

WSR 08-16-006
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 23, 2008, 4:58 p.m.]

Contact Valerie Grimm, P.O. Box 44208, Olympia, WA 98504-4208, phone (360) 902-5005, e-mail colb235@lni.wa.gov.

Josh Swanson

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 08-17 issue of the Register.

WSR 08-16-007
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed July 24, 2008, 9:34 a.m.]

In accordance with RCW 34.05.230(12), following are the policy and interpretive statements issued by the department regarding the insurance services division policies.

If you have any questions or need additional information, please call Josh Swanson at (360) 902-6805.

Amendment to Policy 5.18 Authorizing Vocational Assessment Services.

This interim policy provides guidance to department staff and applies when authorizing vocational assessment services under a state fund claim or a claim against a defaulting self-insured employer.

This interim policy is updated to clarify when a claim should be referred for assessment services.

WSR 08-16-016
AGENDA
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed July 25, 2008, 8:48 a.m.]

SEMI-ANNUAL
 RULE DEVELOPMENT AGENDA
per RCW 34.05.314

July 1, 2008 - December 31, 2008

This agenda reflects anticipated rule-making activity by the department of retirement systems (DRS) for July 1, 2008, through December 31, 2008. DRS reserves the right to change this work schedule because of legislative action, judicial decisions, requests by employers, members, or other stakeholders and impacted parties.

If you have questions about this rule-making schedule or the DRS rule-making process, please contact Sarah Monaly, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone (360) 664-7291, TTY (360) 586-5450, Rules@drs.wa.gov.

Subject	Description	Anticipated rule-making actions by December 31, 2008
Chapters 415-02, 415-112, 415-113 WAC	Make technical corrections to rules to update incorrect statutory and rule references, and to clarify language as needed.	Receive and respond to comments during comment period, file CR-103
Chapter 415-02 WAC	Implement legislative measures and agency practice concerning service credit for time spent in military service.	File CR-102, hold public hearing, file CR-103
Chapter 415-104 WAC	Amend rules to clarify return-to-work rules for law enforcement officers' and fire fighters' (LEOFF) Plan 2 members.	File CR-102, hold public hearing, file CR-103
Chapter 415-104 WAC	Develop rule to implement HB 2932 of 2006 regarding the disability allowance for members of LEOFF Plan 2 who incur a catastrophic disability in the line of duty.	File CR-102, hold public hearing, file CR-103
Chapter 415-104 WAC	Amend rules to implement SHB 1936 of 2005 which includes emergency medical technicians (EMTs) in the definition of fire fighters for LEOFF. Also updates timeframes for allowing the transfer of EMT service credit into LEOFF Plan 2.	File CR-102, hold public hearing, file CR-103
Chapter 415-104 WAC	Amend rules to implement HB 1680 of 2007 regarding EMTs transferring service into LEOFF Plan 2.	File CR-102, hold public hearing, file CR-103
Chapters 415-108 and 415-112 WAC	Develop rules to implement SHB 2691 of 2006 regarding new retirement benefit provisions for justices and judges who have membership in the public employees' retirement system (PERS) and the teachers' retirement system (TRS).	File CR-102, hold public hearing, file CR-103
Chapter 415-108 WAC	Develop rules regarding duty and nonduty disability for members of PERS Plan 1.	File CR-102, hold public hearing, file CR-103

Subject	Description	Anticipated rule-making actions by December 31, 2008
Chapters 415-108, 415-110, and 415-112 WAC	Amend rules to clarify reporting for the school employees' retirement system (SERS), TRS, and PERS substitute employees working in two or more retirement systems in a school district or educational service district.	File CR-102, hold public hearing, file CR-103
Chapters 415-110 and 415-112 WAC	Amend rules to implement EHB 2391 of 2007 regarding retirement plan choice options for new employees of SERS and TRS.	File CR-102, hold public hearing, file CR-103
Chapters 415-110 and 415-112 WAC	Amend and develop rules to implement HB 3019 of 2008 regarding half time service credit for members of SERS Plans 2 and 3, and TRS Plans 2 and 3.	File CR-102, hold public hearing, file CR-103
Chapter 415-112 WAC	Amend and develop rules to implement ESHB 2680 of 2006 regarding TRS Plan 2 and Plan 3 members purchasing TRS service credit for teaching in another state or for the federal government.	File CR-102, hold public hearing, file CR-103
Chapter 415-112 WAC	Amend rules to implement SB 6657 of 2008 regarding the definition of "earnable compensation" for members of TRS.	File CR-102, hold public hearing, file CR-103

Sarah Monaly
Rules Coordinator

WSR 08-16-020
NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE

[Filed July 28, 2008, 9:06 a.m.]

2009 SCHEDULE OF BOARD OF TRUSTEES' MEETINGS

The Columbia Basin board of trustees' meetings will be held on the second Monday of the month with the exception of August when the board annual retreat is held; the date and time TBD. The regularly scheduled meeting will begin at 4:00 p.m. and will be held in the BCB [CBC] board room.

