	98-08-010	434-91-170	DECOD	98-08-010
415-512-080	AMD-P	98-15-098	434-60-130	DECOD	98-08-010	434-110-060	AMD-E	98-13-042
415-512-080	AMD	98-20-047	434-60-140	DECOD	98-08-010	434-110-060	AMD-XA	98-13-099
415-512-090	AMD-P	98-15-098	434-60-150	DECOD	98-08-010	434-110-060	AMD	98-17-075
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415-512-095	NEW-P	98-15-098	434-60-170	DECOD	98-08-010	434-120-300	AMD	98-18-034
415-512-095	NEW	98-20-047	434-60-180	DECOD	98-08-010	434-120-305	AMD-P	98-13-098
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415-512-110	AMD	98-20-047	434-60-200	DECOD	98-08-010	434-120-310	AMD-P	98-13-098
415-524-010	AMD-P	98-15-098	434-60-210	DECOD	98-08-010	434-120-310	AMD	98-18-034
415-524-010	AMD	98-20-047	434-60-215	DECOD	98-08-010	434-120-315	REP-P	98-13-098
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415-548-010	AMD	98-20-047	434-60-250	DECOD	98-08-010	434-120-320	AMD-P	98-13-098
415-560-010	AMD-P	98-15-098	434-60-260	DECOD	98-08-010	434-120-320	AMD	98-18-034
415-560-010	AMD	98-20-047	434-60-270	DECOD	98-08-010	434-120-335	REP-P	98-13-098
434-08-010	DECOD	98-08-010	434-60-280	DECOD	98-08-010	434-120-335	REP	98-18-034
434-08-020	DECOD	98-08-010	434-60-290	DECOD	98-08-010	434-120-340	REP-P	98-13-098
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434-08-040	DECOD	98-08-010	434-60-310	DECOD	98-08-010	434-120-350	REP-P	98-13-098
434-08-050	DECOD	98-08-010	434-60-320	DECOD	98-08-010	434-120-350	REP	98-18-034
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434-08-080	DECOD	98-08-010	434-60-350	DECOD	98-08-010	434-180-200	AMD-P	98-13-100
434-08-090	DECOD	98-08-010	434-69-005	DECOD	98-08-010	434-180-200	AMD	98-16-031
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434-26-035	DECOD	98-08-010	434-69-080	DECOD	98-08-010	434-180-240	AMD	98-16-031
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434-208-030	RECOD	98-08-010	434-261-005	AMD-E	98-18-041	434-334-160	NEW-E	98-17-029
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434-208-050	RECOD	98-08-010	434-291-010	RECOD	98-08-010	434-334-170	NEW-E	98-17-029
434-208-060	RECOD	98-08-010	434-291-020	RECOD	98-08-010	434-334-175	NEW-E	98-17-029
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460-44A-110	NEW-P	98-14-073	468-30-030	REP-XR	98-13-060	468-84-210	REP-P	98-07-005
460-44A-110	NEW	98-17-012	468-30-030	REP	98-18-003	468-84-210	REP	98-11-045
460-44A-500	AMD-P	98-08-055	468-34-010	AMD-P	98-19-129	468-84-220	REP-P	98-07-005
460-44A-500	AMD	98-11-014	468-34-020	AMD-P	98-19-129	468-84-220	REP	98-11-045
