

**WSR 10-06-001**

**NOTICE OF PUBLIC MEETINGS  
COMMISSION ON  
JUDICIAL CONDUCT**

[Filed February 17, 2010, 12:14 p.m.]

By direction of the commission on judicial conduct, the 11:00 a.m. business meeting of the commission, previously scheduled for May 7, 2010, at the Holiday Inn Express Hotel & Suites, 19621 International Boulevard, SeaTac, WA 98188, is rescheduled. The business meeting will now be held on Friday, May 14, 2010, at the same time and location.

**WSR 10-06-002**

**NOTICE OF PUBLIC MEETINGS  
WALLA WALLA  
COMMUNITY COLLEGE**

[Filed February 17, 2010, 1:43 p.m.]

The board of trustees of Walla Walla Community College, District No. Twenty, has changed the date of the following regular meeting: From March 17, 2010, to March 18, 2010.

If you need further information, please contact Jerri Ramsey, 500 Tausick Way, Walla Walla, WA 99362, phone (509) 527-4274, fax (509) 527-4249, e-mail jerri.ramsey@wwcc.edu, web www.wwcc.edu.

**WSR 10-06-006**

**AGENDA**

**ATTORNEY GENERAL'S OFFICE**

[Filed February 18, 2010, 10:51 a.m.]

**Semi-Annual Rule-Making Agenda**

**January 1 through June 30, 2010**

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.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
44-10	The attorney general adopted rules re New Motor Vehicle Warranties Act, chapter 19.118 RCW, ("Lemon Law") in 1987, 1988, 1989, 1990, 1992, 1996, 2000, and 2002, and is considering amending chapter 44-10 WAC to reflect statutory changes enacted resulting from the passage of SHB 1215, chapter 351, Laws of 2009.	Filed June 2, 2009 WSR 09-12-109	Filed September 21, 2009 WSR 09-19-106	Filed December 11, 2009 WSR 10-01-069 Permanent: Thirty-one days after filing.
44-06	Amendment to the AGO rules on public records.	Filed March 12, 2008 WSR 08-07-032		

The attorney general published the "final action" definition 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). Filed February 16, 2010, WSR 10-05-091.

Tammy Teeter  
Rules Coordinator

**WSR 10-06-007**

**NOTICE OF PUBLIC MEETINGS  
CENTRAL WASHINGTON UNIVERSITY**

[Filed February 18, 2010, 1:38 p.m.]

Central's board of trustees took action February 5, 2010,

[to] make the following revisions to trustee meeting dates for 2009-10:

March 5, 2010, meeting location has been changed from CWU-Moses Lake to CWU-Ellensburg and the May 7, 2010, meeting date has been changed to April 30, 2010.

**WSR 10-06-010****NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF LICENSING**

(Driver Training Schools Advisory Committee)

[Filed February 19, 2010, 8:53 a.m.]

A 2010 meeting of the driver training schools advisory committee has been rescheduled and moved. The meeting previously scheduled for Thursday, April 8, 2010, at the Highways-Licenses Building, Room 413, 1125 Washington Street S.E., Olympia, WA 98501, 9:00 a.m. - 3:00 p.m.; has been rescheduled for Thursday, April 15, 2010, at the Department of Natural Resources, Room 172, 1111 Washington Street S.E., Olympia, WA 98501, 9:00 a.m. - 12:30 p.m.

The department of licensing has a policy of providing equal access to its services. If you need special accommodation, please call (360) 902-3900 or TTY (360) 664-0116.

**WSR 10-06-015****NOTICE OF PUBLIC MEETINGS  
BOARD OF TAX APPEALS**

[Filed February 22, 2010, 8:56 a.m.]

The regular monthly public meeting of the board of tax appeals (board), scheduled for 9:30 a.m., Friday, March 12, 2010, has been cancelled.

**WSR 10-06-019****NOTICE OF PUBLIC MEETINGS  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

(Interstate Compact Council on Military Children)

[Filed February 22, 2010, 11:34 a.m.]

In accordance with RCW 42.30.075 Schedule of regular meetings, the dates for Washington state interstate compact council on military children meetings are as follows:

DATES: Monday, April 26, 2010  
Monday, October 2010  
Monday, December 6, 2010

LOCATION: Clover Park School District Office  
10903 Gravelly Lake Drive S.W.  
Lakewood, WA 98499

TIME: 10:00 a.m. - 2:00 p.m.

