

**WSR 09-04-003**  
**AGENDA**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 21, 2009, 2:57 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 09-06 issue of the Register.

**WSR 09-04-004**  
**AGENDA**  
**DEPARTMENT OF**  
**RETIREMENT SYSTEMS**

[Filed January 21, 2009, 4:12 p.m.]

SEMI-ANNUAL  
 RULE DEVELOPMENT AGENDA  
 per RCW 34.05.314  
 January 1 - June 30, 2009

This agenda reflects anticipated rule-making activity by the department of retirement systems (DRS) for January 1 through June 30, 2009. 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 White, 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.

WAC Chapter	Why rule making is needed	Anticipated rule-making action
415-02 415-103 415-104 415-106 415-108 415-110 and 415-112	To amend rules concerning flexible survivor options for retirees of the Washington state patrol retirement system (WSPRS), the law enforcement officers' and firefighters' retirement system (LEOFF), the public safety officers' retirement systems (PSERS), the public employees' retirement system (PERS), the school employees' retirement system (SERS), and the teachers' retirement system (TRS).	File CR-102 hold public hearing File CR-103
415-103	To amend rules to clarify the rights of surviving spouses of members of the WSPRS Plan 1.	File CR-102 hold public hearing File CR-103

WAC Chapter	Why rule making is needed	Anticipated rule-making action
415-104	To develop rules 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
415-104	To amend rules to implement SHB 1936 of 2005 which added emergency medical technicians (EMTs) to the definition of "fire-fighters" for LEOFF. Also updates timeframes for allowing the transfer of EMT service credit into LEOFF Plan 2.	Hold public hearing File CR-103
415-104	To amend rules to implement HB 1680 of 2007 regarding EMTs transferring service into LEOFF Plan 2.	Hold public hearing File CR-103
415-106 415-108 415-110 and 415-112	To amend rules, correct references, and clarify types of reportable compensation for PSERS, PERS, SERS, and TRS.	File CR-102 hold public hearing File CR-103
415-106 415-108 415-110 and 415-112	To amend rules to implement HB 1270 of 2005 regarding post-retirement return to work options for LEOFF Plan 2 retirees.	File CR-102 hold public hearing File CR-103
415-108	To develop rules regarding duty and nonduty disability for members of PERS Plan 1.	File CR-102 hold public hearing File CR-103
415-110 and 415-112	To 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
415-501	To update rules regarding the distribution of a deferred compensation program (DCP) account to a beneficiary who is a minor.	File CR-102 hold public hearing File CR-103

January 21, 2009  
 Sarah White  
 Rules Coordinator

**WSR 09-04-005  
AGENDA  
RECREATION AND CONSERVATION  
OFFICE**

(Recreation and Conservation Funding Board)  
(Salmon Recovery Funding Board)  
[Filed January 22, 2009, 10:03 a.m.]

To comply with RCW 34.05.314, the recreation and conservation office (RCO), on behalf of the recreation and conservation funding board (RCFB) and salmon recovery funding board (SRFB), has prepared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the state register by January 31 and July 31 each year. Within three days of publication, the RCO will provide copies to each person so requesting, the director of OFM, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact Megan Duffy, rules coordinator, (360) 725-3936, Megan.Duffy@rco.wa.gov.

<b>Rules Development Agenda January - June 2009</b>	
Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
Title 286 WAC	Change the agency's name from interagency committee for outdoor recreation to the RCFB and RCO as required in HB 1813 (2007).
Title 286 WAC	Update code references such as the state's public disclosure law, recently changed from chapter 42.17 RCW to chapter 42.56 RCW.
Title 286 WAC	Update section titles to an easier to understand format. Many titles have already been improved to this new format.
WAC 286-06-045	Move to a more logical location and clarify the text.
WAC 420-04-020	Correct term for SRFB members to match terms as described in RCW 77.85.110.

January 22, 2009  
Megan R. Duffy  
Rules Coordinator

**WSR 09-04-006  
AGENDA  
DEPARTMENT OF TRANSPORTATION**

[Filed January 22, 2009, 10:02 a.m.]

Following is the department of transportation's January 1 through June 30, 2009, 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  
RCW 34.05.314  
January - June 2009

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-100	Uniform relocation assistance and real property acquisition.	002 (9)(b)(v)	Modify citation to include a reference to WAC 468-100-101 (2)(a).	Dianna Nausley	
468-100	Uniform relocation assistance and real property acquisition.	203 (3)(d)	Misplaced needs to be moved to WAC 468-100-203 (2)(d) and change (d) to (e).	Dianna Nausley	
468-100	Uniform relocation assistance and real property acquisition.	206 (1) and (2)	Clarify citation by adding language "and is evicted for cause."	Dianna Nausley	

WAC Chapter	Chapter Title	Sections	Purpose of Rule	Agency Contact	Approximate Filing Date
468-100	Uniform relocation assistance and real property acquisition.	301 (8)(f)	Typo in citation - correct citation is WAC 468-100-306 (1)(f).	Dianna Nausley	
468-38	Specialized mobile equipment.	270(2)	With proposed legislation, saddlemount vehicles will be added to WAC.	Jim Wright	April
468-38	Safety equipment for special permit moves.	155 (3)(c)	Federal code increased the size of a flag from 12" to 18."	Jim Wright	February
468-38	Farm implements.	290(1)	Farming industry is requesting increasing height of implements to 14' 6."	Jim Wright	May
468-18	City/county project coordination.	040	Clarifying items.	Becky Hawkins	CR-102 January or February
468-30	Highway property.	070, 075	Clarifying items.	Becky Hawkins	CR-102 January or February
468-63	Commute trip reduction program.	All	Update the commute trip performance program.	Hiep Tran	CR-102 February

Cathy Downs  
Rules Coordinator

**WSR 09-04-007**

**AGENDA**

**CODE REVISER'S OFFICE**

[Filed January 22, 2009, 10:38 a.m.]

**Semi-Annual Rule-Making Agenda  
January through June 2009**

Following is the office of the code reviser'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 Kerry S. Radcliff, Rules Coordinator, P.O. Box 40551, Olympia, WA 98504-0551, phone (360) 786-6697, fax (360) 786-1529, e-mail Radcliff.Kerry@leg.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Chapter 1-21 WAC	The changes may include, but not be limited to, filing deadlines; office hours; creating explanatory language that will set out in rule a process for accepting electronic filings; and clarifying specific procedures for filing WSR documents.	WSR 06-01-003 filed December 7, 2005  CR-101 supplemental in 2009	CR-102 in 2009	CR-103 in 2009

Kerry S. Radcliff  
Rules Coordinator

**WSR 09-04-012**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**

[Filed January 23, 2009, 8:37 a.m.]

The Washington State University board of regents will hold its next official meetings on Thursday and Friday, January 29-30, 2009, at Firstenburg Student Commons, Rooms 101-104, Vancouver, Washington, except as noted below.

The board will begin meeting on Thursday at 12:00 p.m. Committee meetings will run consecutively throughout the afternoon; starting times following the first committee meeting are estimates only. If a session ends earlier than expected, the next scheduled session may convene immediately. Committee meetings may be attended by all members of the board of regents.

<b>Thursday, January 29, 2009</b>	<b>Location</b>
12:00 p.m. Board of Regents Lunch	Firstenburg Student Commons 104
1:00 p.m.* Executive Committee	Firstenburg Student Commons 101-103
1:15 p.m.* Academic and Student Affairs Committee	Firstenburg Student Commons 101-103
2:15 p.m.* Finance and Audit Committee	Firstenburg Student Commons 101-103
3:45 p.m.* Board of Regents Executive Session	Firstenburg Student Commons 101-103
4:30 p.m. Reception	Multimedia Classroom Building
6:00 p.m. Board of Regents Dinner	Vintage Room El Gaucho Benson Hotel Portland

\*or upon conclusion of previous session

<b>Friday, January 30, 2009</b>	<b>Location</b>
7:30 a.m. Board of Regents Breakfast	The Heathman Lodge Room 422
9:30 a.m. Board of Regents Meeting	Firstenburg Student Commons 101-103

Questions about the board of regents meeting and schedule may be directed to Christine R. Hoyt, executive assistant to the board of regents, (509) 335-6666.

**WSR 09-04-013**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

[Filed January 23, 2009, 9:58 a.m.]

