

WSR 10-15-002
INTERPRETIVE STATEMENT
PUBLIC DISCLOSURE COMMISSION
 [Filed July 7, 2010, 1:33 p.m.]

Commission Interpretation - Public Service Announcements by State-Elected Officials and Municipal Officers

The commission adopted Interpretation 10-01 concerning a new law to be codified in chapter 42.17 RCW (section 703, chapter 204, Laws of 2010) which provides for limitations on public service announcements (PSA) when state-elected officials and municipal officers are candidates.

The commission interprets:

- "State-elected official" and "candidate" are defined in RCW 42.17.020;
- "Municipal officer" includes those persons described by the legislature in RCW 42.23.020(2); and
- PSAs are defined in WAC 390-05-525.

The commission interprets that a PSA would not include:

- News items or editorials that are of primary interest to the general public in a news medium controlled by a person whose business is that news medium and not controlled by the candidate or committee;
- Hosted radio or television talk shows where the participating public official is not paid by the show's sponsor, and which are of primary interest to the general public in a news medium controlled by a person whose business is that news medium and not controlled by the candidate or committee;
- Open news or press conferences;
- News releases and newsletters;
- Live speeches;
- Testimony;
- Rallies;
- Responses to a specific inquiry;
- Communications produced or made as part of litigation, including but not limited to exhibits, oral or written argument, class action notices, news releases or news conferences to announce litigation filings or case outcomes, and the like;
- Public agency web sites; and
- Personal communications not using public facilities.

The commission meeting materials can be found at www.pdc.wa.gov under commission meetings. For additional information concerning this interpretation (<http://www.pdc.wa.gov/archive/guide/pdf/10-01.pdf>) contact Suemary Trobaugh, Administrative Officer, (360) 753-1985, toll-free 1-877-601-2828 or e-mail strobaugh@pdc.wa.gov.

WSR 10-15-003
NOTICE OF PUBLIC MEETINGS
MILITARY DEPARTMENT
 (Enhanced 911 Advisory Committee)
 [Filed July 7, 2010, 1:40 p.m.]

Following is the schedule of regular meetings for the Washington state military department E911 advisory committee for 2010:

Date	Time	Location
July 15	9:30 a.m. - 1:30 p.m.	Camp Murray Building 91 or 92
September 16	9:30 a.m. - 1:30 p.m.	Camp Murray Building 91 or 92
October 21	9:30 a.m. - 1:30 p.m.	Camp Murray Building 91 or 92
November 18	9:30 a.m. - 1:30 p.m.	Camp Murray Building 91 or 92

If you need further information contact Anna Marie Ortiz, Building 20B, Camp Murray, Washington 98430, phone (253) 512-7012, fax (253) 512-7202, a.ortiz@emd.wa.gov, http://www.emd.wa.gov/e911/e911_advisory_committee.shtml.

WSR 10-15-005
RULES COORDINATOR
MILITARY DEPARTMENT
 [Filed July 7, 2010, 3:42 p.m.]

As the director of the Washington military department, I hereby designate Ms. Bernadette Petruska as the rules coordinator for the Washington military department.

Her contact information is Bernadette Petruska, Rules Coordinator, Washington Military Department, 1 Militia Drive, Mailstop TA-20, Camp Murray, WA 98430-5000, office direct (253) 512-8108, fax (253) 512-8497, e-mail Bernadette.Petruska@mil.wa.gov.

Timothy J. Lowenberg
 Major General
 The Adjutant General/Director

WSR 10-15-008
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE
 [Filed July 8, 2010, 7:52 a.m.]

The board of trustees of Walla Walla Community College, District Number Twenty, has cancelled the following meetings:

- July 14, 2010
- August 18, 2010

Please direct any questions to Jerri Ramsey at jerri.ramsey@wwcc.edu or by phone (509) 527-4274.

WSR 10-15-010
NOTICE OF PUBLIC MEETINGS
CONVENTION CENTER
 [Filed July 8, 2010, 9:20 a.m.]

A regular meeting of the Washington state convention center board of directors will be held on **Tuesday, July 20, 2010**, at 1:30 p.m. The meeting will take place in Room 201 of The Conference Center (TCC).

TCC is located at the northeast corner of Eighth Avenue and Pike Street in Seattle, directly across from the Convention Center building.

For easy access to information about TCC, please go to our web site <http://wscc.com/> and click on **Introducing The Conference Center** at upper right on the WSCC homepage. You will find detailed information about the 71,000 square feet of new high-end meeting space opening this month, designed and furnished to exceed LEED Silver certification.

If you have any questions regarding the July 20, 2010, board meeting or The Conference Center, please call (206) 694-5000.

WSR 10-15-011
AGENDA
WASHINGTON STATE PATROL
 [Filed July 8, 2010, 10:09 a.m.]
Semi-Annual Rule-Making Agenda
July through December 2010

The following is the Washington state patrol's (WSP) semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have any questions about this rule-making agenda, please contact Melissa Van Gorkom, Rules Coordinator, P.O. Box 42600, Olympia, WA 98504-2600, phone (360) 596-4017, fax (360) 596-4015, e-mail WSPrules@wsp.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 448-16 WAC	Administration of the breath test program. The agency anticipates a need to update this language if proposed legislation passes in the 2010 session.	WSR 10-10-091 filed May 3, 2010	CR-102 in 2010	CR-103 in 2010
Chapter 204-50 WAC	Ignition interlock breath alcohol devices. The agency anticipates a need to update this language if proposed legislation passes in the 2010 session.	WSR 10-10-090 filed May 3, 2010	CR-102 in 2010	CR-103 in 2010
WAC 204-21-020 and 204-21-140	Flashing warning lamps. The changes may include, but are not limited to, updates to the table for vehicle types and adding definitions for agricultural and industrial equipment.	WSR 10-10-093 filed May 3, 2010	CR-102 in 2010	CR-103 in 2010
WAC 204-24-050 and 204-24-070	Traction tires. The changes may include, but are not limited to adding a definition for alternative traction device and updating the requirements for device certification.	WSR 10-10-092 filed May 3, 2010	CR-102 in 2010	CR-103 in 2010

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
New chapter in Title 446 WAC	Ignition interlock breath alcohol devices. The agency anticipates a need to create a new chapter to Title 446 WAC to outline railroad crossings that are exempt in accordance with SSB 6213 (chapter 15, Laws of 2010).	CR-101 in 2010	CR-102 in 2010	CR-103 in 2010
Chapter 204-91A WAC	Towing businesses. It is anticipated that this WAC will need to be updated to address new standards and provide clarifying language.	CR-101 in 2010 of [or] 2011	CR-102 in 2010 or 2011	CR-103 in 2010 or 2011
Chapter 212-02 WAC	Fire marshal's office. It is anticipated that this WAC will be repealed as the language is no longer necessary.	CR-101 in 2010	CR-102 in 2010	CR-103 in 2010

Melissa Van Gorkom
Rules Coordinator

WSR 10-15-016

**NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD**

[Filed July 8, 2010, 2:38 p.m.]

Meeting change: The public works board August meetings will be on August 9 and August 26, 2010, at 8:30 a.m. at the Washington State Criminal Justice Training Commission, 19010 First Avenue South, Burien, WA 98418, (206) 835-7300.

Please contact the public works board at (360) 725-3150 for any further information.

WSR 10-15-022

**AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed July 9, 2010, 3:03 p.m.]

In accordance with RCW 34.05.314, following is the department of labor and industries' semi-annual rules development agenda for July 1 through December 31, 2010.

There may be additional rule-making activities not on the agenda as conditions warrant.

Please contact Naomi Goodman at (360) 902-4211 or goon235@lni.wa.gov if you have any questions.