460-44A-501	AMD-P	98-08-055	468-34-100	AMD-P	98-19-129	468-84-230	REP-P	98-07-005
460-44A-501	AMD	98-11-014	468-34-120	AMD-P	98-19-129	468-84-230	REP	98-11-045
460-44A-502	AMD-P	98-08-055	468-34-150	AMD-P	98-19-129	468-84-240	REP-P	98-07-005
460-44A-502	AMD	98-11-014	468-34-330	AMD-P	98-19-129	468-84-240	REP	98-11-045
460-44A-503	AMD-P	98-08-055	468-38-070	AMD-P	98-06-016	468-84-250	REP-P	98-07-005
460-44A-503	AMD	98-11-014	468-38-070	AMD	98-09-029	468-84-250	REP	98-11-045
460-44A-504	AMD-P	98-08-055	468-38-070	AMD-E	98-12-097	468-84-260	REP-P	98-07-005
460-44A-504	PREP	98-09-003	468-38-070	PREP	98-14-045	468-84-260	REP	98-11-045
460-44A-504	AMD	98-11-014	468-38-070	AMD-P	98-18-026	468-84-300	REP-P	98-07-005
460-44A-506	AMD-P	98-08-055	468-38-070	AMD	98-21-019	468-84-300	REP	98-11-045
460-44A-506	AMD	98-11-014	468-38-071	AMD-E	98-12-097	468-84-310	REP-P	98-07-005
460-44A-508	AMD-P	98-08-055	468-38-071	AMD-P	98-18-026	468-84-310	REP	98-11-045
460-44A-508	AMD	98-11-014	468-38-071	AMD	98-21-019	468-84-320	REP-P	98-07-005
460-52A-010	REP-XR	98-14-071	468-38-110	PREP	98-06-023	468-84-320	REP	98-11-045
460-52A-040	REP	98-17-059	468-38-110	AMD-P	98-10-038	468-85	PREP	98-03-031
460-52A-030	REP-XR	98-14-071	468-38-110	AMD-S	98-13-101	468-85-010	AMD-P	98-07-006
460-52A-030	REP	98-17-059	468-38-110	AMD	98-16-048	468-85-010	AMD	98-11-046
460-52A-040	REP-XR	98-14-071	468-38-120	AMD-E	98-08-057	468-85-015	AMD-P	98-07-006
460-52A-040	REP	98-17-059	468-38-120	PREP	98-08-089	468-85-015	AMD	98-11-046
460-52A-050	REP-XR	98-14-071	468-38-120	AMD-P	98-12-096	468-85-110	AMD-P	98-07-006
460-52A-050	REP	98-17-059	468-38-120	AMD	98-16-087	468-85-110	AMD	98-11-046

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
468-85-120	AMD-P	98-07-006	468-550-060	NEW-E	98-15-037	480-09-465	AMD-P	98-19-146
468-85-120	AMD	98-11-046	468-550-060	NEW-P	98-16-049	480-09-466	AMD-P	98-19-146
468-85-130	AMD-P	98-07-006	468-550-060	NEW	98-19-052	480-09-467	AMD-P	98-19-146
468-85-130	AMD	98-11-046	468-550-070	NEW-E	98-15-037	480-09-470	AMD-P	98-19-146
468-85-210	AMD-P	98-07-006	468-550-070	NEW-P	98-16-049	480-09-475	AMD-P	98-19-146
468-85-210	AMD	98-11-046	468-550-070	NEW	98-19-052	480-09-500	AMD-P	98-19-146
468-85-220	AMD-P	98-07-006	474-10-010	NEW-P	98-14-139	480-09-510	AMD-P	98-19-146
468-85-220	AMD	98-11-046	474-10-020	NEW-P	98-14-139	480-09-530	NEW-P	98-15-094
468-85-230	AMD-P	98-07-006	474-10-030	NEW-P	98-14-139	480-09-530	NEW	98-21-042
468-85-230	AMD	98-11-046	474-10-040	NEW-P	98-14-139	480-09-600	AMD-P	98-19-146
468-85-240	AMD-P	98-07-006	474-10-050	NEW-P	98-14-139	480-09-610	AMD-P	98-19-146