Information regarding the dates of the Washington state interstate compact council on military children meetings contact Dixie Grunenfelder at the office of superintendent of public instruction either by phone at (360) 725-6044 or via e-mail at [dixie.grunenfelder@k12.wa.us](mailto:dixie.grunenfelder@k12.wa.us).

**WSR 10-06-040****INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed February 23, 2010, 12:05 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: # Memo 10-04.

Subject: Wheelchairs, durable medical equipment (DME) and supplies; and nondurable medical supplies and equipment (MSE): Transcutaneous electrical nerve stimulation (TENS) devices and related supplies: No longer covered and updates to DME and MSE coverage tables.

Effective Date: April 1, 2010.

Document Description: Effective for dates of service on and after April 1, 2010, DSHS:

- Notifies providers that TENS devices and related supplies will be noncovered for independent in-home use; and
- Updates the coverage table in the current wheelchairs, DME, and supplies billing instructions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 10-06-041****INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed February 23, 2010, 12:06 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: # Memo 10-01 Re-Issue.

Subject: New form to initiate request for prior authorization.

Effective Date: March 1, 2010.

Document Description: In response to providers' feedback DSHS is reissuing this memo with a later effective date of March 1, 2010.

Effective for dates of service on and after March 1, 2010, DSHS requires all providers to use the new general information for authorization form, DSHS 13-835, when initiating a request for prior authorization (PA). This memo also

reminds providers of the requirement to complete ProviderOne registration.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 10-06-046**

**NOTICE OF PUBLIC MEETINGS  
PUBLIC WORKS BOARD**

[Filed February 24, 2010, 8:12 a.m.]

The public works board has cancelled several meetings for 2010. The following meetings have been cancelled: March 2, May 5-7, June 1, September 7, and November 2.

Remaining public works board meetings will be as follows:

April 6, 2010	Meeting	SeaTac, Washington
June 3-4, 2010	Meeting and retreat	Olympia, Washington
August 3, 2010	Meeting	SeaTac, Washington
August 17, 2010	Meeting	SeaTac, Washington
October 5, 2010	Meeting	SeaTac, Washington
December 7, 2010	Meeting	SeaTac, Washington

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

**WSR 10-06-047**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
INFORMATION SERVICES**

(Information Services Board)

[Filed February 24, 2010, 8:46 a.m.]

The information services board March 2010 regular meeting was rescheduled from March 11, 2010, to March 18, 2010. The meeting is being rescheduled again, from March 18, 2010, to March 25, 2010, and will be held from 1:00 p.m. to 5:00 p.m., in the Department of Information Services Boardroom, 605 East 11th Street, Olympia, WA 98504.

If you have any questions, please contact Laurel McMillan at (360) 902-3566.

**WSR 10-06-048**

**NOTICE OF PUBLIC MEETINGS  
BOARD FOR VOLUNTEER  
FIREFIGHTERS AND RESERVE OFFICERS**

(Board for Volunteer Firefighters)

[Filed February 24, 2010, 8:46 a.m.]

The state board for volunteer firefighters has changed the meeting date for April 2010. The April meeting date will be Friday, April 23, 2010, instead of April 16, 2010. The meeting will be in the James R. Larson Forum Building, 605 11th Avenue S.E., Suite 112.

**WSR 10-06-052**

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

[Filed February 24, 2010, 2:04 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: # Memo 10-07.

Subject: Neurodevelopmental Centers: Transcutaneous electrical nerve stimulation (TENS) devices no longer covered.

Effective Date: February 1, 2010.

Document Description: Effective for dates of service on and after February 1, 2010, DSHS will:

- Notify providers that TENS devices and related supplies will be noncovered for independent in-home use; and
- Remove references to TENS devices within the DSHS/HRSA neurodevelopmental [neurodevelopmental] centers billing instructions.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail [dassoal@dshs.wa.gov](mailto:dassoal@dshs.wa.gov), web site <http://hrsa.dshs.wa.gov>.