**Semi-Annual Rules Development Agenda
July 1 - December 31, 2010**

DIVISION: INSURANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-20 296-21 296-23 296-23A 296-23B	Implementing any health technology clinical committee (HTCC) decision that would need to be adopted by rule.	Rule adoption: Jami Lifka Office of the Medical Director (360) 902-4941 Questions on the HTCC program: Josh Morse Office of the Medical Director (360) 902-5026	TBD	TBD	TBD	The subjects HTCC will consider in 2010 include the following selected technologies: 1. Vertebroplasty/kyphoplasty/sacroplasty 2. Spinal cord stimulation 3. Breast MRI 4. Hyaluronic acid 5. MRI or CT for the abdomen/pelvis 6. Routine ultrasound for pregnancy 7. ABA therapy for autism 8. Spinal injections 9. Knee surgery - replacement.
296-20 296-21	Psychiatric services.	Jami Lifka Office of the Medical Director (360) 902-4941	11/2010	TBD	TBD	This rule making is to consider possible changes to psychiatric services for injured workers.
296-20 296-21 296-23 296-23A 296-23B	Housekeeping rules.	Jami Lifka Office of the Medical Director (360) 902-4941	10/2010	TBD	TBD	This rule making is to consider possible housekeeping changes to the listed WAC chapters.
296-23	Responsibilities of independent medical examination providers.	Gary Walker Health Services Analysis (360) 902-6823	8/31/10	1/31/11	3/1/11	Clarifies responsibilities regarding payment for medical testimony.
296-17 296-17A	Industrial insurance—Reporting for schools.	Jo Anne Attwood Employer Services (360) 902-4777	7/20/10	9/3/10	11/17/10	This rule making is to update reporting requirements to clarify schools may report contract personnel in a specific manner. It will also update school classifications to include reference to the reporting rule.
296-17	Industrial insurance—2011 rates.	Jo Anne Attwood Employer Services (360) 902-4777	7/6/10 WSR 10-14-102	9/22/10	11/30/10	L&I is required by law to establish and maintain a workers' compensation classification plan and to set premium rates that are the lowest necessary to maintain actuarial solvency of the accident and medical aid funds and are designed to attempt to limit fluctuations in premium rates. The plan must be consistent with recognized principles of insurance. L&I is also required by law to offer retrospective rating plans to employers as a further incentive to encourage workplace safety and prevent employee injury.
296-31	Crime victims compensation—Registered mental health counselors.	Janice Deal Crime Victims Compensation (360) 902-5369	N/A	4/20/10 (CR-105) WSR 10-09-087	7/6/10 WSR 10-14-101	L&I's WAC 296-31-030 (2) and (3) refer to the "registered" counselor profession. The purpose of this rule making is to remove the "registered" counselor from the list of professions eligible to treat under the Crime Victims Act.

DIVISION: INSURANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
						<p>2SHB 2674 (chapter 135, Laws of 2008) required the department of health (DOH) to eliminate the "registered" counselor credential as a licensed profession by July 1, 2010. The registered counselor profession was divided into eight new categories of fully-credentialed and precredential status health professionals.</p> <p>DOH stopped issuing licenses for registered counselors on July 1, 2009. By amending WAC 296-31-030, the L&I's crime victims' compensation program will ensure consistency with the licensing requirements of DOH.</p>
296-23	Independent medical examinations.	Anita Austin Health Services Analysis (360) 902-6825	6/23/10 WSR 10-13-165	8/18/10	12/10/10	Our rules require board certification for providers to perform independent medical exams. This applies to all medical, osteopathic, and podiatric physicians as well as dentists. Because only dentists with specialties are board certified, we must change the rules to allow those in general dentistry to remain on the approved examiner list.
296-17 296-17A	Industrial insurance—Farm interns.	Julee Gronley Employer Services (360) 902-4726	5/5/10 WSR 10-10-122	6/22/10 WSR 10-13-135	8/9/10	This rule making is to create classifications, rates, and reporting rules for the farm internship program established by 2010 legislation. The program is housed in L&I's employment standards program.
296-17A	Industrial insurance—Classifications housekeeping.	Jo Anne Attwood Employer Services (360) 902-4777	4/21/10 WSR 10-09-101	6/22/10 WSR 10-13-139	8/24/10	This rule making is to make updates and corrections to various classifications, clarifying language or correcting references and errors.
296-17A	Industrial insurance—Construction classification reporting.	Richard Bredeson Employer Services (360) 902-4985	2/2/10 WSR 10-04-096	6/22/10 WSR 10-13-133	10/20/10	This rule making is to allow a division of hours by project for a construction classification.
296-17	Industrial insurance—Sports team reporting.	Richard Bredeson Employer Services (360) 902-4985	2/16/10 WSR 10-05-098	5/25/10 WSR 10-12-036	10/20/10	This rule making will simplify administration of coverage agreements for sport teams.
296-20	Travel expense.	Bob Mayer Health Services Analysis (360) 902-5021	12/22/09 WSR 10-01-169	2/16/10 (Original) WSR 10-05-097 5/18/10 (Supplemental) WSR 10-11-106	7/20/10	Changes payment method for reimbursing worker travel mileage.

DIVISION: INSURANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-30	Crime victims compensation—Controlling law.	Janice Deal Crime Victims Compensation (360) 902-5369	5/18/10 WSR 10-11-101	7/20/10	9/21/10	The purpose of this rule making is to amend WAC 296-30-900 to meet the conditions of E2SSB 6504 (chapter 122, Laws of 2010). WAC 296-30-900 establishes that the statute in effect when the criminal act occurred is the controlling law. E2SSB 6504 sets maximum benefit levels and makes new benefit reductions retroactive to all claims with dates of criminal acts on or after July 1, 1981. In order to be in compliance with the requirements of the law, WAC 296-30-900 must be amended to refer to E2SSB 6504.
296-15	Self-insurance second injury fund.	Margaret Conley Self-Insurance (360) 902-6723	5/4/10 WSR 10-10-106	8/4/10	10/5/10	This rule making is in response to a petition for rule making. Modifications to WAC 296-15-225 will require the department to experience rate one hundred percent of the second injury fund for self-insured employers.
296-17A	Industrial insurance—Chore services.	Jo Anne Attwood Employer Services (360) 902-4777	N/A	4/20/10 (CR-105) WSR 10-09-086	8/3/10	This rule making is to allow chore services workers for community action councils to be reported in classification 6511 Chore workers.
296-19A	Vocational rehabilitation.	Brian Fordham Policy and Quality Coordination (360) 902-5262	3/24/10 WSR 10-07-164	8/3/10	10/30/10	This rule making is to consider input on amendments of WAC 296-19A-210 (1)(b) and (4)(c), which relate to the deadline by which vocational rehabilitation counselors must be certified in order to continue to provide services to Washington injured workers.
296-17	Industrial insurance—Retrospective rating.	Diane Doherty Retrospective Rating (360) 902-4835	3/23/10 WSR 10-07-127	TBD	TBD	This rule making is to repeal existing retro rules and create new chapter 296-17B WAC to accommodate overall changes to the retro rules.
296-20	Missed appointments.	Aaron Huff Health Services Analyst (360) 902-4259	12/22/09 WSR 10-01-171	8/12/10	9/13/10	Clarifies whether providers can or cannot charge injured workers for missed appointments.
296-15	Continuing education requirements.	Margaret Conley Self-Insurance (360) 902-6723	12/15/09 WSR 10-01-083	8/2010	9/2010	The purpose of this rule making is to simplify the requirements for recertification of department-approved claims administrators by removing credit types.
296-15	Self-insurance housekeeping.	Margaret Conley Self-Insurance (360) 902-6723	8/20/08 WSR 08-17-117	12/2010	2/2011	The purpose of this rule making is to review chapter 296-15 WAC for any corrections and to ensure consistency with statute. Affected rules will also be rewritten using "plain talk."