**Notice of Interpretive or Policy Statement**

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

**Economic Services Administration**  
**Division of Child Support**

Document Title: Administrative Policy 1.08: Self Addressed Stamped Envelope Use.

Subject: Self-addressed stamped envelope use.

Effective Date: January 22, 2009.

Document Description: This was a sunset review of the policy that explains to division of child support staff the appropriate use of envelopes that are preaddressed with postage paid.

To receive a copy of the interpretive or policy statements, contact Tracy Severns, Division of Child Support, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [tseverns@dshs.wa.gov](mailto:tseverns@dshs.wa.gov), web site <http://www.dshs.wa.gov/dcs>.

**WSR 09-04-015**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**

[Filed January 23, 2009, 12:21 p.m.]

**NOTICE OF SPECIAL MEETING**

The board of trustees of Skagit Valley College, Bellingham Technical College and Whatcom Community College, will hold a special dinner meeting on Monday, January 26, 2009, at 6:00 p.m., with legislators from the 10th, 39th, 40th and 42nd districts. The meeting will be held at Apollo's Pizza & Pasta, 2010 Harrison Avenue N.W. in Olympia.

**WSR 09-04-018**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Biodiversity Council)

[Filed January 26, 2009, 9:23 a.m.]

The next public meeting of the Washington biodiversity council will be on Thursday, March 12, 2009, from 8:30 a.m. to 4:00 p.m. in Room 172, at the Natural Resources Building, 1111 Washington Street, Olympia, WA 98501.

For further information, please contact Rachel LeBaron Anderson, recreation and conservation office (RCO), (360) 902-3012 or check the Washington biodiversity council 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 Anderson at the num-

ber listed above or by e-mail at rachel.lebaronanderson@rcowa.gov.

**WSR 09-04-019**  
**AGENDA**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed January 26, 2009, 11:25 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January through June 2009**

Below is the board of pilotage commissioner'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 this agenda, as necessary.

Please direct any questions about this agenda to Peggy Larson, rules coordinator, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, e-mail Larsonp@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103)
363-116-300	Puget Sound pilotage district rates.	Exempt	March filing for public hearing in May 2009.	May filing for implementation on July 1, 2009.
363-116-185	Grays Harbor pilotage district rates.	Exempt	April filing for public hearing in June 2009.	June filing for implementation on August 1, 2009.

Peggy Larson  
 Rules Coordinator

**WSR 09-04-020**  
**NOTICE OF PUBLIC MEETINGS**  
**YAKIMA REGIONAL**  
**CLEAN AIR AGENCY**

[Filed January 27, 2009, 11:19 a.m.]

2009 Governing Board of Director's Meetings

Yakima Regional Clean Air Agency received word from the Yakima County commissioners that we are no longer able to have our board of director's meetings in the commissioner's hearing room. It is now being used by the court system. February and future board of director's meetings will be held at Yakima City Hall, City Council Chambers.

Please note date and location for the 2009 meetings. The time remains the same; 1:30 p.m. study session and 2:00 p.m. regular board meeting.

January 8, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

February 12, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

March 12, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

April 9, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

May 14, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

June 11, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

July 9, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

August 13, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

September 10, 2009      City Council Chambers  
 129 North 2nd Street  
 Yakima City Hall

October 8, 2009 City Council Chambers  
129 North 2nd Street  
Yakima City Hall

November 12, 2009 City Council Chambers  
129 North 2nd Street  
Yakima City Hall

December 10, 2009 City Council Chambers  
129 North 2nd Street  
Yakima City Hall

8:30 a.m., at the Days Inn, 901 Berry Road, Ellensburg, WA 98926.

**WSR 09-04-029**  
**NOTICE OF PUBLIC MEETINGS**  
**CLEMENCY AND PARDONS BOARD**

[Filed January 29, 2009, 9:21 a.m.]

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for March 12, 2009, at 10:00 a.m., in Senate Hearing Room 1, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board:

You may contact the clerk of the board of directors by phone 834-2050 ext. 102, or via e-mail [patty@yrcaa.org](mailto:patty@yrcaa.org).

**WSR 09-04-024**  
**AGENDA**  
**DEPARTMENT OF HEALTH**  
**STATE BOARD OF HEALTH**

[Filed January 27, 2009, 3:14 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 09-05 issue of the Register.

**WSR 09-04-028**  
**NOTICE OF PUBLIC MEETINGS**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed January 29, 2009, 6:44 a.m.]

The meeting schedule of the Washington state noxious weed control board for March 2009 is March 18, 2009, at

<b><u>Petitioner:</u></b>	<b><u>Petition For:</u></b>
Linda Bonner	Restoration of Civil Rights (tabled from 12/11/08)
Byron Boyd	Restoration of Civil Rights
Minerva Espinoza	Restoration of Civil Rights
Delbert Ferree	Restoration of Civil Rights
Robert Griffin	Restoration of Civil Rights
Ali Hufane	Restoration of Civil Rights
Faduma Hufane	Restoration of Civil Rights
Ricky LeVa	Restoration of Civil Rights
Patrick Osborne	Restoration of Civil Rights
Robert Thompson	Restoration of Civil Rights
Bob Dale Beasley	Commutation
Michelle Gustafson	Commutation
Jeannette Murphy	Commutation
Robert Landry	Pardon

**WSR 09-04-030**  
**AGENDA**  
**LIQUOR CONTROL BOARD**

[Filed January 29, 2009, 11:38 a.m.]

**Semi-Annual Rule-Making Agenda**  
**January 1 through June 30, 2009**

Following is the liquor control board'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 Karen McCall, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1631, e-mail [rules@liq.wa.gov](mailto:rules@liq.wa.gov).

<b>WAC Chapter or Section(s)</b>	<b>Subject Matter</b>	<b>Current Activity</b>		
		<b>Preproposal (CR-101)</b>	<b>Proposal (CR-102) or Expedited (CR-105)</b>	<b>Permanent (CR-103)</b>
314-42 314-29	<b>Rules review</b> - general cleanup of rules that outline what happens in	WSR 04-08-109 filed 4/6/04	WSR 08-09-048 filed 4/9/08	WSR 08-19-056 filed 8/13/08

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
	an administrative hearing and other rules that implement the Administrative Procedure Act.			
314-10	<b>Rules review</b> - youth access to tobacco rules.	WSR 07-17-087 filed 8/15/07	WSR 08-06-107 filed 3/5/08 refiled 7/9/08	WSR 08-20-109 filed 9/30/08
314-60 314-62	<b>Rules review</b> - public records requests, annual reports, and liquor pamphlets.	WSR 07-21-101 filed 10/19/07	WSR 09-03-076 filed 1/15/09	
314-48	<b>Rules review</b> - transportation of liquor.	WSR 08-06-103 filed 3/5/08	WSR 08-12-113 filed 6/4/08	WSR 08-17-035 filed 8/13/08
314-76	<b>Rules review</b> - special orders.	WSR 08-06-105 filed 3/5/08	WSR 08-16-137 filed 8/6/08	WSR 08-21-133 filed 10/20/08
314-37	<b>Rules review</b> - liquor vendors.	Expect to file CR-101		
314-64-010 314-64-020 314-64-040 314-64-050	<b>Rules review</b> - liquor samples.	Expect to file CR-101		
Rule making may include several chapters in Title 314 WAC	<b>Rules review</b> - added activities.	Expect to file CR-101		
Rule making may include several chapters in Title 314 WAC	<b>Rules review</b> - requirements, permissions, and restrictions for restaurant licenses.	Expect to file CR-101		
Rule making may include several chapters in Title 314 WAC	<b>Rules review</b> - requirements for restaurants, taverns and clubs selling beer and/or wine for off-premises consumption.	Expect to file CR-101		
Rule making may include several chapters in Title 314 WAC	<b>Rules review</b> - requirements for grocery stores, beer/wine specialty shops, and beer/wine gift delivery licensees delivering beer/wine.	Expect to file CR-101		
314-68	<b>Rules review</b> - importation of alcoholic beverages for personal or household use.	Expect to file CR-101		
314-21	<b>Rules review</b> - controlled purchase programs.	Expect to file CR-101		
314-44	<b>Rules review</b> - licensed agents.	Expect to file CR-101		
314-45	<b>Rules review</b> - serving and donating of liquor by suppliers at trade conventions of licensees.	Expect to file CR-101		
314-52	<b>Advertising.</b>	Expect to file CR-101		

