

**WSR 06-15-056**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [July 10, 2006]

IN THE MATTER OF THE ADOPTION ) ORDER  
 OF THE AMENDMENT TO CrR 4.2(G) ) NO. 25700-A-854  
 AND JuCR 7.7 )

The Pattern Forms Committee having recommended the adoption of the proposed amendments to CrR 4.2(g) and JuCR 7.7, 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 amendments as attached hereto are adopted.

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

DATED at Olympia, Washington this 10th day of July, 2006.

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

<b>Superior Court of Washington for</b>	<b>No.</b>
<b>State of Washington</b> _____ , Plaintiff	
vs.  _____ Defendant	
<b>Statement of Defendant on Plea of Guilty to Sex Offense (STTDFG)</b>	

1. My true name is: \_\_\_\_\_.
2. My age is: \_\_\_\_\_.
3. I went through the \_\_\_\_\_ grade. The last level of education I completed was \_\_\_\_\_.
- 4. I Have Been Informed and Fully Understand That:**
  - (a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.
  - (b) I am charged with: \_\_\_\_\_.  
The elements are: \_\_\_\_\_.
- 5. I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**
  - (a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;
  - (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
  - (c) The right at trial to hear and question the witnesses who testify against me;
  - (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
  - (e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;
  - (f) The right to appeal a finding of guilt after a trial.
- 6. In Considering the Consequences of my Guilty Plea, I Understand That:**
  - (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) other deadly weapon, (SM) Sexual Motivation, RCW 9.94A.533(8).

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001:

(i) Sentencing under RCW 9.94A.712: If this offense is for any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if

an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

(aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
<u>Assault of a child in the second degree</u>	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
<u>Assault of a child in the second degree</u>	Burglary in the first degree

(ii) If this offense is for a sex offense that is not listed in paragraph 6 (f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for a period of 36 to 48 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006:

For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater:

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

[ ] The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravat-

ing circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) I understand that I will be ineligible to vote until that right is restored in a manner provided by law described in RCW 10.64 \_\_\_\_\_ [2005 Wash. Laws 246 § 1]. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Public assistance will be suspended during any period of imprisonment.

(m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(n) I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

(o) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

**Notification Relating to Specific Crimes. If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.**

[p] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[q] Special sex offender sentencing alternative:

In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6 (f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of minimum term of confinement for a sex offense listed in paragraph 6 (f)(i), I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

[r] If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[s] If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

[t] If this offense involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.

[u] The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[p].

[v] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[w] I understand that the offense(s) I am pleading guilty to include a deadly weapon, ~~or~~ firearm or sexual motivation enhancement. ~~Deadly weapon, or firearm, or sexual motivation~~ enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon ~~or~~ firearm or sexual motivation enhancements.

7. I plead guilty to:

count \_\_\_\_\_  
count \_\_\_\_\_  
count \_\_\_\_\_  
in the \_\_\_\_\_ Information. I have

received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant  
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney WSBA  
No.  
Print Name

\_\_\_\_\_  
Defendant's Lawyer WSBA  
No.  
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the

undersigned judge. The defendant asserted that [check appropriate box]:

- (a) The defendant had previously read the entire statement above and that the defendant understood it in full;
- (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**Interpreter's Declaration**

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the \_\_\_\_\_ (Identify document being translated) for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Interpreter

Location: \_\_\_\_\_

<b>Superior Court of Washington for</b>	<b>No.</b>
<b>State of Washington</b> , Plaintiff	
vs. _____ Defendant	

1. My true name is: \_\_\_\_\_.
2. My age is: \_\_\_\_\_.
3. The last level of education I completed was \_\_\_\_\_.

**4. I Have Been Informed and Fully Understand That:**

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: \_\_\_\_\_.  
The elements are: \_\_\_\_\_.

**5. I Understand I Have the Following Important Rights, and I Give Them All Up by Pleading Guilty:**

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a finding of guilt after a trial.

**6. In Considering the Consequences of my Guilty Plea, I Understand That:**

(a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	TOTAL ACTUAL CONFINEMENT (standard range including enhancements)	COMMUNITY CUSTODY RANGE (Only applicable for crimes committed on or after July 1, 2000. For crimes committed prior to July 1, 2000, see paragraph 6(f).)	MAXIMUM TERM AND FINE
1						
2						
3						

\*(F) Firearm, (D) other deadly weapon, (V) VUCSA in protected zone, (VH) Veh. Hom, see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8).

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.

(e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

(f) For crimes committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community supervision if the total period of confinement ordered is not more than 12 months. If this crime is a drug offense, assault in the second degree, assault of a child in the second degree, or any crime against a person in which a specific finding was made that I or an accomplice was armed with a deadly weapon, the judge will order me to serve at least one year of community placement. If this crime is a vehicular homicide, vehicular assault, or a serious violent offense, the judge will order me to serve at least two years of community placement. The actual period of community placement, community custody, or community supervision may be as long as my earned early release period. During the period of community placement, community custody, or community supervision, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For crimes committed on or after July 1, 2000: In addition to sentencing me to confinement, under certain circumstances the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the crime I have been convicted of falls into one of the offense types listed in the following chart, the court will sentence me to community custody for the community custody range established for that offense type unless the judge finds substantial and compelling reasons not to do so. If the period of earned release awarded per RCW 9.94A.450~~728~~ is longer, that will be the

term of my community custody. If the crime I have been convicted of falls into more than one category of offense types listed in the following chart, then the community custody range will be based on the offense type that dictates the longest term of community custody.

OFFENSE TYPE	COMMUNITY CUSTODY RANGE
Serious Violent Offenses	24 to 48 months or up to the period of earned release, whichever is longer.
Violent Offenses	18 to 36 months or up to the period of earned release, whichever is longer.
Crimes Against Persons as defined by RCW 9.94A.411(2)	9 to 18 months or up to the period of earned release, whichever is longer.
Offenses under Chapter 69.50 or 69.52 RCW (not sentenced under RCW 9.94A.420 <del>(6)660</del> )	9 to 12 months or up to the period of earned release, whichever is longer.

During the period of community custody I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me. My failure to comply with these conditions will render me ineligible for general assistance, RCW 74.04.005 (6)(h), and may result in the Department of Corrections transferring me to a more restrictive confinement status or other sanctions.

(g) The prosecuting attorney will make the following recommendation to the judge: \_\_\_\_\_

The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless there is a finding of substantial and compelling reasons not to do so. I understand the following regarding exceptional sentences:

(i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.

(ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.

(iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.

(iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

I understand that if a standard range sentence is imposed, the sentence cannot be appealed by anyone. If an exceptional sentence is imposed after a contested hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(j) I understand that I may not possess, own, or have under my control any firearm unless my right to do so is restored by a court of record and that I must immediately surrender any concealed pistol license. RCW 9.41.040.

(k) I understand that I will be ineligible to vote until that right is restored in a manner provided by law, described in RCW 10.64 ~~RCW 10.64~~ ~~[2005 Wash. Laws 246 § 1]~~. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Public assistance will be suspended during any period of imprisonment.

(m) I understand that I will be required to have a biological sample collected for purposes of DNA identification analysis. For offenses committed on or after July 1, 2002, I will be required to pay a \$100.00 DNA collection fee, unless the court finds that imposing the fee will cause me undue hardship.

**Notification Relating to Specific Crimes. If Any of the Following Paragraphs Do Not Apply, They Should Be Stricken and Initialed by the Defendant and the Judge.**

[n] This offense is a most serious offense or strike as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the crime for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

[o] The judge may sentence me as a first-time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030. This sentence could include as much as 90 days' confinement, and up to two years community supervision if the crime was committed prior to July 1, 2000, or up to two years of community custody if the crime was committed on or after July 1, 2000, plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training.

[p] If this crime involves a kidnapping offense involving a minor, I will be required to register where I reside, study or work. The specific registration requirements are set forth in the "Offender Registration" Attachment.

[q] If this is a crime of domestic violence, I may be ordered to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

[r] If this crime involves prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

[s] The judge may sentence me under the special drug offender sentencing alternative (DOSA) if I qualify under RCW 9.94A.660. Even if I qualify, the judge may order that I be examined by a licensed or certified treatment provider before deciding to impose a DOSA sentence. If the judge

decides to impose a DOSA sentence, it could be either a prison-based alternative or a residential chemical dependency treatment-based alternative. If the judge imposes the **prison-based alternative**, the sentence will consist of a period of total confinement in a state facility for one-half of the midpoint of the standard range, or 12 months, whichever is greater. During confinement, I will be required to undergo a comprehensive substance abuse assessment and to participate in treatment. The judge will also impose a term of community custody of at least one-half of the midpoint of the standard range.

If the judge imposes the **residential chemical dependency treatment-based alternative**, the sentence will consist of a term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, and I will have to enter and remain in a certified residential chemical dependency treatment program for a period of *three to six months*, as set by the court. As part of this sentencing alternative, the court is required to schedule a progress hearing during the period of residential chemical dependency treatment and a treatment termination hearing scheduled three months before the expiration of the term of community custody. At either hearing, based upon reports by my treatment provider and the department of corrections on my compliance with treatment and monitoring requirements and recommendations regarding termination from treatment, the judge may modify the conditions of my community custody or order me to serve a term of total confinement equal to one-half of the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.-715.