**WSR 10-06-053**

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

[Filed February 24, 2010, 2:05 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: # Memo 10-08.

Subject: Occupational therapy program: Discontinued coverage of transcutaneous electrical nerve stimulation (TENS) devices.

Effective Date: February 1, 2010.

Document Description: Retroactive to dates of service on and after February 1, 2010, DSHS discontinued coverage of TENS devices and related supplies for independent in-home use.

This memo also reminds providers of the requirement to complete ProviderOne registration.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

**WSR 10-06-054**

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

[Filed February 24, 2010, 2:06 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 (DSHS).

**Health and Recovery Services Administration (HRSA)  
Division of Legal Services**

Document Title: # Memo 10-09.

Subject: Physical therapy program: Discontinued coverage of transcutaneous electrical nerve stimulation (TENS) devices.

Effective Date: February 1, 2010.

Document Description: Retroactive to dates of service on and after February 1, 2010, DSHS discontinued coverage of TENS devices and related supplies for independent in-home use.

This memo also reminds providers of the requirement to complete ProviderOne registration.

To receive a copy of the interpretive or policy statements, contact Amber Dassow, HRSA, P.O. Box 5504, phone (360) 725-1349, TDD/TTY 1-800-848-5429, fax (360) 586-9727, e-mail dassoal@dshs.wa.gov, web site <http://hrsa.dshs.wa.gov>.

**WSR 10-06-062**

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

[Filed February 25, 2010, 12:07 p.m.]

**Public Announcement**

One and all are welcome to attend our public forum.

Location: TACID  
6315 South 19th Street  
Tacoma, WA

Date: April 21, 2010

Time: 6:00 p.m. - 8:00 p.m.

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

Participants may access the meeting remotely by telephone (voice only): Dial-in number: (877) 216-1555 Passcode: 815648 OR by CART: Please use the following web site to access the CART at <http://www.streamtext.net/text.aspx?event=SILC>.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

**WSR 10-06-063**

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

[Filed February 25, 2010, 12:07 p.m.]

**Public Announcement  
Public Forum**

Date: Thursday, April 22, 2010

Time: 6:00 p.m. - 8:00 p.m.

Location: Whatcom Community College  
Syre Building  
Room #108  
Bellingham, Washington

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

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**WSR 10-06-064**

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

[Filed February 25, 2010, 12:07 p.m.]

**Public Announcement  
SILC Quarterly Meeting**

Date: Friday, April 23, 2010  
Time: 8:30 a.m. - 2:00 p.m.  
Location: St. Luke's Community Health  
Education Center  
3333 Squalicum Parkway  
Bellingham, WA

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

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**WSR 10-06-065**

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

[Filed February 25, 2010, 12:07 p.m.]

**Public Announcement**

One and all are welcome to attend our public forum.

Date: April 22, 2010  
Time: 10 a.m. to noon  
Location: Department [of] Services for  
the Blind  
3411 South Alaska  
Seattle

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

Participants may access the meeting remotely by telephone (voice only): Dial-in number: (877) 216-1555 Passcode: 815648 OR by CART: Please use the following web site to access the CART at <http://www.streamtext.net/text.aspx?event=SILC>.

The state independent living council is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

**WSR 10-06-066**

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

[Filed February 25, 2010, 12:07 p.m.]

**Public Announcement**

The deaf community, deaf-blind, and hard of hearing, and others are welcome to attend our public forum.

Date: Thursday, April 1, 2010  
Time: 6:30 p.m. - 8:30 p.m.  
Location: Hearing, Speech, & Deafness  
Center (HSDC)  
1625 19th Avenue  
Seattle, WA

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

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self determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

### WSR 10-06-071

#### NOTICE OF PUBLIC MEETINGS ARTS COMMISSION

[Filed February 26, 2010, 10:44 a.m.]

#### REVISED - 2010 Schedule of Quarterly Meetings

Please note changes to the following meeting locations and/or times [for] two of the Washington state arts commission 2010 quarterly meetings. Please check our web site for any additional changes that may affect this schedule at [www.arts.wa.gov](http://www.arts.wa.gov).

#### Thursday, March 18, 2010

Convenes: 1:30 p.m.

Adjourns: 3:30 p.m.