DIVISION: INSURANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
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296-14	Industrial insurance—Wages.	Brian Fordham Policy and Quality Coordination (360) 902-5262	4/22/08 WSR 08-09-115	TBD	TBD	This rule making will amend existing rules for consistency with SHB 1244 (chapter 297, Laws of 2007). A new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
296-14 296-15	Industrial insurance—Suppressing workers' compensation claims.	Brian Fordham Policy and Quality Coordination (360) 902-5262	6/5/07 WSR 07-12-079	TBD	TBD	The proposed rules will assist in the implementation of SSB 5443 (chapter 77, Laws of 2007). The proposed rule making will define bona fide workplace safety and accident prevention program and first aid, and establish the penalty structure for employers when there is a finding of claim suppression. Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression. In addition, the rule making may address additional issues identified in the rule development process.
296-14	Industrial insurance—Definitions.	Brian Fordham Policy and Quality Coordination (360) 902-5262	5/3/05 WSR 05-10-073	TBD	TBD	This rule making will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rule making will amend the definition of temporary partial disability. This rule making will impact crime victims' compensation.
296-14	Industrial insurance—Confidentiality of workers' compensation claim files.	Brian Fordham Policy and Quality Coordination (360) 902-5262	11/16/04 WSR 04-23-080	TBD	TBD	This rule making will define the responsibility of employers, workers, and other parties who have access to workers' compensation claim files for confidentiality and release of claim information.
296-14	Industrial insurance—Worker employment patterns.	Brian Fordham Policy and Quality Coordination (360) 902-5262	8/21/02 WSR 02-17-108	TBD	TBD	This rule making will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
296-14	Industrial insurance—Pension discount rates and mortality assumptions.	Brian Fordham Policy and Quality Coordination (360) 902-5262	6/20/01 WSR 01-13-096	TBD	TBD	This rule making will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.

DIVISION: SPECIALTY COMPLIANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-96	Elevator rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	11/23/10	3/2011	5/2011	This rule making is a result of SHB 1055 (chapter 36, Laws of 2009). The rule making will also review the elevator rules for additions and revisions. The elevator rules are reviewed on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice and to clarify the rules as needed.
296-46B	Electrical rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	9/21/10	3/2011	5/2011	The department will review the electrical rule for additions and revisions. The electrical rules are reviewed on a regular basis to ensure the rules are consistent with the national consensus standards and industry practice and to clarify the rules as needed.
296-125	Nonagricultural employment of minors.	Sally Elliott Specialty Compliance Services (360) 902-6411	8/3/10	TBD	TBD	The purpose of the rule making is to incorporate current administrative policies into the child labor rules at the request of stakeholders. The rules were also reviewed and amended for clarity and ease of use. A number of changes are necessary to update the state regulations to be compatible with federal law and to remove jeopardy for Washington employers. Various drafts of the proposed changes have been circulated to stakeholders over the last several years and revisions made according to suggestions made during that process.
296-150C 296-150F 296-150M 296-150P 296-150R 296-150T 296-150V	Factory assembled structure fee increase.	Sally Elliott Specialty Compliance Services (360) 902-6411	8/3/10	TBD	TBD	ESHB 1244 (chapter 564, Laws of 2009) gave the department the authority to raise fees for the factory assembled structures program in order to cover the program's operating expenses. The purpose of this rule making is to increase the factory assembled structure fees in order to cover the costs for ongoing services for the program.
296-104	Board of boiler rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/20/10	10/5/10	11/17/10	The rule making will make clarifying and technical changes to the Board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules.
296-127	Prevailing wage— Scopes of work.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/20/10	9/21/10	11/30/10	The department is developing scope of work descriptions for job classifications that have a wage rate but no scope of work. This rule making will adopt scope of work definitions for dredge workers, truck drivers, and ready mix truck drivers.

DIVISION: SPECIALTY COMPLIANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
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296-135	Domestic violence.	Sally Elliott Specialty Compliance Services (360) 902-6411	8/19/08 WSR 08-17-068	4/20/10 WSR 10-09-090	7/6/10 WSR 10-14-099	This rule making is a result of SHB 2602 (chapter 286, Laws of 2008), which became effective on April 1, 2008. This bill requires employers to provide employees who are victims of domestic violence, sexual assault, or stalking, or whose family members are victims, with reasonable or intermittent leave from work, upon advance notice except in emergencies, for seeking or obtaining legal or law enforcement assistance, medical treatment, social services, or counseling, or for safety planning or relocation. This bill prohibits employers from discriminating against employees who exercise rights protected by this bill and it creates administrative and civil causes of action for violation of the provisions of the bill. Rules are needed to administer and enforce SHB 2602.
296-200A	Contractor certificate of registration.	Sally Elliott Specialty Compliance Services (360) 902-6411	7/6/10 WSR 10-14-103	8/31/10	11/16/10	This rule making is a result [of] SHB 1555 (chapter 432, Laws of 2009). The legislation amended the contractor registration law to require contractors to maintain a list of subcontractors on the job-site. The rule making will also clarify the scope of work definitions and clarify the requirements for an assignment of saving account.
296-46B	Electrical fee increase.	Sally Elliott Specialty Compliance Services (360) 902-6411	2/17/10 WSR 10-05-108 5/4/10 WSR 10-10-105	6/22/10 WSR 10-13-134	8/17/10	ESHB 1244 (chapter 564, Laws of 2009) gave the department the authority to raise fees for the electrical program in order to cover the program's operating expenses. The purpose of this rule making is to increase the electrical fees in order to cover the costs for ongoing services for the electrical program.
296-05	Apprenticeship rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	9/22/09 WSR 09-19-123 6/1/10 WSR 10-12-088	11/2010	2/2011	The federal government recently published updated rules and gave the states authorized under the federal system two years from December 28, 2008, to come into compliance. Rule making is needed to address past policies that address the federal changes. Additionally, Initiative 937 established an incentive to utilize state registered apprentices when entities construct/build renewable energy projects. The rules need to be amended to outline the processes and procedures through which entities can obtain certification of apprentice utilization levels.

DIVISION: SPECIALTY COMPLIANCE SERVICES						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
						In the CR-101 filed June 1, 2010, the department, on behalf of the Washington state apprenticeship and training council (WSATC), entered into rule writing to define due process regarding recently passed legislation (ESSB 5873 (chapter 197, Laws of 2009)) that put in place sanctions for noncompliance by employer training agents. The WSATC was directed in the legislation to develop rules for implementation.
296-126	Meal and rest period.	Sally Elliott Specialty Compliance Services (360) 902-6411	5/19/10 WSR 10-11-121	TBD	TBD	The rule making is to clarify the meal and rest break rules as a result of current law such as <i>Wingert v. Yellow Freight, 146 Wn.2d 841 (2002)</i> and <i>Alvarez v. IBP, 339 F.3d 894 (9th Cir. 2003)</i> . The rule making is to potentially address the department's interpretation and enforcement position on various aspects of the regulation, most of which are covered in the current policy, ES.C.6, as well as to address concerns expressed by employers and employees, including concerns regarding intermittent breaks. Rule making is needed so that employees and employers understand their rights and duties, respectively, for meal and rest periods.
296-127	Prevailing wage.	Sally Elliott Specialty Compliance Services (360) 902-6411	6/16/09 WSR 09-13-077	5/18/10 WSR 10-11-116	8/17/10	The prevailing wage rules have not gone through a comprehensive review since the early 90s. We have reviewed the rules and will be making amendments to reflect court decisions, integrate administrative policies, streamline current processes, create consistency with the statute, and make housekeeping changes.
296-150C 296-150F 296-150M 296-150P 296-150R 296-150T 296-150V	Factory assembled structure rules.	Sally Elliott Specialty Compliance Services (360) 902-6411	9/22/09 WSR 09-19-121	8/17/10	TBD	The purpose of this rule making is to review the factory assembled structure rules for clarification and technical changes.

DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-24	Electrical.	Kimberly Johnson DOSH (360) 902-5008	TBD	TBD	TBD	The department is proposing to conform our rule to OSHA requirements to be as-effective-as OSHA.
296-32	Telecommunications.	Beverly Clark DOSH (360) 902-5516	TBD	TBD	TBD	The vertical code for the telecommunications industry is out-of-date and is being updated and rewritten for clarity, ease of use, and understanding.

DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH						
WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-62	Hexavalent chromium.	Beverly Clark DOSH (360) 902-5516	TBD	TBD	TBD	The department is proposing to conform our rule to OSHA requirements to be as-effective-as OSHA.
296-155	Steel erection.	Cindy Ireland DOSH (360) 902-5522	TBD	TBD	TBD	The department is proposing to conform our rule to OSHA requirements to be as-effective-as OSHA.
296-52	Explosives.	Devin Proctor DOSH (360) 902-5541	7/16/10 WSR 10-14-104	8/13/10	11/30/10	The department is adding language to require those who store explosives to notify their local fire safety authority every year.
296-62	Formaldehyde in labs.	Cathy Julian DOSH (360) 902-5401	N/A	4/20/10 (CR-105) WSR 10-09-093	7/20/10	The department will be adding language to the rule so that our rule will be as-enforceable-as OSHA's rule.
296-305	Fire fighting.	Kim Johnson (360) 902-5008	11/4/08 WSR 08-22-082	TBD	TBD	The firefighting rules are being updated and rewritten for clarity, ease-of-use, and understanding with the assistance of a stakeholder group consisting of business, labor, and the fire chiefs.
296-155	Construction cranes (Phase 2).	Cindy Ireland DOSH (360) 902-5522	9/16/08 WSR 08-19-073	TBD	TBD	This project is to address the requirements that employers must follow with regard to inspection, maintenance and operation of cranes used in the construction industry. This proposal will replace the existing out-of-date requirements located in chapter 296-155 WAC, Part L. The department is working with a stakeholder group in the development of this proposal.
296-155	Rigging for construction.	Cindy Ireland DOSH (360) 902-5522	9/16/08 WSR 08-19-073	TBD	TBD	In addition to updating the current construction crane requirements, the department will be updating the existing out-of-date rigging requirements located in chapter 296-155 WAC, Part L. The department is working with a stakeholder group in the development of this proposal.
296-155	Fall protection.	Kimberly Johnson DOSH (360) 902-5008	4/4/06 WSR 06/08/085	TBD	TBD	This project is primarily focused on clear rule writing and combines two parts of the construction safety code for clarity and ease of use. In addition, the department intends to clarify the interpretation of current rules and policies with respect to walking-working surfaces on roofs as recommended by a business and labor ad hoc committee. The survey has been sent and we are in the process of evaluating the survey responses.

Naomi Goodman
Acting Legislative
and Rules Manager

WSR 10-15-023

AGENDA

UNIVERSITY OF WASHINGTON

[Filed July 12, 2010, 1:11 p.m.]

**Semi-Annual Agenda for Rules Under Development
(Per RCW 34.05.314)
July 2010**

Washington Administrative Code (WAC) rules listed as anticipated indicate a preliminary study expected to eventually lead to full rule-making activity. Additional rule-making activity not now anticipated may also to be added as conditions warrant between semi-annual agendas.

1. Rule making for chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle, is anticipated to continue during the second half of 2010 (CR-101 was filed as WSR 09-05-014).

2. Rule making for chapter 478-140 WAC, Rules and regulations for the University of Washington governing student education records, is anticipated to continue during the second half of 2010 (CR-101 was filed as WSR 09-17-078).

3. Rule making for chapter 478-165 WAC, Cost savings in course materials, is anticipated during the second half of 2010.

4. Housekeeping amendments for several Title 478 WAC rules are anticipated during the second half of 2010.

5. Rule making for chapter 478-355 WAC, Small works roster, is anticipated during the second half of 2010.

6. Rule making for chapter 478-276 WAC, Governing access to public records, is anticipated during 2010.

For more information concerning the above rules, please contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210, phone (206) 543-9219, fax (206) 685-3825, e-mail rules@uw.edu, web www.washington.edu/admin/rules/.

WSR 10-15-025

DEPARTMENT OF AGRICULTURE

[Filed July 12, 2010, 3:17 p.m.]

PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON

LEGAL NOTICE: The Washington state department of agriculture (WSDA) plant protection division is hereby notifying the affected public that the herbicides glyphosate (e.g. Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (e.g. Habitat® or Polaris AQ®), surfactants (e.g. Agri-Dex™, Class Act Next Generation™, Competitor™, Dyne-Amic™, Kinetic™, or LI-700™) and marker dyes may be used to control invasive *Spartina* grass species between June 1 and October 31, 2010. Properly licensed pesticide applicators who have obtained coverage under the WSDA national pollutant discharge elimination system waste discharge general permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tidflats of Grays Harbor, Hood Canal, Willapa Bay, Puget Sound, and the north and west sides of the Olympic Peninsula.

Use of herbicides is one of the options used to control *Spartina*. These infestations may also be treated, but not eradicated, by mowing, digging, crushing, or covering.

For more information, including locations of possible application sites or information on *Spartina*, contact the WSDA *Spartina* Control Program at (360) 902-1923. Or write: WSDA *Spartina* Program, P.O. Box 42560, Olympia, WA 98504-2560. To contact the WSDA NPDES permit coordinator, call Brad White at (360) 902-2071. The Washington state department of ecology 24-hour emergency number for reporting concerns about *Spartina* treatments is (360) 407-6283.

WSR 10-15-030

PUBLIC RECORDS OFFICER

DEPARTMENT OF

FINANCIAL INSTITUTIONS

[Filed July 13, 2010, 11:19 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the department of financial institutions is Gloria Papiez, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8820, fax (360) 586-5068, Gloria.Papiez@dfi.wa.gov.

Scott Jarvis
Director

WSR 10-15-031

RULES OF COURT

STATE SUPREME COURT

[July 8, 2010]

IN THE MATTER OF THE ADOPTION)	ORDER
OF THE AMENDMENTS TO CrR 3.1-)	NO. 25700-A-959
RIGHT TO AND ASSIGNMENT OF)	
LAWYER; CrRLJ 3.1-RIGHT TO AND)	
ASSIGNMENT OF COUNSEL AND JuCR)	
9.2-ADDITIONAL RIGHT TO REPRE-)	
SENTATION BY LAWYER)	

Justice Sanders having recommended the adoption of the proposed amendments to CrR 3.1-Right to and Assignment of Lawyer; CrRLJ 3.1-Right to and Assignment of Counsel and JuCR 9.2-Additional Right to Representation by Lawyer, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below hereto are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 8th day of July, 2010.

Madsen, C.J.

C. Johnson, J.	Owens, J.
Alexander, J.	Fairhurst, J.
Sanders, J.	J. M. Johnson, J.
Chambers, J.	Stephens, J.

SUGGESTED RULE CHANGES

1. Suggested Rule Change to CrR 3.1(d)
CrR 3.1 (a)-(c) and (e)-(f) [unchanged]

(d) Assignment of Lawyer.

(1) Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the persons family. A lawyer shall not be denied to any person merely because the person's friends or relatives have resources adequate to retain a lawyer or because the person has posted or is capable of posting bond.

(2) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether the person is financially able to obtain a lawyer shall be under oath and shall not be available for use by the prosecution in the pending case in chief.

(4) Before appointing a lawyer for an indigent person, or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

SUGGESTED RULE CHANGES

Suggested Rule Change to CrRLJ 3.1(d)
CrRLJ 3.1 (a)-(c) and (e)-(f) [unchanged]

(d) Assignment of Lawyer.

(1) Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the persons family. A lawyer shall not be denied to any person merely because his or her friends or relatives have resources adequate to retain a lawyer or because he or she has posted or is capable of posting bond.

(2) The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon part payment pursuant to an established method of collection.

(3) Information given by a person to assist in the determination of whether he or she is financially able to obtain a lawyer shall be under oath and shall not be available for use to the prosecution in the pending case in chief.

(4) Before appointing a lawyer for an indigent person, or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

SUGGESTED RULE CHANGES

2. Suggested Rule Change to JuCR 9.2(d)
JuCR 9.2 (a)-(c) [unchanged]

(d) Juvenile Offense Proceedings. The court shall provide a lawyer at public expense in a juvenile offense proceeding when required by RCW 13.40.080(10), RCW 13.40.140(2), or rule 6.2.

(1) Before appointing a lawyer for an indigent person, or at the first appearance of the lawyer in the case, the court shall require the lawyer to certify to the court that he or she complies with the applicable Standards for Indigent Defense Services to be approved by the Supreme Court.

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

WSR 10-15-032

RULES OF COURT

STATE SUPREME COURT

[July 8, 2010]

IN THE MATTER OF THE ADOPTION)	ORDER
OF THE AMENDMENTS TO IRLJ 3.1(b)-)	NO. 25700-A-960
CONTESTED HEARINGS PRELIMI-)	
NARY PROCEEDINGS)	

The District and Municipal Court Judges' Association having recommended the adoption of the proposed amendments to IRLJ 3.1(b)-Contested Hearings Preliminary Proceedings, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments previously adopted by the Court on June 3, 2010, are rescinded and the revised amendments as shown below hereto are adopted.