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
<b>Rules Implementing Legislation</b>				
<b>Licensing Process</b>				
314-07-010 Definition (public institution)	<b>Implementing SSB 6540/06</b> - modifies the processing of liquor licenses.	WSR 06-09-102 filed 4/19/06		
314-09-010 314-09-015	Process for local government objections to liquor license renewals. (technical correction)	WSR 06-19-117 filed 9/20/06	May be incorporated with other license processing rule making.	
314-09 (new sections)	<b>Implementing EHB 2113/07</b> - guidelines for interpreting the terms "pervasive pattern" and "unreasonably high number of DUI referrals" as part of the definition of chronic illegal activity included in a local government objection to a liquor license application or renewal of a liquor license.	WSR 07-17-085 filed 8/15/07		
<b>New Hotel License</b>				
314-02-005 What is the purpose of this chapter? 314-02-010 Definitions. 314-02-041 What is a hotel license? New Sections	<b>Implementing portions of E2SSB 5859 Establishing a hotel liquor license</b>	WSR 08-02-090 filed 1/2/08	WSR 08-12-114 filed 6/4/08	WSR 08-17-067 filed 8/18/08
<b>Tied House Exceptions</b>				
314-05-020 What is a special occasion license?	<b>Implementing SHB 3128/06</b> - allows winery licensees to sit on boards of charitable nonprofit organizations holding retail liquor licenses.	WSR 06-09-105 filed 4/19/06	See below	See below
314-05-020 What is a special occasion license? 314-05-030 Guidelines for special occasion license events.	<b>E2SSB 5859</b> - allowing a nonprofit winery trade organization to hold a special occasion license. <b>SSB 6770/08</b> - allows domestic breweries and wineries to furnish beer and wine without charge to nonprofit trade associations.	WSR 08-15-070 filed 7/15/08	WSR 08-21-121 filed 10/15/08	WSR 09-02-01 filed 12/29/08
<b>Brewery and microbrewery regulation</b>				
314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Spirit, beer and wine restaurant	<b>Implementing HB 3154/06</b> - allows a domestic brewery or microbrewery holding a spirits, beer, and wine restaurant license to sell kegs "to go" of its own production and to sell its beer in small	WSR 06-09-104 filed 4/19/06	See below	See below



WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
operation.	containers from the tap in the restaurant "to go."			
314-20 new sections	<b>Implementing SSB 6572/08</b> - allows microbrewery to have an off-site warehouse.	WSR 08-15-068 filed 7/15/08	WSR 08-21-117 filed 10/15/08	WSR 09-02-009 filed 12/29/08
<b>Retail licensee regulation</b>				
314-02-015 What is a spirits, beer, and wine restaurant license? 314-02-060 What is a caterer's endorsement? 314-02-120 How do licensees get keg registration forms?	<b>Implementing SSB 6770/08</b> - allows SBW restaurant to sell bottled wine for off-premises consumption; <b>E2SSB 5859/07</b> - allows restaurant licensees with a catering endorsement to store alcohol off the restaurant site; and <b>HB 1349/07</b> - allows spirits, beer, and wine restaurant licensees to sell kegs "to go."	WSR 08-15-071 filed 7/15/08	WSR 08-21-123 filed 10/15/08	WSR 09-02-012 filed 12/29/08
<b>Winery regulation</b>				
314-24-220 Licensing and operation of bonded wine warehouses. 314-24 new sections	<b>Implementing SSB 6770/08</b> - allows wineries to sell wine of their own production at retail for on or off premises consumption at additional winery location; and allows additional activity to take place at a bonded wine warehouse.	WSR 08-15-072 filed 7/15/08	WSR 08-21-120 filed 10/15/08	WSR 09-02-011 filed 12/29/08
<b>Craft distillery regulation</b>				
314-28 new sections	<b>Implementing SHB 2959/08</b> - establishes a craft distillery license.	WSR 08-15-069 filed 7/15/08	WSR 08-21-119 filed 10/15/08	WSR 09-02-011 filed 12/29/08

**WSR 09-04-037****NOTICE OF PUBLIC MEETINGS  
BATES TECHNICAL COLLEGE**

[Filed January 29, 2009, 2:56 p.m.]

The board of trustees of Bates Technical College has rescheduled the time and location of its regularly scheduled meeting on February 24, 2009. The meeting will be held at the Downtown Campus, 1101 South Yakima Avenue, Tacoma, WA 98405, in the Clyde Hupp Boardroom. The meeting will begin at 2:00 p.m.

If you have any questions, please feel free to contact David Borofsky.

**WSR 09-04-038****INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed January 29, 2009, 4:36 p.m.]

**CANCELLATION OF INTERPRETIVE STATEMENTS**

The department of revenue has cancelled the following excise tax advisories (ETAs).

**ETA 35.04.189 Municipal income from meters in ferry terminal parking lot.** This ETA explains that off-street parking provided by cities is subject to retailing B&O tax and retail sales tax. This subject is adequately addressed in WAC 458-20-189, with subsection (3)(c) explaining that on-street parking is exempt and subsection (4)(a)(v) explaining that income from off-street parking is a retail sale.

**ETA 48.04.114 Exemption of dues from business and occupation tax.** This ETA explains that when an organization receives dues that are graduated based on the income of

the member, the dues are not entitled to the deduction under RCW 82.04.4282. This ETA is based on an earlier version of RCW 82.04.4282 and does not consider the effect of the current statutory language on the facts involved. See WAC 458-20-183.

**ETA 91.08.166 Lease for the purpose of releasing.** This ETA explains that the lease or purchase of tangible personal property, in this case a ship used as a floating hotel, to be used in providing lodging services is subject to retail sales tax. See *Black v. State*, 67 Wn.2d 97 (1965). A lodging provider's responsibility to pay retail sales or use tax on tangible personal property used in providing lodging services is adequately addressed in WAC 458-20-166.

**ETA 132.08.197 Sales tax liability of seller on buyer's refusal to pay.** This ETA addresses a scenario where a buyer refused to pay retail sales tax to the seller because of a contract disagreement. The seller asked the department to relieve the seller from it[s] statutory obligation to collect the sales tax, and instead pursue the buyer for the tax. This document explains that the department's general policy is not to relieve sellers of their statutory obligation to collect sales tax from the buyers, and that the department chose not to pursue collection from the buyer. This ETA is no longer needed as RCW 82.08.050(10) explains that it is the department's discretion whether or not to proceed directly against the buyer for collection of the sales tax.

**ETA 145.04.193 Retention of title to secure payment of interstate sales of goods.** This ETA explains that a sale occurs when the possession of property is transferred to the buyer even though the seller retains title to goods for the sole purpose of securing payment. This subject is adequately addressed in WAC 458-20-193.

**ETA 158.08.211 Deduction of finance charges from lease payments.** This ETA explains that the full charge to a customer under a lease with option to purchase agreement is subject to retail sales tax, and that the finance or interest component factoring into the computation of this charge may not be deducted. While not specifically noted in the document, and notwithstanding the ETA's explanation that the taxpayer entered into the lease as a "method of financing the acquisition of needed equipment," the lease at issue is a "true" (or "operating") lease, as opposed to a "financing" lease. This document is no longer needed as the taxability of both true and financing leases is addressed in WAC 458-20-211.

**ETA 254.04.180 Livery Service businesses.** This ETA addresses a situation where a taxpayer provides limousine and ambulance services and also occasionally rents the vehicles without drivers. The document explains that the taxpayer is responsible for paying retail sale[s] tax on its purchase or lease of the vehicles used in providing the limousine and ambulance services. It also explains that retail sales tax must be collected on the charge for the occasional bare rental of the vehicles. This document does not provide any information that is not otherwise available in other documents published by the department.

**ETA 310.32.101 Taxpayer has a duty to obtain knowledge of tax liability.** This ETA correctly states the principle that taxpayers have the responsibility to know their obligations. This matter is adequately addressed in chapter

82.32A RCW, Taxpayer rights and responsibilities, and numerous publications of the department.

**ETA 356.12.211 Use tax: Rentals put to personal use.** This ETA explains that when a taxpayer both leases and personally uses tangible personal property (in this case a boat), the taxpayer is subject to retail sales or use tax on the value of the boat. The definition of "retail sale" in RCW 82.04.050 excludes sales of tangible personal property only if the property is not put to intervening use by the purchaser. There is no need for this document as this issue is a straightforward application of law.