During the term of community custody for either sentencing alternative, the judge could prohibit me from using alcohol or controlled substances, require me to submit to urinalysis or other testing to monitor that status, require me to devote time to a specific employment or training, stay out of certain areas, pay \$30.00 per month to offset the cost of monitoring and require other conditions, such as affirmative conditions, and the conditions described in paragraph 6(e). The judge, on his or her own initiative, may order me to appear in court at any time during the period of community custody to evaluate my progress in treatment or to determine if any violations of the conditions of the sentence have occurred. If the court finds that I have violated the conditions of the sentence or that I have failed to make satisfactory progress in treatment, the court may modify the terms of my community custody or order me to serve a term of total confinement within the standard range.

[t] If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

[u] If this crime involves the manufacture, delivery, or possession with the intent to deliver methamphetamine, including its salts, isomers, and salts of isomers, or amphetamine, including its salts, isomers, and salts of isomers, a mandatory methamphetamine clean-up fine of \$3,000 will be assessed. RCW 69.50.401 (2)(b).

[v] If this crime involves a violation of the state drug laws, my eligibility for state and federal food stamps, welfare, and education benefits will may be affected. 20 U.S.C. § 1091(r) and 21 U.S.C. § 862a.

[w] If this crime involves a motor vehicle, my driver's license or privilege to drive will be suspended or revoked.

[x] If this crime involves the offense of vehicular homicide while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.502, committed on or after January 1, 1999, an additional two years shall be added to the presumptive sentence for vehicular homicide for each prior offense as defined in RCW 46.61.5055(8).

[y] The crime of \_\_\_\_\_ has a mandatory minimum sentence of at least \_\_\_\_\_ years of total confinement. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6[n].

[z] I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts \_\_\_\_\_ and \_\_\_\_\_ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.

[aa] I understand that the offense(s) I am pleading guilty to include a Violation of the Uniform Controlled Substances Act in a protected zone enhancement or manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture enhancement. I understand these enhancements are mandatory and that they must run consecutively to all other sentencing provisions.

[~~aa~~bb] I understand that the offense(s) I am pleading guilty to include a deadly weapon, ~~or~~ firearm, or sexual motivation enhancement. Deadly weapon, ~~or~~ firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, ~~or~~ firearm, or sexual motivation enhancements.

[~~bb~~cc] I understand that the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and one or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm. The sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[~~ee~~dd] I understand that if I am pleading guilty to the crime of unlawful practices in obtaining assistance as defined in RCW 74.08.331, no assistance payment shall be made for at least six months if this is my first conviction and for at least 12 months if this is my second or subsequent conviction. This suspension of benefits will apply even if I am not incarcerated. RCW 74.08.290.

[ee] The judge may authorize work ethic camp. To qualify for work ethic authorization my term of total confinement must be more than twelve months and less than thirty-six months. I can not currently be either pending prosecution or serving a sentence for violation of the uniform controlled substance act and I can not have a current or prior conviction for a sex or violent offense.

7. I plead guilty to:

count \_\_\_\_\_  
count \_\_\_\_\_  
count \_\_\_\_\_

in the \_\_\_\_\_ Information. I have received a copy of that Information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment, if applicable. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

\_\_\_\_\_  
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

\_\_\_\_\_  
Prosecuting Attorney WSBA No.

\_\_\_\_\_  
Defendant's Lawyer WSBA No.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

(a) The defendant had previously read the entire statement above and that the defendant understood it in full;

(b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or

(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.



Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**Interpreter's Declaration**

I am a certified interpreter or have been found otherwise qualified by the court to interpret in the \_\_\_\_\_ language, which the defendant understands, and I have translated the \_\_\_\_\_ (Identify document being translated) \_\_\_\_\_ for the defendant from English into that language.

The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Interpreter

Location: \_\_\_\_\_

**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.

Case Name: \_\_\_\_\_ Cause No.: \_\_\_\_\_

**"Offender Registration" Attachment:** sex offense, or kidnapping offense involving a minor as defined in RCW 9A.44.130. (If required, attach to Statement of Defendant on Plea of Guilty.)

**1. General Applicability and Requirements:** Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed, or where I carry on a vocation.

**2. Offenders Who Leave the State and Return:** If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within ~~30~~ three business days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state following my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within ~~30~~ three business days after attending school in this state or becoming employed or

carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If I change my residence within a county, I must send signed written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence; and I must register with the sheriff of the new county within 24 hours of moving, ~~and~~ I must also give signed written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If I am enrolled on September 1, 2006, I must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** Even if I lack do not have a fixed residence, I am required to register. Registration must occur within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody. ((or within)) Within 48 hours, excluding weekends and holidays, after ceasing to have a losing my fixed residence, I must send signed written notice to the sher-

iff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I ~~am~~ may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If I have a fixed residence and I am designated as a risk level II or III, I must report, in person, every 90 days to the sheriff of the county where I am registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If I comply with the 90-day reporting requirement with no violations for at least five years in the community, I may petition the superior court to be relieved of the duty to report every 90 days.

**8. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: \_\_\_\_\_  
Defendant's signature

Case Name: \_\_\_\_\_ Cause No.: \_\_\_\_\_

"OFFENDER REGISTRATION" ATTACHMENT: Offender Registration For Sex Offense or Kidnapping Offense (If required, attach to Statement on Plea of Guilty.):

**1. General Applicability and Requirements:** Because this crime involves a sex offense or a kidnapping offense involving a minor as defined in RCW 9A.44.130, I will be required to register with the sheriff of the county of the state of Washington where I reside. If I am not a resident of Washington but I am a student in Washington or I am employed in Washington or I carry on a vocation in Washington, I must register with the sheriff of the county of my school, place of employment, or vocation. I must register immediately upon being sentenced unless I am in custody, in which case I must register at the time of my release with the person designated by the agency that has me in custody and I must also register within 24 hours of my release with the sheriff of the county of the state of Washington where I will be residing, or if not residing in the state of Washington, where I am a student, where I am employed or where I carry on a vocation.

**2. Offenders Who Leave the State and Return:** If I leave this state following my sentencing or release from custody but later move back to Washington, I must register within ~~30~~ three business days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections. If I leave this state fol-

lowing my sentencing or release from custody, but later while not a resident of Washington I become employed in Washington, carry on a vocation in Washington, or attend school in Washington, I must register within ~~30~~ three business days after attending school in this state or becoming employed or carrying out a vocation in this state, or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

**3. Change of Residence Within State and Leaving the State:** If I change my residence within a county, I must send signed written notice of my change of residence to the sheriff within 72 hours of moving. If I change my residence to a new county within this state, I must send signed written notice of the change of address at least 14 days before moving to the county sheriff in the new county of residence, and I must register with the sheriff of the new county within 24 hours of moving, ~~and~~ I must also give signed written notice of my change of address to the sheriff of the county where last registered within 10 days of moving. If I move out of Washington State, I must send written notice within 10 days of moving to the new state or foreign country to the county sheriff with whom I last registered in Washington State.

**4. Additional Requirements Upon Moving to Another State:** If I move to another state, or if I work, carry on a vocation, or attend school in another state I must register a new address, fingerprints, and photograph with the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. I must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom I last registered in Washington State.

**5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12):** If I am a resident of Washington and I am admitted to a public or private institution of higher education, I shall, within 10 days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff of the county of my residence of my intent to attend the institution. If I become employed at a public or private institution of higher education, I am required to notify the sheriff for the county of my residence of my employment by the institution within 10 days of accepting employment or by the first business day after beginning to work at the institution, whichever is earlier. If my enrollment or employment at a public or private institution of higher education is terminated, I am required to notify the sheriff for the county of my residence of my termination of enrollment or employment within 10 days of such termination. (Effective September 1, 2006) If I attend, or plan to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW, I am required to notify the sheriff of the county of my residence of my intent to attend the school. I must notify the sheriff within 10 days of enrolling or 10 days prior to arriving at the school to attend classes, whichever is earlier. If I am enrolled on September 1, 2006, I must notify the sheriff immediately. The sheriff shall promptly notify the principal of the school.

**6. Registration by a Person Who Does Not Have a Fixed Residence:** ~~Even if I do not have~~ Even if I do not have a fixed residence, I am required to register. Registration must occur

within 24 hours of release in the county where I am being supervised if I do not have a residence at the time of my release from custody, ~~or within~~ Within 48 hours, excluding weekends and holidays, after ~~ceasing to have a~~ losing my fixed residence, I must send signed written notice to the sheriff of the county where I last registered. If I enter a different county and stay there for more than 24 hours, I will be required to register in the new county. I must also report in person to the sheriff of the county where I am registered on a weekly basis. The weekly report will be on a day specified by the county sheriff's office, and shall occur during normal business hours. I may be required to provide a list of the locations where I have stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining a sex offender's risk level and shall make me subject to disclosure to the public at large pursuant to RCW 4.24.550.

**7. Reporting Requirements for Persons Who Are Risk Level II or III:** If I have a fixed residence and I am designated as a risk level II or III, I must report, in person, every 90 days to the sheriff of the county where I am registered. Reporting shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. If I comply with the 90-day reporting requirement with no violations for at least five years in the community, I may petition the superior court to be relieved of the duty to report every 90 days.