468-85-240	AMD	98-11-046	474-10-060	NEW-P	98-14-139	480-09-620	AMD-P	98-19-146
468-85-250	AMD-P	98-07-006	474-10-070	NEW-P	98-14-139	480-09-700	AMD-P	98-19-146
468-85-250	AMD	98-11-046	474-10-080	NEW-P	98-14-139	480-09-705	AMD-P	98-19-146
468-85-260	REP-P	98-07-006	474-10-090	NEW-P	98-14-139	480-09-710	AMD-P	98-19-146
468-85-260	REP	98-11-046	474-10-100	NEW-P	98-14-139	480-09-720	AMD-P	98-19-146
468-85-270	REP-P	98-07-006	478-160-015	AMD-P	98-05-066	480-09-730	AMD-P	98-19-146
468-85-270	REP	98-11-046	478-160-015	AMD	98-10-048	480-09-735	AMD-P	98-19-146
468-85-280	REP-P	98-07-006	478-160-095	AMD-P	98-05-066	480-09-736	AMD-P	98-19-146
468-85-280	REP	98-11-046	478-160-095	AMD	98-10-048	480-09-740	AMD-P	98-19-146
468-85-290	AMD-P	98-07-006	478-160-110	AMD-P	98-05-066	480-09-745	AMD-P	98-19-146
468-85-290	AMD	98-11-046	478-160-110	AMD	98-10-048	480-09-750	AMD-P	98-19-146
468-85-310	AMD-P	98-07-006	478-160-120	REP-P	98-05-066	480-09-751	AMD-P	98-19-146
468-85-310	AMD	98-11-046	478-160-120	REP	98-10-048	480-09-760	AMD-P	98-19-146
468-300-010	AMD-P	98-03-050	478-160-142	NEW-P	98-05-066	480-09-770	AMD-P	98-19-146
468-300-010	AMD	98-08-051	478-160-142	NEW	98-10-048	480-09-780	AMD-P	98-19-146
468-300-020	AMD-P	98-03-050	478-160-143	NEW-P	98-05-066	480-09-800	AMD-P	98-19-146
468-300-020	AMD	98-08-051	478-160-143	NEW	98-10-048	480-09-810	AMD-P	98-19-146
468-300-040	AMD-P	98-03-050	478-160-150	AMD-P	98-05-066	480-09-815	AMD-P	98-19-146
468-300-040	AMD	98-08-051	478-160-150	AMD	98-10-048	480-09-820	AMD-P	98-19-146
468-300-220	AMD-P	98-03-050	478-160-246	AMD-P	98-05-066	480-09-830	REP-P	98-19-146
468-300-220	AMD	98-08-051	478-160-246	AMD	98-10-048	480-12-001	REP-P	98-19-060
468-300-700	PREP	98-17-076	478-160-270	AMD-P	98-05-066	480-12-003	REP-P	98-19-060
468-300-700	AMD-P	98-20-092	478-160-270	AMD	98-10-048	480-12-005	REP-P	98-19-060
468-310	PREP	98-17-036	478-160-275	AMD-P	98-05-066	480-12-010	REP-P	98-19-060
468-400-010	NEW-E	98-03-009	478-160-275	AMD	98-10-048	480-12-015	REP-P	98-19-060
468-400-010	NEW-E	98-03-059	478-160-280	AMD-P	98-05-066	480-12-020	REP-P	98-19-060
468-400-010	NEW	98-06-029	478-160-280	AMD	98-10-048	480-12-022	REP-P	98-19-060
468-400-020	NEW-E	98-03-009	478-160-295	AMD-P	98-05-066	480-12-025	REP-P	98-19-060
468-400-020	NEW-P	98-03-059	478-160-295	AMD	98-10-048	480-12-030	REP-P	98-19-060
468-400-020	NEW	98-06-029	480-09	PREP	98-05-056	480-12-031	REP-P	98-19-060
468-400-030	NEW-E	98-03-009	480-09-005	NEW-P	98-19-146	480-12-033	REP-P	98-19-060
468-400-030	NEW-P	98-03-059	480-09-010	AMD-P	98-19-146	480-12-045	REP-P	98-19-060