**ETA 357.04.211 Bailments: Handling and cleaning charges.** This ETA addresses a situation where a taxpayer charges handling fees while storing films for a customer. As a part of the handling services, the film was inspected and, when needed, cleaned before being returned to storage. The ETA concludes that the handling services were subject to service and other activities B&O tax and were not a retail sale, on the basis that the cleaning was merely incidental to the handling and there was no separate charge for the cleaning. While the explanation that retail sales tax would not apply under this scenario is correct, there are insufficient facts to determine whether or not the handling was part of the warehousing activity, in which case the handling charges would be subject to the warehousing B&O tax as explained in WAC 458-20-182(3).

**ETA 376.08.170 Speculative builders in joint ventures.** This ETA addresses a situation where a taxpayer alleged that a joint venture existed between the taxpayer (a land developer), a speculative builder, and three contract vendors. The ETA explains that a taxpayer must prove the existence of a joint venture, and in this case did not do so. This document does not provide any needed guidance. Other documents issued by the department (e.g., Det. 05-0104, 26 WTD 001, and Det. 99-176, 19 WTD 456) provide more complete guidance on this subject, including recognition of the "common law" principles expressed by Washington's courts.

**ETA 387.08.156 Title insurance companies - retail sales tax liability on supplies.** This ETA states that title insurers must pay retail sales tax on their purchase of supplies. There is no need for this document as WAC 458-20-156 explains that retail sales tax applies to purchases of supplies by abstract, title insurance, and escrow businesses.

**ETA 432.04.147 Sales tax: Steno services as retail sales.** This ETA explains that where a business employed stenographers who performed mechanical services related to the production of manuals to be sold to customers, the charges associated with the stenographers' activities are included in the measure of tax for the sale of the manuals. It also explains that when these stenographers separately perform general secretarial duties, the charges to customers are subject to service and other activities B&O tax. There is no need for this document as this issue is a straightforward application of law.

**ETA 448.04.193 Domestic international sales corporations (DISC).** This ETA addresses the taxation of DISCs. DISCs were a status under the Internal Revenue Code and are no longer authorized. This ETA is obsolete.

**ETA 558.04.193 Foreign sales corporations (FSC).**

This ETA addresses the taxation of foreign sales corporations (FSCs). FSCs were a status under the Internal Revenue Code and are no longer authorized. This ETA is obsolete.

Copies of the cancelled documents are available via the internet at <http://dor.wa.gov/content/FindALawOrRule/ETA/default.aspx>, or a request for copies may be directed to Roseanna Hodson, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, phone (360) 570-6119, fax (360) 586-0127.

Alan R. Lynn  
Rules Coordinator

**WSR 09-04-043**

**NOTICE OF PUBLIC MEETINGS  
CONVENTION AND TRADE  
CENTER**

[Filed January 30, 2009, 9:12 a.m.]

A special meeting of the Washington state convention and trade center board of directors will be held on Thursday, January 29, 2009, at 3:00 p.m. The meeting will be held in Room 207 of the Convention Center, 800 Convention Place, Seattle.

1. Request for the board to authorize the president to accept the Bayley Construction Alternate 2 bid for the complete buildout of Level A for the 800 Pike Conversion Project.

If you have any questions regarding this meeting, please call (206) 694-5000.

**WSR 09-04-044**

**NOTICE OF PUBLIC MEETINGS  
APPLE COMMISSION**

[Filed January 30, 2009, 9:13 a.m.]

Following are the regular meetings of the Washington apple commission on [in] the Washington state register as follows:

March 26, 2009	W.L. Hansen Building Yakima, Washington	9:00 a.m.
July 23, 2009	Washington Apple Commission Building Wenatchee, Washington	9:00 a.m.
October 8, 2009	W.L. Hansen Building Yakima, Washington	9:00 a.m.
December 10, 2009	Washington Apple Commission Building Wenatchee, Washington	9:00 a.m.

**WSR 09-04-045**

**NOTICE OF PUBLIC MEETINGS  
LAKE WASHINGTON  
TECHNICAL COLLEGE**

[Filed January 30, 2009, 9:14 a.m.]

Below are the approved 2009 board of trustees meeting dates for Lake Washington Technical College, 11605 132nd Avenue N.E., Kirkland, WA 98034-8506, for publication in the register.

**Approved**

**2009 LWTC Board Meeting Information/Dates**

- Regular board meetings are held on the first Monday of the month unless otherwise noted.
- Regular board meetings are held on the LWTC Campus, 11605 132nd Avenue N.E., Kirkland, WA 98034 (unless otherwise noted).
- Study sessions (includes light refreshments) are held at 5:00 p.m., forty-five minutes prior to the board meeting in the President's Conference Room, W302E.
- Board meetings begin at 5:45 p.m. in the Board Room, W305A.
- No board meetings are held in July or August 2009.

**2009 Meeting Schedule:**

- January 5, 2009
- February 2, 2009 (also annual board retreat - meeting held at Redmond Campus, 8:30 - 9:30 a.m.)
- March 2, 2009
- April 6, 2009
- May 4, 2009
- June 1, 2009
- July (no meeting)
- August (no meeting)
- September 7, 2009
- October 5, 2009
- November 2, 2009
- December 7, 2009

**WSR 09-04-046**  
**AGENDA**  
**HEALTH CARE AUTHORITY**  
 [Filed January 30, 2009, 10:02 a.m.]

**January 30, 2009 Semi-Annual Rule-Making Agenda**

WAC CHAPTER	TITLE	AGENCY CONTACT (Name and phone#)	PROPOSED TIMELINE				DESCRIPTION OF PROPOSED CHANGES	OTHER AGENCIES WHO MAY HAVE INTEREST IN THE SUBJECT OF RULE(S)
			CR-101	CR-102	CR-103	CR-105		
182-55	Health technology assessment program.	Leah Hole-Currey P.O. Box 42700 Olympia, WA 98504-2700 phone (360) 923-2748 e-mail LHol10@hca.wa.gov	April 2009	June 2009	August 2009	n/a	The purpose of the amendments is to clarify the procedure for selecting technologies to be reviewed by the health technology clinical committee (HTCC) and to provide procedures and timelines for the submission of public comments to the HTCC and for the review of those comments by the HTCC.	The department of labor and industries. The department of social and health services.
182-25	Washington basic health plan.	Bob Longhorn P.O. Box 42686 Olympia, WA 98504-2686 phone (360) 923-2941 e-mail Robert.longhorn@hca.wa.gov	May 2009	August 2009	October 2009	n/a	Rules to implement anticipated legislation adjusting enrollment in the basic health plan.	Department of social and health services. Office of the insurance commissioner.
182-08 182-12 182-16	Procedures. Eligible and noneligible employees. Practice and procedure.	Barbara Scott PEBB Benefits Services Program P.O. Box 42684 Olympia, WA 98504-2684 phone (360) 923-2642 e-mail barbara.scott@hca.wa.gov	May 2009	September 2009	November 2009	n/a	Rules to comply with anticipated legislation clarifying and simplifying public employees benefits board (PEBB) benefits eligibility criteria.	All state agencies and institutions of higher education whose employees participate in PEBB benefits.

If you have any questions, Jason Siems, rules coordinator, can be reached at (360) 923-2720.

Jason Siems  
Rules Coordinator

**WSR 09-04-047**  
**AGENDA**  
**ATTORNEY GENERAL'S OFFICE**  
 [Filed January 30, 2009, 10:39 a.m.]

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 Tammy Teeter, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, phone (360) 753-2678, fax (360) 664-0228, e-mail TammyT@atg.wa.gov.

**Semi-Annual Rule-Making Agenda  
January 1 through June 30, 2009**

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
44-06	Amendment to the AGO rules on public records.		Expected to file CR-102 by April 30, 2009.	
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 April 30, 2009.		

Tammy Teeter  
Rules Coordinator

**WSR 09-04-051**

AGENDA

OFFICE OF

**INSURANCE COMMISSIONER**

[Filed January 30, 2009, 1:17 p.m.]