**8. Application for a Name Change:** If I apply for a name change, I must submit a copy of the application to the county sheriff of the county of my residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If I receive an order changing my name, I must submit a copy of the order to the county sheriff of the county of my residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

Date: \_\_\_\_\_  
 Respondent's signature

**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 06-16-005**  
**DEPARTMENT OF COMMUNITY,**  
**TRADE AND ECONOMIC DEVELOPMENT**  
 [Filed July 20, 2006, 9:48 a.m.]

Community Services Block Grant (CSBG) Public Hearing

The Washington state department of community, trade and economic development (CTED) plans to hold a public hearing on the proposed Washington state plan for the 2007-2008 community services block grant (CSBG).

The hearing will be held Friday, August 18, 2006, from 2:00 - 4:00 p.m. at the Department of Community, Trade and Economic Development, 906 Columbia Street S.W., 2nd Floor Conference Room, Olympia, WA 98504-8350.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m., August, 21, 2006.

Written testimony for the CSBG hearing should be sent to the attention of Julie Baker, Department of Community, Trade and Economic Development, 906 Columbia Street S.W., P.O. Box 48350, Olympia, WA 98504-8350.

The CSBG plan is available in an alternate format upon request. Meetings sponsored by CTED shall be accessible to persons with disabilities. Accommodations may be arranged with a minimum of ten working days notice, to Leona Malmberg at TDD 1-800-833-6388.

If you have any questions or need additional information, please contact Julie Baker at (360) 725-2852 or by e-mail at julieb@cted.wa.gov.

**WSR 06-16-007**  
**AGENDA**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed July 20, 2006, 12:33 p.m.]

**Semi-annual Agenda for Rules under Development**  
**July 1, 2006 - December 31, 2006**

**DIVISION OF CONSUMER SERVICES**

- The division has filed a CR-101 to implement legislation passed during the 2006 session (EHB 2340) regulating mortgage brokers and loan originators. The legislation significantly amended the Mortgage Broker Practices Act and provided for loan originator licensing. The rules are needed to make the existing rules (chapter 208-660 WAC) current with the new law and to implement the loan officer licensing provisions of the act.

**DIVISION OF CREDIT UNIONS**

- The division has filed a CR-101 regarding a possible rule interpreting the definition of "equivalent share insurance program" under RCW 31.12.408. The rule would clarify the requirements for credit unions that want to insure under an equivalent share insurance program and would set forth the requirements for the private share insurer.

**DIVISION OF SECURITIES**

- The division may propose amendments to chapter 460-24A WAC to conform to a 2004 Model Rule of the North American Securities Administrators Association (NASAA) concerning requirements imposed on investment advisors who take "custody" of client funds or securities.
- The division may propose amendments to chapter 460-33A WAC concerning mortgage broker-dealers.

**WSR 06-16-009**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 (Capitol Campus Design Advisory Committee)

[Memorandum—July 19, 2006]

This is to announce a capitol campus design advisory committee (CCDAC) special meeting for July 25th.

The CCDAC meeting will be held in the John L. O'Brien Building, House Hearing Room C from 10:00 a.m. to 12:00 p.m. in Olympia, Washington.

The primary purpose of this July 25th CCDAC special meeting is to take action on the preferred alternatives for the predesigns for the Executive Office Plaza/Heritage Center and the Pritchard building rehabilitation projects.

If you have any questions, please contact Jennifer Cox at (360) 902-0975.

**WSR 06-16-010**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF THE GOVERNOR**

(Citizen Advisory Board on State Government Performance)

[Memorandum—July 19, 2006]

The following is record of meetings of the citizen advisory board on state government performance:

Date	Time	Place
Tuesday, September 26, 2006	9:00 a.m. - 12:00 p.m.	House Rules Room Legislative Building
Tuesday, November 14, 2006	9:00 a.m. - 12:00 p.m.	House Rules Room Legislative Building

If you have any further questions please contact Geri Nelson, Executive Assistant, Office of the Governor, (360) 902-0486, [geri.nelson@gov.wa.gov](mailto:geri.nelson@gov.wa.gov).

The agenda will be distributed to all interested parties one week prior to the meeting and will be posted on the governor's office citizen advisory board web site.

**WSR 06-16-012**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 21, 2006, 11:40 a.m.]

**PUBLIC NOTICE FOR SPARTINA TREATMENT IN WESTERN WASHINGTON**

**LEGAL NOTICE:** The Washington state department of agriculture (WSDA) laboratory services division is hereby notifying the affected public that the herbicides glyphosate (Aquamaster®, Aquaneat®, or Rodeo®) and imazapyr (Habitat®), surfactants (R-11™, 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, 2006, and October 31, 2006. Properly licensed pesticide applicators who have obtained coverage under the WSDA National Pollutant Dis-

charge Elimination System Waste Discharge General Permit may apply glyphosate or imazapyr to control the noxious weed *Spartina* on the saltwater tideflats 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 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 twenty-four-hour emergency/spill response hotline is (425) 649-7000 (northwest region) or (360) 407-6300 (southwest region).

**WSR 06-16-024**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**

[Memorandum—July 19, 2006]

**Revised Schedule of Meetings for 2006**

Pursuant to RCW 42.30.075, please be advised the board of trustees for Washington State Community College District 17 has cancelled the meeting scheduled for August 15, 2006.

Should you have questions regarding this memo, please contact Christine Pearl, Executive assistant to the chancellor/CEO and liaison to the board of trustees, at (509) 434-5006.

**WSR 06-16-027**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Driver Training Schools Advisory Committee)

[Memorandum—July 21, 2006]

Thursday, September 28	Department of Natural Resources Building Room #172 1111 Washington Street S.E. Olympia, WA	9:00 a.m. to 3:00 p.m.
Wednesday, October 25	Highways-Licenses Building Room #413 1125 Washington Street S.E. Olympia, WA	9:00 a.m. to 3:00 p.m.
Thursday, November 30	Department of Natural Resources Building Room #172 1111 Washington Street S.E. Olympia, WA	9:00 a.m. to 3:00 p.m.

Thursday, December 28  
 Department of Natural Resources  
 Building Room #172  
 1111 Washington Street S.E.  
 Olympia, WA  
 9:00 a.m. to 3:00 p.m.

Thursday, April 12, 2007 3:00 p.m.  
 Thursday, May 10, 2007 3:00 p.m.  
 Thursday, June 14, 2007 3:00 p.m.

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

**WSR 06-16-028**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
 [Memorandum—July 21, 2006]

The Walla Walla Community College board of trustees (District 20) will not hold a meeting during the month of August 2006. The regular meeting of the board of trustees had been scheduled for August 16, 2006.

If you have any questions, please feel free to contact Jerri Ramsey at (509) 527-4274 or via e-mail at jerri.ramsey@wwcc.edu.

**WSR 06-16-036**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Memorandum—July 20, 2006]

At their regular June 8 meeting, the board of trustees of South Puget Sound Community College District 24 adopted their regular meeting schedule for 2006-2007. In compliance with RCW 42.30.075, the following is the schedule:

Thursday, July 13, 2006 7:00 a.m. - 2:00 p.m.  
 (Special Meeting/Board Retreat)  
 Thursday, September 7, 2006 3:00 p.m.  
 Thursday, October 12, 2006 3:00 p.m.  
 Thursday, November 9, 2006 3:00 p.m.  
 Thursday, December 14, 2006 3:00 p.m.  
 Thursday, January 11, 2007 3:00 p.m.  
 Thursday, February 8, 2007 3:00 p.m.  
 Thursday, March 8, 2007 3:00 p.m.

**WSR 06-16-040**  
**NOTICE OF PUBLIC MEETINGS**  
**CLOVER PARK**  
**TECHNICAL COLLEGE**  
 [Memorandum—July 21, 2006]

The board of trustees of Clover Park Technical College has made some changes to the 2006 regular meeting schedule. The changes are:

Canceled:  
 October 11, 2006 Study Session 3:00 p.m. Building #15  
 Regular Meeting 4:00 p.m. Building #15  
 Rescheduled:  
 October 18, 2006 Study Session 3:00 p.m. Building #15  
 Regular Meeting 4:00 p.m. Building #15  
 Canceled:  
 October 7, 2006 Board of Trustees 8:30 a.m. - TBA  
 Retreat 4:30 p.m.  
 Rescheduled:  
 November 4, 2006 Board of Trustees 8:30 a.m. - Building #31  
 Retreat 4:30 p.m.

**WSR 06-16-044**  
**AGENDA**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed July 26, 2006, 2:51 p.m.]

Following is the department of transportation's July 1, 2006, through December 31, 2006, 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.