468-400-030	NEW	98-06-029	480-09-012	AMD-P	98-19-146	480-12-050	REP-P	98-19-060
468-400-040	NEW-E	98-03-009	480-09-100	AMD-P	98-19-146	480-12-065	REP-P	98-19-060
468-400-040	NEW-P	98-03-059	480-09-101	NEW-P	98-19-146	480-12-070	REP-P	98-19-060
468-400-040	NEW	98-06-029	480-09-115	AMD-P	98-19-146	480-12-080	REP-P	98-19-060
468-510	PREP	98-04-044	480-09-120	AMD-P	98-19-146	480-12-081	REP-P	98-19-060
468-510-010	NEW-P	98-08-030	480-09-125	AMD-P	98-19-146	480-12-083	REP-P	98-19-060
468-510-010	NEW	98-12-062	480-09-130	AMD-P	98-19-146	480-12-084	REP-P	98-19-060
468-510-020	NEW-P	98-08-030	480-09-135	AMD-P	98-19-146	480-12-100	REP-P	98-19-060
468-510-020	NEW	98-12-062	480-09-140	AMD-P	98-19-146	480-12-115	REP-P	98-19-060
468-550-010	NEW-E	98-15-037	480-09-150	AMD-P	98-19-146	480-12-120	REP-P	98-19-060
468-550-010	NEW-P	98-16-049	480-09-200	AMD-P	98-19-146	480-12-121	REP-P	98-19-060
468-550-010	NEW	98-19-052	480-09-210	AMD-P	98-19-146	480-12-125	REP-P	98-19-060
468-550-020	NEW-E	98-15-037	480-09-220	AMD-P	98-19-146	480-12-126	REP-P	98-19-060
468-550-020	NEW-P	98-16-049	480-09-230	AMD-P	98-19-146	480-12-127	REP-P	98-19-060
468-550-020	NEW	98-19-052	480-09-340	AMD-P	98-19-146	480-12-130	REP-P	98-19-060
468-550-030	NEW-E	98-15-037	480-09-390	AMD-P	98-19-146	480-12-135	REP-P	98-19-060
468-550-030	NEW-P	98-16-049	480-09-400	AMD-P	98-19-146	480-12-150	REP-P	98-19-060
468-550-030	NEW	98-19-052	480-09-410	AMD-P	98-19-146	480-12-165	REP-P	98-19-060
468-550-040	NEW-E	98-15-037	480-09-420	AMD-P	98-19-146	480-12-170	REP-P	98-19-060
468-550-040	NEW-P	98-16-049	480-09-425	AMD-P	98-19-146	480-12-180	REP-P	98-19-060
468-550-040	NEW	98-19-052	480-09-426	AMD-P	98-19-146	480-12-185	REP-P	98-19-060
468-550-050	NEW-E	98-15-037	480-09-430	AMD-P	98-19-146	480-12-190	REP-P	98-19-060
468-550-050	NEW-P	98-16-049	480-09-440	AMD-P	98-19-146	480-12-200	REP-P	98-19-060
468-550-050	NEW	98-19-052	480-09-460	AMD-P	98-19-146	480-12-210	REP-P	98-19-060

TABLE

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-12-215	REP-P	98-19-060	480-15-240	NEW-P	98-19-060	480-15-890	NEW-P	98-19-060
480-12-220	REP-P	98-19-060	480-15-250	NEW-P	98-19-060	480-15-900	NEW-P	98-19-060
480-12-235	REP-P	98-19-060	480-15-260	NEW-P	98-19-060	480-15-910	NEW-P	98-19-060
480-12-250	REP-P	98-19-060	480-15-270	NEW-P	98-19-060	480-15-920	NEW-P	98-19-060
480-12-255	REP-P	98-19-060	480-15-280	NEW-P	98-19-060	480-15-930	NEW-P	98-19-060
480-12-265	REP-P	98-19-060	480-15-285	NEW-P	98-19-060	480-15-940	NEW-P	98-19-060
480-12-270	REP-P	98-19-060	480-15-290	NEW-P	98-19-060	480-60	PREP	98-20-105