**Rule Development Agenda**

January 31 through July 31, 2009

The following rule makings have been proposed and are currently between the CR-101, CR-102, and CR-105 stage. They are currently under review and there may be further rule-making activity before July 31, 2009. If you have any questions regarding any of these rule makings, 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	
Chapter 284-02 WAC	34.05.446(2); 48.02.060	Discovery rules for contested cases or adjudicative hearings.	08-17-100			Meg Jones megj@oic.wa.gov (360) 725-7197
Chapter 284-07 WAC	48.02.060, 48.31B.040, and 48.31C.150	Electronic holding company filings.	08-04-106			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-07 WAC	48.02.060, 48.05.250, 48.44.095, 48.466.080 [48.46.080], 48.46.200, 48.125.090	Audited financial statements.		09-01-150		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 284-22 WAC	48.02.060 and 48.22.070	USL&H assigned risk plan.	08-07-104			Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-29 WAC	48.02.060, 48.29.005	Referral of title insurance business.			08-24-106	Jim Tompkins jimt@oic.wa.gov (360) 725-7036
Chapter 284-29 WAC	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

WAC	RCW Authority	Subject	Current Activity			OIC Contact
			CR-101	CR-105	CR-102	
WAC 284-30-3901 - 284-30-3916	48.02.060 and 48.30.010	Automobile claims settlements.	07-14-110		09-03-106	Chris Carlson Chrisc@oic.wa.gov (360) 725-7042
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
WAC 284-53-010 (4)(b)	48.02.060, 48.21.197	Chemical dependency incremental benefit increases.	08-22-096			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			Meg Jones megj@oic.wa.gov (360) 725-7197
	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
Various	48.20.450, 48.20.460, 48.23.370, 48.30.010, 48.44.050, 48.46.200, 48.66.050(1), 48.84.050	Discretionary clauses.	08-21-094			Donna Dorris donnad@oic.wa.gov (360) 725-7040
	48.02.060	Electronic signatures.	09-03-105			Meg Jones megj@oic.wa.gov (360) 725-7197
	48.02.060, 48.29.005, 48.29.140, 48.29.143, 48.29.147	Title rates.	09-02-075			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 July 31, 2009, subjects that may be considered for rule making in this effort include:

WAC	Subject
WAC 284-30-500 (1)(b)	Family or household exclusion clause.
New chapter 284-150 WAC (RCW 48.150.100)	Direct patient-provider primary health care.
New	Annuity and deposit fund.
New and amended sections of chapter 284-22 WAC	WARP board composition and governance.
Chapters 284-12 and 284-17 WAC	Senior designation (producer licensing).
	Flood insurance marketing.
	Variable annuity suitability of sales.
Chapter 284-55 WAC	MedSupp standardized plan.
Chapter 284-85 WAC	Long-term care partnership.
	Special investigations unit procedures.

Mike Kreidler

**WSR 09-04-052**  
**AGENDA**  
**BOARD OF ACCOUNTANCY**  
 [Filed January 30, 2009, 2:39 p.m.]

Semi-Annual Rule-Making Agenda  
 January through June 2009

Following is the Washington state board of accountancy'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 Cheryl M. Sexton, Rules Coordinator, P.O. Box 9131, Olympia, WA 98507-9131, phone (360) 664-9194, fax (360) 664-9190, e-mail [cheryls@cpaboard.wa.gov](mailto:cheryls@cpaboard.wa.gov).

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 4-25-782, 4-25-791, 4-25-792, 4-28-793, and 4-25-795	To amend rules containing a reference to a repealed rule.		CR-105 08-21-017 filed October 5, 2008	09-01-166 filed December 23, 2008
WAC 4-25-530	Fees.	09-03-044 filed January 13, 2009	CR-102 in March 2009	CR-103 in April 2009
Chapter 4-25 WAC	Due to the passage of SSB 6604 passed through the 2008 legislative session, the board proposes a comprehensive review [of] all of its rules for effectiveness, clarity, cost, fairness, and need.	08-13-024 filed June 9, 2008	CR-102 in 2009	CR-103 in 2010

Richard C. Sweeney, CPA  
 Executive Director

**WSR 09-04-055**  
**AGENDA**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed January 30, 2009, 4:19 p.m.]

Semi-Annual Rules Development Agenda  
 January - June 2009

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
<b>DIVISION: SPECIALTY COMPLIANCE SERVICES - SCS</b>						
Chapter 296-05 WAC	Apprenticeship rules	Sally Elliott (360) 902-6411	2/17/09	To be determined	To be determined	The purpose of this rule making is to update the apprenticeship rules to ensure they are equivalent to the federal apprenticeship rules.
Chapter 296-46B WAC	Electrical rules	Sally Elliott (360) 902-6411	2/3/08	To be determined	To be determined	The purpose of this rule making is to review the electrical rules for clarification and technical changes.
Chapter 296-96 WAC	Elevator rules	Sally Elliott (360) 902-6411	2/3/08	To be determined	To be determined	The purpose of this rule making is to review the elevator rules for clarification and technical changes.
Chapter 296-104 WAC	Board of boiler rules	Sally Elliott (360) 902-6411	1/20/09	3/17/09	6/16/09	The purpose of this rule making is to make clarification and technical changes to the board of boiler rules—Substantive (chapter 296-104 WAC) based on actions and requests of the board of boiler rules.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-127 WAC	Prevailing wage—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 296-127 WAC	Prevailing wage—Electronic technician	Sally Elliott (360) 902-6411	To be determined	To be determined	To be determined	The purpose of this rule making is to review the prevailing wage rules for clarification and technical changes.
Chapters 296-125, 296-126, 296-128, and 296-131 WAC	Employment standards policy to rule integration	Sally Elliott (360) 902-6411	9/20/08	To be determined	To be determined	The purpose of this rule making is to integrate administrative policies into the rules.
Chapter 296-135 WAC	Domestic violence	Sally Elliott (360) 902-6411	8/19/08	To be determined	To be determined	This rule making is a result of SHB 2602, which passed the 2008 legislature and became effective on April 1, 2008. This bill requires employers to provide employees who are victims of domestic violence, sexual assault, or stalking, or whose family members are victims, with reasonable or intermittent leave from work, upon advance notice except in emergencies, for seeking or obtaining legal or law-enforcement assistance, medical treatment, social services, or counseling, or for safety planning or relocation. This bill prohibits employers from discriminating against employees who exercise rights protected by this bill and it creates administrative and civil causes of action for violation of the provisions of the bill.
Chapter 296-136 WAC	Wage Payment Act	Sally Elliott (360) 902-6411	2/17/09	To be determined	To be determined	This rule making is a result of SHB 3185, which passed the 2006 legislature. This bill authorizes civil penalties and interest for unpaid wages for violations of certain wage violations, including minimum wage, overtime, illegal deductions, nonpayment of final paycheck and willful violations of agreed wages.
Chapters 296-150C, 296-150F, 296-150I, 296-150M, 296-150P,	Factory assembled structure rules	Sally Elliott (360) 902-6411	2/3/08	To be determined	To be determined	The purpose of this rule making is to review the factory assembled structure rules for clarification and technical changes.



WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-150R, 296-150T, and 296-150V WAC						
Chapter 296-200A WAC	Contractor certificate of registration	Sally Elliott (360) 902-6411	8/19/08	1/20/09	3/31/09	This rule making is a result [of] 2SSB 6732, which passed the 2008 legislature. The contractor registration rules need to be updated to be consistent with the statute. The rule making will also review the contractor registration rules for additions or revisions. The rules need to be reviewed to ensure the rules are consistent with industry practice and to clarify the rules.
Chapter 296-200A WAC	Contractor certificate of registration	Sally Elliott (360) 902-6411	2/3/08	To be determined	To be determined	The purpose of this rule making is to review the contractor registration rules for clarification and technical changes.
Chapter 296-400A WAC	Plumbers certification	Sally Elliott (360) 902-6411	8/19/08	1/20/09	3/31/09	The purpose of this rule making is to review the plumber certification rules for housekeeping changes in order to further clarify the rules. The plumber certification rules are reviewed on a regular basis to: Ensure the rules are consistent with the national consensus standards, industry practice, and to clarify the rules. For example: <ul style="list-style-type: none"> <li>• Extending a plumber's temporary permit from ninety days to one hundred twenty days;</li> <li>• Clarifying continuing educational requirements;</li> <li>• Clarifying the prorated plumber licensing fee; and</li> <li>• Removing the pump installer trainee requirements.</li> </ul>
Chapter 296-400A WAC	Plumbers certification	Sally Elliott (360) 902-6411	2/3/08	To be determined	To be determined	The purpose of this rule making is to review the plumber certification rules for clarification and technical changes.
<b>DIVISION: INSURANCE SERVICES</b>						
Chapters 296-14 and 296-15 WAC	Industrial insurance— Suppressing workers' compensation claims	Brenda Heilman Policy and Quality Coordination (360) 902-6518	6/5/07	1/09	6/09	The proposed rules will assist in the implementation of chapter 77, Laws of 2007 (SSB 5443). The proposed rule making will: <ul style="list-style-type: none"> <li>• Define bona fide workplace safety and accident prevention program and first aid, and</li> </ul>