**Semi-annual Rules Agenda**  
**July 2006 - December 2006**

WAC Title/ Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-30	Highway property	070 and 075	Procedure for transfer of abandoned state highways to cities and counties.	Tom Swafford (360) 705-7237	October 2006
468-300	State ferries and toll bridges	035	Rules for regulating state toll collection projects.	Lucinda Broussard (253) 534-4640	October 2006

WAC Title/ Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-300	State ferries and toll bridges	800 - 990	To implement RCW 47.46.102 (1) and (2) (HB 2476, 58th legislature, 2004 regular session). RCW 47.46.405 mandates that the WSDOT adopt toll collection rules for the new Tacoma Narrows Bridge that include, but are not limited to, rules establishing an open standard electronic toll collection system.	David Pope Toll Systems Manager (253) 534-4673	September 2006
468-15	Small works roster	040	Rule for development of WSDOT's small works roster.	Ken Walker (360) 705-7017	August 2006
468-38	Vehicle size and weight	073 and 270	Modification for federal compliance.	Barry Diseth (360) 704-6346	September 2006
New chapter in Title 468	Commute trip reduction program	010, 020, 030, 040, 050, 060, 070, 080	To establish consistent administration of the commute trip reduction (CTR) program by local jurisdictions, regional transportation planning organizations (RTPO), transit agencies, and others to ensure consistency in the treatment of employers affected under to [the] program.	Keith Cotton (360) 705-7910	August 2006
468-510	High occupancy vehicles	010	Incorporating fire department vehicles.	Mike Dornfeld (360) 705-7288	July 19, 2006
468-510	Lane use restrictions		The Washington State Association of Fire Chiefs requests this rule making to facilitate nonemergency time-critical operations of single occupant fire department vehicles.	Mike Dornfeld (360) 705-7288	July 19, 2006
468-600	Transportation innovative partnership program		Implementing the Transportation Innovative Partnership Act of 2005, this created a new public-private partnership law for transportation-related projects in the state of Washington.	Jeff Doyle (206) 464-1242	August 2006
468-38	Emergency road restrictions due to weather or other conditions	095	Permitting business to provide tire chain installations and/or removal services on highway right-of-way.	Enrico Baroga (360) 705-7864	August 2006

Cathy Downs  
Rules Coordinator

**WSR 06-16-048**  
**RULES COORDINATOR**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 26, 2006, 3:42 p.m.]

the Washington state department of fish and wildlife. His contact information is Morris Barker, P.O. Box 43144, Olympia, WA 98504-3144, (360) 902-2826, fax (360) 902-2944.

J. P. Koenings, Ph.D.  
Director

This is to verify for your records that Morris Barker has been appointed rules coordinator by the director's office for

## WSR 06-16-050

## AGENDA

## FOREST PRACTICES BOARD

[Filed July 26, 2006, 3:45 p.m.]

**Rule Development Agenda  
July - December 2006**

The forest practices board's mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period.

**1. Northern Spotted Owl:** The board will consider permanent rule adoption on August 9, 2006, for Northern Spotted Owl habitat conservation in WAC 222-10-041 and 222-16-010.

**2. Perennial Initiation Point:** The board will consider initiating permanent rule making on August 9, 2006, that eliminates the default basin sizes in WAC 222-16-030 and 222-16-031.

**3. Desired Future Condition:** The board is considering amending chapter 222-30 WAC related to desired future condition performance targets in riparian management zones.

**4. Taylor's Checkerspot Butterfly:** The board is considering amending WAC 222-16-080 to provide habitat protection to the recent state listing of the Taylor's Checkerspot Butterfly.

**5. Long-term Permitting:** The board is considering amending chapters 222-12 and 222-20 WAC that would allow small forest landowners to develop long-term plans that would gain approved forest practices applications/notifications for a term of fifteen years.

**6. Notice to Comply:** The board is considering amending rules that would create a mechanism for landowner requested amendments to approved forest practices and clarify the use of the "notice to comply" tool to only document violations.

**7. Historic Sites:** The board is considering amending WAC 222-16-050 relating to Class IV-Special classifications to include historic sites as a SEPA trigger.

**8. Upland Wildlife:** The board, with the department of fish and wildlife, continues to conduct a comprehensive review of the forest practices rules and science for upland wildlife protection and development of cooperative management planning processes. This review and planning process, along with new species listings, and the designation of critical habitat, may result in a rule proposal.

**Contact Person:** Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone (360) 902-1413, fax (360) 902-1428, e-mail patricia.anderson@wadnr.gov.

## WSR 06-16-051

## OFFICE OF

## INSURANCE COMMISSIONER

[Filed July 26, 2006, 3:51 p.m.]

TECHNICAL ASSISTANCE ADVISORY  
T 06-01

During the 2006 legislative session the Washington state legislature passed SHB 2553 (chapter 274, Laws of 2006) which makes major revisions to the motor vehicle service contract statutes. The act repeals chapter 48.96 RCW (the current motor vehicle service contract law) and puts the law as to motor vehicle service contracts in chapter 48.110 RCW (the existing service contract law).

The major change is that vehicle service contract providers must register with the insurance commissioner. Also, as a result of the new law the commissioner's current process for reviewing vehicle service contracts must change. This TAA provides guidance on complying with the changes.

**What is the effective date of the change?** The new law applies to any motor vehicle service contract sold or issued to a Washington resident on or after October 1, 2006.

**To what motor vehicle service contracts does the new law apply?** The law applies to any motor vehicle service contract sold or issued to a resident of the state of Washington regardless of:

- O Where the seller, motor vehicle service contract provider, or anyone else involved in the transaction is located; or
- O The method the motor vehicle service contract is sold to the Washington resident.

This means, for example, that if a Washington resident buys a motor vehicle service contract on the internet, the motor vehicle service contract provider, seller and the contract must comply with the new law.

**Do the changes to the motor vehicle service contract law apply to other forms of transportation such as boats and snow mobiles?** Generally, no. The law applies to service contracts on motor vehicles that are licensed under chapter 46.16 RCW. "Motor vehicle" is defined in that chapter as motor vehicles driven on public highways. Hence, items such as snowmobiles, boats, and personal watercraft which are not driven on public highways are not motor vehicles for the purposes of the service contract law and the motor vehicle provisions of chapter 48.110 RCW do not apply to them. The remainder of chapter 48.110 RCW does apply to service contracts on these crafts.

**If I am an auto manufacturer or import distributor of autos am I exempt from the new law?** No. You must register with the insurance commissioner, but less information is required. You are exempt from the requirement to have a reimbursement insurance policy for autos that you manufacture or import.

**If I am an auto manufacturer or import distributor of autos, but I am selling motor vehicle service contracts on autos that I do not manufacture or import, am I exempt from the new law?** No. If you do not manufacture or import a vehicle, all of the provisions (including the requirement for a reimbursement insurance policy) of the law apply to vehicle service contracts that you sell on those vehicles.

**If I am a subsidiary or other affiliate of an auto manufacturer or import distributor am I exempted from the new law?** No. You must register with the insurance commissioner and you are required to have a reimbursement insurance policy. Wholly owned subsidiaries of an auto manufacturer or import distributor will be asked for less information to register. If you are an affiliate not a **wholly owned subsidiary** of an auto manufacturer or import distributor, then the entire law applies to you.

### **Registration of a Motor Vehicle Service Contract Provider**

The motor vehicle service contract provider (obligor on the contract) must be registered with the insurance commissioner as a service contract provider; otherwise the sale of the contract is illegal.

**If I am an auto manufacturer or import distributor of autos must I be registered?** Yes.

**What if I am a subsidiary or other affiliate of an auto manufacturer or import distributor, must I be registered?** Yes.

**How may I get registered as a service contract provider?** The application form and instructions for registering are on the commissioner's web site at [http://www.insurance.wa.gov/industry/authorized\\_companies/application\\_packages/ServiceContractProviderApplication.doc](http://www.insurance.wa.gov/industry/authorized_companies/application_packages/ServiceContractProviderApplication.doc).

You may also contact Kris Graap in the insurance commissioner's company supervision division at (360) 725-7206, or by e-mail at [Krisg@oic.wa.gov](mailto:Krisg@oic.wa.gov) to obtain the application material. You may also contact the company supervision division at (360) 725-7200 to obtain the application.

**How long does it take to get registered?** Generally, the initial review of the application is completed within thirty days after it is received. However, if the application is not complete and does not include all of the required material, then the registration process will be delayed.

**What is the deadline to send in my application for a registration date of October 1, 2006?** You should send your registration in as soon as possible. Earlier submission will give you time to register and file your motor vehicle service contract forms for approval prior to the October 1, 2006, effective date of the law.

**May I obtain an expedited review of my application?** Applications are reviewed on a first come, first served basis.

**May I continue to sell motor vehicle service contracts on or after October 1, 2006, if the motor vehicle service contract provider is not registered?** No. This is an illegal sale of insurance and will subject everyone involved in the sale and issuance of the contract (except the consumer) to the penalties in the insurance code.

**What are the possible penalties if I sell a motor vehicle service contract on or after October 1, 2006, and the motor vehicle service contract provider on the contract is not registered?** The possible fine is up to \$25,000 for each violation. Violators of the law may be charged with commission of a class B felony punishable under chapter 9A.20 RCW. You may be held personally liable on the contract. In addition, if you are a licensed insurance agent or broker, you are subject to suspension or revocation of your insurance agent or broker license.

### **Filing of Motor Vehicle Service Contract Forms**

**Do I have to file my motor vehicle service contract forms with the commissioner for approval?** Yes, although the timing of when the forms must be filed depends upon the nature of the motor vehicle service contract provider. If the motor vehicle service contract provider is a motor vehicle manufacturer or import distributor or a wholly owned subsidiary, then the motor vehicle service contract forms must be filed with the commissioner within sixty days after they are first used. For all other motor vehicle service contractor forms, motor vehicle service contract forms must be filed with and approved by the commissioner prior to their use.