Location: By toll-free conference call – [www.spiderphone.com/36445242](http://www.spiderphone.com/36445242) or 1-888-550-5602 and enter 36445242. Connection information for the public to be published on arts commission web site in advance of the meeting.

#### Wednesday, May 12, 2010

Convenes: 9 a.m.

Adjourns: 4 p.m.

Location: K&L Gates, 925 Fourth Avenue, Seattle, WA 98104

### WSR 10-06-075

#### INTERPRETIVE AND POLICY STATEMENT DEPARTMENT OF LABOR AND INDUSTRIES

[Filed February 26, 2010, 2:22 p.m.]

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

If you have any questions or need additional information please call Naomi Goodman at (360) 902-4211.

**Specialty Compliance Services:** Elevator Educational Credits.

Amended Policy 07-16-104, WAC 296-96-00906 and 296-96-0010.

The purpose of this policy is to clarify the minimum qualifications an applicant needs in order to test for an elevator mechanic license outlined in WAC 296-96-00906 and 296-96-00910. The policy outlines the number of hours an elevator mechanic applicant needs to work and the training that is needed before taking the written examination. The policy will be used by the chief elevator inspector when reviewing applications from elevator mechanics to take the written elevator examination.

Contact Person: Jack Day, P.O. Box 44480, Olympia, WA 98504, phone (360) 902-6128, e-mail [dayl235@lni.wa.gov](mailto:dayl235@lni.wa.gov).

**Insurance Services:** Job Modification Authorization.

Amended Policy 6.70.

The purpose of this policy is to outline criteria for issuing a job modification. Modifications completed prior to approval will be considered on a case-by-case basis. Two vendor bids are required if a proposed item costs \$2,500 or more. This is an increase from \$1,500. An exception has been added that the claim manager may select the higher bid on a case-by-case basis. The policy is also changing from an interim policy to a permanent policy.

Contact Person: Nancy James, P.O. Box 44480, Olympia, WA 98504, phone (360) 902-4379, e-mail [jamn235@lni.wa.gov](mailto:jamn235@lni.wa.gov).

**Insurance Services:** Pre-Job Accommodation Authorization.

Amended Policy 6.71.

The purpose of this policy is to articulate criteria for pre-job accommodation authorization under a state fund claim or a claim against a self-insured employer who has defaulted. The prejob accommodation benefit is not available if the worker chooses Option 2. Modifications completed prior to approval will be considered on a case-by-case basis. An exception has been added that requests for computers will be considered on a case-by-case basis. Two vendor bids are required if a proposed item costs \$2,500 or more. This is an increase from \$1,500. An exception has been added that the claim manager may select the higher bid on a case-by-case basis. If equipment is lost or stolen while L&I is the owner, the adjudicator may consider authorizing replacement under certain conditions.

Contact Person: Nancy James, P.O. Box 44480, Olympia, WA 98504, phone (360) 902-4379, e-mail [jamn235@lni.wa.gov](mailto:jamn235@lni.wa.gov).

### WSR 10-06-077

#### AGENDA DEPARTMENT OF EARLY LEARNING

[Filed February 26, 2010, 3:23 p.m.]

#### Semi-Annual Rule-making Agenda under RCW 34.05.314 January 1 through June 30, 2010

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 rule changes underway or planned. The current agenda also updates the 2007 child care provider rule review plan prepared under RCW 43.215.502. DEL rules are part of the Washington Administrative Code (WAC), and permanent DEL rules can be found on-line 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. Find more information about DEL rules and current rule-making projects at the DEL web site.