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
						<ul style="list-style-type: none"> <li>Establish the penalty structure for employers when there is a finding of claim suppression.</li> </ul> <p>Consideration will be given to when and how employers may be required to notify workers of a finding of claim suppression.</p> <p>In addition, the rule making may address additional issues identified in the rule development process</p>
Chapter 296-14 WAC	Industrial insurance—Wages	Brenda Heilman Policy and Quality Coordination (360) 902-6518	4/22/08	To be determined	To be determined	This rule making will amend existing rules for consistency with chapter 297, Laws of 2007 (SHB 1244). A new rule will be added to clarify when the value of health care benefits is included in determining the worker's monthly wage.
Chapter 296-14 WAC	Industrial insurance—Confidentiality of worker's compensation claim files	Brenda Heilman Policy and Quality Coordination (360) 902-6518	11/6/04	To be determined	To be determined	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—Pension discount rates and mortality assumptions	Brenda Heilman Policy and Quality Coordination (360) 902-6518	6/20/01	To be determined	To be determined	This rule making will update the mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial insurance—Definitions	Brenda Heilman Policy and Quality Coordination (360) 902-6518	5/3/05	3/09	9/09	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—Social security offset	Brenda Heilman Policy and Quality Coordination (360) 902-6518	To be determined	To be determined	To be determined	Social security offset.
Chapter 296-19A WAC	Vocational rehabilitation	Brenda Heilman Policy and Quality Coordination (360) 902-6518	4/22/08	03/17/09	12/31/09	The proposed rules will address option 2 benefits. Content of this rule filing has not been determined yet.
Chapter 296-19A WAC	Vocational rehabilitation	Brenda Heilman Policy and Quality Coordination (360) 902-6518	12/2/08	3/17/09	6/30/09	The proposed rules will address criteria for approving nonaccredited and unlicensed training programs. Content of this rule filing has not been determined yet.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapter 296-14 WAC	Industrial insurance— Worker employment patterns	Brenda Heilman Policy and Quality Coordination (360) 902-6518	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.
Chapter 296-17 WAC	Rates	Bill Moomau (360) 902-4774 JoAnne Smith (360) 902-4777	6/17/09	9/2/09	11/16/09	Annual rate changes.
Chapter 296-17A WAC	Classification house-keeping	Bill Moomau (360) 902-4774 JoAnne Smith (360) 902-4777	3/4/09	4/17/09	5/29/09	Housekeeping changes to risk classifications.
Chapter 296-20 WAC	Spinal cord stimulators	Jami Lifka (360) 902-04941 [902-4941]	3/3/09	To be determined	To be determined	To formalize a noncoverage decision of spinal cord stimulators in agreement with the results of the UW study.
Chapter 296-20 WAC	Pain clinics prior to spinal fusion	Jami Lifka (360) 902-4941	12/2/08	March, 2009	To be determined	To specify the health technology clinical committee determination that a worker must first go through a pain clinic prior to getting a spinal fusion.
WAC 296-20-03014	Implantable drug delivery systems and injectable drugs	Jami Lifka (360) 902-4941	To be determined	To be determined	To be determined	To possibly clarify in rule the health technology clinical committee determination that implantable drug delivery systems are not covered for chronic, non-cancer pain and to clarify use of injectables for CRPS.
WAC 296-20-071 296-21-270 296-23-241	Psychiatric ARNPs	Jami Lifka (360) 902-4941	7/29/08	2/09	To be determined	In response to a petition for a rule change, the department will amend relevant WACs to clarify that the insurer will pay for psychiatric ARNPs to provide services to injured workers.
<b>DIVISION: DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH)</b>						
Chapters 296-36 and 296-155 WAC	Compressed air	Jamie Scibelli (360) 902-4568	To be determined	To be determined	To be determined	The requirements for compressed air are out-of-date and will be updated as necessary and reformatted for ease of use and understanding.
Chapters 296-24 and 296-155 WAC	Cranes, rigging and personnel lifting for construction	Cindy Ireland (360) 902-5522	9/16/08	3/09	9/09	The department is required by ESHB 2171 (chapter 49.17 RCW), which is effective January 1, 2010, to establish rules for the certification of cranes, accreditation of crane inspectors, certification of crane operators and rules pertaining to cranes in the construction industry. Closely related requirements for rigging and personnel lifting are

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
						being reviewed and updated as needed at the same time.
WAC 296-45-475	Electrical	Kim Johnson (360) 902-5008	11/8/08	To be determined	To be determined	The electric utility safety advisory committee (EUSAC) has expressed concerns about the safety of nonqualified workers while in energized electric utility substations. EUSAC recommends that the department adopt language to help the industry ensure the safety of these workers.
Chapters 296-24, 296-45, 296-155, 296-305, 296-307, 296-800 WAC	Fall protection	Jamie Scibelli (360) 902-4568	4/4/06	2/3/09	6/2/09	This project is primarily focused on clear rule writing and combines two parts of the construction safety code for clarity and ease of use. In addition, the department intends to clarify the interpretation of current rules and policies with respect to walking-working surfaces on roofs and as recommended by a business and labor ad hoc committee.
Chapter 296-305 WAC	Fire fighting	Kim Johnson (360) 902-5008	11/4/08	To be determined	To be determined	The fire fighting rules are being updated and rewritten for clarity, ease of use, and understanding.
WAC 296-800-170	Employer chemical hazard communication	Beverly Clark (360) 902-5516		1/20/09 Expedited CR-105	5/5/09	During an update in 2001, some content of the rules were inadvertently left out, resulting in a document that is less clear and specific as applicable federal OSHA requirements. These changes will make our rule more consistent with the federal equivalent.
Chapters 296-24, 296-27, 296-37, 296-305, 296-800 WAC	Hospitalization	Kim Johnson (360) 902-5008		8/5/08 Expedited CR-105	To be determined	These sections are being added to the February 8, 2008, filing, which changed DOSH's rules requiring employers to report when one employee is hospitalized due to a workplace illness or incident. These sections were inadvertently left out of the previous rule filing that changed these requirements.
Chapter 296-307 WAC	Outdoor heat exposure in agriculture	Jamie Scibelli (360) 902-4568	7/22/08	11/18/08	3/09	The outdoor heat exposure rule, WAC 296-62-095, is being incorporated into chapter 296-307 WAC, safety standards for agriculture, at the request of industry stakeholders.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Chapters 296-32, 296-45, 296-54, 296-56, 296-59, 296-78, 296-155, 296-800, 296-809, 296-818, 296-824, 296-826, 296-843, 296-848 WAC	Personal protective equipment (PPE)	Kim Johnson (360) 902-5008		11/18/08 Expedited CR-105	2/17/09	The occupational safety and health administration (OSHA) has recently revised several of their rules to clarify the fact that personal protective equipment (PPE) for employees is to be paid for by the employer. WISHA rule changes are required to remain as effective as OSHA as mandated by statute; the requirements are intended to be adopted identical to OSHA.
Chapter 296-842 WAC	Respiratory protection (REDON fit testing)	Jill Saibel (360) 902-4519	To be determined	To be determined	To be determined	This activity is to adopt an additional fit testing alternative as recommended by federal OSHA.
Chapter 296-32 WAC	Telecommunications	Beverly Clark (360) 902-5516	To be determined	To be determined	To be determined	The vertical code for the telecommunications industry is out-of-date and is being updated and rewritten for clarity, ease of use, and understanding.

**WSR 09-04-056****AGENDA****PUBLIC DISCLOSURE COMMISSION**

[Filed January 30, 2009, 4:32 p.m.]