**How do I file a motor vehicle service contract form with the commissioner for approval?** The filing instructions are on the commissioner's web site at <http://www.insurance.wa.gov/industry/MotorVehicleServiceContracts.asp>.

**When may I file my motor vehicle service contract forms with the commissioner for approval?** You may file your motor service contract forms anytime after you have received your registration from the commissioner as a service contract provider.

**Do I need to complete the form filing checklist?** Yes, if you want your service contract reviewed in a timely manner. It is very likely that providers subject to prior approval of contracts will not have a legal product to market on October 1, 2006, if a completed checklist is not sent in. For filers subject to use and file, failure to complete the checklist increases the likelihood that the products they sell will have illegal provisions, and the penalties for selling products with illegal provisions are severe.

**May I file a form for approval with the commissioner under the current law, chapter 48.96 RCW, prior to its repeal on October 1, 2006?** No. The commissioner is no longer accepting motor vehicle service contract forms for approval under chapter 48.96 RCW. Any new vehicle service contract form filings must comply with the new law. Vehicle service contract forms that comply with the new law must also meet the requirements of chapter 48.96 RCW.

**If I have already filed forms with the commissioner that have been approved, are those forms grandfathered, i.e. may I continue to sell them?** No. The new law includes significant changes to required provisions that must be included in a vehicle service contract. It is very unlikely that your forms already include these provisions and comply with the new law.

**What are the main differences in the new vehicle service contract forms?** The contracts must be clear and unambiguous. Under Washington law, an "ambiguity" exists in a contract if the language on its face is fairly susceptible to two different but reasonable interpretations.<sup>1</sup> This is the standard we will use when evaluating vehicle service contracts. Based on past experience with vehicle service contracts, many service contracts currently being sold do not meet this standard.

<sup>1</sup> *Allstate Insurance Company v. Peasley*, 131 Wn.2d 420; 932 P.2d 1244 (1997).

Repeated problems of ambiguous contract language include, for example, unclear identification of the vehicle service contract provider. You may not identify the provider by referring to it as the "administrator" or the "dealer" identified



in another portion of the contract or state that the provider is "whomever state law requires."

The contract must state the contract price and the terms under which the contract is sold. You are not required to pre-print the price on the form as long as there is a place on the contract to enter the price before the contract is delivered to the consumer.

Cancellation requirements have changed. In addition to the current requirements, if a contract is cancelled more than thirty days after its purchase, the provider must refund the purchase price pro rata based upon either the elapsed or mileage computed from the date and mileage when the contract was purchased. The provider may keep a cancellation fee of up to \$25. A so called "in service date" may no longer be used to compute the refund upon cancellation.

Additional new mandatory provisions:

- O The contract must state the process to get service or file a claim, including the procedures to obtain prior approval, a toll free telephone number to get prior approval and how to get emergency repairs after normal business hours.
- O The contract must state the deductible amount (if a deductible applies).
- O The contract must state any restrictions governing transfer of the contract.
- O The contract must state whether it excludes consequential damages or preexisting conditions.
- O The contract may not require that a civil action under the contract be brought outside of the state of Washington.
- O If the service contract contains an arbitration provision, arbitration proceeding must be held at a location close to the consumer's permanent residence.

**Other Major Changes in the New Law**

**How did the financial responsibility requirements change?** In order to meet the financial responsibility requirement under the new law, the contract must be wholly insured

(not partially insured or only insured in the event of default by the provider) by either an insurance company holding a certificate of authority from the commissioner or a risk retention group properly registered with the commissioner. Both must have and keep policyholder surplus and paid-in capital of at least \$15,000,000 (or \$10,000,000 if certain other conditions or [are] met).

**May I continue to "claims underwrite"?** No. The new law allows the motor vehicle service contract provider sixty days after the sale of the contract to determine whether the vehicle qualifies for the particular vehicle service contract program. After sixty days, the provider is bound by the contract and cannot deny claims or cancel the contract based on the vehicle make or model.

**May I deny a claim if the consumer does not properly maintain the vehicle and the failure to maintain the vehicle did not involve the failed part or parts?** No.

**Who is responsible to refund the full purchase price to the contract holder in the event of cancellation?** The new law says that it is the vehicle service contract provider [that] must refund the entire amount owed to the consumer upon cancellation. The vehicle service contract provider may not refund only the portion it received.

**WSR 06-16-054**

**AGENDA**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed July 27, 2006, 10:09 a.m.]

Following, in accordance with RCW 34.05.314, is the department of labor and industries' semi-annual rules development agenda for July 1, 2006 - December 31, 2006.

Please contact Christine Swanson at (360) 902-6805 or e-mail [copc235@lni.wa.gov](mailto:copc235@lni.wa.gov), if you have any questions.