Subject Matter	WAC Chapter or Sections	Description  (Contact the DEL rules coordinator at <a href="mailto:rules@del.wa.gov">rules@del.wa.gov</a> for current information on these rule proceedings.)	Emergency Rule (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearing or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
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 or 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	To be determined	To be determined
Public records, DEL organization.	New chapter 170-01 WAC.	Adopting a new DEL WAC chapter on public records requests, and adopting DEL organization and index rules required by law.	None	Filed 8/27/09 as WSR 09-18-055	Proposal anticipated in spring 2010	Anticipated by mid-2010
DEL hearing rules.	Chapter 170-03 WAC.	Adopting technical changes needed to make the rules consistent with other DEL WAC chapters and to revise hearing procedures. Some changes to procedural rules do not require filing a CR-101 preproposal notice.	None	Anticipated filing this period if needed	To be determined	To be determined
DEL background checks rules.	Chapter 170-06 WAC.	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	To be determined	To be determined
Head start coordination.	Chapter 170-12 WAC.	No current rule-making activity. As needed DEL may initiate rule making to implement 2010 legislation.	None	N/A	N/A	N/A
Early childhood education and assistance program (ECEAP).	Chapter 170-100 WAC.	No current rule-making activity. As needed DEL may initiate rule making to implement 2010 legislation.	None	N/A	N/A	N/A
Working connections and seasonal child care subsidy programs.	Chapter 170-290 WAC.	Revising child care subsidy rules to implement 2010 budget-related policy directives.	If needed	Filed 1/12/10 as WSR 10-03-033	To be determined	To be determined
Working connections child care (WCCC) and seasonal child care (SCC) subsidy programs.	Chapter 170-290 WAC (amended) and chapter 170-292 WAC (repeal).	Revising the entire WCCC chapter and combining the SCC subsidy rules into chapter 170-290 WAC. Repealing all sections of chapter 170-292 WAC.  Start of second phase rules to be determined at a later date.	None	Filed 2/3/09 as WSR 09-04-084 and 07-19-028 filed on 9/11/07	Filed 6/3/09 as WSR 08-12-115. Public hearings held 7/7/09 and 7/11/09	Filed 10/28/09 as WSR 09-22-043. Rules effective 12/1/09
Hand sanitizers in DEL-licensed child care facilities.	Chapters 170-151, 170-295, and 170-296 WAC.	Revising rules to allow the use of alcohol-based hand sanitizers in licensed child care for children over twelve months of age with written permission of a parent or guardian.	Filed 10/22/09 as WSR 09-22-011	Filed 10/22/09 as WSR 09-22-012	Anticipated in spring 2010	To be determined

Subject Matter	WAC Chapter or Sections	Description  (Contact the DEL rules coordinator at <a href="mailto:rules@del.wa.gov">rules@del.wa.gov</a> for current information on these rule proceedings.)	Emergency Rule (CR-103E)	Preproposal Notice (CR-101)	Proposed Rule (CR-102) and Public Hearing or Expedited Rule (CR-105)	Permanent Rule (CR-103P)
School-age child care centers.	Chapter 170-151 WAC.	Revising the entire school age child care licensing WAC chapter. DEL has contracted school's out Washington (SOWA), a non-profit group, to review the current rules, gather stakeholder input, and recommend possible WAC changes. SOWA is expected to offer its recommendations by July 2010. DEL will review the SOWA recommendations and determine draft and proposed rules. See the SOWA web site to learn more.	None	Filed 4/23/09 as WSR 09-10-009	Anticipated in 2011	To be determined
Child care centers.	Chapter 170-295 WAC.	No current rule-making activity.	None	DEL rule review anticipated to start in 2010-2011	To be determined	To be determined
Family home child care.	Chapter 170-296 WAC.	Revising the family home child care WAC chapter using a negotiated rule-making team (NRMT) consisting of parents, child care providers, the Service Employees International Union, advocates, Washington Child Care Resource and Referral network and DEL staff. The NRMT met from January 2007 through December 2009 to review and recommend draft rules. During the current period, DEL will review the NRMT recommendations and draft rules, and the department will continue developing the formal proposed rules.	None	Filed 12/01/06 as WSR 06-24-051	Anticipated in mid or fall 2010	Anticipated in late 2010
DEL rules.	All chapters of Title 170 WAC.	As rules in Title 170 WAC or other agency rules affecting DEL WAC are revised, DEL may revise its rules to update cross references or other information to keep DEL rules current.	N/A	N/A	Expedited or proposed rule making as needed	As needed

**Permanent Rules Adopted in the Twelve Months Prior to this Report:** WSR 09-22-043 DEL working connections and seasonal child care subsidy program rules. Permanent rules filed on October 28, 2009, and effective December 1, 2009. Revising working connections child care subsidy rules in chapter 170-290 WAC; incorporating seasonal child care subsidy rules as new Part III of chapter 170-290 WAC; and repealing all sections of chapter 170-292 WAC, Seasonal child care.