(b) That the revised amendments will be published in the Washington Reports and will become effective September 1, 2010.

DATED at Olympia, Washington this 8th day of July, 2010.

Madsen, C.J.

C. Johnson, J.	Owens, J.
Alexander, J.	Fairhurst, J.
Chambers, J.	J. M. Johnson, J.
	Stephens, J.

RULE IRLJ 3.1

CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS

(a) Subpoena. The defendant and the plaintiff prosecuting authority may subpoena witnesses necessary for the presentation of their respective cases. Witnesses should be served at least 7 days before the hearing. The subpoena may be issued by a judge, court commissioner, or clerk of the court or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court and with the office of the prosecuting authority assigned to the court in which the infraction is filed on the same day it is sent out for service. A request that an officer appear at a contested hearing pursuant to rule 3.3(c) shall be filed on a separate pleading. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45(c), or it may be served by first-class mail, postage prepaid, sent to the witnesses' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, a judge must approve of the subpoena.

(b) Discovery. Upon written demand of the defendant at least 14 days before a contested hearing, filed with the court and served on the office of the prosecuting authority assigned to the court in which the infraction is filed, the plaintiff's lawyer prosecuting authority shall at least 7 days before the hearing provide the defendant or the defendant's lawyer with: (1) a copy of the citing officer's sworn statement; (2) a copy of video or photographic evidence the prosecutor proposes to introduce at trial, unless in reply to the discovery request the prosecutor provides the address to a website where such evidence is accessible to the defendant; and (3) and with the names of any witnesses not identified in the citing officer's sworn statement. No other discovery shall be required. If the prosecuting authority provides the citing officer's sworn statement any portion of the discovery less than 7 days before the hearing but not later than one day before the hearing, such untimely discovery the citing officer's sworn statement shall be suppressed only upon a showing of prejudice in the presentation of the defendant's case. If the prosecuting authority, without reasonable excuse or justification, fails to provide the citing officer's sworn statement any portion of the discovery prior to the day of the hearing, the statement shall portion of discovery not provided shall be suppressed. No other discovery shall be required. Neither party is precluded from investigating the case, and neither party shall impede another party's investigation. A request for discovery pursuant to this section shall be filed on a separate pleading.

(c) Amendment of Notice. The court may permit a notice of infraction to be amended at any time before judgment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended notice of infraction.

(d) Sufficiency. No notice of infraction shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor by reason of

defects or imperfections which do not tend to prejudice substantial rights of the defendant.

Adopted as JTIR effective January 1, 1981. Changed from JTIR to IRLJ effective September 1, 1992; amended effective January 2, 1997; amended effective January 3, 2006; January 2, 2007.]

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

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

WSR 10-15-033
RULES OF COURT
STATE SUPREME COURT

[July 8, 2010]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO CrR 4.2(g)-) NO. 25700-A-961
STATEMENT OF DEFENDANT ON)
PLEA OF GUILTY TO NON-SEX)
OFFENSE; CrR 4.2(g)-STATEMENT OF)
PLEA OF GUILTY TO SEX OFFENSE;)
CrR 4.2(g)-"OFFENDER REGISTRA-)
TION" ATTACHMENT; JuCR 7.7-STATE-)
MENT ON PLEA OF GUILTY; AND JuCR)
7.7-"OFFENDER REGISTRATION")
ATTACHMENT)

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g)-Statement of Defendant on Plea of Guilty to Non-Sex Offense; CrR 4.2(g)-Statement of Plea of Guilty to Sex Offense; CrR 4.2(g)-"Offender Registration" Attachment; JuCR 7.7-Statement on Plea of Guilty; and JuCR 7.7-"Offender Registration" Attachment, and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as shown below hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 8th day of July, 2010.

Madsen, C.J.
C. Johnson, J. Owens, J.
Alexander, J. Fairhurst, J.
Sanders, J. J. M. Johnson, J.
Chambers, J. Stephens, J.

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 10-16 issue of the Register.

**WSR 10-15-034
RULES OF COURT
STATE SUPREME COURT**

[July 8, 2010]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO GR 33-) NO. 25700-A-962
REQUESTS FOR ACCOMMODATION)
BY PERSONS WITH DISABILITIES)

The Impediments Committee of the Washington State Access to Justice Board having recommended the adoption of the proposed amendments to GR 33-Requests for Accommodation by Persons with Disabilities, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below hereto are to be published for comment in the Washington Reports, Washington Register, and on the Washington State Bar Association and The Administrative Office of the Courts' websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 90 days from the published date. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 8th day of July, 2010.

For the Court
Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

**Suggested Technical Changes General Rule
Rule 33 - Requests for Accommodation by Persons with Disabilities**

Purpose: The proposed revisions are in the nature of technical changes to the rule under GR 9 (f)(1) because the need for them arises from errors, oversights, or omissions with respect to the proponents' understanding of judicial operations and systems. The proposed changes do not affect the substance of the rule or its requirements, but instead are intended to address the errors, oversights and omissions that became apparent only with experience in the process of implementation.

The proposed technical changes are:

- Conforms the definition of "person with a disability" to the definition adopted by Congress in the American Disability Act Amendments of 2008 and the Washington state Legislature RCW 49.60.040 (7)(a). Subsection (1)(2).
- Omit the definition of "court" as independently elected County Clerks, who are substantially responsible for carrying out the functions under the Rule, are a politically separate entity and the definition could be interpreted as impairing their independent authority.
- Clarifies that there are two distinct types of applicants who are entitled to be accommodated by courts, applicants who are directly involved in a pending judicial proceeding and other members of the public who need to or want to access courts but are not directly affected by a pending proceeding. The intent of the rule was to set up a process by which persons directly involved in a judicial proceeding could seek an accommodation. However, in the absence of other informal procedures by which accommodations could be requested for other public access to courts, members of the public were seeking assistance under the rule, resulting in public recordkeeping and file management problems for Clerks and Court Administrators. Thus, the rule revises the definition of "Applicants" by separating the two potential types of applicants and defining them distinctly as "Proceedings Applicant" and "Public Applicant". New subsections (a)(3) and (4).
- Clarifies that local procedures may be adopted to supplement the requirements of the rule and that applicants may proceed either under the rule or available local procedures. However, any disputed or denied request for an accommodation would automatically be reviewed under the requirements of the rule. This change flows from the fact that at the time GR 33 was adopted some courts had in place very efficient procedures for accommodating persons with disabilities and several other courts have since adopted administrative procedures that avoid the need for judicial involvement in the first instance. The proponents of GR 33 did not intend to disrupt those procedures. The goal was to assure that any disputed accommodation would be subject to judicial determination. The technical change recognizes the value of the efficiencies and allows them to remain in place, but protects the rights of persons with disabilities to seek review under the rule if a requested accommodation is denied. Subsection (b)(1).
- Substitutes the word "submitted" for the word "filed" in subsections (c)(2) and (3) to address expressed by Court Clerks regarding having all applications for accommodation be considered public records and related recordkeeping requirements for "filed" documents. Subsections (c)(2) and (3).
- Adds a Comment encouraging courts to adopt informal procedures for the handling of requests for accommodations made by members of the general public as distinct from persons involved with pending judicial proceedings.

GENERAL RULES (GR)

Requests for Accommodation by Persons with Disabilities

(a) Definitions. The following definitions shall apply under this rule:

(1) "Accommodation" means measures to make each court service, program, or activity, when viewed in its entirety, readily accessible to and usable by an applicant who is a qualified person with a disability, and may include but is not limited to:

(A) making reasonable modifications in policies, practices, and procedures;

(B) furnishing, at no charge, auxiliary aids and services, including but not limited to equipment, devices, materials in alternative formats, qualified interpreters, or readers; and

(C) as to otherwise unrepresented parties to the proceedings, representation by counsel, as appropriate or necessary to making each service, program, or activity, when viewed in its entirety, readily accessible to and usable by a qualified person with a disability.

(2) "Person with a disability" means a person covered by the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 *et seq.*), RCW 49.60 *et seq.*, or other similar local, state, or federal laws. This term means the presence of a sensory, mental, or physical impairment that: Is medically cognizable or diagnosable; or exists as a record or history; is perceived to exist whether or not it exists in fact.