**Semi-annual Rules Development Agenda  
July 1, 2006 - December 31, 2006**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>DIVISION: INSURANCE SERVICES (WORKERS' COMPENSATION)</b>						
Chapter 296-14 WAC	Industrial insurance—Worker employment patterns	Valerie Grimm Policy and Quality Coordination (360) 902-5005	8/21/02	To be determined	To be determined	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.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-14 WAC	Industrial insurance—Transitional/light duty job	Valerie Grimm Policy and Quality Coordination (360) 902-5005	Fall 2006	To be determined	To be determined	This rule making will provide clarification on: <ul style="list-style-type: none"> <li>• The required elements of a valid transitional/light duty job offered from the employer of record.</li> <li>• What is expected of the employer and worker?</li> <li>• How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional/ light duty job is offered.</li> </ul>
Chapter 296-14 WAC	Industrial insurance—Confidentiality of worker's compensation claim files	Valerie Grimm Policy and Quality Coordination (360) 902-5005	11/6/04	8/22/06	10/31/06	This rule making will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.
Chapter 296-14 WAC	Industrial insurance—Definitions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	5/3/05	10/3/06	11/28/06	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.
Chapter 296-14 WAC	Industrial insurance—Pension discount rates and mortality assumptions	Valerie Grimm Policy and Quality Coordination (360) 902-5005	6/20/01	9/19/06	11/28/06	This rule making will amend the pension discount rate and update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-15 WAC	Workers' compensation self-insurance rules and regulations—Claim administrator certification and continuing education requirements	Margaret Conley Self Insurance (360) 902-6906	6/20/06	6/3/07	9/2007	In response to a request from the self-insured community, the department has agreed to evaluate the need for a continuing education model and also look at the current requirements for recertification of department-approved claims administrators. Rule making may be implemented in response to the department's findings.
Chapter 296-15 WAC	Workers' compensation self-insurance rules and regulations—Electronic claim data	Margaret Conley Self Insurance (360) 902-6906	1/2007	4/2008	6/2008	Pursuant to chapter 145, Laws of 2005 (SHB 1310) the department will implement rules to enable self-insured employers to provide claim data electronically via the self-insurance electronic data reporting system (SIEDRS) by July 1, 2008.
Chapter 296-15 WAC	Workers' compensation self-insurance rules and regulations—Experience rating and second injury fund	Margaret Conley Self Insurance (360) 902-6906	1/2007	12/2008	Spring 2009	Pursuant to chapter 475, Laws of 2005 (SSB 5992) the department will implement rules to establish an experience rating for self-insurers' and use of the second injury fund by July 1, 2009.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-20 WAC	Medical aid rules—Intrathecal pumps	Jami Lifka Office of the Medical Director (360) 902-4941	6/20/06	9/5/06	11/22/06	This rule making will define what type of coverage the department will provide for intrathecal infusion pumps or medications that are prescribed for the administration via the intrathecal pump.
Chapter 296-20 WAC	Medical aid rules—House- keeping changes	Jami Lifka Office of the Medical Director (360) 902-4941	N/A	CR-105 Expedited rule To be deter- mined	To be deter- mined	This expedited rule making will make housekeeping changes, primarily correcting references to WAC numbers.
Chapter 296-20	Medical advisory committee	Jami Lifka Office of the Medical Director (360) 902-4941	To be deter- mined	To be deter- mined	To be deter- mined	This rule will establish a medical advisory committee to advise the department on treatment guidelines and coverage criteria. It will also specify committee members specialties.
Chapter 296-17 WAC	Reciprocal agree- ments	Bill Moomau Employer Services (360) 902-4774	1/17/06	To be deter- mined	To be deter- mined	Revisions to reciprocal agreements with participating states.
Chapter 296-17 WAC	2007 worker's compensation pre- mium rates	Bill Moomau Employer Services (360) 902-4774	6/20/06	9/5/06	11/21/06	Establish new premium rates by classification effective January 1, 2007.
Chapter 296-17 WAC	Safe patient han- dling	Bill Moomau Employer Services (360) 902-4774	6/20/06	9/5/06	11/21/06	This rule making is a result of chapter 165, Laws of 2006 (HB 1672), which passed the 2006 legislature. Reporting requirements and a classification will be established for qualifying hospitals to report their hours at a discounted rate depending on their level of compliance with the safe patient handling regulations.
Chapter 296-17 WAC	Metal goods clas- sification rules	Bill Moomau Employer Services (360) 902-4774	7/18/06	9/5/06	11/21/06	This rule making will address possible changes to the metal goods classifications as result of a petition filed by two firms in the metal goods industry.
Chapter 296-17 WAC	Metal goods clas- sification	Bill Moomau Employer Services (360) 902-4774	8/1/06	9/5/06	10/10/06	This rule making withdraws certain changes from the metal goods classification rules, keeping current WAC in effect so that the department can gather more stakeholder input on the originally proposed changes.
Chapter 296-17 WAC	Exercise riders classification rules	Bill Moomau, Employer Services (360) 902-4774	7/18/06	9/5/06	11/21/06	At the request of Washington state horse racing commission the department will look at amending the exercise riders' classification.
Chapter 296-17 WAC	Forest products picking	Bill Moomau Employer Services (360) 902-4774	12/05	9/5/06	11/21/06	Revise and clarify a note in six agricultural classes (forest product picking, egg grading, Christmas tree sales, custom hay baling, potato sorting and fish hatcheries) to make it more clear that the industrial insurance WAC provision outlining criteria for farm labor contractors does NOT apply to those classes.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-17 WAC	Retrospective rating program rules	Diane Doherty Retrospective Rating (360) 902-4835	11/3/04	To be determined	To be determined	The department may engage in rule making to clarify existing retro rules such as reenrollment of businesses grandfathered in a specific group, enrollment requirement of all like businesses, change in due dates, and revision of applications and agreement forms.
<b>DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)</b>						
Chapter 296-52 WAC, Explosives, and chapter 296-59 WAC, Safety standards for ski area facilities and operations	Avalanche control	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	11/22/05	6/20/06	9/5/06	This rule making is being conducted due to a recommendation from the National Ski Area Association, in conjunction with the Washington avalanche control council. The two organizations recommended that the department adopt rule language that increases fuse length burn time from seventy to ninety seconds and eliminates the relighting of fuses due to fatalities in the ski industry. The requirements for avalanche control will be removed from the ski facility standards and placed into the explosives standards.
Chapter 296-800 WAC, Safety and health core rules	Core rule update (exit routes, fire protection, stairs)	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	N/A	CR-105 Expedited rule making 9/19/06	12/06	The fire protection rules and requirements relating to stairs are being rewritten for clarity and moved into the safety and health core rules. In addition, some technical corrections will be made to the exit route rules.
Chapter 296-24 WAC, General safety and health standards	Cranes	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	7/20/04	10/3/06	1/07	The crane rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-155 WAC, Part J-1, Elevating work platforms moving to chapter 296-869 WAC, Elevating work platforms	Elevated platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	8/16/05	4/18/06	9/6/06	The elevated platform rules and powered platform rules are being rewritten and organized for clarity and ease of use. The rules share the same CR-101 which was filed as WSR 05-17-104 on August 16, 2005, but will continue as separate rule makings. The elevated platform rules will be moved from chapter 296-155 WAC, Part J-1, and placed into new chapter 296-869 WAC.
Chapter 296-800 WAC, Safety and health core rules and chapter 296-307 WAC, Safety standards for agriculture	Environmental tobacco smoke	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008		CR-105 Expedited rule making 8/1/06	10/23/06	This rule making amends the department's requirements relating to smoking in office work environments to conform with chapter 70.160 RCW, which was expanded with the passage of Initiative 901.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-24 WAC, General safety and health standards and chapter 296-155, Safety standards for construction	Fall protection	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	3/23/04	12/6/06	6/26/07	The fall protection rules in both the general safety and health standards and the safety standards for construction are being combined into one rule, rewritten and reorganized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards	Fixed ladders	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	N/A	CR-105 Expedited rule making 4/18/06	7/25/06	The fixed ladders rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General safety and health standards WAC 296-62-08003 Hexavalent chromium; chapter 296-155 WAC, Safety standards for construction work; chapter 296-304 WAC, Safety standards for shiprepairing, shipbuilding and shipbreaking	Hexavalent chromium	Bev Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	N/A	CR-105 Expedited rule making 5/2/06	8/1/06	This rule adoption creates rules regulating hexavalent chromium identical to Occupational Safety and Health Administration (OSHA) rule.
Chapter 296-62 WAC, General occupational health standards and chapter 296-155 WAC Safety standards for construction	Lead	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	12/21/04	To be determined	To be determined	The lead rules from general industry and construction are being combined, rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General occupational health standards	Methylene chloride	Bev Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	6/21/06	9/5/06	1/16/07	The methylene chloride rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, Part J-3, Powered platforms moving to new chapter 296-870 WAC, Powered platforms	Powered platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	8/16/05	6/20/06	9/6/06	The powered platform rules and elevated platform rules are being rewritten and organized for clarity and ease of use. The rules share the same CR-101 which was filed as WSR 05-17-104 on August 16, 2005, but will continue as separate rule makings. The powered platform rules will be moved from chapter 296-24 WAC, Part J-3, and placed into new chapter 296-870 WAC.
Chapter 296-24 WAC, General safety and health standards; and chapter 296-155 WAC, Safety standards for construction	Rigging	Kimberly Johnson (360) 902-5008	2/17/04	10/3/06	1/07	The rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute requirements.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Safety and health chapters in Title 296 WAC	Standards improvement project	Kimberly Johnson (360) 902-5008	N/A	CR-105 Expedited rule making 9/19/06	10/24/06	This rule making will update references to WAC sections and technical information throughout the safety and health standards. Minor housekeeping corrections will also be made at the same time.
<b>DIVISION: SPECIALTY COMPLIANCE SERVICES</b>						
Chapter 296-46B WAC	Electrical*	Sally Elliott (360) 902-6411	4/18/06	8/22/06	10/24/06	This rule making will review the electrical rules and make additions, revisions, and possible fee changes as needed. It will also make amendments to the rules as a result of SHB 1841 and SSB 6225, which passed the 2006 legislature.
Chapter 296-400A WAC	Plumber certification rules*	Sally Elliott (360) 902-6411	4/18/06	8/22/06	10/24/06	This rule making will incorporate amendments to the plumber certification rules as a result of the passage of SSB 6225, which passed the 2006 legislature. Housekeeping and clarification changes will also be made to the rules.
Chapter 296-125 WAC	Nonagricultural employment of minors**	Suchi Sharma (360) 902-6744	9/19/01	9/19/06	12/5/06	The purpose of this rule making is to integrate administrative policies into the rule.
Chapter 296-126 WAC	Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW**	Suchi Sharma (360) 902-6744	9/20/05	9/19/06	12/5/06	The purpose of this rule making is to integrate administrative policies into rule.
Chapter 296-126 WAC	Payment intervals	Suchi Sharma (360) 902-6744	1/17/06	8/22/06	11/21/06	This rule making will incorporate the administrative policies regarding payment intervals into the rule and clarify whether the regulation applies to all employees or only to employees paid on a monthly basis.
Chapter 296-127 WAC	Prevailing wage**	Sally Elliott (360) 902-6411	7/5/06	8/22/06	11/21/06	This rule making will create scope of work descriptions for job classifications that have a wage rate but the scope of work has not been defined.
Chapter 296-128 WAC	Minimum wage**	Suchi Sharma (360) 902-6744	9/20/05	9/19/06	12/5/06	The purpose of this rule making is to integrate administrative policies related to minimum wage into the rule.
Chapter 296-131 WAC	Agricultural employment standards**	Suchi Sharma (360) 902-6744	9/20/05	9/19/06	12/5/06	The purpose of this rule making is to integrate administrative policies into the rule.
Chapter 296-134 WAC	Parental (family) leave	Suchi Sharma (360) 902-6744	6/6/06	To be determined	To be determined	This rule making is a result of chapter 59, Laws of 2006 (SSB 6185), which passed the 2006 legislature. The family leave rules will be amended.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
To be determined	Wage payment requirements (administrative remedies)	Suchi Sharma (360) 902-6744	6/6/06	To be determined	To be determined	This rule making is a result of chapter 89, Laws of 2006 (SHB 3185), which passed the 2006 legislature. New rules for wage payment requirements will be created.
Chapter 296-127 WAC	Electronic technician	Sally Elliott (360) 902-6411	5/2/06	To be determined	To be determined	This rule making will amend the scope of work definition for electronic technicians. The department will work with stakeholders throughout the rule-making process.
Chapter 296-96 WAC	Elevators	Sally Elliott (360) 902-6411	11/23/04	9/19/06	11/21/06	As a result of the new licensing requirements for elevator contractor and elevator mechanics, the department is working with stakeholders to identify areas where the rules need substantive, housekeeping, and clarifying changes.
Chapter 296-104 WAC	Board of boiler rules	Sally Elliott (360) 902-6411	6/20/06	8/22/06	10/17/06	This rule making will make clarifying and technical changes to the boiler rules.

Note for specialty compliance services division rules:

\*Hearings for these rule makings will be held on the same day.

\*\*Hearings for these rule makings will be held together on the same date and time.

Christine Swanson  
Legislative Liaison

**WSR 06-16-060**  
**AGENDA**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 28, 2006, 11:13 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 06-18 issue of the Register.