**Notes:** This agenda is prepared for information purposes, and anticipated rule-making dates or periods noted in this agenda are planning estimates that are subject to change. Any errors or omissions in this agenda do not affect the actual DEL 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 adopts rules to implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. Emergency rules noted, if any, 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 DEL rule making, or to join a mailing list to receive DEL rule notices and draft materials, please e-mail [Rules@del.wa.gov](mailto:Rules@del.wa.gov), or write to the DEL Rules Coordinator, P.O. Box 40970, Olympia, WA 98504-0970.

**CR** means "code reviser." The legislature's office of the code reviser creates the rule-making notice forms filed 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, a continuance notice under RCW 34.05.-325, or a supplemental proposed rule-making notice under RCW 34.05.340.

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

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

**WSR** means "Washington state register." The **WSR numbers** noted in the agenda are the official filing numbers assigned by the office of the code reviser and entered on materials submitted for publication in the Washington state register.

**WSR 10-06-081**

**OFFICE OF THE GOVERNOR**

[Filed March 1, 2010, 9:02 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 **Monday, March 1, 2010**, in memory of U.S. Marine Corps Lance Cpl. Eric L. Ward, 19, of Redmond, who was killed in Afghanistan on February 21.

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

Flags should remain at half-staff until close of business on Monday, March 1, or first thing Tuesday morning, March 2.

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 10-06-085**

**NOTICE OF PUBLIC MEETINGS  
WESTERN WASHINGTON UNIVERSITY**

[Filed March 1, 2010, 11:24 a.m.]

**Notice of Revised 2010 Board Meeting Schedule**

Pursuant to RCW 42.30.075, following is a **revised** 2010 schedule of regular meetings of Western Washington University's board of trustees:

Western Washington University's board of trustees, at its February 5, 2010, board meeting, approved the following revised schedule of regular meetings for 2010:

- February 4, 5, 2010
- April 15, 16, 2010
- June 10, 11, 2010
- August 19, 20, 2010

October 7, 8, 2010

December 9, 10, 2010

All meetings will be held at Western Washington University, 516 High Street, Board Room, Old Main 340, Bellingham, WA, and will begin at 3 p.m. on Thursday and resume at 8 a.m. on Friday, unless otherwise publicly noted. Any questions regarding the meeting schedule can be directed to Elizabeth Sipes, secretary to the board of trustees, at (360) 650-3998.

**WSR 10-06-097**

**NOTICE OF PUBLIC MEETINGS  
GROWTH MANAGEMENT  
HEARINGS BOARDS**

(Eastern Washington Growth Management Hearings Board)

[Filed March 2, 2010, 12:19 p.m.]

Following is the schedule of regular meetings for the Eastern Washington growth management hearings board for 2010:

Date	Time	Location
1st Wednesday of each month	10 a.m.	Telephonic conference

If you need further information contact Paulette York, growth management hearings boards, (360) 486-0260, (360) 664-8975, paulette@wwgmhb.wa.gov, www.gmhb.wa.gov.

**WSR 10-06-098**

**NOTICE OF PUBLIC MEETINGS  
GROWTH MANAGEMENT  
HEARINGS BOARDS**

(Western Washington Growth Management Hearings Board)

[Filed March 2, 2010, 12:19 p.m.]

Following is the schedule of regular meetings for the Western Washington growth management hearings board for 2010:

Date	Time	Location
2nd Wednesday of each month	11 a.m.	Telephonic conference

If you need further information contact Paulette York, growth management hearings boards, (360) 486-0260, (360) 664-8975, paulette@wwgmhb.wa.gov, www.gmhb.wa.gov.

**WSR 10-06-099**  
**NOTICE OF PUBLIC MEETINGS**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**

(Central Puget Sound Growth Management Hearings Board)

[Filed March 2, 2010, 12:20 p.m.]

Following is the schedule of regular meetings for the Central Puget Sound growth management hearings board for 2010:

Date	Time	Location
1st Monday of each month	10 a.m.	Varied locations, please contact board

If you need further information contact Linda Stores, growth management hearings boards, (360) 486-0257, (360) 664-8975, lindas@cps.gmhb.wa.gov, www.gmhb.wa.gov.