If you have any questions, please contact Barbara Grant at (509) 542-4449.

WSR 08-16-021
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION OFFICE

(Biodiversity Council)

[Filed July 28, 2008, 9:06 a.m.]

The next public meeting of the Washington biodiversity council will be on **Friday, December 12, 2008, from 8:30 a.m. to 4:00 p.m.** at the Nisqually Wildlife Refuge, Visitor Center Auditorium, 100 Brown Farm Road, Olympia, WA 98516.

For further information, please contact Rachel LeBaron, recreation and conservation office (RCO), (360) 902-3012 or check the web page <http://www.biodiversity.wa.gov>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type

materials, may contact Rachel LeBaron at the number listed above or by e-mail at rachel.lebaron@rco.wa.gov.

WSR 08-16-022
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION OFFICE

(Biodiversity Council)

[Filed July 28, 2008, 9:06 a.m.]

The next public meeting of the Washington biodiversity council will be **September 24 and 25, 2008, from 8:30 a.m. to 4:00 p.m.** at The Bonneville Hot Springs Resort, P.O. Box 356, 1252 East Cascade Drive, North Bonneville, WA 98639, (509) 427-7767.

For further information, please contact Sarah Gage, Washington biodiversity council, (360) 902-3027.

WSR 08-16-027
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE

[Filed July 28, 2008, 1:21 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, at its July 22, 2008, board meeting, approved revisions to the annual schedule of meetings of the board for the remaining months of 2008 as noted on the following schedule of meetings. As previously scheduled, no board of trustees meeting is held in August. All meetings convene at 2:00 p.m. on the campus of Whatcom Community College in the Laidlaw Building Boardroom

#143, 237 West Kellogg Road, Bellingham, WA 98226.
Board of trustees meetings are open to the public.

**2008 Meeting Schedule of
the Board of Trustees
Second Wednesday of the Month
(per chapter 132U-104 WAC)
(exceptions noted below with*)
2:00 p.m.**

**Whatcom Community College
Laidlaw Center Board Room (LDC 143)
237 West Kellogg Road
Bellingham, WA 98226**

Wednesday, January 9
*Thursday, February 7
*Monday, March 17
Wednesday, April 9
Wednesday, May 14
*Monday, June 16
(quarter ends on June 13)

**Unemployment Insurance Division
Semi-Annual Rule-Making Agenda
(July 31, 2008 - January 31, 2009)**

Wednesday, July 9
August (no regular meeting)
*Monday, September 22
(classes begin on September 22)
*Wednesday, October 15
*Monday, November 10
Wednesday, December 10

WSR 08-16-028

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 28, 2008, 1:48 p.m.]

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 Pamela Ames at (360) 902-9387, or e-mail at pames@esd.wa.gov if you have questions.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapters 192-220 and 192-230	Overpaid unemployment benefits	Juanita Myers (360) 902-9665	CR-101 - 1/06 CR-102 - 7/08 CR-103 - 9/08	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. Required by court of appeals decisions in <i>Delagrave v. ESD</i> .
Title 192 WAC, Benefit rules	Apprentices plus general review of UI benefit rules.	Juanita Myers (360) 902-9665	CR-101 - 4/08 CR-103 (Emergency) - 6/08 CR-102 - 9/08 CR-103 - TBD	Implement 2008 legislation establishing good cause for claimants who quit work to enter approved apprenticeship program. General review and revision of existing UI benefit rules to incorporate case law, changes in policy and procedures, and to reflect longstanding agency practice. Topics include job separations, job search requirements, reporting requirements, training, educational employees, powers of attorney, and definition of terms.

WAC CHAPTER	SUBJECT	AGENCY CONTACT	TIMING	SCOPE OF RULE CHANGES
Chapter 192-150	Voluntarily leaving work	Juanita Myers (360) 902-9665	CR-101 - 7/08 CR-103 (Emergency) - 7/08 CR-102 - 11/08 CR-103 - TBD	Implement the Washington supreme court's decision in the case of <i>Spain and Batey v. ESD</i> . The court held that the list of good cause reasons in the voluntary quit statute is not exclusive and that the department may rule that good cause is established in other circumstances. The rule will specify the factors the department will consider in determining whether good cause exists.

Pamela Ames
Rules Coordinator

WSR 08-16-031
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Forum on Monitoring)
[Filed July 29, 2008, 9:00 a.m.]

The next public meeting of the Washington forum on monitoring, salmon recovery and watershed health, will be **Wednesday, September 3, 2008, from 9:00 a.m. to 4:00 p.m.** in Room 175 A and B of the Natural Resources Building in Olympia, Washington.

For further information, please contact Moriah Blake, at the recreation and conservation office (RCO), (360) 902-3086 or check the web page at <http://www.rco.wa.gov/monitoring/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Moriah Blake at the number listed above or by e-mail at Moriah.Blake@rco.wa.gov.