11520, Tacoma, WA 98411-5520, phone (360) 664-5322, TDD (360) 753-9122, fax (360) 586-3274, e-mail [fferry@dshs.wa.gov](mailto:fferry@dshs.wa.gov)

July 21, 2006  
Fran Ferry

**WSR 06-16-062**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 28, 2006, 11:18 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: PCM 06-010.  
Subject: Proration of child support obligations.  
Effective Date: July 19, 2006.  
Document Description: This notice explains to staff that the division of child support (DCS) has adopted new sections in chapter 388-14A WAC. These rules did not change DCS policy, but merely put our policy into rule.  
To receive a copy of the interpretive or policy statement, contact Fran Ferry, Division of Child Support, P.O. Box

**WSR 06-16-063**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed July 28, 2006, 11:19 a.m.]

**DESCRIPTION OF INTERPRETIVE OR POLICY STATEMENT**

Document Title: HRSA Numbered Memorandums.  
Subject: 06-56, 06-66.  
Effective Date: 06-56 on July 1, 2006; 06-66 on September 1, 2006.  
Document Description: Numbered Memorandum 06-56, Physician-Related Services: Corrections and Fee Schedule Updates; and Numbered Memorandum 06-66, Prescription Drug Program: Maximum Allowable Cost Update.  
To receive a copy of the interpretive or policy statement, contact Amelia Holl, Office of Rules and Publications, DSHS, Health and Recovery Services Administration, Division of Policy and Analysis, P.O. Box 45504, Olympia, WA

98504-5504, phone (360) 725-1349 or go to web site <http://maa.dshs.wa.gov/download/publicationsfees.htm> (click on "Numbered Memos," "Year 2005"), TDD (800) 848-5429, fax (360) 586-9727, e-mail [hollag@dshs.wa.gov](mailto:hollag@dshs.wa.gov).

July 26, 2006  
 Amelia Holl  
 for Ann Myers, Manager  
 Rules and Publications Section

**WSR 06-16-064**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Division of Alcohol and Substance Abuse)  
 [Memorandum—July 28, 2006]

**Notice of Public Meeting**

The public is invited to review the federal fiscal year 2007 (FFY 2007) Washington state application for federal substance abuse prevention and treatment (SAPT) block grant funding. The application is submitted annually to the federal Centers for Substance Abuse Treatment and Substance Abuse Prevention. The 2007 application will result in approximately \$35 million in federal funds being awarded to the state of Washington for substance abuse prevention and treatment.

A public hearing to review the application and consider questions or comments will be held September 8, 2006, at 10:00 a.m. **The location of the public hearing is Grays Harbor County Social Services Department, 2109 Sum-**

**ner Avenue, Aberdeen, WA.** The hearing is sponsored by The Citizens Advisory Council on Alcoholism and Drug Addiction, a statutorily empowered body charged with the role of advising the department of social and health services on matters relating to the state substance abuse program.

The application is being prepared by the department of social and health services, division of alcohol and substance abuse. A summary of the SAPT block grant requirements and the plan for award allocation is available to anyone interested upon request.

If you have questions, or wish to request a copy of the review material, please contact Kathie Roberts, Federal Block Grant Administrator, Department of Social and Health Services, Division of Alcohol and Substance Abuse, P.O. Box 45330, Olympia, WA 98504-5330, (360) 725-3808, fax (360) 438-8078, [roberkj@dshs.wa.gov](mailto:roberkj@dshs.wa.gov).

**WSR 06-16-077**  
**AGENDA**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 28, 2006, 3:03 p.m.]

Following is the department of agriculture's semi-annual rules development agenda for the period of July 1, 2006, through December 31, 2006. This document is being sent in compliance with RCW 34.05.314.

The department may undertake additional rule-making activity, as conditions warrant. If you have any questions, please call Teresa Norman at (360) 902-2043 or e-mail at [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov).

**Semi-annual Rules Agenda**  
**July 1, 2006 - December 31, 2006**

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline	CR-102	CR-103	Subject of Rulemaking
<b>Agency Operations</b>							
Chapter 16-08	Practice and procedure	Dannie McQueen Administrative Regulations Program Manager Phone (360) 902-1809	July 2006 Expedited			September 2006	Updating the rules for adjudicative proceedings.
Chapter 16-06	Public records	Dannie McQueen Administrative Regulations Program Manager Phone (360) 902-1809	August 2006	September 2006		November 2006	Amending WAC 16-06-210, the department public disclosure rule to include the 2006 legislative exemptions regarding animal identification and animal diseases.
<b>Animal Services Division</b>							
Chapter 16-54	Animal importation	Lynn Briscoe Special Assistant to the State Veterinarian Phone (360) 902-1987	July 2006	September 2006		November 2006	Rewrite rules in plain talk and bring them up-to-date with current disease requirements.
Chapter 16-70	Animal diseases—Reporting	Lynn Briscoe Special Assistant to the State Veterinarian Phone (360) 902-1987	July 2006	September 2006		November 2006	Bring the reportable disease list in line with the World Organization of Animal Health's Terrestrial Animal Health Code.
Chapter 16-86	Brucellosis and tuberculosis in cattle and goats	Lynn Briscoe Special Assistant to the State Veterinarian Phone (360) 902-1987	August 2006	TBD		TBD	Rewrite rules in plain talk and bring them up-to-date with current disease requirements.



WAC Number	Rule Title	Agency Contact	Tentative Timeline			Subject of Rulemaking
			CR-101	CR-102	CR-103	
Chapter 16-89	Sheep and goat scrapie disease control	Lynn Briscoe Special Assistant to the State Veterinarian Phone (360) 902-1987	August 2006	TBD	TBD	Rewrite rules in plain talk and bring them up-to-date with current disease requirements.
Chapter 16-604	Public livestock markets	Lynn Briscoe Special Assistant to the State Veterinarian Phone (360) 902-1987	August 2006	October 2006	December 2006	Correcting a reference to the Code of Federal Regulation and adding an additional special sale day.
Chapter 16-610	Livestock inspection and identification	Leslie Alexander Livestock Identification Program Supervisor Phone (509) 543-7383	July 2006	TBD	TBD	Amend the section regarding fees and adopt a new section pertaining to the LID advisory committee.
New WAC	Dead animal disposal	Lynn Briscoe Special Assistant to the State Veterinarian Phone (360) 902-1987	December 2005	September	November	Adopting rules related to the disposal of animals that have died from disease.
<b>Commodity Inspection Division</b>						
Chapter 16-301	General seed regulations	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	TBD	TBD	TBD	Phytosanitary field inspection application due dates; crucifer quarantine; other items as per seed industry requests.
Chapter 16-302	General rules for seed certification	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	TBD	TBD	TBD	Update woody plants and forbes certification standards; seedling producing application due dates; other items as per seed industry requests.
Chapter 16-303	Seed assessment, fees and certification	Victor Shaul Seed Program Operations Manager Phone (509) 225-2630	TBD	TBD	TBD	Add fees for new services; update crop tables; other items as per seed industry requests.
Chapter 16-390	Fruit and vegetable inspection fees	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Amending WAC 16-390-242 fees for the fresh audit verification program, as required by the United States Department of Agriculture.
Chapter 16-403	Standards for apples marketed within the state of Washington	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format and possibly amend to mimic United States grades.
Chapter 16-409	Standards for asparagus	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in plain talk. In response to an industry request, the department may be amending some of the grading standards.
Chapter 16-436	Washington standards for peaches	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format.
Chapter 16-439	Pears, summer and fall	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format. No new requirements.
Chapter 16-442	Winter pears	Jim Quigley Fruit and Vegetable Inspection Program Manager Phone (360) 902-1883	TBD	TBD	TBD	Rewrite in a clear and readable format. No new requirements.

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline			Subject of Rulemaking
				CR-102	CR-103		
<b>Food Safety and Consumer Services</b>							
New WAC	Disclosure of certain information in ranges	Nora Mena Program Manager Livestock Nutrient Management Program Phone (360) 902-2894	February 2006	September 2006	November 2006		Dairy and feedlot disclosure rules.
Chapter 16-157	Organic food standards and certification	Miles McEvoy Organic Program Manager Phone (360) 902-1924	February 2006	TBD	TBD		Changing the date of the application deadline and increasing fees to provide for the cost of the program.
<b>Pesticide Management Division</b>							
Chapter 16-228	General pesticide rules	Ann Wick Program Development Program Manager Phone (360) 902-2051	July 2006	October 2006	December 2006		Housekeeping revisions in conjunction with phenoxy rules revisions.
Chapters 16-230 through 16-232	County orders	Ann Wick Program Development Program Manager Phone (360) 902-2051	July 2006	October 2006	December 2006		Housekeeping revisions.
<b>Plant Protection Division</b>							
New WAC	Weed-free forage	Tom Wessels Plant Services Program Manager Phone (360) 902-1984	August 2006	TBD	TBD		The department is considering developing and adopting permanent rules to establish standards, fees, and other provisions for a weed-free forage program.