**WSR 10-06-103**  
**DEPARTMENT OF ECOLOGY**

[Filed March 2, 2010, 6:34 p.m.]

**PUBLIC NOTICE**

**Announcing Permit Modification of the General Permit for Aquatic Weed Control in Irrigation Systems**

On March 17, 2010, the department of ecology (ecology) is modifying a general permit that covers pesticide use in irrigation systems. The permit is called the "irrigation system aquatic weed control national pollutant discharge elimination system (NPDES) and state waste discharge general permit." The modification to the permit allows the use of the pesticide endothall. Endothall is an alternative to acrolein, the pesticide that irrigation districts historically used but is being phased out.

**Purpose of the Permit:** The permit covers the discharge of pesticides used in irrigation systems in Washington state. Pesticides are used to control plant and algae growth. Under the Washington State Water Pollution Control Act, a permit is required to discharge pollutants that alter the biological or chemical characteristics of a water body. The permit addresses these legal requirements and regulates the discharge of pollutants to protect water quality in Washington.

Ecology issues a general permit in place of a series of individual permits for similar[ly] permitted activities. Individual activities that receive coverage under the general permit must comply with the terms and conditions of the permit. The permit covers irrigation districts and other irrigation water suppliers who apply for coverage under the permit. The permit applies statewide. The modified permit will be effective on April 17, 2010.

**Public Comments:** Ecology held a public comment period from January 6, 2010, to February 19, 2010. Ecology held a public workshop and public hearing in Yakima on February 9, 2010. Ecology is issuing the final permit after considering all public comments.

**Changes From the Draft to the Final General Permit:** Ecology made numerous changes to improve clarity and

readability of the permit. Ecology made two significant changes to the permit based on public comments:

- Changed the effluent limitations in Condition S5.B4.
- Clarified the scope of the endothall plan in Condition S5.B10.

**Applying for a Permit:** The modified permit covers the same irrigation districts covered by the 2008 permit. The following entities have permit coverage:

1. Cascade Irrigation District
2. Columbia Irrigation District
3. East Columbia Basin Irrigation District
4. Ellensburg Water Company
5. Kennewick Irrigation District
6. Kittitas Reclamation District
7. Naches-Selah Irrigation District
8. Quincy-Columbia Basin Irrigation District
9. Roza Irrigation District
10. Selah-Moxee Irrigation District
11. South Columbia Basin Irrigation District
12. Sunnyside Valley Irrigation District
13. Union Gap Irrigation District
14. Wenatchee Reclamation District
15. Westside Irrigating Company
16. Yakima-Tieton Irrigation District

New or currently nonpermitted facilities may obtain coverage under the permit by submitting a complete permit application to ecology. Application forms are available from ecology.

**Requesting Copies of the Permit:** You can request copies of the permit, fact sheet, and application by contacting Andrew Kolosseus, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7543, fax (360) 407-6426, e-mail [akol461@ecy.wa.gov](mailto:akol461@ecy.wa.gov).

The permit and fact sheet are also available on-line at [www.ecy.wa.gov/programs/wq/pesticides/irrigation/irrigation\\_index.html](http://www.ecy.wa.gov/programs/wq/pesticides/irrigation/irrigation_index.html).

**Appeal Process:** You may appeal the permit within thirty days. Pursuant to chapter 43.21B RCW, appeals must be filed with the pollution control hearings board and served on the department of ecology within thirty days of receipt of the permit.

Your notice of appeal must be filed with the Pollution Control Hearings Board, 4224 6th Avenue S.E., Rowe Six, Building 2, P.O. Box 40903, Lacey, WA 98504-0903.

Your notice of appeal must also be served on Department of Ecology, Appeals Coordinator, P.O. Box 47608, Olympia, WA 98504-7608.

In addition, please send a copy of your notice of appeal to Andrew Kolosseus, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

**WSR 10-06-107**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE**  
**CENTER**

[Filed March 3, 2010, 9:05 a.m.]

A special meeting of the Washington state convention center board of directors will be held on Wednesday, March 3, 2010, at 3:00 p.m. The meeting will be held in the Administrative Boardroom, Level 5 Administrative Offices of the Convention Center, 800 Convention Place, Seattle.