480-12-275	REP-P	98-19-060	480-15-300	NEW-P	98-19-060	480-63-010	REP-XR	98-14-135
480-12-280	REP-P	98-19-060	480-15-310	NEW-P	98-19-060	480-63-010	REP	98-21-040
480-12-285	REP-P	98-19-060	480-15-320	NEW-P	98-19-060	480-63-020	REP-XR	98-14-135
480-12-290	REP-P	98-19-060	480-15-330	NEW-P	98-19-060	480-63-020	REP	98-21-040
480-12-295	REP-P	98-19-060	480-15-340	NEW-P	98-19-060	480-63-030	REP-XR	98-14-135
480-12-300	REP-P	98-19-060	480-15-350	NEW-P	98-19-060	480-63-030	REP	98-21-040
480-12-320	REP-P	98-19-060	480-15-360	NEW-P	98-19-060	480-63-040	REP-XR	98-14-135
480-12-325	REP-P	98-19-060	480-15-370	NEW-P	98-19-060	480-63-040	REP	98-21-040
480-12-330	REP-P	98-19-060	480-15-380	NEW-P	98-19-060	480-63-050	REP-XR	98-14-135
480-12-335	REP-P	98-19-060	480-15-390	NEW-P	98-19-060	480-63-050	REP	98-21-040
480-12-340	REP-P	98-19-060	480-15-400	NEW-P	98-19-060	480-63-060	REP-XR	98-14-135
480-12-345	REP-P	98-19-060	480-15-410	NEW-P	98-19-060	480-63-060	REP	98-21-040
480-12-350	REP-P	98-19-060	480-15-420	NEW-P	98-19-060	480-63-070	REP-XR	98-14-135
480-12-355	REP-P	98-19-060	480-15-430	NEW-P	98-19-060	480-63-070	REP	98-21-040
480-12-360	REP-P	98-19-060	480-15-440	NEW-P	98-19-060	480-63-080	REP-XR	98-14-135
480-12-365	REP-P	98-19-060	480-15-450	NEW-P	98-19-060	480-63-080	REP	98-21-040
480-12-370	REP-P	98-19-060	480-15-460	NEW-P	98-19-060	480-63-090	REP-XR	98-14-135
480-12-375	REP-P	98-19-060	480-15-470	NEW-P	98-19-060	480-63-090	REP	98-21-040
480-12-385	REP-P	98-19-060	480-15-480	NEW-P	98-19-060	480-66	PREP	98-20-105
480-12-395	REP-P	98-19-060	480-15-490	NEW-P	98-19-060	480-80-330	AMD	98-04-028
480-12-400	REP-P	98-19-060	480-15-500	NEW-P	98-19-060	480-92	PREP	98-06-050
480-12-405	REP-P	98-19-060	480-15-510	NEW-P	98-19-060	480-93-010	PREP	98-16-011
480-12-410	REP-P	98-19-060	480-15-520	NEW-P	98-19-060	480-95-010	REP-XR	98-14-136
480-12-415	REP-P	98-19-060	480-15-530	NEW-P	98-19-060	480-95-010	REP	98-21-041
480-12-420	REP-P	98-19-060	480-15-540	NEW-P	98-19-060	480-95-020	REP-XR	98-14-136
480-12-425	REP-P	98-19-060	480-15-550	NEW-P	98-19-060	480-95-020	REP	98-21-041
480-12-430	REP-P	98-19-060	480-15-560	NEW-P	98-19-060	480-95-030	REP-XR	98-14-136
480-12-435	REP-P	98-19-060	480-15-570	NEW-P	98-19-060	480-95-030	REP	98-21-041
480-12-440	REP-P	98-19-060	480-15-580	NEW-P	98-19-060	480-95-040	REP-XR	98-14-136
480-12-445	REP-P	98-19-060	480-15-590	NEW-P	98-19-060	480-95-040	REP	98-21-041
480-12-450	REP-P	98-19-060	480-15-600	NEW-P	98-19-060	480-95-050	REP-XR	98-14-136
480-12-455	REP-P	98-19-060	480-15-610	NEW-P	98-19-060	480-95-050	REP	98-21-041