WSR 08-16-032
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Recreation and Conservation Funding Board)
[Filed July 29, 2008, 9:01 a.m.]

The next public meeting of the recreation and conservation funding board will be **Tuesday, September 23, 2008, from 8:30 a.m. to 5:15 p.m.**, and **Wednesday, September 24, 2008, from 8:30 a.m. to 2:30 p.m.** at Walla Walla Community College, 500 Tausick Way, in Room 185 A and B of the main building.

For further information, please contact Patty Dickason at (360) 902-3085 or check recreation and conservation office's (RCO) web page at <http://www.rco.wa.gov/rcfb/board/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type

materials, may contact Patty Dickason at the number listed above or by e-mail at Patty.Dickason@rco.wa.gov.

WSR 08-16-033
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Forum on Monitoring)
[Filed July 29, 2008, 9:01 a.m.]

The next public meeting of the Washington forum on monitoring, salmon recovery and watershed health, will be **Wednesday, December 3, 2008, from 9:00 a.m. to 4:00 p.m.** in Room 175 A and B of the Natural Resources Building in Olympia, Washington.

For further information, please contact Moriah Blake, at the recreation and conservation office (RCO), (360) 902-3086 or check the web page at <http://www.rco.wa.gov/monitoring/schedule.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Moriah Blake at the number listed above or by e-mail at Moriah.Blake@rco.wa.gov.

WSR 08-16-034
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Salmon Recovery Funding Board)
[Filed July 29, 2008, 9:01 a.m.]

The next public meeting of the salmon recovery funding board will be **Thursday, December 11, 2008, from 9:00 a.m. to 3:30 p.m.**, and **Friday, December 12, 2008, from 8:30 a.m. to 3:00 p.m.** in Room 172 of the Natural Resources Building in Olympia, Washington.

For further information, please contact Moriah Blake, at the recreation and conservation office (RCO), (360) 902-

3086 or check the web page at <http://www.rco.wa.gov/srfb/board/schedules.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Moriah Blake at the number listed above or by e-mail at Moriah.Blake@rco.wa.gov.

WSR 08-16-048

AGENDA

ATTORNEY GENERAL'S OFFICE

[Filed July 29, 2008, 4:32 p.m.]

**Semi-Annual Rule-Making Agenda
July 1, 2008, through December 31, 2008**

This is the office of the attorney general'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.

If you have questions about this rule-making agenda, please contact Danielle French, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, phone (360) 753-6207, fax (360) 664-0228, e-mail DanielleF@atg.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
44-06	Amend AGO rules on public records.	WSR 08-07-032 filed March 12, 2008		
44-__	Publish procedures that define "final action" for state agencies not subject to chapter 42.30 RCW, with enabling authority to exercise eminent domain (condemnation) powers. Required by RCW 8.25.290 (4)(b).	Expect to file CR-101 by December 31, 2008		

Danielle E. French
Rules Coordinator

WSR 08-16-051

**PUBLIC RECORDS OFFICER
MARINE EMPLOYEES' COMMISSION**

[Filed July 30, 2008, 10:25 a.m.]

Ms. Patricia Warren, commissioner for the marine employees' commission, will now serve as the agency's public records officer. She can be contacted at the Marine Employees' Commission, 711 Capitol Way South, Suite 104, P.O. Box 40902, Olympia, WA 98504, phone (360) 586-6354, fax (360) 586-0820, e-mail mec@olywa.net.

John R. Swanson
Chairman

WSR 08-16-052

**NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIRE FIGHTERS' PLAN 2 RETIREMENT BOARD**

[Filed July 30, 2008, 10:25 a.m.]

The law enforcement officers' and fire fighters' plan 2 retirement board has cancelled the August 27, 2008, board meeting.

The next regularly scheduled meeting is **Wednesday, September 24**, at 9:30 a.m. located in the Washington state investment board room.

Please feel free to contact Jessica Burkhart at (360) 586-2322 or by e-mail at jessica.burkhart@leoff.wa.gov, should you have any questions.

WSR 08-16-053

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
GENERAL ADMINISTRATION**

(Capitol Campus Design Advisory Committee)

[Filed July 30, 2008, 10:27 a.m.]

**John L. O'Brien Building
Hearing Room C
Olympia, Washington
August 6, 2008
(9:00 a.m. - 11:00 a.m.)**

WSR 08-16-056
AGENDA
OFFICE OF
INSURANCE COMMISSIONER

[Filed July 30, 2008, 2:04 p.m.]

Rule Development Agenda
July 31, 2008, through January 31, 2009

The following rule makings have been proposed and are currently between the CR-101, CR-102, CR-105 or CR-103 stage. They are currently under review and there may be further rule-making activity before January 31, 2009. If you have any questions regarding any of these rule making, please contact Kacy Scott, kacys@oic.wa.gov or (360) 725-7041.