**Agenda for Rules Under Development  
January - June, 2009**

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 five rules under development:

1. **Topic:** Contributions and expenditures of out-of-state political committees.

**Status:** On October 1, 2008, the commission filed the preproposal statement with the code reviser giving notice that it is considering rules relating to out-of-state political committees and possible changes to WAC 390-16-050 to clarify what constitutes an out-of-state political committee and update the dollar amounts per RCW 42.17.093 (1)(g).

No public hearing has been scheduled.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** Chapter 42.17 RCW.

**WAC Cite:** WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees.

2. **Topic:** Forms for statements of financial affairs.

**Status:** The commission will file a preproposal statement with the code reviser giving notice that it is considering possible amendments to WAC 390-24-010 and 390-24-020.

A public hearing and possible adoption of amended rules may occur on May 28, 2009. If adopted, the amended rule will likely go into effect in July of 2009.

**Statute Authority:** RCW 42.17.370(1).

**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.

3. **Topic:** In-kind contributions.

**Status:** The commission will file a preproposal statement with the code reviser giving notice that it is considering a possible new rule to clarify in-kind contributions providing for notification in writing, reporting process and refusal process.

A public hearing and possible adoption of amended rules may occur on May 28, 2009. If adopted, the amended rule will likely go into effect in July of 2009.

**Statute Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** Chapter 42.17 RCW.

**WAC Cite:** New.

4. **Topic:** Legal defense fund.

**Status:** The commission will file a preproposal statement with the code reviser giving notice that it is considering a possible new rule to provide guidance to filers who are considering the establishment of a legal defense fund.

A public hearing and possible adoption of amended rules may occur on May 28, 2009. If adopted, the amended rule will likely go into effect in July of 2009.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** Chapter 42.17 RCW.

**WAC Cite:** New.

5. **Topic:** Lobbyist reporting thresholds.

**Status:** The commission will file a preproposal statement with the code reviser giving notice that it is considering possible amendments to revise the dollar threshold amounts for lobbyists, lobbyist employers and public agencies reporting under chapter 42.17 RCW.

A public hearing and possible adoption of amended rules may occur on May 28, 2009. If adopted, the amended rule will likely go into effect in July of 2009.

**Statutory Authority:** RCW 42.17.370(1).

**Statute Being Implemented:** RCW 42.17.370(11).

**WAC Cite:** Chapter 390-20 WAC.

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](http://www.pdc.wa.gov) under rule-making activity.

January 30, 2009

Douglas J. Ellis

Assistant Director

#### WSR 09-04-057

##### INTERPRETIVE STATEMENT

##### DEPARTMENT OF REVENUE

[Filed February 2, 2009, 8:50 a.m.]

##### INTERPRETIVE STATEMENT ACTION

The department of revenue has canceled its existing excise tax advisories (ETAs) and issued a new series of ETAs, which are numbered 3nnn.yyyy (number.year), starting with ETA 3001.2009. This new series includes updated ETAs that were retained, as well as several new ETAs that consolidate information in prior ETAs. ETA 3001.2009 provides a cross-reference table of old ETA numbers to new ETA numbers.

Copies of these documents are available via the internet at Excise Tax Advisories.

Alan R. Lynn

Rules Coordinator

#### WSR 09-04-058

##### INTERPRETIVE STATEMENT

##### DEPARTMENT OF REVENUE

[Filed February 2, 2009, 8:54 a.m.]

##### INTERPRETIVE STATEMENT ACTION

The department of revenue has reissued its property tax advisories (PTAs) with a new header. These new PTAs will retain their numbering system, which is nn.v.yyyy (number.version.year), with the version and year changing. For example, PTA 1.0.2000 is now PTA 1.1.2009.

Copies of these documents are available via the internet at Laws & Rules (bottom of page).

Alan R. Lynn

Rules Coordinator

#### WSR 09-04-059

##### NOTICE OF PUBLIC MEETINGS SKAGIT VALLEY COLLEGE

[Filed February 2, 2009, 11:13 a.m.]

The Skagit Valley College board of trustees will hold a special joint meeting with the Mount Vernon School District board of directors on Tuesday, February 3, 2009, 5:30 p.m., Multipurpose Room, 2405 East College Way, Mount Vernon, WA 98273.

#### WSR 09-04-062

##### NOTICE OF PUBLIC MEETINGS STATE INDEPENDENT LIVING COUNCIL

[Filed February 2, 2009, 3:19 p.m.]

##### Public Announcement

Date: Friday, April 24, 2009.

Time: TBA.

Location: TBA.

Where: Spokane, Washington.

ASL interpreters and real time captioning will be available. For other accommodations request[s], please contact Barbara Hathaway by video phone (VP) 1-866-890-4539 or e-mail [hatab@dshs.wa.gov](mailto:hatab@dshs.wa.gov) or Rob Honan, (360) 725-3695 (V) or 800-624-4105 (V) or e-mail [honanrw@dshs.wa.gov](mailto:honanrw@dshs.wa.gov).

#### WSR 09-04-063

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

[Filed February 2, 2009, 4:11 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.

##### Health and Recovery Services Administration Division of Rates and Finance

Document Title: State Plan Amendment (SPA) TN#08-019.

Subject: Dispensing fees.

Effective Date: February 19, 2009.

Document Description: The health and recovery services administration is making an amendment to the Title XIX medicaid state plan to provide that the agency's dispensing fees were set as of July 1, 2008, and are published on the agency's web site. No change in the dispensing fee is associated with this amendment.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Division of Legal Services, P.O. Box 45504, Olympia, WA 98504, phone (360) 725-1345, TDD/TTY 800-848-5429, fax (360) 586-9727, e-mail

myersea@dshs.wa.gov, web site web link <http://maa.dshs.wa.gov>.

**WSR 09-04-076**  
**OFFICE OF THE GOVERNOR**  
 [Filed February 3, 2009, 8:57 a.m.]

Lowering of the Washington State and United States Flags

I hereby direct that Washington state and United States flags at all state agency facilities be lowered to half-staff on **Tuesday, February 3, 2009**, in memory of U.S. Army Chief Warrant Officer Benjamin H. Todd of Colville who was killed on January 26, while flying one of two helicopters that crashed in the Tamim Province of northern Iraq.

**Please notify your staff and all of your field offices and facilities around the state.**

Flags should remain at half-staff until sunset Tuesday or first thing Wednesday morning, February 4.

Other government entities, citizens and businesses are encouraged to join this recognition.

Please call (360) 902-0383 if you have any questions about this flag lowering.

Christine O. Gregoire  
 Governor

**WSR 09-04-077**  
**POLICY STATEMENT**  
**DEPARTMENT OF ECOLOGY**  
 [Filed February 3, 2009, 9:15 a.m.]

The Washington state department of ecology, toxics cleanup program (TCP) has recently updated the following policies and procedures. To obtain a copy of these and other TCP polices [policies], go to <http://www.ecy.wa.gov/programs/tcp/policies/tcppoly.html> or contact Ann McNeely at the department of ecology at (360) 407-7205 or [AMCN461@ecy.wa.gov](mailto:AMCN461@ecy.wa.gov).

Policy or Procedure	Title	Description
		to state auditor recommendations. Ecology will now require payment of invoices within thirty days of issuance of the invoice (previously ninety days).
Procedure 550 A	Cost recovery of state TCP expenditures	Describes updated procedures for issuing invoices to recover remedial action costs under the Model Toxics Control Act.
Policy 550 B	Tracking site activities in the site log	Deleted. Replaced by Policy 550 A.
Procedure 550 B	Site log procedure	Deleted. Replaced by Policy 550 A.

Policy or Procedure	Title	Description
Policy 340	Managing TCP's program plan	Defines roles and responsibilities for managing TCP's program plan. Updates a previous policy.
Policy 550 A	Cost recovery	Provides ecology employees guidance on recovering remedial action costs under the Model Toxics Control Act. Updates a previous policy in response

## WSR 09-04-083

## AGENDA

DEPARTMENT OF  
EARLY LEARNING

[Filed February 3, 2009, 1:03 p.m.]

Semi-Annual Rule-Making Agenda under RCW 34.05.314  
January 1 through June 30, 2009

The department of early learning (DEL) prepares a semi-annual rule-making agenda in January and July of each year to let the public know about DEL rules underway or planned. DEL rules are part of the Washington Administrative Code (WAC), and permanent DEL rules can be found online at Title 170 WAC. This agenda includes links to rule-making notices that DEL has filed with the office of the code reviser for publication in the Washington state register.