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

**WSR 10-06-108**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Recreation and Conservation Funding Board)

[Filed March 3, 2010, 9:06 a.m.]

The public meetings of the recreation and conservation funding board for 2010 will be:

Date	Location
March 25, 2010	Natural Resources Building Room 175 Olympia

For further information, please contact Tauren Ibarra at (360) 902-3013 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 Tauren Ibarra at least two weeks prior to the meeting date at the number listed above or by e-mail at [tauren.ibarra@rco.wa.gov](mailto:tauren.ibarra@rco.wa.gov).

**WSR 10-06-109**  
**NOTICE OF PUBLIC MEETINGS**  
**EVERETT COMMUNITY COLLEGE**

[Filed March 3, 2010, 9:06 a.m.]

**NOTIFICATION OF SPECIAL MEETING**

The board of trustees of Everett Community College will hold a special executive study session on March 2, 2010, at 5:00 p.m. - 7:00 p.m., in the Olympus Board Room, to review background materials and recommendations as part of the tenure process. No action will be taken.

**WSR 10-06-110**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[March 1, 2010]

AMENDMENT TO ORDER NO. 25700-A- ) AMENDED ORDER  
946 TO NEW GR 35-CLERK'S FEES AND ) NO. 25700-A-949  
CHARGES )

The Access to Justice Board having recommended the adoption of the proposed New GR 35-Clerk's Fees and Charges, and the Court having approved the proposed new rule for publication by order dated February 12, 2010, with the comment period to end on May 31, 2010. The Court having further determined that the comment period should be extended;

Now, therefore, it is hereby

ORDERED:

(a) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by not later than August 31, 2010. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [Camilla.Faulk@courts.wa.gov](mailto:Camilla.Faulk@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 1st day of March, 2010.

For the Court

Madsen, C. J.  
\_\_\_\_\_  
CHIEF JUSTICE

**GR 9 COVER SHEET**

**GENERAL RULES (GR)**  
**New Rule 35 - Clerk's Fees and Charges**  
**Submitted by the Access to Justice Board**

**(C) Purpose**

This rule is intended to promote broader access to justice for people lacking the financial means to pay initial filing fees and other litigation fees and charges. Fees and charges that prevent courts from considering meritorious cases effectively bar justice to the indigent. This rule is intended to ensure that only those fees and charges that have been specifically authorized by statute or the Supreme Court will be assessed as a prerequisite to access to the judicial process.

**GENERAL RULES (GR)**  
**[New Rule]**  
**RULE 35. CLERK'S FEES AND CHARGES**

Court clerks shall neither charge nor collect any fee or charge, except as authorized by statute or by the Supreme Court.

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

**WSR 10-06-111**  
**OFFICE OF THE GOVERNOR**

[Filed March 3, 2010, 9:07 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 **Tuesday, March 2, 2010**, in memory of Specialist William C. Spencer who died in Iraq February 20. Specialist Spencer was assigned to Headquarters and Headquarters Battery, 2nd Battalion, 146th Field Artillery, Army National Guard, Olympia.

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

Flags should remain at half-staff until close of business on Tuesday, March 2, or first thing Wednesday morning, March 3.

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 10-06-119**  
**NOTICE OF PUBLIC MEETINGS**  
**GROWTH MANAGEMENT**  
**HEARINGS BOARDS**

[Filed March 3, 2010, 10:04 a.m.]

**JOINT BOARD SEMI-ANNUAL MEETING**

Pursuant to RCW 36.70A.270(9) and WAC 242-02-076(2), the growth management hearings boards will conduct its joint board semi-annual meeting on **Thursday, April 29, 2010**. The meeting will take place in Olympia, Washington at a location yet to be determined.

The agenda for this semi-annual meeting shall be posted on the boards' web site at <http://www.gmhb.wa.gov> no later than one week prior to the meeting date. The boards will be discussing administrative matters, including issues related to the current legislative activities, and may address rules and policies of the boards.

If you have any questions, please contact Linda Stores, office of the growth management hearings boards, at (360) 586-0257 or [lindas@cps.gmhb.wa.gov](mailto:lindas@cps.gmhb.wa.gov).