WAC	RCW Authority	Subject	Current Activity				OIC Contact
			CR-101	CR-105	CR-102	CR-103	
Chapter 284-07 WAC	RCW 48.02.060, 48.31B.040, and 48.31C.150	Electronic holding company filings	08-04-106				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
Chapter 284-13 WAC	48.02.060 and 48.94.055	Reinsurance intermediary broker and manager	06-08-099				Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-13 WAC	48.13.490	Safeguarding insurer securities	08-12-097				Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-16 WAC	48.02.060, 48.31.435	Administrative supervision of insurers	08-11-106				Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-17 WAC	48.02.060	Producer licensing and education	08-03-123		08-14-168		Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
Chapter 284-17 WAC	48.02-060, 48.17.005	Producer licensing (2)	08-07-096				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
WAC 284-22-040	48.02.060, 48.22.070	USL&H assigned risk plan	08-07-104				Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-23 WAC	48.23.345	Juvenile life insurance	07-17-163				Meg Jones MegJ@oic.wa.gov (360) 725-7197
WAC 284-23-600 - 284-23-730	48.02.060 (3)(a)	Accelerated benefit	08-12-098				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
Chapters 284-30, 284-24, 284-58 WAC	48.110.150	Rate filing (SERFF)	07-21-134		08-14-055		Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
WAC 284-30-3901 - 284-30-3916	48.02.060 and 48.30.010	Automobile total loss settlements	07-14-110				Chris Carlson Chrisc@oic.wa.gov (360) 725-7042
Chapter 284-43 WAC	48.02.060, 48.44.050, 48.46.200 and chapter 303, Laws of 2008	Individual health rate plans	08-08-097				Donna Dorris donnad@oic.wa.gov (360) 725-7040
WAC 284-43-820	48.02.060, 48.43.510	Health plan disclosure documents	08-11-107				Donna Dorris donnad@oic.wa.gov (360) 725-7040
Chapter 284-54 WAC	48.02.060, 48.21.200, 48.44.050, 48.46.200	Coordination of benefits	08-12-099				Pete Cutler petec@oic.wa.gov (360) 725-9651
WAC 284-74-420	48.02.060	CSO mortality table	07-18-005				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039

WAC	RCW Authority	Subject	Current Activity				OIC Contact
			CR-101	CR-105	CR-102	CR-103	
New chapter	Chapter 145, Laws of 2008	Long-term care	08-09-131				Melodie Bankers melodieb@oic.wa.gov (360) 725-7039
	48.02.060	Conducting business in own legal name	08-09-134				Meg Jones megj@oic.wa.gov (360) 725-7197
	48.02.060	Cancellation of P&C policies by insureds	08-09-135				Meg Jones megj@oic.wa.gov (360) 725-7197
	48.02.060, 48.22.105	Personal injury protection	08-09-136				Meg Jones megj@oic.wa.gov (360) 725-7197
	48.02.060	Standards for safeguarding customer information	08-10-096				Jim Tompkins jimt@oic.wa.gov (360) 725-7036
	48.02.060, section 9(5), chapter 110, Laws of 2008	Referral of title insurance business	08-13-096				Jim Tompkins jimt@oic.wa.gov (360) 725-7036
	48.02.060, section 9(1), chapter 110, Laws of 2008	Reporting of affiliated business ownership of title insurance agents	08-13-098				Jim Tompkins jimt@oic.wa.gov (360) 725-7036

Possible Rule-makings:
 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 31, 2009, subjects that may be considered for rule making in this effort include:

WAC	Subject
Chapter 284-07 WAC	Audited financial statements.
Chapter 284-07 WAC	Amendments to permitted accounting practices.
Chapter 284-43 WAC	Health carriers and health plans.
WAC 284-53-010 (4)(b)	Chemical dependency incremental benefit increases.
New chapter 284-150 WAC (RCW 48.150.100)	Direct patient-provider primary health care.
New	Annuity and deposit fund.
New	Discovery processes in adjudicative hearings and contested cases.
WAC 284-30-500 (1)(b)	Family or household exclusion clause.

Mike Kreidler

WSR 08-16-058
AGENDA
HEALTH CARE AUTHORITY

[Filed July 30, 2008, 2:34 p.m.]

Following is the semi-annual rule-making agenda for publication in the Washington state register. If you have any questions, Jason Siems can be reached at (360) 923-2720.

July 31, 2008
 Semi-Annual Rule-Making Agenda

WAC CHAPTER	TITLE	AGENCY CONTACT (Name and phone #)	PROPOSED TIMELINE				DESCRIPTION OF PROPOSED CHANGES
			CR-101	CR-102	CR-103	CR-105	
182-08 182-12 182-16	182-08 Procedures 182-12 Eligible and noneligible employees 182-16 Practice and procedure	Barbara Scott PEBB Benefits Services Program P.O. Box 42684 Olympia, WA 98504-2684 e-mail barbara.scott@hca.wa.gov phone (360) 923-2642	April 16, 2008	August 19, 2008	September 2008	n/a	Implement legislation expanding participation in PEBB programs to include tribal governments; implement legislation to expand eligible dependents to include adult children up to age twenty-five; amend and clarify rules regarding participation, withdrawal, and appeals by certain employing entities; clarify rules