~~(2)~~ (3) "Proceedings Applicant" means any lawyer, party, witness, juror, or any other individual who ~~has a specific interest in or~~ is participating in any proceeding before any court.

~~(3)~~ "Court" means any court or other agency or body subject to the rulemaking authority of the Supreme Court.

(4) "Public Applicant" means any other person seeking accommodation.

~~(4)~~ "Person with a disability" means a person covered by the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 *et seq.*), RCW 49.60 *et seq.*, or other similar local, state, or federal laws. This term includes but is not limited to an individual who has a physical or mental impairment that limits one or more major life activities, has a documented history of such an impairment, or is regarded as having such an impairment.

(5) "Qualified person with a disability" means a person with a disability who is otherwise entitled to participate in any program, service, or activity ~~made available by~~ of any court.

(b) Process for Requesting Accommodation.

(1) Persons seeking accommodation may proceed under the procedures set out in this rule. Local procedures may be adopted by courts to supplement the requirements of this rule. A disputed or denied request for accommodation is automatically subject to review under the procedures set out in subsections (d) and (e) of this rule.

~~(1)~~ (2) An application requesting accommodation may be presented *ex parte* in writing, or orally and reduced to writing, on a form approved by the Administrative Office of the Courts, to the presiding judge or officer of the court or his or her designee.

~~(2)~~ (3) An application for accommodation shall include a description of the accommodation sought, along with a state-

ment of the ~~impairment~~ disability necessitating the accommodation. The court may require the applicant to provide additional information about the qualifying ~~impairment disability~~ disability to help assess the appropriate accommodation. Medical and other health information shall be submitted under a cover sheet created by the Administrative Office of the Courts for use by applicants designated "SEALED MEDICAL AND HEALTH INFORMATION" and such information shall be sealed automatically. The court may order that such information be sealed if it has not previously automatically been sealed.

(4) An application for accommodation should be made as far in advance as practical, ~~of the proceeding for which the accommodation is sought.~~

(c) Consideration. A request for accommodation shall be considered and acted upon as follows:

(1) In determining whether to grant an accommodation and what accommodation to grant, the court shall:

(A) consider, but not be limited by, the provisions of the Americans with Disabilities Act of 1990 (§ 42 U.S.C. 12101 *et seq.*), RCW 49.60 *et seq.*, and other similar local, state, and federal laws;

(B) give primary consideration to the accommodation requested by the applicant; and

(C) make its decision on an individual- and case-specific basis with due regard to the nature of the applicant's disability and the feasibility of the requested accommodation.

(2) If an application for accommodation by a proceedings applicant is ~~filed~~ submitted five (5) or more court days prior to the scheduled date of the proceeding for which the accommodation is sought, and if the applicant otherwise is entitled under this rule to the accommodation requested, the accommodation shall be provided unless:

(A) it is impossible for the court to provide the requested accommodation on the date of the proceeding; and

(B) the proceeding cannot be continued without prejudice to a party to the proceeding.

(3) If an application for accommodation by a proceedings applicant is ~~filed~~ submitted fewer than five (5) court days prior to the scheduled date of the proceeding for which the accommodation is requested, and if the applicant otherwise is entitled under this rule to the accommodation requested, the accommodation shall be provided unless:

(A) it is impractical for the court to provide the requested accommodation on the date of the proceeding; and

(B) the proceeding cannot be continued without prejudice to a party to the proceeding.

(4) If a requested accommodation is not provided by the court under subsection (c)(2) or (c)(3) of this rule, the court must offer the applicant an alternative accommodation.

(d) Denial. A public applicant should be accommodated to the fullest extent possible under the circumstances. Except as otherwise set forth in subsection ~~(e)(2)~~ (d)(1) or ~~(e)(3)~~ (d)(2) of this rule, an application for accommodation by a proceedings applicant may be denied only if the court finds that:

(1) the applicant has failed to satisfy the substantive requirements of this rule;

(2) the requested accommodation would create an undue financial or administrative burden;

(3) the requested accommodation would fundamentally alter the nature of the court service, program, or activity; or

(4) permitting the applicant to participate in the proceeding with the requested accommodation would create a direct threat to the health or safety ~~or well-being~~ of the applicant or others.

(e) ~~Order Decision.~~ The court shall, in writing, inform the applicant and the court personnel responsible for implementing accommodations that the request for accommodation has been granted or denied, in whole or in part, and the nature and scope of the accommodation to be provided, if any. The decision shall be entered in the proceedings file, if any, or in the court's administrative files. The court shall issue an order consistent with its decision. If the court denies a requested accommodation pursuant to section (d) of this rule, the ~~order decision~~ shall specify the reasons for the denial. If a requested accommodation is not provided by the court under subsection (c)(2) or (c)(3) of this rule, the court's ~~shall state order shall include a description of:~~

(1) the facts and/or circumstances that make the accommodation impossible under subsection (c)(2) or impractical under subsection (c)(3); and

(2) the reasons why the proceeding cannot be continued without prejudicing a party to the proceeding.

~~The court shall inform the applicant and the court personnel responsible for implementing accommodations that the request for accommodation has been granted or denied, in whole or in part, and the nature of the accommodation to be provided, if any.~~

(f) ~~Duration of Accommodation.~~ ~~The accommodation ordered shall commence on the date set forth in the order granting the accommodation and shall remain in effect for the period specified in the order, which may be extended as the court deems appropriate. The court may grant an accommodation for an indefinite period or for a particular proceeding or appearance.~~

Comment

[1] Access to justice for all persons is a fundamental right. It is the policy of the courts of this state to assure that persons with disabilities have equal and meaningful access to the judicial system. Nothing in this rule shall be construed to limit or invalidate the remedies, rights, and procedures accorded to any person with a disability under local, state, or federal law.

[2] Supplemental informal procedures for handling accommodation requests may be less onerous for both applicants and court administration. Courts are strongly encouraged to adopt an informal grievance process for public applicants whose requested accommodation is denied.

[3] Determinations as to the practicability or feasibility of any accommodation are to be based on the standards applicable under the Americans with Disabilities Act and the Washington Law Against Discrimination, i.e., undue administrative burdens; fundamental alteration of the court service, program, or activity; and direct threat to the health and safety of the applicant or others.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

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

WSR 10-15-046

NOTICE OF PUBLIC MEETINGS

PENINSULA COLLEGE

[Filed July 14, 2010, 8:59 a.m.]

Open Public Meetings 2010-2011

The board of trustees of Peninsula College has approved their annual calendar for academic year 2010-2011. Meeting dates and times are:

July/August/September 2010	No meeting
October 12, 2010	Port Angeles Main Campus
November 9, 2010	Port Angeles Main Campus
December 14, 2010	Port Angeles Main Campus
January 2011	No meeting
February 8, 2011	Port Angeles Main Campus
March 8, 2011	Port Angeles Main Campus
April 12, 2011	Forks Extension Site
May 10, 2011	Port Townsend Extension Site
June 14, 2011	Port Angeles Main Campus

WSR 10-15-047

RULES COORDINATOR

PARKS AND RECREATION COMMISSION

[Filed July 14, 2010, 8:59 a.m.]

Pursuant to RCW 34.05.312 Rules coordinator, please publish the following contact information for the rules coordinator for the Washington state parks and recreation commission, effective July 1, 2010: Valeria Evans, Washington State Parks, 1111 Israel Road S.W., P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8597, fax (360) 664-8112, Valeria.Evans@parks.wa.gov.

Judy Johnson
Deputy Director

WSR 10-15-053

NOTICE OF PUBLIC MEETINGS

POTATO COMMISSION

[Filed July 14, 2010, 3:34 p.m.]

Below are the upcoming Washington state potato commission (WSPC) meetings for the year of 2010:

WSPC Quarterly Meetings
 (WSPC quarterly meetings are held on the second Thursday
 of each quarter)
 September 9, 2010 WSPC Office
 December 9, 2010 Location TBD

Thursday, March 10, 2011 3:00 p.m.
 Thursday, April 14, 2011 3:00 p.m.
 Thursday, May 12, 2011 3:00 p.m.
 Thursday, June 9, 2011 3:00 p.m.