Subject Matter	WAC Chapter or Sections	Description (Contact the DEL rules coordinator at rules@del.wa.gov for current information on these rules proceedings.)	Emergency Rule (CR-103)	Preproposal Notice (CR-101)	Proposed Rule CR-102 and Public Hearing or CR-105 Expedited Rule	Permanent Rule (CR-103)
Common terms, definitions and standards	New WAC chapter, and possible revisions of other DEL rules in Title 170 WAC	Adopting a new DEL WAC chapter to include terms, definitions and standards that apply to more than one DEL WAC chapter or program. Other DEL WAC chapters may be revised to eliminate duplication.	None.	Filed 12/24/08, as WSR 09-01-185.	Not determined yet.	Anticipated in 2010.
Public records, DEL organization	New chapter 170-01	Adopting a new DEL WAC chapter on public records requests, and adopting DEL organization and index rules required by law.	None.	Anticipated filing this period.	Not determined yet.	Not determined yet.
Background checks	Chapter 170-06	Revising the list of crimes that may disqualify a person from child care, and procedures for disqualification, reconsideration and due process. Reviewing the rules for consistency with the law and considering whether to apply DEL background check rules to other early learning programs.	None.	Filed 12/24/08, as WSR 09-01-184.	Not determined yet.	Anticipated in 2010.
Head start coordination	Chapter 170-12	No current rule-making activity.	None.			
Early childhood education and assistance program (ECEAP)	Chapter 170-100	No current rule-making activity.	None.			
Working connections child care subsidies	Chapter 170-290	These rules were moved from DSHS chapter 388-290 WAC to DEL chapter 170-290 WAC on March 27, 2008 (see filing number WSR 08-08-047). The rules would be revised to reflect DEL references and make technical corrections.	None.	Filed 11/2/07, as WSR 07-22-065 (this notice will be replaced with a new CR-101 filing below).		
Working connections child care (WCCC) subsidies; and seasonal child care subsidies	Chapters 170-290 and 170-292	Revising the entire WCCC chapter and combining the seasonal child care into chapter 170-290 WAC. Assuring rules are consistent with current law, federal requirements and the child care collective bargaining agreement.	None.	Anticipated filing in February 2009.  Rules may be proposed and adopted in phases.	First phase proposal anticipated this period.  Other phases to be determined.	First phase rules may be adopted this period.  Other phases to be determined.



<b>Subject Matter</b>	<b>WAC Chapter or Sections</b>	<b>Description</b> (Contact the DEL rules coordinator at rules@del.wa.gov for current information on these rules proceedings.)	<b>Emergency Rule (CR-103)</b>	<b>Preproposal Notice (CR-101)</b>	<b>Proposed Rule CR-102 and Public Hearing or CR-105 Expedited Rule</b>	<b>Permanent Rule (CR-103)</b>
		Reviewing child care subsidy policy options to increase program effectiveness and efficiency. Changing copays and making other policy revisions as directed by the legislature or the governor. Revising the rules to make them clearer, and reorganizing the WAC chapter.				
Seasonal child care subsidies	Chapter 170-292	Updating internal references in this chapter to be consistent with other DEL rules. Clarifying other existing sections for consistent application of the rules. Adopting program definitions including "eligible child."	None.	Filed 2/16/07, as WSR 07-05-048.	Proposal filed as WSR 08-22-102; public hearings 12/11/08, and 1/21/09; Continuance notice filed as WSR 09-01-186.	To be determined.
School-age child care centers	Chapter 170-151	Revising the entire school-age child care WAC chapter. DEL plans to contract with a nongovernmental organization to develop recommendations for revising the rules.		Anticipated filing this period.	Anticipated in 2010.	To be determined.
Child care centers	Chapter 170-295	No current rule-making activity.				
Family home child care	Chapter 170-296	Revising the entire family home child care chapter using a negotiated rule-making team consisting of parents, child care providers, the Service Employees International Union, advocates, child care resource and referral network and DEL staff.	None.	Filed 12/1/06, as WSR 06-24-051.	Draft rules are being developed by the NRM team—Proposal anticipated in autumn 2009.	To be determined in 2009.

**Rules adopted in the previous 12 months:**

<b>Subject Matter</b>	<b>WAC Chapter or Sections</b>	<b>Description</b> (Contact the DEL Rules Coordinator at rules@del.wa.gov for current information on these rules proceedings.)	<b>Emergency Rule (CR-103)</b>	<b>Preproposal Notice (CR-101)</b>	<b>Proposed Rule CR-102 and Public Hearing or CR-105 Expedited Rule</b>	<b>Permanent Rule (CR-103)</b>
Hearing rules	Chapter 170-03	Adopting a new WAC chapter to replace DSHS administrative hearing rules that no longer applied when DEL was separated from DSHS in 2006.	Filed 2/1/08, as WSR 08-04-060 (replaced by the permanent rules).			Filed 3/5/08, as WSR 08-06-102.  Permanent rules were effective 4/6/08.
Background checks	Chapter 170-06	Adopting a new WAC chapter to replace DSHS background check rules that no longer applied when DEL was separated from DSHS in 2006.	Filed 2/1/08, as WSR 08-04-060 (replaced by the permanent rules).			Filed 4/30/08, as WSR 08-10-041.  Permanent rules were effective 5/31/08.

**Notes:** This agenda is prepared for information purposes, and anticipated rule-making dates or periods noted in this agenda are planning estimates only. Any errors in this agenda do not affect the actual department of early learning rules or DEL rule making notices filed with the office of the code reviser and published in the Washington state register. There may be additional DEL rule making that cannot be forecasted as the department initiates rule proceedings to

implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. Emergency rules, if any, noted are those in effect at the time this agenda was filed with the code reviser, or were the last emergency rules filed on the particular subject. For more information about department of early learning rule making, or to join a mailing list to receive DEL rule notices and materials, please e-mail DEL at rules@

del.wa.gov, or write to the DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970.

**CR** stands for code reviser. The code reviser's office creates the rule-making notice forms used by all state agencies.

**CR-101** is a preproposal statement of inquiry notice filed under RCW 34.05.310.

**CR-102** is a proposed rule making notice filed under RCW 34.05.320, continuance notice under RCW 34.05.325, or supplemental proposed rule making notice under RCW 34.05.340.

**CR-103** is a rule-making order filed under RCW 34.05.360 for permanent rules, or under RCW 34.05.350 for emergency rules.

**CR-105** is an expedited rule-making notice under RCW 34.05.353.

**WSR** number is the official filing number assigned by the office of the code reviser and entered on materials submitted for publication in the Washington state register.

**WSR 09-04-085**

**NOTICE OF PUBLIC MEETINGS**

**CLEMENCY AND PARDONS BOARD**

[Filed February 3, 2009, 1:37 p.m.]

**Amended Notice of Hearing for March 12, 2009**

The Washington state clemency and pardons board hereby gives notice that a quarterly hearing is scheduled for March 12, 2009, at 10:00 a.m., in Senate Hearing Room 1, of the John A. Cherberg Building, Olympia, Washington. The following petitions will be considered by the board:

<b>Petitioner:</b>	<b>Petition For:</b>
Linda Bonner	Restoration of Civil Rights (tabled from 12/11/08)
Byron Boyd	Restoration of Civil Rights
Minerva Espinoza	Restoration of Civil Rights
Delbert Ferree	Restoration of Civil Rights
Robert Griffin	Restoration of Civil Rights
Ali Hufane	Restoration of Civil Rights
Faduma Hufane	Restoration of Civil Rights
Patrick Osborne	Restoration of Civil Rights
Robert Thompson	Restoration of Civil Rights
Bob Dale Beasley	Commutation
Michelle Gustafson	Commutation
Jeannette Murphy	Commutation
Robert Landry	Pardon

**WSR 09-04-089**

**DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed February 3, 2009, 3:44 p.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 February 2, 2009, 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 March 4, 2009, thirty days from the date of publication.

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.

**WSR 09-04-090**

**NOTICE OF PUBLIC MEETINGS**

**WHATCOM COMMUNITY COLLEGE**

[Filed February 3, 2009, 4:41 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled February board meeting on Wednesday, February 18, 2009, commencing one hour earlier than usual, at 1:00 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.