WAC CHAPTER	TITLE	AGENCY CONTACT (Name and phone #)	PROPOSED TIMELINE				DESCRIPTION OF PROPOSED CHANGES
			CR-101	CR-102	CR-103	CR-105	
							regarding retiree enrollment and eligibility; amend PEBB rules affected by 2008 legislation (2SHB 3104) concerning certain domestic partnerships; amend WAC 182-12-133 to reflect a recent amendment to the Family Medical Leave Act; respond to requests to cancel a member's enrollment based on a legitimate action by the member that warrants disenrollment; add the dependent care assistance program as a benefit for state agencies and higher education; amend rules regarding PEBB member appeals; and incorporate criteria for participation by members of a governing board.
182-26	182-26 Health insurance partnership	Beth Walter P.O. Box 42686 Olympia, WA 98504-2686 e-mail beth.walter@hca.wa.gov phone (360) 923-2942	March 27, 2008	September 2008	October 2008	n/a	The health insurance partnership (HIP) is a new program designed to assist small employers who do not currently offer health insurance due to cost and their low-wage employees to access health insurance coverage. HIP will provide premium subsidies for low-income employees, their spouses, and dependents. HCA must develop rules so the program can begin accepting applications on January 1, 2009, for coverage beginning March 1, 2009.

Jason Siems
Rules Coordinator

WSR 08-16-060
ATTORNEY GENERAL'S OFFICE

[Filed July 30, 2008, 3:04 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by August 27, 2008. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 664-3027, or by writing to the Office of the Attorney General, Solicitor General Division, Attention James Pharris, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided

with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered. If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions ListServ. The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 08-07-08
Request by Honorable Rodney Tom/Roger Goodman
State Senator, 48th District/State Representative, 45th District

1. Does section 1 (3)(a) of HB 2791 apply only to persons who expressly offer to perform a service for a distressed homeowner, and is an offer to purchase a distressed home an offer to perform a service?

2. Do HB 2791's distressed home consulting provisions on disclosure (section 2) and duties (section 3) apply to a real estate licensee in a transaction where the licensee contacts the distressed homeowner's lender to arrange a sale in which the homeowner's debt to the lender will be discharged for the amount of the sale price of the home

when that sale price is less than the homeowner owes on the loan (i.e., a short sale)?

3. Do the distressed home consulting provisions of sections 2-3 of HB 2791 apply to a real estate licensee who performs the licensed activities in the ordinary course of real estate business on behalf of a buyer or a seller to a real estate transaction where the property involved is a "distressed home"?

4. Does HB 2791 taken as a whole impliedly impose on real estate licensees a duty to inquire before assisting a party in a real estate transaction whether the property that is being transferred is a "distressed home"?

WSR 08-16-061

DEPARTMENT OF AGRICULTURE

(Fryer Commission)

[Filed July 30, 2008, 3:29 p.m.]

The chairman of the Washington fryer commission (WFC), in a letter dated July 22, 2008, requested a suspension of the marketing order rules pertaining to the collection of assessments upon all fryers, roasters and broilers under the age of six months as described in WAC 16-512-040 (1) and (2). I have reviewed the chairman's request, as well as the minutes of the WFC board meeting of July 16, 2008, where the proposed suspension was discussed and voted on by the WFC. Based on this documentation, I have decided to approve the requested suspension.

RCW 15.66.093, in pertinent part, allows the director of the department of agriculture "upon the request of a commodity commission and without compliance with RCW 15.66.070 through 15.66.090, [to] suspend the commission's order or term or provision thereof for a period not to exceed one year, if the director finds that the suspension will tend to effectuate the declared policy of this chapter."

I have determined that suspending the collection of assessments will effectuate a stated policy of chapter 15.66 RCW. **I am, therefore, suspending the collection of assessments by the Washington fryer commission for a period of six months, effective July 1, 2008, and ending December 31, 2008. Assessment collections would resume January 1, 2009.**

Even though a public hearing process is not required under RCW 15.66.093, I ask that notice of this action be published in the Washington state register.

Robert W. Gore
Acting Director

WSR 08-16-066

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed July 31, 2008, 8:42 a.m.]

Notice of Interpretive or Policy Statement

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

Economic Services Administration Division of Child Support (DCS)

Document Title: Administrative Policy 4.08 DCS Vehicle Procedures.

Subject: DCS vehicle procedures.

Effective Date: July 28, 2008.

Document Description: This policy explains the DCS policy for operating vehicles that are owned or leased by DCS.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www1.dshs.wa.gov/dcs/>.

WSR 08-16-071

EXECUTIVE ORDER OFFICE OF THE GOVERNOR

[Filed July 31, 2008, 1:32 p.m.]