If you have any questions, please contact Diana Toledo at 596-5206.

WSR 10-15-057
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed July 15, 2010, 8:58 a.m.]

In compliance with RCW 42.30.075, the following is the board-approved schedule for South Puget Sound Community College's regular board meetings for 2010-11:

Thursday, September 23, 2010 3:00 p.m.
 Thursday, October 14, 2010 3:00 p.m.
 Wednesday, November 10, 2010* 3:00 p.m.
 Friday, December 10, 2010 3:00 p.m.
 Thursday, January 13, 2011 3:00 p.m.
 Thursday, February 10, 2011 3:00 p.m.

WSR 10-15-059
AGENDA
TRANSPORTATION COMMISSION
DEPARTMENT OF TRANSPORTATION

[Filed July 15, 2010, 9:53 a.m.]

Following is the department of transportation's and transportation commission's July 1 through December 31, 2010, semi-annual rules development agenda for publication in the Washington State Register pursuant to RCW 34.05-314.

There may be additional rule-making activity not on this agenda as conditions warrant.

Department of Transportation
Semi-Annual Rules Agenda
RCW 34.05.314
July - December 2010

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-400	Bicycle racing.	All	Update to reflect current national practices and editorial changes for clarity.	Cathy Cooper	August 1, 2010
468-38	Farm implements.	290	Exempting farm implements from certain requirements for moving oversize loads.	Jim Wright	CR-101 filing in August
468-38	Safety equipment for special permit moves.	155	Identifies equipment needed when moving oversize loads.	Jim Wright	CR-101 filing in August

Transportation Commission
Semi-Annual Rules Agenda
RCW 34.05.314
July - December 2010

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-270	What will the toll rates be for the Tacoma Narrows Bridge.	070	As required by law the commission is reviewing the need to adjust ferry fares for 2010-2011.	Reema Griffith	CR-101 to be filed by the end of July 2010

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
TBD	SR 520 toll rates.		Establish 520 rates.	Reema Griffith	CR-101 to be filed by the end of July 2010

Cathy Downs
WAC Rules Coordinator

WSR 10-15-060
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 2010, 9:58 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Canary Notice 272: Centralized E-Referral and Case Set Up.

Subject: Changes in referral processing and case set up policies and procedures.

Effective Date: July 6, 2010.

Document Description: This canary notice (CN) explains changes to DCS policies and procedures for centralized referral processing and case assignment.

To receive a copy of the interpretive or policy statements, contact Janet Hazelton, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JHazelto@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 10-15-061
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 15, 2010, 10:07 a.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Canary Notice 273: Changes to IRS Distribution.

Subject: Changes to IRS distribution.

Effective Date: July 6, 2010.

Document Description: This canary notice explains changes to DCS policy resulting from budget decisions made by the 2010 Washington state legislature.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 10-15-074
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed July 18, 2010, 11:27 a.m.]

The Bellingham Technical College board of trustees will hold a **special meeting** on Tuesday, July 20, 2010, 9:00 a.m. - 3:00 p.m., at 333 Calluna Court, Room 201C, Bellingham, WA. During open session, an update of the college's strategic goals and priority initiative will be discussed; the special meeting will recess into executive session to discuss the qualifications of an applicant for public employment and review the performance of a public employee. Action may be taken in open session, if necessary, as a result of discussions. (RCW 42.30.110 (1)(g).) Call 752-8334 for information.

WSR 10-15-078
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Capital Projects Advisory Review Board)

[Filed July 19, 2010, 9:23 a.m.]

Please record the following CAPITAL PROJECTS ADVISORY REVIEW BOARD changed meeting date in the Washington State Register:

Previous Date: November 11, 2010.

New Date: October 28, 2010, at 9:00 a.m. - 5:00 p.m., 1115 Washington Street S.E., Office Building Two, Conference Rooms SL-03, Olympia, WA.

If you have any questions, please contact Danelle Bessett at (360) 902-7941.

WSR 10-15-081**NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD**

[Filed July 19, 2010, 10:29 a.m.]

The executive ethics board's regular meeting, scheduled for September 10, 2010, has been cancelled. The board will hold a special meeting on Friday, September 17, 2010.

If you have any questions, please contact executive ethics board staff at (360) 664-0871.

WSR 10-15-082**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Appraiser Commission)**

[Filed July 19, 2010, 10:40 a.m.]

Change in Venue for August 2010 Regular Commission Meeting

The real estate appraiser commission meetings will meet on a regular basis per WAC 308-125-225. Regular meetings are scheduled in February, May, August and November on the third Friday.

The following is a change to the schedule filed on January 5, 2010, for the year 2010: **August 27, 2010**, at the Department of Labor and Industries, 7273 Linderson Way S.E., Rooms S117, Tumwater, WA.

WSR 10-15-085**POLICY STATEMENT
UNIVERSITY OF WASHINGTON**

[Filed July 19, 2010, 1:46 p.m.]

The University of Washington has recently created or revised the following policy statements:

- "Honorary Degrees," revised effective January 13, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 11, Section 6)
- "The Deans," Executive Order No. 12, revised effective February 10, 2010 (*University Handbook*, Vol. 2, Part I, Chapter 12, Section 12-24, Subsection I)
- "Committees of the Board," Article III of the By-Laws of the Board of Regents, revised effective February 18, 2010 (*University Handbook*, Vol. 1, Part II)
- "Affirmative Action Program," revised effective March 4, 2010 (Administrative Policy Statement 46.2)
- "Constitution of the Faculty Senate," multiple sections revised effective April 5, 2010 (*University Handbook*, Vol. 2, Part II, Chapter 22)
- "Admission," multiple sections revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 1)

- "Registration," multiple sections revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 2)
- "Credit by Examination," revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 5)
- "Advanced Placement (AP) and International Baccalaureate (IB) Credit," revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 6)
- "Armed Forces Training School Credit," revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 8)
- "Degrees with University Honors," revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 10, Section 4)
- "Requirements for the Bachelor's Degree," revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 14, Section 2)
- "Two Bachelor's Degrees at the Same Time," revised effective April 14, 2010 (*University Handbook*, Vol. 4, Part III, Chapter 14, Section 3)
- "The Faculty Councils," revised effective April 16 and May 27, 2010 (*University Handbook*, Vol. 2, Part IV, Chapter 42, Section 42-31)
- "The Chief Executive Officer (CEO), UW Medicine and Executive Vice President for Medical Affairs and Dean of the School of Medicine, University of Washington," revised effective May 4, 2010 (*University Handbook*, Vol. 2, Part I, Chapter 12, Section 12-23, Subsection II)
- "Faculty Council on Teaching and Learning," effective May 27, 2010 (*University Handbook*, Vol. 2, Part IV, Chapter 42, Section 42-49)
- "Faculty Salary Policy," Executive Order No. 64, revised effective June 21, 2010 (*University Handbook*, Vol. 2, Part II, Chapter 24, Section 24-57, Footnote #2)

To view any current policy statement from the *Administrative Policy Statements*, see <http://www.washington.edu/admin/rules/APS/APSIndex.html>; to view material from the *University Handbook*, see <http://www.washington.edu/faculty/facsenate/handbook/handbook.html>. Or, to request a paper copy of any policy listed above, contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 351210, Seattle, WA 98195-1210; by e-mail at rules@uw.edu; or by fax at (206) 685-3825.

WSR 10-15-086

DEPARTMENT OF ECOLOGY

[Filed July 19, 2010, 2:38 p.m.]

PUBLIC NOTICE

Announcing the Issuance of the Sand and Gravel General Permit

Permit Issuance: The Washington state department of ecology (ecology) will issue the final sand and gravel national pollutant discharge elimination system (NPDES) and state waste discharge general permit (permit) on August 4, 2010.

Purpose of the Permit: The purpose of the sand and gravel general permit is to control the discharge of pollutants from sand and gravel mining operations and related facilities into waters of the state. This general permit provides coverage for discharges of process water, stormwater, and mine dewatering water associated with sand and gravel operations, rock quarries and similar mining activities, including stockpiles of mined materials, concrete batch operations, and hot mix asphalt operations. The permit authorizes wastewater discharges to waters of the state of Washington subject to the permit conditions.