Teresa Norman  
Rules Coordinator

**WSR 06-16-078**  
**AGENDA**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Filed July 31, 2006, 9:27 a.m.]

Semi-annual Rule-making Agenda  
August 1, 2006, through December 31, 2006

The following rule makings have been proposed and are currently between the CR-101, CR-102, CR-105 and CR-103 stage. They are currently under review and there may be further rule-making activity before January 2007. If you have any questions regarding these rule-making activities please contact Kacy Scott at kacys@oic.wa.gov or (360) 943-9440.

WAC	RCW Authority	Subject	Current Activity				OIC Contact
			CR-101	CR-105	CR-102	CR-103	
Chapter 284-02	48.02.060, 34.05.220	Description of OIC	04-01-178				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
Chapter 284-07	48.02.060, 48.44.050, 48.46.200	Regulatory improvement		06-11-178			Kacy Scott Kacys@oic.wa.gov (360) 725-7041
Chapter 284-17	48.02.060, 48.94.055	Reinsurance—Intermediary broker and manager licensing and reporting	06-08-099				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
Chapter 284-20A	48.02.060, Sections 201 - 210 of SSHB 2292	Implementation of underwriting laws in 2SHB 2292, Health care liability reform	06-07-076		06-12-076		Lisa Smego lisas@oic.wa.gov (360) 725-7134

WAC	RCW Authority	Subject	Current Activity				OIC Contact
			CR-101	CR-105	CR-102	CR-103	
Chapter 284-23	48.02.060, 48.30.010	Corporate owned life insurance	04-13-153				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
WAC 284-43-320	48.02.060, 48.43.515	Contracts between carriers and providers "locum tenens" - Petition for rule making P. 25	05-22-113				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
Chapter 284-51	48.02.060, 48.21.200, 48.44.050, 48.46.200	Standards for coordination of benefits	06-01-098				Janis Laflash janisl@oic.wa.gov (360) 725-7040
	48.02.060, Sections 201 - 210 of SSHB 2292	Implementation of reporting laws in 2SHB 2292, Health care liability reform	06-07-097				Lisa Smego. lisas@oic.wa.gov (360) 725-7134
<b>Possible Rule Makings:</b> In addition to the rule activities that have been initiated, the commissioner continues the effort to update and clarify the code. In the period before January 2007, subjects that may be considered for rule making in this effort include:							
Chapter 284-18A		Holding companies					
WAC 284-30-3901 - 284-30-3916		Total loss settlements					
WAC 284-30-395		Personal injury protection					

**WSR 06-16-080****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF CORRECTIONS**

(Correctional Industries)

[Memorandum—July 26, 2006]

The correctional industries board of directors meeting dates have been changed. The meeting will take place in Walla Walla, Washington, on October 6 and 7, 2006.

If you have any questions or comments, please feel free to contact the office.

**WSR 06-16-081****NOTICE OF PUBLIC MEETINGS  
OFFICE OF THE  
INTERAGENCY COMMITTEE**

(Salmon Recovery Funding Board)

[Memorandum—July 27, 2006]

This notice is to officially inform you of a change in date and location of the September salmon recovery funding board (SRFB) meeting. The meeting previously scheduled for two days on September 14 and 15, 2006, in Olympia, Washington, will now be held on one day, **September 12, 2006, in Seattle, Washington.**

The one-day meeting will be held on the 8th Floor of the King Street Station, 201 South Jackson Street, in the Rainier Room. The proposed agenda will be available by the 30th of August.

SRFB public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting

the interagency committee by August 30, 2006, at (360) 902-2637 or TDD (360) 902-1996.

**WSR 06-16-082****NOTICE OF PUBLIC MEETINGS  
OFFICE OF THE  
INTERAGENCY COMMITTEE**

(Interagency Committee for Outdoor Recreation)

[Memorandum—July 27, 2006]

The interagency committee for outdoor recreation (IAC) will meet Thursday, September 21, and Friday, September 22, at Fort Worden State Park's Commons, Company A, 200 Battery Way, Port Townsend, WA.

The focus of this regular business meeting is a funding recommendation session for projects in all eleven categories of the Washington wildlife and recreation program, the national recreational trails program, the aquatic lands enhancement program, and the land and water conservation fund program. Other agenda items include management updates and approval of the 2007 meeting schedule. The detailed proposed agenda will be available by August 30, 2006.

If you plan to participate or have materials for committee review, please submit information to the IAC office no later than September 6, 2006. 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 September 6, 2006, at (360) 902-2637 or TDD (360) 902-1996.

**WSR 06-16-121**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed August 1, 2006, 12:46 p.m.]

Health, P.O. Box 47866, Olympia, WA 98504-7866, (360) 236-4788, Beverly.thomas@doh.wa.gov.

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy: Intent of Opening Initial Investigations MD2006-01.

Issuing Entity: Medical quality assurance commission.

Subject Matter: It is the intent of the commission to always authorize for investigation by the initial assessment panel cases involving sexual misconduct, patient abuse, death of a patient, and cases involving serious harm or risk of injury to members of the public.

Effective Date: July 14, 2006.

Contact Person: Beverly A. Thomas, Program Manager, Health Professions Quality Assurance, Department of

**WSR 06-16-128**

**AGENDA**

**EMPLOYMENT SECURITY DEPARTMENT**

[Filed August 1, 2006, 4:23 p.m.]

The following is the employment security department's 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.

Please call Larry Oline at (360) 902-9387 or e-mail loline@esd.wa.gov, if you have questions.

**Unemployment Insurance Division**  
**Semi-Annual Rule-Making Agenda**  
**July 31, 2006 - January 31, 2007**

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-210	Referral unions	Juanita Myers (360) 902-9665	CR-101 - 2/02 CR-102 - 8/06 Hearing - 9/06	Adopt rules to clarify job search and availability requirements for individual members of full referral unions. Clarify requirements of unions participating in the referral union program.
Chapter 192-250	Shared work	Juanita Myers (360) 902-9665	CR-101 - 5/03 CR-102 - 7/06 Hearing - 9/06	Amend and adopt rules to modify eligibility requirements for employers and participants applying for the shared work program, clarify expectations of participating employers, address the number of consecutive plans an employer may have, and define terms.
Chapter 192-220	Overpaid unemployment benefits	Juanita Myers (360) 902-9665	CR-101 - 1/06 CR-102 - 11/06	Amend rules concerning the definition of "equity and good conscience" as that term relates to waivers of overpayments and offers in compromise. Adopt rules outlining the policies for partial waivers of overpayments. The court of appeals recently held that waivers must be made under the standard of "fairness" rather than relying primarily on the individual's financial circumstances. The court also for the first time ordered the department to consider partial waivers of overpayments.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-300	Employer contribution rates (SUTA dumping)	Juanita Myers (360) 902-9665	CR-101 - 5/06	Adopt rules to implement the department's request legislation following passage and signing by the governor. The intent is to ensure that employers do not evade their appropriate contribution (tax) rate.
Title 192 WAC	Powers of attorney	Juanita Myers (360) 902-9665	CR-101 - 9/06	Adopt rules to clarify the responsibilities of, and limitations on, those who have a signed authorization to act on behalf of an employer or claimant.
Chapter 192-180	Job search	Juanita Myers (360) 902-9665	CR-101 - 8/06	Amend rules to provide that the denial of benefits to an individual who fails to appear for a required review of his or her job search activities shall continue until the individual appears at the interview and satisfies the department s/he is actively seeking work.
WAC 192-110-050 and 192-140-005	Late claims and failure to timely reopen claims	Juanita Myers (360) 902-9665	CR-101 - 9/06	Amend rules to clarify the difference between a claim that is timely, one that is filed late, and a claimant's failure to reopen a claim on time.
WAC 192-130-065	Mailing addresses for notices to employer	Juanita Myers (360) 902-9665	CR-101 - 10/06	Amend rule to clarify when a notice will be mailed to the employer's address of record or to the address provided by the claimant.
Title 192 WAC	Technical amendments—Expedited adoption and repeal	Juanita Myers (360) 902-9665	CR-105 - 8/06	Housekeeping changes to correct statutory references, delete outdated language, and clarify terms.

**WSR 06-16-130  
DEPARTMENT OF  
EARLY LEARNING**

[Filed August 1, 2006, 4:50 p.m.]

This is to request the following action from the office of the code reviser on behalf of the department of early learning (DEL):

Decodify Current Title/Chapter	Recodify as New Title/Chapter
WAC 170-15	WAC 170-292

DEL intends for recodification to be effective immediately.

Joyce Turner  
Acting Director

**WSR 06-16-139  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed August 2, 2006, 11:09 a.m.]

Prevailing Rate of Wage

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on August 1, 2006,

the industrial statistician has determined the statewide prevailing rates of wage. These prevailing rates of wage are effective for public works projects bid on or after August 31, 2006.

Every contractor and subcontractor on every public works project must file a statement of intent to pay prevailing wages and an affidavit of wages paid. Both forms must be filed on every project. The filing of the affidavit of wages paid does not set aside the requirement to also file the statement of intent to pay prevailing wages. The department may fine contractors \$500 for failure to file these forms.

For more information on prevailing wage or a copy of the rates please visit our web site at [www.lni.wa.gov/TradesLicensing/PrevailingWage/](http://www.lni.wa.gov/TradesLicensing/PrevailingWage/) or call (360) 902-5335.

David Soma  
Prevailing Wage Manager  
Industrial Statistician