EXECUTIVE ORDER 08-03 RESCISSION OF EXECUTIVE ORDERS

WHEREAS, certain executive orders issued between 1998 and 2004 have been rendered ineffective due to either the enactment of superseding law, subsequent executive orders, or through an internal expiration provision; and

The existence of obsolete executive orders can create confusion or unnecessary regulatory burden on executive agencies and the public; and

The Office of the Governor, in consultation with executive branch agencies, has determined that the below-mentioned existing executive orders are no longer necessary and can be rescinded immediately;

NOW THEREFORE, I, Christine O. Gregoire, Governor of the State of Washington in order to achieve effective and efficient government performance, by virtue of the power vested in me, do hereby order and direct that the following executive orders be rescinded:

EO 04-06, relating to establishing sustainability and efficiency goals of state operations

- This Order was superseded by EO 05-01.

EO 02-04, relating to the creation of the Washington State Economic Development Commission

- The Commission was incorporated into RCW 43.162.010.

EO 02-02, relating to the creation of the Washington Territorial Sesquicentennial Commission

- The Commission's work was completed in 2003.

EO 01-01, relating to the State Combined Fund Drive for charitable contributions

- This Order was incorporated into RCW 41.04.033 through 41.04.039

EO 00-01, relating to the promotion of the use of Apprentices in public works projects

- This Order was incorporated into RCW 39.04.300 through 39.04.320.

EO 98-01, relating to extending the Land Use Study Commission

- The Order expired on December 31, 1998, and is therefore outdated.

This Executive Order shall take effect immediately.

Signed and sealed with the official seal of the state of Washington, on this 28th day of July 2008, at Olympia, Washington.

By:
Christine O. Gregoire
 Governor

BY THE GOVERNOR:

Dan Speigle
 Secretary of State

WSR 08-16-074

AGENDA

**DEPARTMENT OF HEALTH
 STATE BOARD OF HEALTH**

[Filed July 31, 2008, 3:33 p.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 08-17 issue of the Register.

WSR 08-16-084

**NOTICE OF PUBLIC MEETINGS
 PENINSULA COLLEGE**

[Filed August 1, 2008, 3:41 p.m.]

The board of trustees of Peninsula College has approved their annual calendar for academic year 2008-2009. Meeting dates and times are:

October 14, 2008	2:00 p.m.	Peninsula College Campus	Port Angeles
November 11, 2008	2:00 p.m.	Peninsula College Campus	Port Angeles
December 9, 2008	2:00 p.m.	Peninsula College Campus	Port Angeles
January 2008 [2009]		No Meeting	
February 10, 2009	2:00 p.m.	Peninsula College Campus	Port Angeles

March 10, 2009	2:00 p.m.	Peninsula College Campus	Port Angeles
April 14, 2009	2:00 p.m.	Forks Campus	Forks
May 12, 2009	2:00 p.m.	Port Townsend Campus	Port Townsend
June 9, 2009	2:00 p.m.	Peninsula College Campus	Port Angeles
July/August/September 2009		No Meeting	

WSR 08-16-085

**INTERPRETIVE OR POLICY STATEMENT
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES**

[Filed August 1, 2008, 4:10 p.m.]

Notice of Interpretive or Policy Statement

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

**Economic Services Administration
 Division of Child Support (DCS)**

Document Title: Policy Clarification Memo 08-003: Outreach to Pro Se Parties and Courthouse Facilitators.

Subject: Outreach to pro se parties and courthouse facilitators.

Effective Date: July 29, 2008.

Document Description: The DCS has made a commitment to provide resources and information to pro se parties and the courthouse facilitators as they prepare child support orders.

To receive a copy of the interpretive or policy statements, contact Jeff Kildahl, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5278, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail JKildahl@dshs.wa.gov, web site <http://www1.dshs.wa.gov/dcs/>.

WSR 08-16-086

**NOTICE OF PUBLIC MEETINGS
 COMMUNITY ECONOMIC
 REVITALIZATION BOARD**

[Filed August 4, 2008, 9:41 a.m.]

The community economic revitalization board (CERB) will be having a special meeting on Wednesday, September 17, 2008. The meeting will be held in the Central Auditorium at the SeaTac International Airport, 17801 Pacific Highway South, Seattle, WA 98158. The meeting will begin at 9:00 a.m.

A regularly scheduled CERB meeting will be held in the same location on Thursday, September 18, 2008.

WSR 08-16-087**NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE**

[Filed August 4, 2008, 10:13 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, August 21, 2008, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 08-16-088**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 4, 2008, 12:31 p.m.]

As per RCW 39.12.015, 39.12.020 and WAC 296-127-011 and as was published on the internet on August 1, 2008, 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, 2008.

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/ or call (360) 902-5335.

David Soma
Prevailing Wage Manager
Industrial Statistician

WSR 08-16-094**AGENDA****PUBLIC DISCLOSURE COMMISSION**

[Filed August 5, 2008, 9:06 a.m.]

**Agenda for Rules Under Development
June - December 2008**

Agency Contact: Doug Ellis, Assistant Director, P.O. Box 40908, Olympia, WA 98504-0908, phone (360) 664-2735, toll free 1-877-601-2828, fax (360) 753-1112, e-mail dellis@pdc.wa.gov.