Public Notice Process and Comments: Ecology accepted public comments on the draft permit and fact sheet from January 20, 2010, until February 24, 2010. Ecology held a hearing and workshop in Lacey, Washington, on February 22, 2010. Ecology received comments from sixteen commenters during the public comment period and responded to comments in a response to comments appended to the fact sheet. The response to comments, permit, and the fact sheet are available for review at ecology's web site at <http://www.ecy.wa.gov/programs/wq/sand/index.html>.

Copies of the Permit: You may download the permit, response to comments, and fact sheet at <http://www.ecy.wa.gov/programs/wq/sand/index.html>.

You may request a copy of the permit, response to comments, and fact sheet from Julie Robertson at (360) 407-6575 or by e-mail at julie.robertson@ecy.wa.gov.

Ecology Contact: Gary Bailey, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6433, fax (360) 407-6426, e-mail gary.bailey@ecy.wa.gov.

Appeal Options: The terms and conditions of this general permit, being issued August 4, 2010, may be appealed only by filing an appeal to the pollution control hearings board and by serving it upon the department of ecology at the addresses below. Appeals of the permit must be made within thirty days of issuance or receipt, whichever is later (see chapter 43.21B RCW). (RCW is the Revised Code of Washington.) The procedures and requirements for the appeal process are contained in RCW 43.21B.310. An appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903; and the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

The applicability of a permit coverage to a specific discharger is also appealable within thirty days of the effective date of coverage of that discharger, in accordance with chapter 43.21B RCW.

WSR 10-15-087

DEPARTMENT OF ECOLOGY

[Filed July 19, 2010, 2:38 p.m.]

PUBLIC NOTICE

ANNOUNCING CORRECTED WORKSHOP AND HEARING LOCATIONS FOR THE DRAFT CONSTRUCTION STORMWATER GENERAL PERMIT

The construction stormwater NPDES and state waste discharge general permit (permit), issued by the Washington state department of ecology (ecology) on November 16, 2005, will expire on December 16, 2010. Ecology has prepared a draft permit for public review and comment and is proposing to issue a revised permit on December 1, 2010. Ecology will host five informational workshops and public hearings, and accept written and oral comments on the draft permit, fact sheet, and notice of intent (permit coverage application) from **July 21 to September 10, 2010**.

<p>August 23, 2010 (1 p.m.) Washington State School for the Blind 2214 East 13th Street Vancouver</p>
<p>August 25, 2010 (1:00 p.m.) Pierce County Parks and Recreation Sprinker Recreation Center 14824 'C' Street South Tacoma</p>
<p>August 27, 2010 (1 p.m.) Skagit Public Utility District 1415 Freeway Drive Mount Vernon</p>
<p>August 31, 2010 (1 p.m.) S.E. Yakima Community Center 1211 South 7th Street Yakima</p>
<p>September 1, 2010 (1 p.m.) City of Spokane Valley Center Place 2426 Discovery Place Spokane Valley</p>

Purpose of the Permit: The proposed permit authorizes the discharge of stormwater and nonstormwater associated with construction activity. The permit covers all areas of Washington state, except for federal and most tribal lands (the permit does cover the Puyallup Reservation).

The proposed permit limits the discharge of pollutants to surface waters under the authority of the Federal Water Pollution Control Act (U.S.C.S. 1251) and limits the discharge of pollutants to surface and ground water under the authority of chapter 90.48 RCW. Currently, two thousand three hundred nine construction sites are covered under the permit. New or unpermitted construction sites may obtain coverage under the permit by submitting a complete notice of intent (permit coverage application) to ecology and satisfying all

applicable public notice and State Environmental Policy Act (SEPA) requirements (WAC 173-226-200).

Copies of the Draft Permit Documents: You may download a copy of the permit, fact sheet, economic impact analysis, and notice of intent at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/index.html>.

You may request a copy of the permit, fact sheet, economic impact analysis, and notice of intent from Julie Robertson at (360) 407-6575 or by e-mail julie.robertson@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the draft permit, fact sheet, and notice of intent postmarked by midnight, September 10, 2010. Ecology prefers comments be submitted by e-mail. E-mailed comments must contain the commenter's name and postal address and be submitted by midnight, September 10, 2010. Comments should reference the permit and specific text (page number and line number) when possible.

Submit e-mail comments to Sharleen.Bakeman@ecy.wa.gov.

Submit written comments to Sharleen Bakeman, Permit Comments, Water Quality Program, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504.

Submitting Oral Comments: You may provide oral testimony at any of the public hearings. A series of workshops and public hearings on the permit is scheduled to be held as noted in the above list. At the workshop, ecology will explain the draft permit and answer questions. A public hearing will follow each workshop immediately, and will provide the opportunity for formal oral testimony and comments on the proposed permit.

Issuing the Permit: After ecology receives and considers all public comments, it will issue the final permit. Ecology expects to issue the permit December 1, 2010.

WSR 10-15-089

INTERPRETIVE STATEMENT DEPARTMENT OF REVENUE

[Filed July 19, 2010, 4:22 p.m.]

INTERPRETIVE STATEMENT ISSUED

ETA 3054 - Sales to Nonresidents from Jurisdictions Without a Sales Tax of Three Percent or More

RCW 82.08.0273 provides a retail sales tax exemption for sales of tangible personal property to certain nonresidents of Washington.

Excise Tax Advisory 3054 (ETA 3054) identifies the states, possessions, and provinces of Canada whose residents are eligible for this exemption. It provides examples of sales that are and are not eligible. This advisory also explains the seller's responsibility to examine proof of nonresidency and document the tax-exempt nature of a sale.

ETA 3054 has been updated so that it does not authorize retailers to make tax-exempt sales to residents of British Columbia, Nova Scotia, New Brunswick, Newfoundland and Labrador, Ontario, and Quebec, Canada, consistent with

Docket #10-2-01216-1, issued by the Superior Court for Skagit County.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Alan R. Lynn
Rules Coordinator

WSR 10-15-091

AGENDA

ENVIRONMENTAL HEARINGS OFFICE

[Filed July 20, 2010, 9:08 a.m.]

Rule-Making Agenda

July 1 through December 31, 2010

This is the environmental hearings office (EHO) rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Kay Brown, Rules Coordinator, P.O. Box 40903, Olympia, WA 98504, e-mail KayB@eho.wa.gov.

Ongoing Rule Making: The EHO is undertaking rule making to comply with 2010 Wash. Laws Chs. 7, 84, 130, 210 and 285. 2010 Wash. Laws Ch. 210 eliminates the hydraulics appeals board (HAB) and the forest practices appeals board (FPAB), and transfers the administrative review functions of these boards to the pollution control hearings board (PCHB). 2010 Wash. Laws Ch. 7 eliminates the environmental and land use hearings board. To comply with these statutory changes, all of the HAB and ELUHB procedural rules are proposed for repeal. All of the FPAB rules, with the exception of WAC 223-08-087, the FPAB rule on temporary suspensions or discontinuances, are proposed for repeal. WAC 223-08-087 will remain in effect, and will be used by the PCHB when hearing forest practices appeals, until such time as a superseding temporary suspension or discontinuance rule is adopted for forest practices appeals before the PCHB. See 2010 Wash. Laws Ch. 210 §42 (2).

2010 Wash. Laws Ch. 210 also changes the time frames for filing appeals from certain actions of various agencies, therefore necessitating changes in the procedural rules of the PCHB and Shorelines hearings board to conform with these statutory changes.

A CR-102 was published in WSR 10-13-173 on July 7, 2010, to give notice of this proposed rule making.

Anticipated Rule Making:

1. During the next six months, the EHO on behalf of the PCHB anticipates addressing the question of the appropriate standards and process for issuance of temporary suspensions or discontinuances in forest practices appeals through rule making. WAC 223-08-087 will likely be repealed and WAC 371-08-415 may be amended.

2. During the next six months, the EHO anticipates amending chapters 371-08 and 461-08 WAC to reflect the

EHO's change of physical location. The EHO will be moving at the end of August 2010.

July 20, 2010
Kay M. Brown
Rules Coordinator