480-12-460	REP-P	98-19-060	480-15-620	NEW-P	98-19-060	480-95-060	REP-XR	98-14-136
480-12-465	REP-P	98-19-060	480-15-630	NEW-P	98-19-060	480-95-060	REP	98-21-041
480-12-600	REP-P	98-19-060	480-15-640	NEW-P	98-19-060	480-95-070	REP-XR	98-14-136
480-12-990	REP-P	98-19-060	480-15-650	NEW-P	98-19-060	480-95-070	REP	98-21-041
480-15-010	NEW-P	98-19-060	480-15-660	NEW-P	98-19-060	480-95-080	REP-XR	98-14-136
480-15-020	NEW-P	98-19-060	480-15-670	NEW-P	98-19-060	480-95-080	REP	98-21-041
480-15-030	NEW-P	98-19-060	480-15-680	NEW-P	98-19-060	480-95-090	REP-XR	98-14-136
480-15-040	NEW-P	98-19-060	480-15-690	NEW-P	98-19-060	480-95-090	REP	98-21-041
480-15-050	NEW-P	98-19-060	480-15-700	NEW-P	98-19-060	480-95-100	REP-XR	98-14-136
480-15-060	NEW-P	98-19-060	480-15-710	NEW-P	98-19-060	480-95-100	REP	98-21-041
480-15-070	NEW-P	98-19-060	480-15-720	NEW-P	98-19-060	480-95-110	REP-XR	98-14-136
480-15-080	NEW-P	98-19-060	480-15-730	NEW-P	98-19-060	480-95-110	REP	98-21-041
480-15-090	NEW-P	98-19-060	480-15-740	NEW-P	98-19-060	480-95-120	REP-XR	98-14-136
480-15-100	NEW-P	98-19-060	480-15-750	NEW-P	98-19-060	480-95-120	REP	98-21-041
480-15-110	NEW-P	98-19-060	480-15-760	NEW-P	98-19-060	480-95-125	REP-XR	98-14-136
480-15-120	NEW-P	98-19-060	480-15-770	NEW-P	98-19-060	480-95-125	REP	98-21-041
480-15-130	NEW-P	98-19-060	480-15-780	NEW-P	98-19-060	480-110	PREP	98-05-056
480-15-140	NEW-P	98-19-060	480-15-790	NEW-P	98-19-060	480-120-021	AMD-P	98-17-068
480-15-150	NEW-P	98-19-060	480-15-795	NEW-P	98-19-060	480-120-027	AMD	98-04-028
480-15-160	NEW-P	98-19-060	480-15-800	NEW-P	98-19-060	480-120-045	NEW-P	98-03-011
480-15-170	NEW-P	98-19-060	480-15-810	NEW-P	98-19-060	480-120-045	NEW-S	98-12-071
480-15-180	NEW-P	98-19-060	480-15-820	NEW-P	98-19-060	480-120-045	NEW-P	98-20-104
480-15-190	NEW-P	98-19-060	480-15-830	NEW-P	98-19-060	480-120-137	REP-P	98-17-068
480-15-195	NEW-P	98-19-060	480-15-840	NEW-P	98-19-060	480-120-138	AMD-P	98-17-068
480-15-200	NEW-P	98-19-060	480-15-850	NEW-P	98-19-060	480-120-141	AMD-P	98-17-068
480-15-210	NEW-P	98-19-060	480-15-860	NEW-P	98-19-060	480-120-142	REP-P	98-17-068
480-15-220	NEW-P	98-19-060	480-15-870	NEW-P	98-19-060	480-120-143	REP-P	98-17-068
480-15-230	NEW-P	98-19-060	480-15-880	NEW-P	98-19-060	480-120-144	NEW-P	98-18-107

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WAC #	ACTION	WSR #	WAC #	ACTION	WSR #	WAC #	ACTION	WSR #
480-120-151	NEW-P	98-18-107	490-105-060	NEW-P	98-17-052			
480-120-152	NEW-P	98-18-107	490-105-070	NEW-P	98-17-052			
480-120-153	NEW-P	98-18-107	490-105-080	NEW-P	98-17-052			
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