At present, the Public Disclosure Commission has eleven rules under development:

1. Topic: Domestic Partners - chapter 6, Laws of 2008.

Status: On June 26, 2008, the commission adopted two emergency rules (1) new WAC 390-05-222 Domestic partner—Definition, and (2) amendments to WAC 390-17-305 Personal funds of a candidate. The two rules were filed with the code reviser effective June 30, 2008, to be in place during the 2008 election. Staff filed a preproposal statement with

the code reviser on July 2, 2008, giving notice that it is considering permanent adoption of the emergency rules and other rule changes to reflect legislative changes found in chapter 6, Laws of 2008, concerning domestic partners. A public hearing and possible adoption of the domestic partners rules will occur in December 2008. If adopted, the new and amended rules will likely go into effect in January of 2009.

Statutory Authority: RCW 42.17.370(1) and 2SHB 3104, section 1303.

Statute Being Implemented: Chapter 42.17 RCW.

WAC Cite: New WAC 390-05-222 Domestic partner—Definition, 390-16-310 Limitations on contributions, 390-17-305 Personal funds of a candidate, and 390-20-110 Forms for lobbyist employer report.

2. Topic: Definition of member.

Status: On June 26, 2008, the commission adopted amendments to WAC 390-05-515 Member, on an emergency basis effective June 30, 2008. This rule describes when a communication to a "member" as that term is used in chapter 42.17 RCW, including by [but] not limited to RCW 42.17-020 and 42.17.100, is an internal political communication and not a contribution.

On a parallel process, staff filed a proposed rule-making order (CR-102) with the code reviser giving notice of a public hearing scheduled for August 28, 2008, to permanently adopt the amended rule.

If adopted, the amended rule will likely go into effect in October 2008.

Statutory Authority: RCW 42.17.370(1) and 42.17.562 (4).

Statute Being Implemented: RCW 42.17.020 (15)(b)(v).

WAC Cite: WAC 390-05-515 Member.

3. Topic: Personal financial affairs reporting.

Status: On June 26, 2008, the commission approved draft language to amend WAC 390-24-010 Forms for statement of financial affairs and WAC 390-24-020 Forms for amending statement of financial affairs. The new language incorporated legislative changes reflected in chapter 6, Laws of 2008 (domestic partners), clarified investment/asset reporting, and that home e-mail addresses are optional.

Staff filed a proposed rule-making order (CR-102) with the code reviser giving notice of a public hearing scheduled for August 28, 2008, to permanently adopt the amended rules.

If adopted, the amended rules will likely go into effect in October 2008.

Statutory Authority: RCW 42.17.370(1) and 2SHB 3104, section 1303.

Statute Being Implemented: RCW 42.17.241.

WAC Cite: WAC 390-24-010 Forms for statement of financial affairs and 390-24-020 Forms for amending statement of financial affairs.

4. Topic: Surplus funds.

Status: Commission staff filed a preproposal statement with the code reviser on July 2, 2008, giving notice that the commission is considering permanent adoption of a possible new rule to clarify the reporting requirements for surplus funds accounts. A public hearing and possible adoption of the rule amendments will occur in December 2008. If

adopted, the new and amended rules will likely go into effect in January 2009.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.095(7).

WAC Cite: Possible new rule.

5. Topic: Public agency lobbying.

Status: Commission staff filed a preproposal statement with the code reviser on July 2, 2008, giving notice that the commission is considering permanent adoption of possible amendments to WAC 390-20-120 Forms for report of legislative activity by public agencies, to add additional contact information. A public hearing and possible adoption of the rule amendments will occur in December 2008. If adopted, the new and amended rules will likely go into effect in January 2009.

Statutory Authority: RCW 42.17.370(1) and 42.17.190 (8).

Statute Being Implemented: RCW 42.17.190.

WAC Cite: WAC 390-20-120 Forms for report of legislative activity by public agencies.

6. Topic: Periodical definition.

Status: The commission is considering permanent adoption of amendments to WAC 390-05-520 Periodical, to include a definition applicable for electioneering communications and one for all other applications in chapter 42.17 RCW.

Statutory Authority: RCW 42.17.370(1) and 42.17.562.

Statute Being Implemented: RCW 42.17.020.

WAC Cite: WAC 390-05-520 Periodical.

7. Topic: In-kind contributions.

Status: Commission staff filed a preproposal statement with the code reviser on July 2, 2008, giving notice that the commission is considering permanent adoption of amendments to WAC 390-16-207 In-kind contributions—Explanation and reporting, to include all candidates with contribution limits. The current rule refers to only "state office candidates." A public hearing and possible adoption of the rule amendments will occur in December 2008. If adopted, the new and amended rules will likely go into effect in January 2009.

Statutory Authority: RCW 42.17.370(1).

Statute Being Implemented: RCW 42.17.020, 42.17.-640, and 42.17.645.

WAC Cite: WAC 390-16-207 In-kind contributions—Explanation and reporting.

A complete listing of rule-making activity from 1999 to present can be found on the public disclosure commission web site at www.pdc.wa.gov under rule-making activity.

July 31, 2008

Douglas J. Ellis

Assistant Director

WSR 08-16-097

**NOTICE OF PUBLIC MEETINGS
WINE COMMISSION**

[Filed August 5, 2008, 10:25 a.m.]

There have been changes to meeting locations for the remainder of the Washington wine commission board meetings for 2008.

If you need any additional information, please feel free to call Jayne D. Cain at (206) 326-5760 or via e-mail jcain@washingtonwine.org.

**2008 COMMISSIONER MEETING SCHEDULE
revised July 2008**

Below are the Washington wine commission 2008 meeting dates, times, and locations:

January 16-18	Commissioner Retreat Hotel Andra 2000 Fourth Avenue Seattle
February 8	Tri-Cities - Meeting will be at 1:30 p.m. Hilton Garden Inn Columbia Club Room Kennewick
March 14	Tri-Cities
April 4	Seattle - Seattle Public Library 1000 Fourth Avenue Seattle, WA
May 9	Tri-Cities - Meeting will be at 10:30 a.m. Courtyard by Marriott Hotel River Point East Room Richland
June 13	Seattle - Meeting will be held in the training room of the Washington State Housing Finance Commission 1000 Second Avenue Floor 28 (the same building as the WWC) Seattle
July 30	Woodinville - Meeting will be at 12:00 p.m. Columbia Winery Cellarmaster Room 14030 N.E. 145th Street Woodinville (425) 482-7490
September 5	Tri-Cities
October	no meeting
November 7	Seattle - Meeting will be held in the training room of the Washington State Housing Finance Commission

	1000 Second Avenue Floor 28 (the same building as the WWC) Seattle
December 5	Seattle - Meeting will be held in the training room of the Washington State Housing Finance Commission 1000 Second Avenue Floor 28 (the same building as the WWC) Seattle

All meetings begin at 10:00 a.m. and end at 1:00 p.m. unless noted differently above. Except for the meeting on May 9, all Tri-Cities meetings are held at WSU Tri-Cities, 2710 University Drive, Richland, WA 99354-1671, switchboard (509) 372-7000, fax (509) 372-7100.

WSR 08-16-131
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Filed August 6, 2008, 9:58 a.m.]

In compliance with RCW 42.30.075, the following is the board-approved schedule for South Puget Sound Community College's regular board meetings for 2008-09:

Tuesday, September 9, 2008	3:00 p.m.
Thursday, October 9, 2008	3:00 p.m.
Thursday, November 20, 2008	3:00 p.m.
Tuesday, December 9, 2008	3:00 p.m.
Wednesday, January 14, 2009	3:00 p.m.
Thursday, February 12, 2009	3:00 p.m.
Thursday, March 12, 2009	3:00 p.m.
Thursday, April 9, 2009	3:00 p.m.
Thursday, May 21, 2009	3:00 p.m.
Thursday, June 11, 2009	3:00 p.m.

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

WSR 08-16-134
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD
[Filed August 6, 2008, 9:31 a.m.]

Amended Notice of
Washington State Clemency and Pardons Board
Hearing for September 11, 2008

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for

September 11, 2008, at 10:00 a.m., in Senate Hearing Room 2, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board:

<u>Petitioner:</u>	<u>Petition For:</u>
Linda Louise Bonner	Restoration of Civil Rights
Eric Earl Chatman	Restoration of Civil Rights
Stacy C. Cleveland	Restoration of Civil Rights
Ann Llewellyn Evans	Restoration of Civil Rights
Gary M. Gribble	Restoration of Civil Rights
Martha Jane Meyerding	Restoration of Civil Rights
David A. Hawkins	Commutation
Michael Pritchard	Commutation
Patricia M. Teafatiller	Commutation
Marcy Renee Barker	Pardon
Jose Lopez Dominguez	Pardon
Chan Ly	Pardon
Linda M. Hofer	Pardon

WSR 08-16-135
NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD
[Filed August 6, 2008, 9:35 a.m.]

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for **December 11, 2008, at 9:00 a.m., in Hearing Room A, of the John L. O'Brien Building, Olympia, Washington.** The following petitions will be considered by the board:

<u>Petitioner:</u>	<u>Petition For:</u>
Byron Boyd	Restoration of Civil Rights
Minerva Espinoza	Restoration of Civil Rights
Delbert Ferree	Restoration of Civil Rights
Ali Hufane	Restoration of Civil Rights
Faduma Hufane	Restoration of Civil Rights
Ricky LeVa	Restoration of Civil Rights
Melanie Meo	Restoration of Civil Rights
Bob Dale Beasley	Commutation
Stevan Dozier	Commutation
Michelle Gustafson	Commutation
Robert Holmes	Commutation
Ian Franks	Pardon
Robert T. Griffin	Pardon